



MOBILE PHONE & TEXTING¹

These laws take effect on September 30, 2010

Requirements	Statute	Penalty
<p><i>Use of mobile phone or electronic device by operator who is under 18.</i></p> <ul style="list-style-type: none"> • Penalty structure: <ul style="list-style-type: none"> • 1st offense: \$100 CMVI; RMV 60 day suspension and attitude course. • 2nd offense: \$250 CMVI; 180 day suspension • 3rd offense: \$500 CMVI; 1 year suspension • This law covers any mobile phone, including a hands-free device, and any mobile electronic device (including texting device, a pager, PDA, laptop, video games and digital cameras, etc.) • Only exception: Emergency use for disabled vehicle or accident, medical attention, police/emergency services needed. 	G.L. c. 90, § 8M	CMVI \$100 <i>See repeat penalties</i>
<p><i>Mobile phone use or texting by public transportation operator.</i></p> <ul style="list-style-type: none"> • Covers all buses, trains, vessels and vehicles owned by MBTA, MassPort, Steamship Authority. • Fact that unit is hands-free is no defense. • Only exceptions: <ul style="list-style-type: none"> • Use permitted by written job guidelines. • Emergency used (same definition above). 	G.L. c. 90, § 12A	CMVI \$500 <i>No repeat penalties</i>

¹ See Chapter 155 of the Acts of 2010.

Requirements	Statute	Penalty
<p>Mobile phone use as an adult operator without having at least one hand on the steering wheel.</p> <ul style="list-style-type: none"> • 2nd offense within 12 months: \$75 • 3rd offense within 12 months: \$150 	<p>G.L. c. 90, § 13</p>	<p>CMVI \$35 <i>See repeat penalties</i></p>
<p>Texting while operating a vehicle. The operator used an electronic device or mobile phone to manually compose, send or read an electronic message.</p> <ul style="list-style-type: none"> • 2nd offense CMVI \$250 • 3rd offense CMVI \$500 	<p>G.L. c. 90, § 13B</p>	<p>CMVI \$100 <i>See repeat penalties</i></p>
<p>Negligent operation and injury from mobile phone use.</p> <p><i>Elements</i></p> <ul style="list-style-type: none"> • While committing any of the offenses above: <ul style="list-style-type: none"> • Using a mobile phone as a minor (§ 8M); • Using a phone or texting as a public transportation operator (§ 12A); or • Sending or receiving a “text” (§ 13B) • The operator drove negligently so that the lives and safety of the public might be endangered; and • Caused injury to some other person, vehicle or property. <p><i>Right of arrest:</i> While no statutory arrest exists for negligent operation, case law states it constitutes a breach of the peace justifying warrantless arrest <i>when observed by an officer.</i> <i>Comm. v. Ceria</i>, 13 Mass. App. Ct. 230 (1982).</p> <p><i>Penalty:</i> HC NLT 2 weeks, NMT 2 years; and/or Fine NLT \$20, NMT \$200. \$250 head injury surcharge. No CWOFF without judge’s written finding that it is “in the interests of justice”</p> <p><i>RMV revocation:</i> 60 days for 1st offense; 1 year for subsequent offenses within 3 years. If junior operator: 180 days for 1st offense; 1 year for subsequent offenses within 3 years. May revoke registration if defendant is exclusive owner of vehicle.</p>	<p>G.L. c. 90, § 24(2)(a)</p>	<p>Crime</p>