

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

**Bradford R. Hill**

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*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 passage of the accompanying bill:

An Act further regulating junior operators and the use of certain communication devices while operating a motor vehicle.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bradford R. Hill	4th Essex
Bruce E. Tarr	

# The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine  
\_\_\_\_\_

## AN ACT FURTHER REGULATING JUNIOR OPERATORS AND THE USE OF CERTAIN COMMUNICATION DEVICES 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 Be it enacted by the Senate and House of Representatives in General Court assembled, and by  
2 the authority of the same, as follows:

3 SECTION 1. Section 1 of chapter 90 of the General Laws, as appearing in the 2008 Official Edition, is  
4 hereby amended by adding the following definitions:-

5

6 “Mobile telephone”, a cellular, analog, wireless, satellite or digital telephone, including a telephone  
7 with two-way radio functionality, capable of sending or receiving telephone communications and with  
8 which a user initiates, terminates or engages in a call using at least one hand.

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10 “Hands-free accessory”, an attachment, add-on, built-in feature or addition to a mobile telephone,  
11 whether or not permanently installed in a motor vehicle, that, when used, allows the operator of a  
12 motor vehicle to maintain both hands on the steering wheel at all times.

13

14 “Hands-free mobile telephone”, a hand-held mobile telephone that has an internal feature or  
15 function, or that is equipped with a hands-free accessory, whether or not permanently part of such  
16 hand-held mobile telephone, by which a user initiates, terminates and engages in a call without the use  
17 of either hand.

18

19 "Mobile electronic device", any hand-held or other portable electronic equipment capable of  
20 providing data communication between two or more persons, including a text messaging device, a  
21 paging device, a personal digital assistant, a laptop computer, equipment that is capable of playing a  
22 video game or digital video disk, or equipment on which digital photographs are taken or transmitted, or  
23 any combination thereof, or equipment that is capable of visually receiving a television broadcast, but  
24 shall not include any audio equipment or any equipment installed in a motor vehicle for the purpose of  
25 providing navigation or emergency assistance to the operator of such motor vehicle or video  
26 entertainment to the passengers in the rear seats of such motor vehicle.

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29 SECTION 2. Section 8 of said chapter 90, as so appearing, is hereby amended by inserting after the sixth  
30 paragraph the following two paragraphs:-

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32 No person under 18 years of age shall use a mobile telephone, a hands-free mobile telephone or a  
33 mobile electronic device while operating a motor vehicle on any public way. A junior operator who  
34 holds a mobile telephone, a hands-free mobile telephone or a mobile electronic device while operating  
35 a vehicle shall be presumed to be using said telephone or device under this section. This presumption  
36 may be rebuttable by evidence tending to show that the junior operator was not using said telephone or  
37 device. For the purposes of this paragraph, a junior operator shall not be considered to be operating a  
38 motor vehicle if the vehicle is stationary and not located in a part of the roadway intended for travel.

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40 A junior operator who violates the preceding paragraph shall be punished by a fine of \$100 and shall  
41 have his license or permit suspended for 60 days for a first offense, by a fine of \$250 and shall have his  
42 license or permit suspended for 180 days for a second offense, and by a fine of \$500 and shall have his  
43 license or permit suspended for 1 year for a third or subsequent offense. It shall be an affirmative  
44 defense for a junior operator to produce documentary or other evidence that the use of a mobile  
45 telephone that is the basis of the alleged violation was made for emergency purposes, including, but not  
46 limited to, an emergency call to a law enforcement agency, health care provider, fire department or  
47 other emergency services agency or entity.