

HOUSE No. 3149

The Commonwealth of Massachusetts

PRESENTED BY:

William M. Straus

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>William M. Straus</i>	<i>10th Bristol</i>
<i>Mayor Martin J. Walsh</i>	<i>1 City Hall Square Boston, MA</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>
<i>Thomas P. Walsh</i>	<i>12th Essex</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>Liz Miranda</i>	<i>5th Suffolk</i>
<i>Daniel R. Cullinane</i>	<i>12th Suffolk</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>David Biele</i>	<i>4th Suffolk</i>

Denise C. Garlick

13th Norfolk

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[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3660 OF 2017-2018.]

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 the 2016
2 Official Edition, is hereby amended by deleting 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 inserting the following subsection:-

6 (a ½) No operator of a motor vehicle shall use a mobile telephone or mobile electronic
7 device: (i) for voice communications, unless said telephone or device is being used as a hands-
8 free mobile telephone or to activate, deactivate, or initiate a feature or function; or (ii) to access
9 social media or use any camera functions, including video calls. It shall be an affirmative
10 defense for an operator under this section to produce evidence that the use of a mobile telephone
11 that is the basis of the alleged violation was in the case of an emergency. For the purpose of this

12 paragraph, an emergency shall mean that the operator needed to communicate with another to
13 report any of the following: (1) that the vehicle or vessel was disabled; (2) that medical attention
14 or assistance was required on the vehicle or vessel; (3) that police intervention, fire department
15 or other emergency services was necessary for the personal safety of a passenger or to otherwise
16 ensure the safety of the public; or (4) that a disabled vehicle or an accident was present on a
17 roadway.