

## Mass. House OK's driving safety bill

The Boston Globe

### Only hands-free devices allowed

By Noah Bierman, Globe Staff | February 5, 2010

The Massachusetts House passed a measure yesterday that would make this the seventh state to require drivers to use a hands-free device while chatting on their cellphones.

A similar requirement passed the House two years ago, only to die in the Senate because of opposition from lawmakers who argue that the hands-free devices were an inconvenience that did not improve road safety. But David Falcone, a spokesman for Senate President Therese Murray, said she supports requiring hands-free devices and looks forward to reviewing the House bill.

The provision approved in the House yesterday, by a vote of 146 to 9, was part of a package of hotly debated driver safety proposals that have gained momentum in recent days.

The bill also bans drivers from sending text messages from behind the wheel and adds new requirements that drivers over age 75 who renew their licenses do so in person every five years, when they would be required to take a vision test.

Drivers under 18 would be banned entirely from using cellphones while operating a vehicle.

Despite yesterday's passage, some lawmakers in the two legislative chambers remain divided over how strictly several of the new driving regulations should be crafted, including those affecting older drivers.

Representative Joseph Wagner, cochairman of the Legislature's Transportation Committee, predicts the two sides will eventually pass a law, pointing out that there is widespread agreement on the core issues.

"We will eliminate texting while driving in the Commonwealth," said Wagner, a Democrat from Chicopee who wore a Bluetooth headset device in his ear while speaking with reporters in the State House. "That's the most important component."

Massachusetts would join 19 states, plus the District of Columbia, in banning text messaging while driving.

Many of the lawmakers who favor a hands-free requirement said they supported that at least in part because it may otherwise be difficult to enforce a texting ban, since police officers may not know whether a driver is handling a cellphone to place a call or send a message.

"No one should be driving on our public roadways while holding a cellphone," said Representative Denise Provost, a Somerville Democrat. "Looking at one's cellphone, opening one's cellphone, or punching numbers or buttons on a cellphone is as distracting as texting and indistinguishable from it."

No one spoke against the requirement during yesterday's debate, but opponents have pointed to research suggesting that the danger and distraction of talking on a cellphone while driving is not reduced by the use of a hands-free device.

Yesterday's bill would penalize drivers who text or talk without using a hands-free device with a fine of \$100 for the first offense, \$250 for a second, and \$500 for a third.

The bill lets insurance companies decide whether to add a surcharge to violators' rates. Drivers under 18 caught using a cellphone would have their licenses suspended.

The proposals for regulating older drivers may be the most contentious.

The AARP has come out against any rules that single out drivers by age and said in a statement that the requirement to have vision tested every five years should apply to all drivers.

Currently drivers are only required to take a vision test every 10 years, though they must renew their license every five

years.

But several specialists on aging, senators, and Governor Deval Patrick say the screening of older drivers should go further.

Patrick called for a stronger bill during a radio interview Wednesday.

Senator Brian Joyce has promised to amend the bill in the Senate to require older drivers to pass some sort of screening for mental sharpness.

Robert A. Stern, professor of neurology and codirector of the Alzheimer's Disease Clinical and Research program at Boston University's medicine school, supported a measure passed last year that would have required drivers older than 75 to be evaluated for their cognitive abilities behind the wheel.

"There are many, many scientific reports that show that the skills necessary for safe driving can be impaired by disorders that are much more common in the elderly," he said, adding that about half of all people 85 and older have Alzheimer's disease.

Stern, and other doctors, strongly support provisions in yesterday's bill that encourage doctors to report patients of any age that may be incapable of driving to the Registry of Motor Vehicles.

The bill would specifically give healthcare providers immunity from lawsuits, whether they choose to report a patient or not.

Dr. Alice Coombs, president-elect of the Massachusetts Medical Society, said the bill will spur a discussion in the medical community over when to report potentially unfit drivers and encourage providers to look for signs of deteriorating capabilities in their patients.

The Registry of Motor Vehicles already allows medical providers, police, and family members to make such reports.

Last year, the agency asked 3,369 drivers to surrender their licenses based on such reports.

It also administered 2,486 additional road tests and required 1,938 to get medical clearance from their doctors.

Noah Bierman can be reached at [nbierman@globe.com](mailto:nbierman@globe.com). ■

I I&RS\UJKW I I I7KH HZ K-RUN7LP HM&RP SDQ

I