



COMMONWEALTH OF MASSACHUSETTS

GENERAL COURT

STATE HOUSE, BOSTON 02133-1053

SENATOR STEVEN A. BADDOUR
SENATOR STEPHEN M. BREWER
SENATOR ROBERT L. HEDLUND

REPRESENTATIVE JOSEPH F. WAGNER
REPRESENTATIVE MICHAEL A. COSTELLO
REPRESENTATIVE DONALD F. HUMASON, JR.

SAFE DRIVING CONFERENCE COMMITTEE REPORT SUMMARY HB 4475 / SB 2305

UPDATING DEFINITIONS:

- Under this bill, the definitions for the following terms are established: 'mobile telephone', 'hands-free mobile telephone', 'electronic message', and 'mobile electronic device'.

BANNING TEXTING WHILE DRIVING:

- Bans all operators of motor vehicles, including law enforcement officers, from text messaging.
- Punishes violators by the following fines:
 - 1st offense: \$100 fine
 - 2nd offense: \$250 fine
 - Subsequent offenses: \$500 fine
- Exempts the use of mobile devices for emergency purposes, which are defined.
- All offenses under this provision are primary enforcement but are not considered moving violations subject to an insurance surcharge.

ENSURING THE SAFETY OF JUNIOR OPERATORS:

- Prohibits junior operators under 18-years from using any type of cell phone or mobile electronic device, whether hand-held or hands-free.
- Punishes violators by the following fines:
 - 1st offense: 60-day license/learner's permit suspension & \$100 fine and the completion of an attitudinal course
 - 2nd offense: 180-day license/learner's permit suspension & \$250 fine
 - Subsequent offenses: 1-year license/learner's permit suspension & \$500 fine
- Exempts the use of mobile devices for emergency purposes, which are defined.

- All offenses under this provision are primary enforcement but are not considered moving violations subject to an insurance surcharge.
- Currently 28 states and the District of Columbia ban all cell phone use by junior operators.

ENSURING THE ABILITIES OF ELDERLY DRIVERS:

- Requires drivers age 75 and older to renew their license in-person at an RMV and undergo a vision test every 5 years.
 - Requirements are identical to those used in New Hampshire.
 - According to the Journal of the American Medical Association¹, the only policy to result in fewer fatal crashes was requiring in-person renewals.
- The RMV will be required to develop regulations to help identify cognitive or functional impairments that are likely to affect a person's ability to safely operate a motor vehicle.
 - These standards will help law enforcement, health care providers, and families to better assess a driver's ability to drive safely.
- If physicians or law enforcement officers have cause to believe an operator is not physically or medically capable of driving safely, they may report their opinion to the registrar for a medical evaluation.
 - Family members are already able to notify the RMV under similar circumstances.
- 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.
- According to a UMass study², a steep reduction in fatal crashes and reduction in unsafe drivers was associated with a medical reporting system that included voluntary reporting, immunity for reporters, and an expert board to assist the RMV in establishing standards and guidelines for reporting potentially unsafe drivers.
 - There is strong empirical evidence that fixing our current medical reporting system will make the roads safer by getting medically unfit drivers off the roads.

ENSURING THE SAFETY OF THE PUBLIC:

- Prohibits operators of public transportation vehicles from using any type of cell phone or mobile electronic device, whether hand-held or hands-free.
 - Violations are punishable by a \$500 fine
 - Exempts emergency phone calls from the ban

¹ Journal of the American Medical Association, June 16, 2004 – Volume 291, No. 23

² Elizabeth Dugan, Ph.D., University of Massachusetts Boston, Issue Brief prepared 3/26/2010

- Exempts emergency response and public safety personnel from the ban, in the performance of duty
- Requires written approval before medical evidence offered at hearing is released, unless the dissemination of the medical evidence was otherwise authorized or required by law.
- The RMV is required to establish a public awareness campaign to educate drivers of all ages on the dangers and consequences of distracted driving.

TARGETING HISTORICALLY BAD DRIVERS:

- Drivers who have 3 or more surchargeable incidents within a 24-month period will be subject to an examination to determine their capacity for driving safely.
 - Currently, only drivers who have 5 or more surchargeable offenses within a 36-month period are subject to RMV scrutiny.

PROTECTING THE TAXPAYERS:

- Ensures that the Registry will not impose additional fees for transactions conducted in person or via telephone in excess of those fees charged via the website.