

In November, Massachusetts Gov. Charlie Baker signed a law designed to curb distracted driving in the Commonwealth by prohibiting the use of hand-held electronic devices while operating a motor vehicle. Members with employees whose positions require travel and mobile communications to conduct business should familiarize themselves and their employees with the law. A violation could have a significant impact your business and your employees.

Prohibited Activity

The law creates three prohibitions which are applied broadly to all “mobile electronic devices” that a driver could use in a vehicle, including but not limited to smartphones, GPS, tablets, and laptops. The prohibitions state that no operator of a motor vehicle shall

- HOLD a mobile electronic device;
- USE a mobile electronic device UNLESS the device is being used in hands-free mode;
- READ or VIEW text, images or video display.

Hands-free Use

The law allows for the hands-free use of a mobile electronic device, defining “hands-free mode” as the operation of a mobile electronic device by which a user engages in a voice communication or receives audio without touching or holding the device. However, the mobile electronic device may require a single tap or swipe to activate, deactivate or initiate the hands-free mode feature.

GPS Use

The law also specifically allows an operator to view a map generated by a navigation system or application on a mobile electronic device that is mounted on or affixed to a vehicle’s windshield, dashboard or center console in a manner that does not impede the operation of the motor vehicle.

Exemptions

- Stationary Vehicle: use of a mobile electronic device is allowed in a vehicle if the vehicle is stationary and not located in a part of the public way intended for travel by a motor vehicle or bicycle.
- Emergency Exemption: use of mobile electronic device in response to emergency is allowed if (1) the vehicle is disabled, (2) medical attention or assistance is required, (3) police intervention, fire department or other emergency services are necessary for personal or public safety, or (4) a disabled vehicle or an accident is present on a roadway.

Penalties

A violation of this law is punishable by

- A fine of \$100 (1st offense), \$250 (2nd offense) and \$500 (3rd or subsequent offense);
- The completion of a remedial driver’s education program (2nd or subsequent offense);
- A surcharge against the driver’s insurance (3rd or subsequent offense.)

While the law becomes effective February 23, 2020, enforcement of these penalties will be delayed until March 31, 2020 to allow drivers to become used to the law with violations prior to that date receiving warnings.

Members with questions may contact RAM General Counsel Ryan Kearney at rkearney@retailersma.org.