

HOUSE No. 1580

The Commonwealth of Massachusetts

PRESENTED BY:

Timothy R. Whelan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act further strengthening public safety through interlock devices.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>
<i>William L. Crocker, Jr.</i>	<i>2nd Barnstable</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>
<i>Lenny Mirra</i>	<i>2nd Essex</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>
<i>Michael J. Soter</i>	<i>8th Worcester</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>

HOUSE No. 1580

By Mr. Whelan of Brewster, a petition (accompanied by bill, House, No. 1580) of Timothy R. Whelan and others relative to operating motor vehicles under the influence of alcohol or controlled substances. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 872 OF 2017-2018.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act further strengthening public safety through interlock devices.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 24 of chapter 90 of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by striking out, in line 319, the words “or twenty-four E,”.

3 SECTION 2. Said section 24 of said chapter 90, as so appearing, is hereby further
4 amended by inserting after the figure “(b)”, in line 320, the following words:- for being under the
5 influence of a controlled substance or the vapors of glue.

6 SECTION 3. Subparagraph (1) of paragraph (c) of subdivision (1) of said section 24 of
7 said chapter 90, as so appearing, is hereby amended by adding the following paragraph:- Where
8 the license or right to operate has been revoked pursuant to sections 24D or 24E or pursuant to
9 paragraph (b), for operating a motor vehicle with a percentage, by weight, of alcohol in the

10 operator's blood of .08 or greater, and such person has not been convicted of a like offense or has
11 not been assigned to an alcohol or controlled substance education, treatment or rehabilitation
12 program because of a like offense by a court of the commonwealth or any other jurisdiction
13 preceding the date of the commission of the offense for which the operator was convicted, the
14 registrar shall not restore the license or reinstate the right to operate to that person unless the
15 prosecution of that person has been terminated in favor of the defendant, until 1 year after the
16 date of conviction; provided, however, that such person may, after receiving notice of the
17 revocation from the registrar, apply for the issuance of an ignition interlock license. Mandatory
18 restrictions on an ignition interlock license granted by the registrar pursuant to this subparagraph
19 shall include, but not be limited to: (i) proof in a format determined by the registrar that a
20 functioning certified ignition interlock device is installed on vehicles that will be operated by the
21 person during the term of the ignition interlock license; and (ii) an attestation that ignition
22 interlock devices will be maintained on all vehicles to be operated by the person. A person with
23 an ignition interlock license shall be prohibited from operating vehicles without an ignition
24 interlock device for the duration of the license. Failure of the operator to remain in compliance
25 with court probation shall be cause for immediate revocation of the ignition interlock license.
26 The registrar shall provide notice of a revocation to the person issued the ignition interlock
27 license at the address of record at the registry.

28 SECTION 4. Said section 24 of said chapter 90, as so appearing, is hereby further
29 amended by inserting after the figure "(b)", in line 347, the following words:- for being under the
30 influence of a controlled substance or the vapors of glue. SECTION 5. Subparagraph (2) of said
31 paragraph (c) of said subdivision (1) of said section 24 of said chapter 90, as so appearing, is
32 hereby amended by striking out the last sentence.

