

**BOXBOROUGH POLICE DEPARTMENT
520 MASSACHUSETTS AVENUE
BOXBOROUGH, MASSACHUSETTS 01719**



**NEWS RELEASE
SERGEANT WARREN J. O'BRIEN
PUBLIC INFORMATION OFFICER
(978) 263-2628
FAX (978) 635-0116
obrien@boxboroughpolice.com**

**FOR IMMEDIATE RELEASE
SEPTEMBER 26, 2010**

BOXBOROUGH, MA – The Boxborough Police Department would like to advise motorists about the Safe Driving Act, which takes effect this Thursday, September 30.

The following is an explanation of the new law and the penalties imposed for violations, according to the Massachusetts Department of Transportation, Registry of Motor Vehicles (RMV) Division:

1. Use of a Mobile Phone by a Junior Operator

Civil Offense- No insurance surcharge (Reporting an emergency is the only exception. Drivers are encouraged to pull over and stop the vehicle to report the emergency.)

- 1st offense-\$100 assessment 60-day license suspension and attitudinal course
- 2nd offense-\$250 assessment 180-day suspension
- 3rd or subsequent offense-\$500 assessment 1-year suspension
- \$100 reinstatement fee for any suspension
- Knowledge and road test required for reinstatement

2. Use of a Mobile Phone by a Public Transport Motor Vehicle Operator Civil Offense-No insurance surcharge

- \$500 assessment each offense

3. Use of a Mobile Phone by a Public Transport Non-Motor Vehicle Operator Civil Offense-No insurance surcharge (MBTA Trolley)

- \$500 assessment each violation

4. Improper Use of a Mobile Phone by Operators 18 and Over

Civil Offense-No insurance surcharge (One hand must be on the steering wheel at all times and no use of device can interfere with driving)

- 1st offense-\$35 assessment
- 2nd offense in 12 months-\$75 assessment
- 3rd offense in 12 months-\$150 assessment

5. Sending/Reading Text Messages

Civil Offense-No insurance surcharge (Operators cannot use any mobile electronic device to write, send, or read an electronic message including text messages, emails, instant messages or accessing the internet while operating a vehicle. Mobile electronic device includes mobile telephone, text messaging device, paging device, PDA, laptop computer, electronic equipment capable of playing video games or video disks or can take/transmit digital photographs or can receive a television broadcast. Mobile Device does not include any equipment permanently or temporarily installed to provide navigation, emergency assistance or rear seat video entertainment. Law applies even if the vehicle is stopped in traffic.)

- 1st offense-\$100 assessment
- 2nd offense-\$250 assessment
- 3rd or subsequent offense-\$500 assessment

6. Negligent Operation & Injury from Mobile Phone Use

Criminal Offense- Insurance surcharge

JOL Suspensions

- 1st offense-180-day suspension
- 2nd or subsequent offense within 3 years-1 year suspension
- \$500 reinstatement fee
-

Over-18 suspensions

- 1st offense-60-day suspension
- 2nd or subsequent offense within 3 years-1 year suspension
- \$500 reinstatement fee

Additional Suspensions

The law repeals the current suspension for 5-surchargeable incidents in a 3-year period and replaces it with a new suspension for 3 surchargeable incidents in 2 years. Only violations with an incident date on or after 9/30/2010 can be factored into the new suspension calculation. However, older violations will still be considered a basis for operators that accrue 7 surchargeable incidents. Similar to the current suspension process

for 5 surchargeable incidents, operators will have 90 days from the suspension notice to complete a National Safety Council course to avoid going into suspension.

EXAMPLE: An operator receives a citation on October 1, 2010 and is cited for 3 offenses on the ticket: speeding, failure to yield, and a marked lane violation. Under the new law, this driver will receive a notice that they must complete the NSC course in 90 days or have his/her license suspended until completion of the class.

Elder Driving Provisions

License applicants, either for initial licensure in Massachusetts or license renewal, age 75 and older must conduct the transaction in a RMV office. Use of the Internet for license renewals will no longer be allowed for these applicants. All applicants, regardless of age, that obtain or renew a license in a branch office are required to undergo the RMV vision test that is given to all drivers or provide a vision screening certificate from an appropriate health care provider to complete the transaction.

Medical Fitness Reporting

Health care providers and law enforcement may report operators they believe are not physically or mentally capable of safely operating a vehicle due to cognitive or functional impairment

- May request RMV to seek medical evaluation of operator
- Requests can't be based on operator age or solely on diagnosis of condition or impairment-it must be based on the effect either has on the ability to drive safely
- Good faith belief of impairment based on-
 - Personal observation
 - Physical evidence
 - Law enforcement investigation
- RMV must review report within 30 days of receipt

The RMV must promulgate regulations based on recommendations from the RMV Medical Advisory Board designating cognitive or functional impairments likely to affect an individual's ability to operate

###