

# SENATE . . . . . No. 2032

---

## The Commonwealth of Massachusetts

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

SENATE, Thursday, October 15, 2015

The committee on Transportation to whom was referred the petition (accompanied by bill, Senate, No. 1858) of Mark C. Montigny, Denise Provost and William Smitty Pignatelli for legislation to prohibit the use of mobile telephones while operating a motor vehicle,- reports the accompanying bill (Senate, No. 2032).

For the committee,  
Thomas M. McGee

**SENATE . . . . . No. 2032**

---

**The Commonwealth of Massachusetts**

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

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 13 of chapter 90, as appearing the 2010 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.