



CJIS Training Update

February 18, 2020

Hands-Free Electronic Device Law

The “hands-free” law takes effect in Massachusetts on February 23, 2020. This law (Chapter 122 of the Acts of 2019) prohibits operators of motor vehicles from using any mobile electronic device, including a cell phone, unless the device is used in hands-free mode.

Penalties and Offense Codes for Hands-Free Law Violations

The following chart shows the penalties for 1st, 2nd, and 3rd and subsequent offenses of the hands-free law and the codes that must be entered. For an e-citation, select the proper code from the dropdown menu. For a hand-written citation, make sure to include both the letter (A, B, or C) and the offense number. For a warning, make sure to select warning.

Offense Number	Penalty	Offense Code
1st offense	\$100 fine	90/13B/A - ELECTRONIC DEVICE, USE WHILE OPERATING MV, 1ST OFFENSE* c90 §13B
2nd offense	\$250 fine, plus mandatory completion of a distracted driving educational program	90/13B/B - ELECTRONIC DEVICE, USE WHILE OPERATING MV, 2ND OFFENSE* c90 §13B
3rd and subsequent offenses	\$500 fine, plus insurance surcharge and mandatory completion of distracted driving educational program	90/13B/C - ELECTRONIC DEVICE, USE WHILE OPERATING MV, 3RD OR SUBSQ OFFENSE* c90 §13B

Driver History Records

In state, Massachusetts hands-free violations will appear on the CJIS driver history as:

- **ELECTRONIC DEVICE, USE WHILE OPERATING MV**

The offense number (1ST, 2ND, 3RD, etc) will not be included in the driver history information returned in CJIS. The disposition information will follow the violation line. A ‘WRN’ will notate that a warning has been issued for this operator for this violation.

Out of state hands-free violations will appear as follows and will include the state abbreviation after the violation. Below is a sample of a New York conviction for this violation using the AAMVA Code Dictionary of M86:

- **M86 - HH PHONE WHILE DRIVING - NY**

The following will appear on a driver history record for an operator who is required to take the Distracted Driving Education Program. This is a \$25 online course that can be taken at any time. The incident date listed in CJIS with the non-renew is the date that the non-renewal will take effect should the operator fail to complete the course within 90 days of a finding of responsibility for a second offense.

- **NON RENEW: M86 - HH PHONE WHILE DRIVING**

Note: For the purpose of determining the number of offenses when writing your citation, review the entirety of the driver history for responsible findings that have been issued for hands-free violations after 2/23/20.

Drivers 18 and Over

Drivers 18 and over can only use mobile electronic devices in hands-free mode. In addition, they:

- Are only permitted to touch devices/phones to activate hands-free mode
- Are not permitted to hold or support any device/phone
- Cannot touch device/phone except to activate the hands-free mode and can only enable when it is installed or properly mounted to the windshield, dashboard, or center console in a manner that does not impede the operation of the motor vehicle
- Are not allowed to touch device/phone for texting, emailing, apps, video, or internet use
- Are permitted to activate GPS navigation when the device/phone is installed or properly mounted

Under this new law, handheld use is allowed only if the vehicle is both stationary and not located in a public travel lane; it is not allowed at red lights or stop signs.

Voice to text and communication to electronic devices is legal only when the device/phone is properly mounted; use of headphone (one ear) is permitted.

Drivers Under 18

Drivers under 18 **are not allowed** to use any electronic devices. All device/phone use while driving is illegal, including use in hands-free mode.

Reporting Emergencies

Operators may use a cell phone to call 911 to report an emergency. If possible, the operator should safely pull over and stop before calling 911.

Questions?

For more information, please visit Mass.Gov/Handsfree. A "Hands-Free Facts Pamphlet" is available on this page.