

An Act Relative to Improving Safety on the Roads of the Commonwealth

Hands Free

Would ban the use of hand held electronic devices while driving.

Proposed MGL Chapter 90 Section 1 Amendment (definitions)

"Hands-free mode", operation of a mobile electronic device by which a user engages in a voice communication or receives audio without the use of either hand; provided, however, that a mobile electronic device may require a single tap or swipe to activate, deactivate or initiate the hands-free mode feature if the device can be used without diverting the operator's attention from the roadway.

Proposed MGL Chapter 90 Section 13B Amendment

- (a) No operator of a motor vehicle shall use a mobile electronic device while operating a vehicle unless the person is using the device in hands-free mode. No operator of a motor vehicle shall touch or hold in either hand a mobile electronic device while operating a motor vehicle except to perform a single tap or swipe to activate, deactivate or initiate hands-free mode. No operator of a motor vehicle shall use a mobile electronic device or other device capable of accessing the internet to:
- (i) compose, send or read an electronic message;
 - (ii) access social media;
 - (iii) use camera functions, including video calls;
 - (iv) watch videos not intended for navigation purposes;
 - (v) review or input information on a mobile electronic device; or
 - (vi) manually input information into a global positioning system or navigation device while operating a vehicle. Nothing in this section shall prohibit the use of a display which enhances the operator's view to maneuver the vehicle or to perform a single tap or swipe to activate, deactivate or initiate a command to a global positioning system or navigation device or function. An operator of a motor vehicle who holds a mobile electronic device to or in the immediate proximity of the operator's head, in the operator's hand or on the operator's lap while operating a motor vehicle shall be presumed to be in violation of this section. For the purposes of this section, an operator shall not be considered to be operating a motor vehicle if the vehicle is stationary and not located in part of a roadway intended for travel by a motor vehicle or bicycle.
- (b) Whoever violates this section or section 8M shall be punished by a fine of \$100 for a first offense, by a fine of \$250 for a second offense and by a fine of \$500 for a third or subsequent offense within 6 years of the first offense. A third or subsequent violation of this section or of said section 8M shall be a surchargeable incident under section 113B of chapter 175 or under a motor vehicle liability policy as defined by section 34A that is issued pursuant to said chapter 175. In addition to fines pursuant to this subsection, an operator who commits a second or third or subsequent offense under this section shall be required to complete a program selected by the registrar of motor vehicles that encourages a change in driver behavior and attitude about distracted driving. This subsection shall not be construed as authorizing the seizure or forfeiture of a hand-held mobile telephone or a mobile electronic device.
- (c) Documentary or other evidence that the use of a mobile electronic device was for emergency purposes and that no other person in the vehicle was capable of using a mobile electronic device shall be an affirmative defense to an alleged violation of this section. For the purposes of this section, "emergency purposes" shall mean that the operator used the mobile electronic device for voice communication with another person to report:
- (i) that the motor vehicle was disabled;
 - (ii) that medical attention or assistance was required;
 - (iii) that police or fire department intervention or some other emergency service was necessary for the safety of the operator or to otherwise ensure the safety of the passengers;
 - (iv) that a disabled vehicle or an accident was present in the roadway;
 - (v) that police or fire department intervention or some other emergency service was necessary for the safety of a pedestrian in or near the roadway; or
 - (vi) that police intervention was necessary due to a motor vehicle being operated in a manner that pose a threat to the safety of travelers on the roadway or to pedestrians.
- (d) This section shall not apply to public safety personnel or emergency first responders using a mobile electronic device while operating an emergency services vehicle and engaged in the performance of their duties as emergency services personnel.



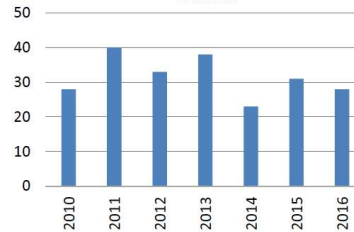
WHY

- Previous enactment of anti-texting legislation was not easily enforceable by law enforcement
- Distracted driving remains a major contributor to roadway deaths

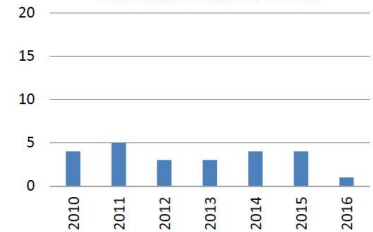
OBJECTIVES

- Bring the Commonwealth in line with 16 other states - including the neighboring states of New Hampshire, Vermont, New York, Connecticut and Rhode Island
- Allow police to stop and issue citations to drivers who hand-manipulate electronic devices while operating a vehicle

Fatalities from Crashes with Distracted Drivers



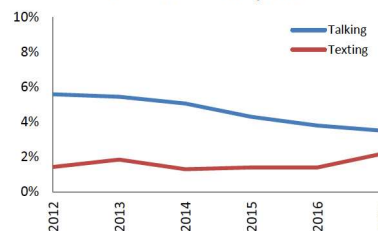
Fatalities from Crashes with Handheld Cell Phone Distracted Drivers



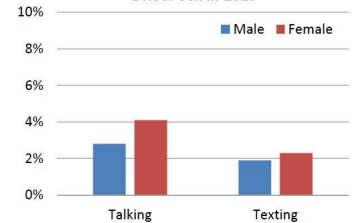
8.1% of all motor vehicle fatalities in Massachusetts involved distraction.

Because of a reliance on driver self-reporting, it is likely that distraction-affected crashes are substantially underreported.

Percentage of Drivers Observed Using a Handheld Cell Phone by Year



Observed Handheld Cell Phone use by Driver Sex in 2017



Exceptions for emergency situations when "no other person in the vehicle was capable of using a mobile telephone, hands free-mobile telephone or mobile electronic device"

Violation is considered a surchargeable incident for insurance purposes



65% of drivers involved in distraction-affected fatal crashes were male and 35% were female.

Conversely, women were more likely than men to be found talking on or manipulating (i.e. texting) their hand-held cell phone while driving.

Glancing away from the roadway for longer than two seconds increases the risk of crashing by over 70%.

