

November 9, 2015

Honorable Benjamin B. Downing
Massachusetts Senate
Senate Chair
Joint Committee on Telecommunications, Utilities and Energy
Room 413-F
State House
Boston, MA 02133

Honorable Thomas A. Golden, Jr.
Massachusetts House of Representatives
House Chair
Joint Committee on Telecommunications, Utilities and Energy
Room 473-B
State House
Boston, MA 02133

Re: Opposition to House Bill 3307 and House Bill 3308

Dear Chair Downing and Chair Golden:

On behalf of CTIA-The Wireless Association®, the trade association for the wireless communications industry, I write in opposition to Massachusetts House Bill 3307, which would require wireless service providers to provide at no cost at least one application to each end user under the age of 18 on a family shared plan that prohibits certain activities while driving, and House Bill 3308, which would restrict wireless service providers from knowingly forwarding a call made to a previously assigned business number to another competitor.

Opposition to HB 3307

Although the ultimate intent of the legislation - to stop novice drivers from distracted driving - is laudable, HB 3307 is unnecessary and unworkable. CTIA and its member companies recognize that drivers are faced with numerous potential distractions when they are on the road. Some of these distractions are caused by the inappropriate use of wireless devices by drivers. To help modify this behavior, the wireless industry has been at the forefront of encouraging safe driving. The wireless industry's approach to help raise consumer awareness on this issue is multifaceted and includes legislative advocacy, public outreach, and consumer education.

With regard to legislative advocacy, the wireless industry supports state legislation prohibiting provisional or novice drivers from using wireless devices while driving, except in emergency cases. This type of safety measure is consistent with other graduated licensing measures, such as passenger limits and time-of-day restrictions, which allow less experienced drivers the opportunity to more fully develop their driving skills and judgment. These conditions provide inexperienced drivers with the opportunity to acquire much-needed driving experience in a lower-risk environment than they might otherwise provide for themselves. Such safety measures are a constructive means of allowing younger drivers the ability to acquire the necessary experience to ultimately become more skilled and responsible drivers. We also support legislation that would ban manual text messaging by all drivers. Manual text messaging requires drivers to take their hands off the wheel and their eyes off the road for extended periods of time. This is incompatible with safe driving.



The wireless industry also has a longstanding record of working to educate drivers about responsible driving behavior. For example, CTIA and its member companies nationally distributed a series of radio and television segments that reminded viewers of sensible safety measures and directed those viewers to a dedicated online resource that presented a wide range of safety tips on the subject. CTIA also designed and printed collateral materials incorporating the industry's safe driving tips. That campaign has been updated multiple times. More recently, the industry's "On the Road, Off the Phone" (www.onroadoffphone.org) campaign, targeted at the dangers of texting while driving, included a widely aired and viewed public service announcement, informational materials for parents, children, and educators, and a web resource that can be incorporated into any parental or educational discussion. After that campaign ended, CTIA and a number of wireless carriers endorsed AT&T's "It Can Wait" education and awareness initiative (www.itcanwait.com). This campaign is yet another example of the wireless industry's continuing commitment on the safe driving issue.

One of the hallmarks of the wireless industry is its ability to provide innovative solutions on a wide range of issues, including the development of products to aid in curbing distracted driving. We recognize the important technological advances that are being made by numerous companies in the hope of creating a safer driving environment. In fact, wireless carriers already provide mobile applications or recommend applications that all consumers can choose from to curb distracted driving, which makes this legislation unnecessary.

We do, however, have concerns with HB 3307 because its requirements are unworkable. The bill, for example, requires that the application "prevents a user who is a minor from overriding the application until a motor vehicle is no longer in motion." This technology mandate cannot make a distinction between the person driving the vehicle and his or her passengers. In fact, the mandate cannot distinguish between someone in a car versus a passenger traveling on a bus, by rail, in a taxi, or any other mode of transportation that may be in "motion." The functionality required by the bill would also require GPS or location settings to be on at *all* times and would have to preclude users under 18 from being able to turn it off, which may raise privacy concerns.

Mobile phones cannot account for circumstances when the device loses connectivity because of infrastructure demands, foliage, or the vehicle simply enters a tunnel. Furthermore, the application required by the bill would have to be running at all times and have ultimate control over calling, e-mailing, and texting to disable them, which would negatively impact a device's battery life.

Additionally, because of the constraints imposed on third party applications by various mobile operating systems, wireless service providers (or any other third parties for that matter) cannot develop and/or distribute applications that provide all of the functions required by the proposed legislation: e.g. certain mobile operating systems prevent third party applications from accessing the necessary system functions to fully "disable emailing, incoming and outgoing calls, texting, and internet browsing." Statutes that are technologically impossible to comply with should not be enacted.

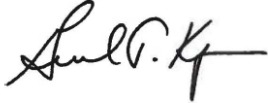
We also have concerns with government mandating one type of technological tool. There are a number of tools, including mobile applications and other products, currently in the marketplace that consumers can use to help modify distracted driving behavior. No single technological tool, however, is sufficient to address all aspects of distracted driving. As this is a burgeoning and innovative sector of the wireless ecosystem, government should allow consumers to adopt market-based solutions with proven results to ensure there are no unintended and negative consequences from the deployment of a specific technological device or product. Further, we support providing consumers a choice to best meet their individual needs.

Opposition to HB 3308

HB 3308 would restrict wireless service providers from knowingly forwarding a call made to a previously assigned business number to another competitor. This legislation is unnecessary and would limit wireless providers from offering a service that allows consumers to connect to the businesses they need. This legislation limits consumer choice and is anti-competitive.

Although we share the sponsor's goal of working to ensure that novice drivers do not drive while distracted, the wireless industry does have concerns with HB 3307. We oppose HB 3308 because it would unnecessarily restrict wireless providers from providing a service that expands consumer choice. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Gerard Keegan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Gerard Keegan
Assistant Vice President
State Legislative Affairs