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Legislature Passes Distracted Driving Legislation

BOSTON – Senator Michael O. Moore (D-Millbury) and Representative Hannah E. Kane (R-Shrewsbury) announced that the Legislature gave final approval of a bill to ban drivers from using hand-held electronic devices in vehicles unless they are in hands-free mode.

The bill defines hands-free mode as one that engages in voice communication with and receiving audio without touching, holding or otherwise manually manipulating a mobile electronic device. Law enforcement officials will issue warnings to drivers for first offenses of the new law until March 31, 2020.

“The use of mobile devices while driving is a serious issue that we see all too often,” said Senator Moore. “Whether on highways or back roads, it’s hard not to find a distracted driver whose attention is focused on their phone. With thousands of lives at risk, this issue merits a legislative response.”

“This bill works to protect all drivers, pedestrians, cyclists and road-side bystanders in the Commonwealth from being harmed by distracted drivers,” remarked Representative Kane. “Our hope is it will not only make people refrain from using handheld devices while driving, but remind everyone that the impact of distracted driving is devastating to those involved in an accident, and it can shatter entire families and communities. This legislation makes everyone in our state safer.”

Additionally, this legislation improves transparency in public safety by granting expanded access to traffic stop data. It has been 15 years since the last public report on traffic stop data; under this bill the state will be required to publish and analyze the data annually. Expanding access to this information improves transparency and improves public safety outcomes.

The bill will also:

- Allow for drivers to use mapping or navigation devices if they are affixed to the windshield, dashboard or central console or integrated into the vehicle and only involve a tap or a swipe;
- Exempt use of electronics in the case of an emergency and for first responders if they are using the devices as part of their duties;
- Penalize drivers with \$100 fine for the first offence, \$250 fine and safety course for the second offence and \$500 fine and surcharge for third and subsequent offences;
- Expand data collection of identifying characteristics including age, race and gender and location when police issue a uniform citation;
- Hold law enforcement agencies accountable, if data suggests those jurisdictions may be engaging in racial profiling, by requiring them to collect data on all traffic stops for a one-year period and provide implicit bias training;
- Require the Executive Office of Public Safety and Security (EOPSS) to publish data online annually
- Mandate EOPSS to contract with a research institution to conduct an annual analysis of the data collected.
- Direct the EOPSS Secretary to hold three public hearings across the Commonwealth annually to present the findings of the annual report and analysis and field public testimony; and
- Create a public awareness campaign informing and educating drivers on the dangers of using technological devices while driving.

The bill now goes to Governor Charlie Baker for his consideration. To continue tracking the legislation, H.4203, visit the Legislature's website, www.MAlegislature.gov.

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