

**SENATE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Richard R. Tisei**

*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 prohibiting cellphone use by teens while driving.

PETITION OF:

NAME:

Richard R. Tisei

DISTRICT/ADDRESS:

Middlesex and Essex

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. S02109 OF 2007-2008.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand and Nine**

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**AN ACT PROHIBITING CELLPHONE USE BY TEENS 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 8 of chapter 90 of the General Laws, as appearing in the 2002 official  
2 edition, is hereby amended by inserting after the fifth paragraph the following paragraph:-  
3 A person under eighteen years of age shall not use a mobile telephone while driving. For the  
4 purposes of this section, a “mobile telephone” shall include, but not be limited to, a mobile  
5 telephone utilizing cellular, analog, satellite, wireless or digital telephone technology, and  
6 capable of sending or receiving telephone communications. A violation of this section shall be  
7 punishable by a suspension of his or her driver’s license for not more than one year and fine of  
8 not more than \$100. It shall be an affirmative defense for a person under the age of eighteen to  
9 produce documentary or other evidence that the telephone call that is the basis of the alleged  
10 violation was made for the sole purpose of seeking emergency assistance. A violation of this  
11 paragraph shall not be considered as a conviction of a moving violation of the motor vehicle laws  
12 for the purpose of determining surcharges on motor vehicle premiums pursuant to section 113 of  
13 chapter 175. An insurance company doing business in the commonwealth shall not deny an  
14 individual the right to purchase a motor vehicle liability policy based on a violation of this  
15 paragraph.

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