

**SENATE . . . . . No. 1764**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Mark C. Montigny***

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to prohibit the use of mobile telephones while operating a motor vehicle.

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PETITION OF:

NAME:

DISTRICT/ADDRESS:

*Mark C. Montigny*

**SENATE . . . . . No. 1764**

By Mr. Montigny, a petition (accompanied by bill, Senate, No. 1764) of Mark C. Montigny for legislation to prohibit the use of mobile telephones while operating a motor vehicle. Transportation.

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Eleven**

An Act to prohibit the use of mobile telephones while operating a motor vehicle.

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

1                   Section 1. Section 13B of Chapter 90 of the General Laws is amended by  
2 striking the section in its entirety and inserting the following new language:-

3                   Section 13B. (a) No operator of a motor vehicle shall use a mobile electronic  
4 device or a mobile telephone, unless said telephone is a hands-free mobile telephone. No  
5 operator of a motor vehicle shall use a mobile telephone, mobile electronic device or other  
6 device capable of accessing the internet to compose, send or read an electronic message while  
7 operating such vehicle; provided, however, that this section shall not apply to the operator of a  
8 public safety vehicle utilizing a mobile telephone, hands-free mobile telephone or other mobile  
9 electronic device in the performance of his official duties. For the purposes of this section, an  
10 operator shall not be considered to be operating a motor vehicle if the vehicle is stationary and  
11 not located in a part of the roadway intended for travel.

12 (b) Whoever violates this section shall be punished by a fine of \$100 for a first  
13 offense, by a fine of \$250 for a second offense and by a fine of \$500 for a third or subsequent  
14 offense. A violation of this section may be considered a moving violation for purposes of the  
15 safe driver insurance plan under section 113B of chapter 175.

16 (c) It shall be an affirmative defense for an operator to produce documentary or  
17 other evidence that the use of a mobile telephone or other mobile electronic device that is the  
18 basis of the alleged violation was made for emergency purposes including, but not limited to, an  
19 emergency call to a law enforcement agency, health care provider, fire department or other  
20 emergency services agency or entity.