33 SECTION 6. Said subparagraph (2) of said paragraph (c) of said subdivision (1) of said
34 section 24 of said chapter 90, as so appearing, is hereby further amended by adding the following
35 paragraph:- Where the license or the right to operate of a person has been revoked pursuant to
36 paragraph (b) for operating a motor vehicle with a percentage, by weight, of alcohol in the
37 operator's blood of .08 or greater and that person has been previously convicted of a like offense
38 or assigned to an alcohol or controlled substance education, treatment or rehabilitation program
39 by a court of the commonwealth or any other jurisdiction because of a like offense preceding the
40 date of the commission of the offense for which that person has been convicted, the registrar
41 shall not restore the license or reinstate the right to operate of that person unless the prosecution
42 from the registrar, apply for the issuance of an ignition interlock license. That person shall
43 provide proof in a format acceptable to the registrar that the person has enrolled in and is
44 successfully completing the residential treatment program in subparagraph (4) of paragraph (a)
45 of subdivision (1) or a treatment program mandated by section 24D or has completed the
46 incarcerated portion of the sentence. Mandatory restrictions on an ignition interlock license
47 granted by the registrar pursuant to this subparagraph shall include but not be limited to: (i) proof
48 in a format determined by the registrar that a functioning certified ignition interlock device is
49 installed on vehicles that will be operated by the person during the term of the ignition interlock
50 license; and (ii) an attestation that ignition interlock devices will be maintained on all vehicles to
51 be operated by the person. A person with an ignition interlock license shall be prohibited from
52 operating vehicles without an ignition interlock device for the duration of the license. Failure of
53 the operator to remain in compliance with court probation shall be cause for immediate
54 revocation of the ignition interlock license. The registrar shall provide notice of a revocation to
55 the person issued the ignition interlock license at the address of record at the registry.

56 SECTION 7. Said section 24 of said chapter 90, as so appearing, is hereby amended by
57 inserting after the figure “(b)”, in line 382, the following words:- for being under the influence of
58 a controlled substance or the vapors of glue.

59 SECTION 8. Subparagraph (3) of said paragraph (c) of said subdivision (1) of said
60 section 24 of said chapter 90, as so appearing, is hereby amended by striking out the last
61 sentence.

62 SECTION 9. Said subparagraph (3) of said paragraph (c) of said subdivision (1) of said
63 section 24 of said chapter 90, as so appearing, is hereby further amended by adding the following
64 paragraph:- Where the license or right to operate of a person has been revoked pursuant to
65 paragraph (b) for operating a motor vehicle with a percentage, by weight, of alcohol in the
66 operator’s blood of .08 or greater and that person has been previously convicted of a like offense
67 or assigned to an alcohol or controlled substance education, treatment or rehabilitation program
68 because of a like offense by a court of the commonwealth or any other jurisdiction 2 times
69 preceding the date of the commission of the offense for which that person has been convicted or
70 where the license or right to operate has been revoked due to a violation section 23 and such
71 revocation was made pursuant to paragraph (b) or section 24D or 24E, the registrar shall not
72 restore the license or reinstate the right to operate to that person, unless the prosecution of that
73 person has terminated in favor of the defendant, until 8 years after the date of conviction;
74 provided, however, that such person may, after completion of the incarcerated portion of the
75 sentence, apply for an ignition interlock license for the balance of the 8 year revocation period.
76 Such person shall provide proof in a format acceptable to the registrar that the person has
77 enrolled in and is successfully completing the residential treatment program in subparagraph (4)
78 of paragraph (a) of subdivision (1) or such treatment program mandated by section 24D.

79 Mandatory restrictions on an ignition interlock license granted by the registrar pursuant to this
80 subparagraph shall include but not be limited to: (i) proof in a format determined by the registrar
81 that a functioning certified ignition interlock device is installed on vehicles that will be operated
82 by the person during the term of the ignition interlock license; and (ii) an attestation that ignition
83 interlock devices will be maintained on all vehicles to be operated by the person. A person with
84 an ignition interlock license shall be prohibited from operating vehicles without an ignition
85 interlock device for the duration of the license. Failure of the operator to remain in compliance
86 with court probation shall be cause for immediate revocation of the ignition interlock license.
87 The registrar shall provide notice of a revocation to the person issued the ignition interlock
88 license at the address of record at the registry.

89 SECTION 11. Said section 24 of said chapter 90, as so appearing, is hereby further
90 amended by inserting after the figure “(b)”, in line 417, the following words:- for being under the
91 influence of a controlled substance or the vapors of glue.

92 SECTION 12. Subparagraph (3½) of said paragraph (c) of said subdivision (1) of said
93 section 24 of said chapter 90, as so appearing, is hereby amended by striking out the last
94 sentence.

