

Massachusetts bill to ban cell phone use while driving passes Senate

Lawmakers have finally come to a compromise on a bill banning the use of cell-phones while driving – the Senate voted 38-1 in favor of the bill yesterday.

The legislation now heads to Republican Gov. Charlie Baker for his signature. Baker has expressed support for a ban on drivers using hand-held cellphones and filed a bill earlier this year. The bill, which had been stalling time and again, has finally reached its final stages on its way to becoming law. Previously, the Massachusetts House and Senate had approved separate versions.

The bill will prohibit drivers from holding the cell phone at all but does allow hands-free phones. Specifically, that means you cannot send a text or look at a text, peer at videos or images or scroll your social media accounts. Sadly, in a day and age where one would think common sense would dictate not doing those things, however, the practice is almost ubiquitous.

The exceptions are for medical emergencies, reporting accidents, calling the police or using a navigation system that is *mounted*.

90 days after it is signed into law, the police may begin to cite drivers but until March 31, 2020, they must first give the offending driver a warning. Thereafter, a fine of \$100 will then be levied on first-time offenders, \$250 for the second offense, \$500 for the third and subsequent offenses.

Once a person is a habitual offender – the third offense – insurance companies may begin to charge extra on their

policies so users will begin to take a serious hit to the wallet, or purse.

One of the reasons that the bill hadn't be approved when it was initially introduced was that legislators wanted to ensure that the law would not lead to more racial profiling by coming up with a way to collect data on the race of drivers. Statistically, black drivers are pulled over more than white drivers are. The disagreement on how to exactly collect that data led to the delays and postponement of the bill's approval.

With the new bill, if police write a ticket they will also have to track the race, gender, and age of the offender and the Registry of Motor Vehicles would send that data to the Massachusetts Secretary of Public Safety and Security. From there, an independent agency would analyze it and issue an annual public report. In addition, the state would hold tri-annual hearings to present that analysis to the public.

If the analysis indicates a police department is racial profiling, that department would have to receive "implicit bias training" and be placed under further scrutiny in the form of collecting data for an entire year about each and every traffic stop, whether a citation was given or not.