

HOUSE No. 3440

The Commonwealth of Massachusetts

PRESENTED BY:

William M. Straus

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 automobile technology.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>William M. Straus</i>	<i>10th Bristol</i>	<i>1/20/2017</i>

HOUSE No. 3440

By Mr. Straus of Mattapoisett, a petition (accompanied by bill, House, No. 3440) of William M. Straus for legislation to further regulate technology used in automobiles. Transportation.

The Commonwealth of Massachusetts

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

An Act relative to automobile technology.

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 90 of the General Laws, as appearing in the 2014 Official Edition,
2 is hereby amended by inserting the following new section:-

3 Section 13C. (a) As used in this section, the following words shall, unless the context
4 clearly requires otherwise, have the following meanings:

5 “Active display area”, the portion of a visual display used to present information to the
6 driver in the context of any task that makes use of that display. It does not include any area
7 containing physical controls or dials which may be manipulated.

8 “Aftermarket device”, a device that is designed to be or can reasonably be expected to be
9 installed or integrated into a vehicle after the vehicle is manufactured, is electronically powered,
10 and has one or more of the following capabilities: a) allows user interaction; b) enters, sends,
11 and/or receives information; c) enables communication with other people, devices, or machines;

12 d) displays information in a visual or auditory manner; or e) displays graphical images,
13 photographic images, and/or video.

14 “Application” or “App”, a specialized software program that is installed on an
15 aftermarket, portable, or original equipment device.

16 “Driver mode”, a simplified user interface for an unpaired portable device that is
17 designed for operation by a driver while driving.

18 “Driver safety warning system”, a system or application that is intended to assist the
19 driver in the avoidance or mitigation of crashes.

20 “Driving”, operation of a motor vehicle on a public road whenever the vehicle’s means of
21 propulsion is activated, engaged, or running unless the vehicle’s transmission is in the “Park”
22 position. Driving includes vehicles that are temporarily stationary because of traffic, a traffic
23 control signal or stop sign, or otherwise.

24 “Driving-related task”, any activity performed by the driver as part of the safe operation
25 and control of the vehicle. Use of a driver safety warning system including but not limited to lane
26 departure warning devices is a driving-related task.

27 “Electronic Device”, all components that a driver uses to perform tasks other than the
28 primary task of safe operation and control of the vehicle; whether stand alone or integrated into
29 another device.

30 “Interface”, software or a program which allows a user to communicate or interact with a
31 portable device or in-vehicle system.

32 “In-vehicle system”, original equipment or an aftermarket device that is permanently
33 installed or integrated into the vehicle.

34 “Lock out”, the disabling of one or more functions or features of a device so that the
35 related task cannot be performed by the driver while driving.

36 “Manual text entry”, manually inputting individual alphanumeric characters into an
37 electronic device.

38 “Original equipment”, electronic devices that are built into a vehicle by the manufacturer
39 at the time of the vehicle’s manufacture.

40 “Paired”, means integrated, connected, or coupled to an in-vehicle system’s visual
41 display, audio system, and/or controls through either wired or wireless connection methods so
42 that the in-vehicle system has control over the portable device’s prioritization, manipulation, and
43 presentation of information that originates from both local and/or off-board sources.

44 “Portable device”, a device that can reasonably be expected to be brought into a vehicle
45 on a trip-by-trip basis and to be used by the driver while driving, that is electronically powered,
46 and has one or more of the following capabilities: a) allows user interaction; b) enters, sends,
47 and/or receives information; c) displays information in a visual or auditory manner; or d)
48 displays graphical images, photographic images, and/or video.

49 “Text-based messaging”, manually inputting individual alphanumeric characters into, or
50 reading from, an electronic device for the purpose of present or future communication. Text-
51 based messaging includes but is not limited to the composition or reading of messages
52 transmitted via short message service, email, instant messaging service, internet-based

53 messaging, or social media applications, including posting. Text-based messaging does not
54 include selecting, or entering a phone number into an electronic device for the purpose of
55 initiating or receiving a phone call or using voice commands to initiate or receive a phone call.

56 “Visual field”, the total area in which objects may be observed by the driver when the
57 driver’s eyes are fixated on a certain point.

