

SENATE No. 1815

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia S. Creem

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 relative to hands free cell phone devices.

PETITION OF:

NAME:

Cynthia S. Creem
Jonathan Hecht

DISTRICT/ADDRESS:

First Middlesex and Norfolk
29th Middlesex

SENATE No. 1815

By Ms. Creem, a petition (accompanied by bill, Senate, No. 1815) of Cynthia S. Creem and Jonathan Hecht for legislation relative to hands free cell phone devices. Transportation.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1647 OF 2013-2014.]

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to hands free cell phone devices.

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 13 of chapter 90, as appearing the 2012 Official Edition, is hereby
2 amended by striking out the word ‘mobile telephone’ in line 6, and inserting in place thereof the
3 following word: - ‘hands-free mobile telephone’

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

6 (a ½) No operator of a motor vehicle shall use a mobile telephone or mobile electronic
7 device for voice communications, unless said telephone or device is being used as a hands-free
8 mobile telephone or to activate, deactivate, or initiate a feature or function;. it shall be an
9 affirmative defense for an operator under this section to produce evidence that the use of a
10 mobile telephone that is the basis of the alleged violation was in the case of an emergency. For

11 the purpose of this paragraph, an emergency shall mean that the operator needed to communicate
12 with another to report any of the following: (1) that the vehicle or vessel was disabled; (2) that
13 medical attention or assistance was required on the vehicle or vessel; (3) that police intervention,
14 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.