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Senate Approves Safe Driving Legislation

Bans Texting; Establishes Safe Guidelines for Seniors

BOSTON – The Senate on Tuesday passed safe driving legislation that bans texting while driving and makes it a primary offense.

The Senate approved language in its budget last year that banned texting for all motor vehicle operators, including those in public transit, after the dangers of texting and driving came to light with the collision of two Green Line trolleys between the Government Center and Park Street stations. That language never became law, but remained a priority in the Senate.

Senate President Therese Murray (D-Plymouth) said it was “time to get it done.”

“Never mind the statistics, which are still evolving,” President Murray said. “This is common sense legislation. We all know it’s a bad idea to text and drive. There are too many distractions as it is, but this one is particularly dangerous.”

A 2009 study by the Virginia Tech Transportation Institute found that teen drivers are four times more likely than adults to be involved in a crash because of texting, and truck drivers who text while driving are 23 times more likely to have an accident than someone who isn’t distracted.

The legislation makes texting a primary offense, which means someone can be pulled over specifically for the act of texting while driving. It also establishes a fine of up to \$200, two years in jail, or both for anyone who causes an accident while texting and driving.

“This bill sends a clear message to all drivers regardless of age that when behind the wheel – your primary focus should be driving,” said Senator Steven A. Baddour (D-Methuen), Senate Chairman of Joint Committee on Transportation.

The bill also prohibits “junior operators,” those under the age of 18, from both texting and talking on a cell phone while driving; and operators of public transit – including the MBTA, school buses and ferries – are prohibited from any use of cell phones, except in the case of an emergency.

Senator Brian A. Joyce (D-Milton), who has long advocated for common sense testing of senior drivers, said: “This bill will make our roads safer for drivers, passengers and pedestrians of all ages, and if agreed to by the House, will save lives.”

The bill requires a person between the ages of 75 and 80 to submit once during those five years an assessment form to be developed jointly by the registry and the medical advisory board, but filled out by the person’s physician or health care provider. Based on that assessment, the registrar would determine if the person can safely operate the vehicle.

After a person turns 80, the form would have to be filed every three years. Those who are denied their license can request a road test in an effort to demonstrate they have the skills necessary to keep their license and continue driving.

Additional provisions in the bill:

- Protects from civil liability those police officers and healthcare providers who notify the RMV that a driver may not be able to safely operate a motor vehicle, and provides immunity from liability for a failure to report;
- Requires drivers with three surcharged moving violations within two years to take a driver re-training course or have their license suspended indefinitely until completing the course. Current law is five incidents in three years; and
- For separate instances of the RMV suspending or revoking the license of a driver 75 or older due to medically diagnosed mental or physical disabilities, the legislation expedites the appeals process for the driver, requiring that a hearing be held within 14 days of the suspension or revocation, and further requiring the registrar to consider all medical evidence and make a decision within seven days after the hearing.

The bill now goes back to the House of Representatives for further action.

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