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CITY, NEWS

Distracted driving bill passes Mass. legislature, awaits Baker's signature

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by Angela Yang

Massachusetts is close to joining 20 other states in banning held-held devices while driving. The bill landed on Gov. Charlie Baker's desk Wednesday after it passed the state legislature in an overwhelming vote.

Currently, Massachusetts bans use of hand-held devices for minors as well as texting while driving for everyone. The new bill mandates that no driver in the Commonwealth can hold a mobile device while the vehicle is moving.



Massachusetts lawmakers passed a hands-free driving bill Wednesday that would prohibit drivers from using hand-held devices, expanding on the current ban for drivers under 18 years old. COURTESY OF

However, they can make calls or view maps on a phone mounted to a dashboard, windshield or center console as long as it doesn't obstruct the driver's ability to operate the vehicle.

Violators would be fined \$100 for a first-time offense, \$250 for a second-time offense and \$500 for all subsequent violations. In addition to a buildup of fines, each offense after the first would require the driver to participate in an educational Registrar of Motor Vehicles program on distracted driving.

Safe Roads Alliance President Emily Stein said she

SARAH NICHOLS

has pushed for a distracted driving bill for more than six years and has worked with others who have

advocated for more than a decade.

“Everybody seems to have a personal story and I got into this because my dad was killed in 2011,” Stein said. “And it was just so preventable. That’s the only thing that I kept coming back to, was this was just 100 percent preventable.”

The legislation was the product of a joint House-Senate committee that smoothed out differences between the two chambers, each of whom passed a different version earlier this year. The resulting compromise bill addressed concerns over potential racial profiling by some police officers who might take advantage of increased opportunities to stop drivers.

Under this ordinance, the Registry of Motor Vehicles is required to collect demographic data on every driver ticketed or arrested. Recording the age, race and gender of these drivers, according to the bill, would allow the registrar to analyze trends that might identify racial bias.

The data collected would not contain any information that might identify a driver personally, according to the legislation.

In both chambers, the bill missed unanimous passage by a single vote. State Rep. Chynah Tyler was the lone Nay vote against 153 in favor in the House and Sen. Becca Rausch voted alone against 38 Yeas in the Senate.

Tyler wrote in a statement unbiased policing would be possible only if the bill enforces data collection for all traffic stops, not just those that result in citation.

“I am appreciative of all the hard work put forth by my colleagues around distracted driving and how it relates to racial profiling,” Tyler wrote. “I am, however, concerned knowing that more data could have been collected in efforts to protect our most vulnerable drivers.”

Rausch opposed the final bill on similar grounds. In a Twitter thread she posted explaining her reasoning, Rausch wrote she took issue with the limited scope of data collection mandated, as well as the legislation’s lack of clarity on what constituted “racial or gender profiling.”

“I pledged that I would not agree to a distracted driving bill that fails to robustly address systemic racism,” Rausch tweeted. “I will continue to fight for the robust data collection, analysis, and publication provisions that Bay Staters both need and deserve to protect against the negative effects of implicit bias.”

Stein said that while she thinks the bill is not a perfect solution to measure or deter racial profiling, she remains in full support of its passage.

“I know [the data collection] is not on every stop, which some people are upset about,” Stein said. “But our major concern was that if the data was collected on every stop, then we would see a huge decline in traffic enforcement across the board. And we can’t afford to have enforcement drop any further than it already has.”

The number of traffic citations issued in Massachusetts decreased consistently from 2009 to 2016, according to statistics reported by [The Boston Globe](#) in 2017. During that time, the number of vehicles traveling in the state remained relatively constant.

Marina Denisova, 24, of Cape Cod, said she believes a hand-held device ban is necessary.

“I’m from Russia and it’s way easier to get a driver’s license in the U.S. than in my own country,” Denisova said. “The way that I see people drive, the phones only make it worse. I don’t mind the ban at all.”

Tom Stevens, 34, of Downtown Boston, said he agrees racial profiling could be a concern regarding the law’s implementation, but it does not warrant abandoning the measure.

“I would rather see more coaching on racial bias and good policing,” Stevens said. “If there’s racial bias like we think there is, we need to address it, but I don’t think not having a cell phone ban is the way to go about it.”

Janene Davis, 74, of Cambridge, said she supports the bill and would not mind having her data recorded during traffic stops whether she received a citation or not.

“Well, first of all, I’m not expecting to be pulled over,” Davis said. “But if I were pulled over for any reason, that is not a concern.”



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