95 SECTION 13. Said subparagraph (3½) of said paragraph (c) of said subdivision (1) of
96 said section 24 of said chapter 90, as so appearing, is hereby further amended by adding the
97 following paragraph:- Where the license or the right to operate of a person has been revoked
98 pursuant to subsection (b) for operating a motor vehicle with a percentage, by weight, of alcohol
99 in the operator’s blood of .08 or greater and that person has been previously convicted of a like
100 offense or assigned to an alcohol or controlled substance education, treatment or rehabilitation

101 program by a court of the commonwealth or any other jurisdiction because of a like offense 3
102 times preceding the date of the commission of the offense for which the person has been
103 convicted, the registrar shall not restore the license or reinstate the right to operate of that person
104 unless the prosecution of that person has been terminated in favor of the defendant, until 10 years
105 after the date of the conviction; provided, however, that such person may, after the completion of
106 the incarcerated portion of the sentence, apply for the issuance of an ignition interlock license.
107 Such person shall provide proof in a format acceptable to the registrar that the person has
108 enrolled in and is successfully completing the residential treatment program in subparagraph (4)
109 of paragraph (a) of subdivision (1) or a treatment program mandated by section 24D. The
110 ignition interlock license shall not be removed for the life of the person; provided, however, that
111 the person may petition the registrar for removal not less than 10 years after the issuance of the
112 ignition interlock license and not less than every 5 years thereafter. Mandatory restrictions on an
113 ignition interlock license granted by the registrar pursuant to this subparagraph shall include, but
114 not be limited to: (i) proof in a format determined by the registrar that a functioning certified
115 ignition interlock device is installed on vehicles that will be operated by the person during the
116 term of the ignition interlock license; and (ii) an attestation that ignition interlock devices will be
117 maintained on all vehicles to be operated by the person. A person with an ignition interlock
118 license shall be prohibited from operating vehicles without an ignition interlock device for the
119 duration of the license. Failure of the operator to remain in compliance with probation shall be
120 cause for immediate revocation of the ignition interlock license. The registrar shall provide
121 notice of a revocation to the person issued the ignition interlock license at the address of record
122 at the registry. An aggrieved party may appeal, in accordance with chapter 30A, from an order of
123 the registrar of motor vehicles pursuant to this subparagraph.

124 SECTION 14. Said paragraph (c) of said subdivision (1) of said section 24 of said chapter
125 90, as so appearing, is hereby further amended by striking out subparagraph (3^{3/4}) and inserting in
126 place thereof the following subparagraph:- (3^{3/4}) Where the license or the right to operate of a
127 person has been revoked pursuant to paragraph (b) and that person was previously convicted of a
128 like offense or assigned to an alcohol or controlled substance education, treatment or
129 rehabilitation program by a court of the commonwealth or any other jurisdiction because of a
130 like offense not less than 4 times preceding the date of the commission of the offense for which
131 the person has been convicted, that person's license or right to operate a motor vehicle shall be
132 revoked for the life of that person; provided, however, that such person may, after completion of
133 the incarcerated portion of the sentence, apply for an ignition interlock license. Such person shall
134 provide proof in a format acceptable to the registrar that the person has enrolled in and has
135 successfully completed or is successfully completing the residential treatment program in
136 subparagraph (4) of paragraph (a) of subdivision (1) or a treatment program mandated by
137 section 24D and has completed the incarcerated portion of the sentence. The ignition interlock
138 license shall not be removed for the life of the person; provided, however, that the person may
139 petition the registrar for removal not less than 10 years after the issuance of the ignition interlock
140 license and not less than every 5 years thereafter. Mandatory restrictions on an ignition interlock
141 license granted by the registrar pursuant to this subparagraph shall include, but not be limited to:
142 (i) proof in a format determined by the registrar that a functioning certified ignition interlock
143 device is installed on vehicles that will be operated by the person during the term of the ignition
144 interlock license; and (ii) an attestation that ignition interlock devices will be maintained on all
145 vehicles to be operated by the person. A person with an ignition interlock license shall be
146 prohibited from operating vehicles without an ignition interlock device for the duration of the

