

# HOUSE . . . . . No. 3622

By Mr. Sannicandro of Ashland, petition of Tom Sannicandro and John W. Scibak for legislation to regulate the use of hand-held mobile telephones by operators of motor vehicles. Transportation.

## The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO MOTOR VEHICLES.

*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 16 of Chapter 90 of the General Laws, as appearing in the  
2 2004 Official Edition, is hereby amended by adding the following  
3 paragraphs:—

4 “Using” means holding a hand-held mobile telephone to, or in the  
5 immediate proximity of, the user’s ear.

6 “Hands-free mobile telephone” means a hand-held mobile tele-  
7 phone that has an internal feature or function, or that is equipped  
8 with an attachment or addition, whether or not permanently part of  
9 such hand-held mobile telephone, by which a user engages in a call  
10 without the use of either hand, whether or not the use of either hand  
11 is necessary to activate, deactivate or initiate a function of such tele-  
12 phone.

13 No person shall operate a motor vehicle while using a cell phone,  
14 unless the cell phone is hands free mobile telephone.

15 Any person who violates this section shall be fined not more than  
16 one hundred dollars, except that the fine shall be suspended for the  
17 first time violator who provides proof of acquisition of hands-free  
18 accessory subsequent to the violation but prior to the imposition of a  
19 fine.

20 Any person who violates this section shall be fined not more than  
21 one hundred dollars.

22 A violation of this section shall not be considered as a conviction  
23 of a moving violation of the motor vehicle laws for the purpose of  
24 determining surcharges on motor vehicle premiums pursuant to

25 Section 113 of Chapter 175. An insurance company doing business  
26 in the commonwealth shall not deny an individual the right to pur-  
27 chase a motor vehicle liability policy based on a violation of this  
28 paragraph.