

HOUSE No. 3660

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. Section 13 of chapter 90 of the General Laws, as appearing the 2014
2 Official Edition, is hereby amended by deleting in line 6 the words “mobile telephone” and
3 inserting in place thereof the following words:- hands-free mobile telephone.

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

6 (a ½) No operator of a motor vehicle shall use a mobile telephone or mobile electronic
7 device: (i) for voice communications, unless said telephone or device is being used as a hands-
8 free mobile telephone or to activate, deactivate, or initiate a feature or function; or (ii) to access
9 social media or use any camera functions, including video calls. It shall be an affirmative
10 defense for an operator under this section to produce evidence that the use of a mobile telephone
11 that is the basis of the alleged violation was in the case of an emergency. For the purpose of this
12 paragraph, an emergency shall mean that the operator needed to communicate with another to
13 report any of the following: (1) that the vehicle or vessel was disabled; (2) that medical attention

14 or assistance was required on the vehicle or vessel; (3) that police intervention, fire department
15 or other emergency services was necessary for the personal safety of a passenger or to otherwise
16 ensure the safety of the public; or (4) that a disabled vehicle or an accident was present on a
17 roadway.