HOUSE DOCKET, NO. FILED ON: 2/8/2012

HOUSE . . . . . No. 3938

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act requiring the hands-free use of mobile telephones while driving.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 13 of chapter 90, as appearing the 2010 Official Edition, is hereby amended by striking out the word 'mobile telephone' in line 6, and inserting in place thereof the following word: - 'hands-free mobile telephone'

SECTION 2. Section 13B of chapter 90, as so appearing, is hereby amended by inserting the following subsection:-

(a ½) No operator of a motor vehicle shall use a mobile telephone or mobile electronic device for voice communications, unless said telephone or device is being used as a hands-free mobile telephone or to activate, deactivate, or initiate a feature or function;. it shall be an affirmative defense for an operator under this section to produce evidence that the use of a mobile telephone that is the basis of the alleged violation was in the case of an emergency. For the purpose of this paragraph, an emergency shall mean that the operator needed to communicate with another to report any of the following: (1) that the vehicle or vessel was disabled; (2) that medical attention or assistance was required on the vehicle or vessel; (3) that police intervention, fire department or other emergency services was necessary for the personal safety of a passenger

15 or to otherwise ensure the safety of the public; or (4) that a disabled vehicle or an accident was

16 present on a roadway.