147 license. Failure of the operator to remain in compliance with probation shall be cause for
148 immediate revocation of the ignition interlock license. An aggrieved party may appeal, in
149 accordance with chapter 30A, from an order of the registrar of motor vehicles pursuant to this
150 subparagraph. SECTION 15. Said section 24 of said chapter 90, as so appearing, is hereby
151 amended by striking out, in line 575, the word “restistrar” and inserting in place thereof the
152 following word:-registrar.

153 SECTION 16. The fifth paragraph of subparagraph (1) of paragraph (f) of said
154 subdivision (1) of said section 24 of said chapter 90, as so appearing, is hereby further amended
155 by striking out the first sentence and inserting in place thereof the following 4 sentences:- A
156 person who refuses to submit to a chemical test or analysis of breath or blood may apply for the
157 issuance of an ignition interlock license, on or after the effective date of the suspension, for the
158 balance of the suspension period imposed by this paragraph. A mandatory restriction on an
159 ignition interlock license granted by the registrar pursuant to this subparagraph shall include, but
160 not be limited to: (i) proof in a format determined by the registrar that a functioning certified
161 ignition interlock device is installed on vehicles that will be operated by the person during the
162 term of the ignition interlock license; and (ii) an attestation that ignition interlock devices will be
163 maintained on all vehicles to be operated by the person. A person with an ignition interlock
164 license shall be prohibited from operating vehicles without an ignition interlock device for the
165 duration of the license. A person issued an ignition interlock license pursuant to this
166 subparagraph shall not receive credit against an additional ignition interlock requirement arising
167 from the same incident or from another incident. A defendant, during the suspension period
168 imposed by this paragraph, may immediately, upon the entry of a not guilty finding or dismissal
169 of all charges under this section, section 24G, section 24L or section 13½ of chapter 265, and in

170 the absence of any other alcohol related charges pending against the defendant, apply for and be
171 immediately granted a hearing before the court which took final action on the charges for the
172 purpose of requesting the restoration of the person's license.

173 SECTION 17. Subparagraph (2) of said paragraph (f) of said subdivision (1) of said
174 section 24 of said chapter 90, as so appearing, is hereby amended by inserting after the second
175 paragraph the following paragraph:- A person may apply in advance of or after the effective date
176 of a suspension under this subparagraph, for the issuance of an ignition interlock license for the
177 balance of the suspension period listed in this paragraph. Mandatory restrictions on an ignition
178 interlock license granted by the registrar pursuant to this subparagraph shall include, but not be
179 limited to: (i) proof in a format determined by the registrar that a functioning certified ignition
180 interlock device is installed on vehicles that will be operated by the person during the term of the
181 ignition interlock license; and (ii) an attestation that ignition interlock devices will be maintained
182 on all vehicles to be operated by the person. A person with an ignition interlock license shall be
183 prohibited from operating vehicles without an ignition interlock device for the duration of the
184 license. A suspension for failure of a chemical test or analysis of breath or blood shall run
185 consecutively, both as to any additional suspension periods arising from the same incident, and
186 as to each other. A person issued an ignition interlock license pursuant to this subparagraph shall
187 receive day for day credit against an additional ignition interlock requirement arising from the
188 same incident.

189 SECTION 18. Paragraph (g) of said subdivision (1) of said section 24 of said chapter 90,
190 as so appearing, is hereby amended by inserting after the first paragraph the following
191 paragraph:- The application for the issuance of an ignition interlock license for the period during

192 which a person's license, permit or right to operate is suspended pursuant to subparagraph (1) of
193 paragraph (f) shall waive the person's right to a hearing pursuant to this subparagraph.

