

> The outpouring of concern statewide from the Amateur Radio Community
> regarding the impact of the Distracted Driving Law has gotten the
> attention of our Legislators on Beacon Hill in Boston. Ray, KB1LRL, and
> Tom, K1TW, wish to thank all the ARRL members in both Western and
> Eastern Massachusetts who communicated our concerns so effectively as a
> community to the Senators and Representatives and staff across the
> Commonwealth of Massachusetts.
> This afternoon Tom Walsh, K1TW, Eastern Massachusetts Section Manager
> was contacted by the General Counsel of the Joint Committee on
> Transportation. After discussing these concerns, Ray and Tom were asked
> to convey the following guidance to our members in both Eastern and
> Western Massachusetts sections. This guidance is intended to assure
> everyone that the new law "permits use of a "federally licensed
> 2-way radio" provided that "1 hand remains on the steering wheel
> at all times." Clearly this is good news.
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> We are pleased to receive this opinion in writing which states "that a
> person may operate a motor vehicle while using a federally licensed
> 2-way radio or mobile telephone, except as provided in sections 8M,
> 12A and 13B, as long as 1 hand remains on the steering wheel at all
> times".
> This statement above appears in the first sentence of Section 13, of the
> Massachusetts General Laws as referenced in the final bill.
> Below is the full text as received today from the General Counsel of the
> Joint Committee on Transportation. It is the best clarification we have
> in writing at this point that the law will not apply to a 2-way mobile
> radio operation.
> Ray Lajoie, KB1LRL,
> ARRL Section Manager Western Massachusetts
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> Tom Walsh, K1TW
> ARRL Section Manager Eastern Massachusetts
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> COMMUNICATION RECEIVED FROM:
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> General Counsel of the Joint Committee on Transportation.
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> Thank you very much for the chance to speak earlier concerning H4203,
> the distracted driving legislation that is now before the Governor. It
> is the Committee's view that the legislation does not alter, amend or
> limit existing language in section 13 of chapter 90 of the General Laws
> that expressly permits use of a "federally licensed 2-way radio"
> provided that "1 hand remains on the steering wheel at all times." I
> have reproduced GL 90:13 below and highlighted the relevant provision.
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> Section 13: Safety precautions for proper operation and parking of
> vehicles and buses
> Section 13. No person, when operating a motor vehicle, shall permit to
> be on or in the vehicle or on or about his person anything which may
> interfere with or impede the proper operation of the vehicle or any
> equipment by which the vehicle is operator or controlled, except that a
> person may operate a motor vehicle while using a federally licensed
> 2-way radio or mobile telephone, except as provided in sections 8M,
> 12A and 13B, as long as 1 hand remains on the steering wheel at all
> times. No person having control or charge of a motor vehicle, except a
> person having control or charge of a police, fire or other emergency
> vehicle in the course of responding to an emergency or a person having
> control or charge of a motor vehicle while engaged in the delivery or
> acceptance of goods, wares or merchandise for which the vehicle's engine
> power is necessary for the loading or unloading of such goods, wares or

> merchandise, shall allow such vehicle to stand in any way and remain
> unattended without stopping the engine of said vehicle, effectively
> setting the brakes thereof or making it fast, and locking and removing
> the key from the locking device and from the vehicle. Whenever a bus
> having a seating capacity of more than seven passengers, a truck
> weighing, unloaded, more than four thousand pounds, or a tractor,
> trailer, semi-trailer or combination thereof, shall be parked on a way,
> on a grade sufficient to cause such vehicle to move of its own momentum,
> and is left unattended by the operator, one pair of adequate wheel
> safety chock blocks shall be securely placed against the rear wheels of
> such vehicle so as to prevent movement thereof. The provisions of the
> preceding sentence shall not apply to a vehicle equipped with positive
> spring-loaded air parking brakes. No person shall drive any motor
> vehicle equipped with any television viewer, screen or other means of
> visually receiving a television broadcast which is located in the motor
> vehicle at any point forward of the back of the driver's seat, or which
> is visible to the driver while operating such motor vehicle. Whoever
> operates a motorcycle on the ways of the commonwealth shall ride only
> upon the permanent and regular seat attached thereto, and he shall not
> carry any other person, nor allow any other person to ride, on such
> motorcycle unless it is designed to carry more than one person, in which
> case a passenger may ride upon the permanent and regular seat if such
> seat is designed for two persons, or upon another seat which is intended
> for a passenger and is firmly attached to the motorcycle to the rear of
> the operator if proper foot rests are provided for the passenger's use,
> or upon a seat which is intended for a passenger and is firmly attached
> to the motorcycle in a side car. No person shall operate a motor
> vehicle, commonly known as a pick-up truck, nor shall the owner permit
> it to be operated, for a distance more than five-miles, in excess of
> five-miles per hour, with persons under twelve years of age in the body
> of such truck, unless such truck is part of an official parade, or has
> affixed to it a legal "Owner Repair" or "Farm" license plate or a
> pick-up truck engaged in farming activities. No person, except
> firefighters or garbage collectors, or operators of fire trucks or
> garbage trucks, or employees of public utility companies, acting
> pursuant to and during the course of their duties, or such other persons
> exempted by regulation from the application of this section or by
> limited application by special permit granted by the selectmen in a town
> or of the city council in a city, shall hang onto the outside of, or the
> rear-end of any vehicle, and no person on a pedacycle, motorcycle,
> roller skates, sled, or any similar device, shall hold fast or attach
> the device to any moving vehicle, and no operator of a motor vehicle
> shall knowingly permit any person to hang onto or ride on the outside or
> rear-end of the vehicle or streetcar, or allow any person on a
> pedacycle, motorcycle, roller skates, sled, or any similar device, to
> hold fast or attach the device to the motor vehicle operated on any
> highway. No person or persons, except firefighters acting pursuant to
> their official duties, or a person exempted by regulation from the
> application of this section or by application by special permit granted
> by the board of selectmen in a town or by the city council in a city,
> shall occupy a trailer or semi-trailer while such trailer or
> semi-trailer is being towed, pushed or drawn or is otherwise in motion
> upon any way. No person shall operate a motor vehicle while wearing
> headphones, unless said headphones are used for communication in
> connection with controlling the course or movement of said vehicle.

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> General Counsel

> Joint Committee on Transportation

> State House Room 134 Boston, MA 02133