

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON 02133-1053

Anne M. Gobi
STATE SENATOR

Worcester, Hampden,
Hampshire & Middlesex

E-Mail: Anne.Gobi@masenate.gov

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CONTACT: Derek Silver
PHONE: 617-722-1540

SENATE PASSES LEGISLATION TO PREVENT DISTRACTED DRIVING

BOSTON – **Senator Anne Gobi (D- Spencer)** and the Massachusetts State Senate has voted unanimously to pass *An Act Preventing Distracted Driving*, which would prohibit the use of handheld mobile devices while driving.

When asked for comment on the bill's passage, Senator Gobi had this to say: "I have heard from a number of people how many close calls they have encountered because of someone being distracted and especially the texting that has continued. The unanimous, bipartisan support of the bill in the Senate was a reflection of what all of us have heard or experienced ourselves."

According to the National Highway Traffic Safety Administration, distracted driving accounted for 3,450 deaths in 2016. In the prior year, an estimated 400,000 people suffered from injuries because of distraction-affected crashes.

Passage of this bill puts Massachusetts in line with the northeastern states of Connecticut, New Hampshire, and New York. Forty-six states currently ban texting while driving for all drivers and fourteen states ban the use of handheld devices for all drivers.

In 2010, the legislature banned texting while driving but did not ban the use of handheld devices for talking or other purposes. The 2010 law banned handheld use for 16 and 17-year olds. The law has been difficult to enforce and hands-free technology has improved significantly since the passage of the 2010 law.

The Senate has acted in previous sessions to address these concerns. This bill, which builds upon the 2010 law, would ban drivers from holding and using a cell phone while driving. Drivers, however, can make a single tap or swipe to activate or accept a hands-free call or to use a navigation device. The bill also makes exceptions for phone calls in emergency purposes, such as situations where the safety of the driver, passenger or a pedestrian is at risk or first responder intervention is necessary.

Under the bill, an initial violation results in a \$100 fine and second time offense is a \$250 fine, while subsequent offenses carry a \$500 fine. In addition to fines, a driver who commits a second or subsequent offense is required to complete an educational program on driving behavior selected by the Registrar of Motor Vehicles.

The bill also considers concerns that enforcement of the hands-free ban could lead to disparate impacts, such as racial profiling, in certain communities. It requires law enforcement to document stops and submit aggregate data, including race and ethnicity, to the Department of Public Safety for the production of annual reports to the Legislature and the public.

The Senate and the House will now work to reconcile bills relative to distracted driving prevention.

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