194 SECTION 19. Said chapter 90 is hereby further amended by striking out section 24½, as
195 so appearing, and inserting in place thereof the following section:- Section 24½. (a) No person
196 whose license has been suspended in the commonwealth or any other jurisdiction by reason of an
197 assignment to an alcohol education, treatment or rehabilitation program or because of a
198 conviction for a violation of subsection (a) of section 24G, or operating a motor vehicle with a
199 percentage by weight of blood alcohol of .08 or greater or while under the influence of
200 intoxicating liquor in violation of paragraph (a) of subdivision (1) of section 24, subsection (b) of
201 said section 24G, section 24L, section 131/2 of chapter 265, subsection (a) of section 8 of
202 chapter 90B, section 8A or 8B of said chapter 90B or, in the case of another jurisdiction, for any
203 like offense, shall be issued a new license or right to operate or have such license or right to
204 operate restored if that person has previously been so assigned or convicted unless such person
205 provides proof in a format acceptable to the registrar that the person has a functioning certified
206 ignition interlock device installed on all vehicles to be operated by that person as a precondition
207 for the issuance, reissuance or restoration of a license or right to operate. A functioning certified
208 ignition interlock device shall be installed and maintained on all vehicles operated by any such
209 person for a period of 2 years. (b) Any person whose license or right to operate is restricted to
210 operating vehicles equipped with a functioning certified ignition interlock device shall have such
211 device inspected, maintained and monitored in accordance with regulations which shall be
212 promulgated by the registrar. The ignition interlock device shall be calibrated to prevent the
213 motor vehicle from being started with the breath sample provided has an alcohol concentration of
214 0.025 or more. The ignition interlock device shall remain in place until the registrar receives a

215 declaration from the person's ignition interlock device vendor, in a form provided or approved by
216 the registry, certifying that there have been none of the following incidents in the six consecutive
217 months prior to the date the person seeks removal of the device: (a) any attempt to start the
218 vehicle with a breath alcohol concentration of 0.04 or more unless a subsequent test performed
219 within ten minutes registers a breath alcohol concentration lower than 0.04; (b) failure to take
220 any random test; (c) failure to pass any random retest with a breath alcohol concentration of
221 0.025 or lower; (d) any attempt to remove, tamper or circumvent the proper operation of the
222 device; or (e) failure of the person to appear at the ignition interlock device vendor when
223 required for maintenance, repair, calibration, monitoring, inspection, or replacement of the
224 device.

225 SECTION 20. Section 24D of said chapter 90, as so appearing, is hereby amended by
226 inserting after the word “defendant”, in line 65, the following words:- whose disposition resulted
227 from the use of a controlled substance or the vapors of glue.

228 SECTION 21. The fourth paragraph of said section 24D of said chapter 90, as so
229 appearing, is hereby amended by inserting after the fifth sentence the following sentence:-
230 Notwithstanding subparagraph (1) of paragraph (c) of subdivision (2) of section 24,
231 subparagraph (1) of paragraph (f) of subdivision (1) of section 24 and section 24P, a defendant
232 whose disposition resulted from a conviction or charge of alcohol in their blood of .08 or greater
233 or while under the influence of intoxicating liquor may immediately upon entering a program
234 pursuant to this section apply to the registrar for issuance of an ignition interlock license for the
235 probation period. A mandatory restriction on an ignition interlock license granted by the registrar
236 pursuant to this paragraph shall include, but not be limited to:(i) proof in a format determined by
237 the registrar that a functioning certified ignition interlock device is installed on vehicles that will

238 be operated by the person during the term of the ignition interlock license; and (ii) an attestation
239 that ignition interlock devices will be maintained on all vehicles to be operated by the person. A
240 person with an ignition interlock license shall be prohibited from operating vehicles without an
241 ignition interlock device for the duration of the license.

242 SECTION 22. Said section 24D of said chapter 90, as so appearing, is hereby further
243 amended by inserting after the word “hardship”, in lines 76 and 81, each time it appears, the
244 following words:- or ignition interlock.

