

**HOUSE . . . . . No. 02651**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Jay Kaufman*

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 passage of the accompanying bill:

An Act relative to safer driving.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Jay Kaufman</i>	<i>15th Middlesex</i>
<i>Alice K. Wolf</i>	<i>25th Middlesex</i>
<i>Martin J. Walsh</i>	<i>13th Suffolk</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>George Ross</i>	<i>2nd Bristol</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Ruth B. Balse</i>	<i>12th Middlesex</i>
<i>Martha M. Walz</i>	<i>8th Suffolk</i>

# HOUSE . . . . . No. 02651

By Mr. Kaufman of Lexington, a petition (accompanied by bill, House, No. 2651) of Atkins and others for legislation to require motor vehicle operators to use hands-free mobile telephones and devices Joint Committee on Transportation.

## The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to safer 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 13B of chapter 90 of the General Laws, as appearing in the 2008 Official  
2 Edition, is hereby amended by striking subsection (a) and inserting in place thereof:--  
3 a.No operator of a motor vehicle shall use a mobile electronic device or a mobile telephone,  
4 unless said telephone is a hands-free mobile telephone. For the purposes of this section, an  
5 operator shall not be considered to be operating a motor vehicle if the vehicle is stationary and  
6 not located in a part of the public way intended for travel. It shall be an affirmative defense for  
7 an operator to produce evidence that the use of a mobile electronic device or a mobile telephone  
8 that is the basis of the alleged violation was for emergency purposes. For the purpose of this  
9 section, an emergency shall mean that the operator used the mobile telephone or mobile  
10 electronic device to communicate with another to report any of the following: (i) that the motor  
11 vehicle was disabled; (ii) that medical attention or assistance was required; (iii) that police

12 intervention, fire department or other emergency service was necessary for the personal safety of  
13 the operator or a passenger; or (iv) that a disabled vehicle or an accident was present in the  
14 public way.

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16 Section 2. Section 13B of chapter 90 of the General Laws, as appearing in the 2008 Official  
17 Edition, is hereby further amended by inserting at the end of Section 13B a new subsection:--

18 d. A fine , as established in subsection b of this section shall be suspended for a first offense if  
19 the operator provides proof of acquisition of a hands-free accessory subsequent to the violation  
20 but prior to the imposition of a fine.