

H. 3354 – AN ACT RELATIVE TO DISTRACTED DRIVING

TRANSPORTATION COMMITTEE REDRAFT

SECTION BY SECTION SUMMARY

Section 1.

Defines the terms “mobile telephone”, “hands-free mobile telephone”, “mobile electronic device”, and “electronic message” within chapter 90 of the General Laws.

Section 2.

- Prohibits junior operators from using mobile telephones, whether hand-held or hands-free, and mobile electronic devices, such as text messaging devices, while operating a motor vehicle.
- Punishes violations accordingly:
 - 1st offense: \$100 fine and 180-day JOL or learner’s permit suspension
 - 2nd offense: \$250 fine and 1-year JOL or learner’s permit suspension
 - Subsequent offenses: \$500 fine and 1-year JOL or learner’s permit suspension
- Exempts mobile telephone calls made for emergency purposes, including emergency calls to a law enforcement agency, health care provider, fire department or other emergency service or entity, provided that the junior operator provides documentary or other evidence in support of such claim.
- Exempts junior operators using a mobile telephone or mobile electronic device while pulled over to the side of a public way and out of a lane of travel from punishment under this section.

Section 3.

- Strikes a provision in chapter 90, section 13 allowing the use of mobile telephones while driving, as long as the vehicle operator keeps one hand on the steering wheel at all times.

Section 4

- Prohibits operators of state vehicles for public transportation, including trains, passenger bus, school bus, taxis, passenger ferry boat, water shuttle from using a mobile telephone or mobile electronic device while operating such vehicle or vessel. Violations are punishable by a \$500 fine.
- Exempts mobile telephone calls made for emergency purposes, including emergency calls to a law enforcement agency, health care provider, fire department or other emergency service or entity, provided that the violator provides documentary or other evidence in support of such claim.
- Exempts emergency personnel, such as firefighters operating a fire-fighting vehicle, the driver of a rescue vehicle or ambulance, and state, county or local public safety officials, from the provisions of this section.

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Section 5

- Creates a new section 13B in chapter 90, which prohibits operators of motor vehicles from using mobile telephones or mobile electronic devices to compose, send or read a text message.
- Punishes violations accordingly:
 - 1st offense: \$100 fine
 - 2nd offense: \$250 fine
 - Subsequent offenses: \$500 fine
- Exempts the use of a mobile telephone or mobile electronic device made for emergency purposes, including emergency calls to a law enforcement agency, health care provider, fire department or other emergency service or entity, provided that the operator provides documentary or other evidence in support of such claim.
- Inserts a provision that has violations of this section be considered a moving violation under section 113B of chapter 175.
- Punishes violators of this section and section 4 of this bill who are found to be in at-fault accidents as a proximate result of using a mobile phone or mobile electronic device as driving in a reckless manner under section 24, subsection(2a) chapter 90.
Reckless/negligent driving/ driving to endanger carries a criminal conviction and max \$200 or max imprisonment two years, or both; as well as a 60 day-1 year suspension and a \$500 fee to reinstate.

Section 6

- Directs the RMV, in cooperation with the Governor's Highway Safety Bureau, to implement a public awareness campaign for junior operators and adult drivers on the restrictions of this bill.