

# HOUSE . . . . . No. 3593

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## The Commonwealth of Massachusetts

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PRESENTED BY:

***William M. Straus***

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*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.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>William M. Straus</i>	<i>10th Bristol</i>	<i>2/9/2021</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>3/11/2021</i>

# HOUSE . . . . . No. 3593

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By Mr. Straus of Mattapoisett, a petition (accompanied by bill, House, No. 3593) of William M. Straus and Christopher Hendricks for legislation to further regulate technology used in automobiles. Transportation.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 3152 OF 2019-2020.]

## The Commonwealth of Massachusetts

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In the One Hundred and Ninety-Second General Court  
(2021-2022)  
\_\_\_\_\_

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 2018 Official Edition,  
2   is hereby amended by inserting the following new section:-

3           Section 13D. (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,

and has one or more of the following capabilities: a) allows user interaction; b) enters, sends, and/or receives information; c) enables communication with other people, devices, or machines; d) displays information in a visual or auditory manner; or e) displays graphical images, photographic images, and/or video.

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

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

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

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

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

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

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

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

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

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

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

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

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

“Text-based messaging”, manually inputting individual alphanumeric characters into, or reading from, an electronic device for the purpose of present or future communication. Text-

based messaging includes but is not limited to the composition or reading of messages transmitted via short message service, email, instant messaging service, internet-based messaging, or social media applications, including posting. Text-based messaging does not include selecting, or entering a phone number into an electronic device for the purpose of initiating or receiving a phone call or using voice commands to initiate or receive a phone call.

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

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

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

(b) The active display area of any vehicle offered for initial sale in the Commonwealth with a manufacturing date on or after January 1, 2023, containing original equipment within the reach or visual field of the driver shall be designed to lock out the following tasks capable of being presented on the active display area while the operator is driving the vehicle:

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

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

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

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

(c) The active display area of an aftermarket device within the reach or visual field of a driver that is installed or integrated into any vehicle on or after January 1, 2023 shall lock out the following tasks capable of being presented on the active display area while the operator is driving the vehicle:

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

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

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

(4) display of text to be read, whether automatically scrolling or static for a purpose other 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, 2023, 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, 2023 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.