

HOUSE No. 3179

The Commonwealth of Massachusetts

PRESENTED BY:

Joseph F. Wagner and Paul J. Donato

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:
<i>Joseph F. Wagner</i>	<i>8th Hampden</i>
<i>Paul J. Donato</i>	<i>35th Middlesex</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>
<i>Gerard J. Cassidy</i>	<i>9th Plymouth</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>
<i>Richard M. Haggerty</i>	<i>30th Middlesex</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>

<i>Tommy Vitolo</i>	<i>15th Norfolk</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>John J. Mahoney</i>	<i>13th Worcester</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Daniel R. Cullinane</i>	<i>12th Suffolk</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>
<i>Bradford Hill</i>	<i>4th Essex</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>John C. Velis</i>	<i>4th Hampden</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>
<i>Liz Miranda</i>	<i>5th Suffolk</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>Daniel R. Carey</i>	<i>2nd Hampshire</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>

<i>Michael S. Day</i>	<i>31st Middlesex</i>
<i>David Biele</i>	<i>4th Suffolk</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>
<i>Jon Santiago</i>	<i>9th Suffolk</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>
<i>Christina A. Minicucci</i>	<i>14th Essex</i>
<i>David M. Nangle</i>	<i>17th Middlesex</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>
<i>Paul F. Tucker</i>	<i>7th Essex</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>

HOUSE No. 3179

By Messrs. Wagner of Chicopee and Donato of Medford, a petition (accompanied by bill, House, No. 3179) of Joseph F. Wagner and others relative to requiring the hands-free use of mobile telephones while driving. Transportation.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

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 in the 2016
2 Official Edition, is hereby amended by striking out, 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 striking out subsection (a) and inserting in place thereof the following subsection:-

6 (a) No operator of a motor vehicle shall use a mobile telephone, or any handheld device
7 capable of accessing the internet, to compose, send or read an electronic message or to access a
8 mobile application while operating a motor vehicle, except to perform a single tap or swipe to
9 activate, deactivate or initiate hands free navigation. For the purposes of this section, an operator
10 shall not be considered to be operating a motor vehicle if the vehicle is stationary and not located
11 in a part of the public way intended for travel.

12 SECTION 3. Said section 13B of said chapter 90, as so appearing, is hereby further
13 amended by inserting the following subsection:-

14 (a ½) An operator of a motor vehicle shall use a mobile telephone or mobile electronic
15 device only if said telephone or device is being used as a hands-free mobile telephone. It shall be
16 an affirmative defense for an operator under this section to produce evidence that the use of a
17 mobile telephone that is the basis of the alleged violation was in the case of an emergency. For
18 the purpose of this paragraph, an emergency shall mean that the operator needed to communicate
19 with another to report any of the following: (1) that the vehicle or vessel was disabled; (2) that
20 medical attention or assistance was required on the vehicle or vessel; (3) that police intervention,
21 fire department or other emergency services were necessary for the personal safety of a
22 passenger or to otherwise ensure the safety of the public; or (4) that a disabled vehicle or an
23 accident was present on a roadway.