

HOUSE No. 3451

By Mr. Casey of Winchester, petition of Paul C. Casey relative to the use of mobile telephones while operating a motor vehicle. Transportation.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO THE USE OF MOBILE TELEPHONES WHILE OPERATING A MOTOR VEHICLE.

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
2 appearing in the 2004 Official Edition, is hereby amended by
3 striking out the first sentence and inserting in place thereof the
4 following sentence:—

5 No person, when operating a motor vehicle, shall permit to be on
6 or in the vehicle or on or about his person anything which may inter-
7 fere with or impede the proper operation of the vehicle or any equip-
8 ment by which the vehicle is operated or controlled, except that a
9 person may operate a motor vehicle while using a citizens band
10 radio as long as one hand remains on the steering wheel at all times.

1 SECTION 2. Said Chapter 90, as so appearing, is hereby further
2 amended by inserting after section 13A the following section:—

3 Section 13B (a). For the purposes of this section, the following
4 words shall have the following meanings unless the context clearly
5 requires otherwise:—

6 “Hands-free technology”, a device, attachment, add-on or addi-
7 tion to a mobile telephone, whether or not permanently installed in
8 the motor vehicle, that when used allows the operator of a motor
9 vehicle to maintain both hands, or a prosthetic device or aid in the
10 case of a person with a disability, on the steering device.

11 “Mobile telephone”, a cellular, analog, wireless or digital tele-
12 phone capable of sending or receiving telephone communications
13 without an access line for service.

14 “Wireless carrier”, all commercial mobile radio services, as that
15 term is defined in 47 U.S.C. section 332(d).

16 (b) No person shall use a mobile telephone while operating a
17 motor vehicle on a public street or way unless such mobile telephone
18 is equipped and used with hands-free technology, except during an
19 emergency.

20 No person under 18 years of age shall use a mobile telephone
21 while operating a motor vehicle on a public way, except as a result
22 of and for the purpose of abating an emergency.

23 A violation of any provision of this section shall be punishable by
24 a fine of \$150 and each violation shall constitute a separate offense.

1 SECTION 3. The executive office of public safety shall initiate a
2 public service announcement and public awareness campaign on the
3 proper use of a mobile telephone while operating a motor vehicle.
4 The campaign may be financed, in part, by wireless carriers oper-
5 ating in the Commonwealth.

1 SECTION 4. The registrar of motor vehicles shall conduct a study
2 of the methods by which data relative to the role of mobile phone
3 use in motor vehicle accidents may be recorded through existing or
4 new methods of data collection.