58 “Vehicle”, passenger cars, multipurpose passenger vehicles, and trucks and buses with a
59 Gross Vehicle Weight Rating of not more than 10,000 pounds. Vehicle shall not include:
60 ambulances, firefighting vehicles, military vehicles, law enforcement vehicles, or vehicles built
61 for other emergency uses as prescribed by regulation by the Secretary of Transportation.

62 “Video”, full-motion visual information presented through electronic means, including
63 entertainment, advertising, and other visual content not related to driving, that is obtained from
64 pre-recorded images, live images, video games, broadcasts, and/or closed circuit television.
65 Video does not include live images of the area immediately surrounding the vehicle used for the
66 purpose of aiding the driver when performing a maneuver.

67 (b) The active display area of any vehicle offered for initial sale in the Commonwealth
68 with a manufacturing date on or after January 1, 2019, containing original equipment within the
69 reach or visual field of the driver shall be designed to lock out the following tasks capable of
70 being presented on the active display area while the operator is driving the vehicle:

71 (1) manual text entry for the purpose of text-based messaging.

72 (2) display of video images including but not limited to, video-based entertainment, and
73 video-based communications including video-phoning and video conferencing.

74 (3) display of non-video graphical or photographic images, excluding maps used for GPS
75 or navigational purposes. Internationally standardized icons and symbols, as well as trademark
76 (™) and registered (®) symbols are not considered non-video graphical or photographic images.

77 (4) display of text to be read, whether automatically scrolling or static for a purpose other
78 than a driver-related task. Such text to be read includes books, periodicals, and other
79 publications, web page content, social media content, text-based advertising and marketing, and
80 text-based messaging.

81 (c) The active display area of an aftermarket device within the reach or visual field of a
82 driver that is installed or integrated into any vehicle on or after January 1, 2019 shall lock out the
83 following tasks capable of being presented on the active display area while the operator is
84 driving the vehicle:

85 (1) manual text entry for the purpose of text-based messaging.

86 (2) display of video images including but not limited to, video-based entertainment, and
87 video-based communications including video-phoning and video conferencing.

88 (3) display of non-video graphical or photographic images, excluding maps used for GPS
89 or navigational purposes. Internationally standardized icons and symbols, as well as trademark
90 (™) and registered (®) symbols are not considered non-video graphical or photographic images.

91 (4) display of text to be read, whether automatically scrolling or static for a purpose other
92 than a driver-related task. Such text to be read includes books, periodicals, and other
93 publications, web page content, social media content, text-based advertising and marketing, and
94 text-based messaging.

95 (d) No later than January 1, 2019, any portable device offered for initial sale in the
96 Commonwealth shall be designed and equipped with the necessary mechanisms required to
97 enable pairing between the portable device and a vehicle's in-vehicle system. Such devices shall
98 have a driver-mode interface which shall lock out the following tasks while the operator is
99 driving the vehicle:

100 (1) manual text entry for the purpose of text-based messaging.

101 (2) display of video images including but not limited to, video-based entertainment, and
102 video-based communications including video-phoning and video conferencing.

103 (3) display of non-video graphical or photographic images, excluding maps used for GPS
104 or navigational purposes. Internationally standardized icons and symbols, as well as trademark
105 (™) and registered (®) symbols are not considered non-video graphical or photographic images.

106 (4) display of text to be read, whether automatically scrolling or static for a purpose other
107 than a driver-related task. Such text to be read includes books, periodicals, and other
108 publications, web page content, social media content, text-based advertising and marketing, and
109 text-based messaging.

110 Said driver mode interface shall also provide a means by which the driver may easily and
111 immediately contact emergency services if and when necessary.

112 (e) Any vehicle purchased by the Commonwealth, subsidiary, instrumentality, agency, or
113 entity thereof with the use of Commonwealth funds must satisfy the provisions of this section.

114 (f) There shall be a surcharge of 0.5% of the listed sale price assessed against any vehicle,
115 aftermarket device, or mobile electronic device offered for initial sale in the Commonwealth on
116 or after January 1, 2019 that does not conform to the provisions of this section.

117 (g) If any part of this statute is for any reason held to be unconstitutional or invalid, such
118 decision shall not affect the remainder of this statute.

119 (h) The Secretary of Transportation shall promulgate regulations to carry out the
120 provisions of this section.