

Legal Update

July 6, 2010

Ban on Texting While Driving

Friday, July 2, 2010, the Governor signed into law, *An Act Relative to Safe Driving*. The law will take effect on September 30, 2010. A copy of the bill is attached; below are the key points in the new law.

1. Bans all operators of motor vehicles, including law enforcement, from text messaging while driving.

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| <i>First offense:</i> | <i>\$100 fine</i> |
| <i>Second offense:</i> | <i>\$250 fine</i> |
| <i>Subsequent offense:</i> | <i>\$500 fine</i> |

- *This is a “primary offense” law which means police officers can stop motorists they suspect are texting while driving.*
3. Bans operators under the age of 18 from using any type of cell phone or mobile device while driving.
 4. Bans public transportation vehicle operators from using any type of cell phone or mobile device.
 5. Creates a new offense for causing injury to a person, vehicle, or property while in violation of the new texting laws (G.L. c. 90, §§ 8M, 12A, 13B).
 6. Requires operators over the age of 75 to renew their licenses in person and undergo a vision test every five years.
 7. Requires the Registry to develop regulations for use by law enforcement and health care providers when assessing an operator’s ability to safely operate a motor vehicle.
 8. Permits physicians or law enforcement officers to report to the Registry when they believe an operator is not physically or medically capable of driving safely, without being subject to civil liability.
 9. Lowers the threshold for the Registry to question an operator’s ability to operate safely. Previously, a person with five or more surchargeable events within a three-year period was subject to an exam. The new law requires a person with three or more surchargeable events within a two-year period to be examined.