

# SENATE NO. 2030

## AN ACT REGULATING MOBILE PHONES FOR JUNIOR OPERATORS

*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 8 of chapter 90 of the General Laws, as appearing in the 2002 Official  
2 Edition, is hereby amended by inserting, in line 83, the following paragraph:-

3 A person holding a junior operator's license shall not use a mobile telephone while  
4 driving. For the purposes of this section, a "mobile telephone" shall include, but not be limited  
5 to, a mobile telephone utilizing cellular, analog, satellite, wireless or digital telephone  
6 technology, and capable of sending or receiving telephone communications. A violation of  
7 this section shall be punishable by a suspension of a junior operator's license for not more  
8 than 1 year and fine of not more than \$100. It shall be an affirmative defense for a junior  
9 operator to produce documentary or other evidence that the telephone call that is the basis of  
10 the alleged violation was made for the sole purpose of seeking emergency assistance. A

11 violation of this paragraph shall not be considered as a conviction of a moving violation of the  
12 motor vehicle laws for the purpose of determining surcharges on motor vehicle premiums  
13 pursuant to section 113 of chapter 175. An insurance company doing business in the  
14 commonwealth shall not deny an individual the right to purchase a motor vehicle liability  
15 policy based on a violation of this paragraph.