

HOUSE No. 1233

The Commonwealth of Massachusetts

PRESENTED BY:

Cory Atkins

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Cory Atkins</i>	<i>14th Middlesex</i>	<i>1/19/2017</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>	<i>1/30/2017</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>	<i>2/2/2017</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>	<i>2/1/2017</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/1/2017</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/25/2017</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>	<i>1/25/2017</i>
<i>Leonard Mirra</i>	<i>2nd Essex</i>	<i>1/25/2017</i>
<i>Kathleen O'Connor Ives</i>	<i>First Essex</i>	<i>2/3/2017</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>	<i>2/3/2017</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>1/30/2017</i>

HOUSE No. 1233

By Ms. Atkins of Concord, a petition (accompanied by bill, House, No. 1233) of Cory Atkins and others for legislation to establish the police training trust fund. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3474 OF 2015-2016.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

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:

1 SECTION 1. Chapter 22C of the General Laws is hereby amended by adding the
2 following section:-

3 Section 71. There shall be established and set upon the books of the commonwealth a
4 separate fund to be known as the Police Training Trust Fund. The fund shall be credited with all
5 revenues collected from the fines received under paragraph (2) of subsection (d) of section 3 of
6 chapter 90 and any monies credited to or transferred to the fund from any other fund or source.
7 The fund shall be administered by the colonel and shall be used to supplement the costs
8 associated with training state police officers as required by this chapter and other general and
9 special law.

10 SECTION 2. Section 13 of chapter 90 of the General Laws, as appearing the 2012
11 Official Edition, is hereby amended inserting after the word “or”, in line 6, the following words:-
12 hands-free.

13 SECTION 3. Section 13B of said chapter 90, as so appearing, is hereby amended by
14 striking out subsections (b) and (c) and inserting in place thereof the following 4 subsections:-

15 (b) Except in the case of an emergency, no operator of a motor vehicle shall use a mobile
16 telephone or mobile electronic device for voice communications, unless said telephone or device
17 is being used as a hands-free mobile telephone. For the purposes of this paragraph, an emergency
18 shall mean that the operator needed to communicate with another to report any of the following:
19 (1) that the motor vehicle is disabled; (2) that medical attention or assistance is required; (3) that
20 police, fire, or other emergency services are necessary for the safety of a passenger or to
21 otherwise ensure the safety of the public; or (4) that a disabled motor vehicle or an accident has
22 occurred on a roadway.

23 (c) A violation of subsection (a) shall be shall be punishable by a fine of \$100 for a first
24 offense, by a fine of \$250 for a second offense and by a fine of \$500 for a third or subsequent
25 offense.

26 (d) A violation of subsection (b) shall be punishable by a fine of \$500 for a first offense,
27 by a fine of \$1000 for a second offense and by a fine of \$1500 for a third or subsequent offense.
28 Such fines shall be paid as follows:-

29 (1) Where the fine resulted from action by a municipal police officer, the amount of the
30 fine shall be paid to the municipality in which the violation occurred; and

31 (2) Where the fine resulted from action by a state police officer or special state police
32 officer, the amount of the fine shall be paid to the Police Training Trust Fund established
33 pursuant to section 71 of chapter 22C.

34 (e) A penalty under this section shall not be a surchargeable offense under section 113B
35 of chapter 175.