245 SECTION 23. Section 24E of said chapter 90, as so appearing, is hereby amended by
246 inserting after the word “program”, in line 38, the following words:- and may include a written
247 statement by the supervisor of the ignition interlock provider used by such person detailing the
248 person’s compliance with the ignition interlock requirement.

249 SECTION 24. Said section 24E of said chapter 90, as so appearing, is hereby further
250 amended by inserting after the word “operate”, in lines 66 and 67, each time it appears, the
251 following words:- or an ignition interlock license.

252 SECTION 25. Section 24G of said chapter 90, as so appearing, is hereby amended adding
253 the following subsection:- (d) Upon completion of the period of imprisonment prescribed in
254 subsection (a) or (b) for an offense involving operating a motor vehicle with a percentage, by
255 weight, of alcohol in the blood of .08 or greater or while under the influence of intoxicating
256 liquor, the person may apply to the registrar for the issuance of an ignition interlock license for
257 the remainder of the revocation period designated in subsection (c). The registrar may issue such
258 license under such terms and conditions as appropriate and necessary for the balance of the
259 revocation period listed in this subsection. Mandatory restrictions on an ignition interlock license

260 granted by the registrar pursuant to this subsection shall include, but not be limited to: (i) proof
261 in a format determined by the registrar that a functioning certified ignition interlock device is
262 installed on vehicles that will be operated by the person during the term of the ignition interlock
263 license; and (ii) an attestation that ignition interlock devices will be maintained on all vehicles to
264 be operated by the person. A person with an ignition interlock license shall be prohibited from
265 operating vehicles without an ignition interlock device for the duration of the license. Failure of
266 the operator to remain in compliance with the sentence or court probation shall be cause for
267 immediate revocation of the ignition interlock license. The registrar shall provide notice a
268 revocation to the person issued the ignition interlock license at the address of record at the
269 registry.

270 SECTION 26. Section 24L of said chapter 90, as so appearing, is hereby amended by
271 adding the following subdivision:- (5) Upon completion of the period of imprisonment
272 prescribed in subdivision (1) or (2) for an offense involving operating a motor vehicle with a
273 percentage, by weight, of alcohol in the blood of .08 or greater or while under the influence of
274 intoxicating liquor, the person may apply to the registrar for the issuance of an ignition interlock
275 license for the remainder of the revocation period designated in subdivision (4). The registrar
276 may issue such license under such terms and conditions as appropriate and necessary for the
277 balance of the revocation period listed in this subsection. Mandatory restrictions on an ignition
278 interlock license granted by the registrar pursuant to this subdivision shall include, but not be
279 limited to: include: (i) proof in a format determined by the registrar that a functioning certified
280 ignition interlock device is installed on vehicles that will be operated by the person during the
281 term of the ignition interlock license; and (ii) an attestation that ignition interlock devices will be
282 maintained on all vehicles to be operated by the person. A person with an ignition interlock

283 license shall be prohibited from operating vehicles without an ignition interlock device for the
284 duration of the license. Failure of the operator to remain in compliance with the sentence or court
285 probation shall be cause for immediate revocation of the ignition interlock license. The registrar
286 shall provide notice of a revocation to the person issued the ignition interlock license at the
287 address of record at the registry.

288 SECTION 27. Section 24N of said chapter 90, as so appearing, is hereby amended by
289 inserting after the word “days”, in line 38, the following words:- ; provided, however, that such
290 person may apply, on or after the effective date of the suspension, for the issuance of an ignition
291 interlock license for the balance of the suspension period listed in this subsection; provided
292 further, that mandatory restrictions on an ignition interlock license granted by the registrar
293 pursuant to this section shall include, but not be limited to: (i) proof in a format determined by
294 the registrar that a functioning certified ignition interlock device is installed on vehicles that will
295 be operated by the person during the term of the ignition interlock license; and (ii) an attestation
296 that ignition interlock devices will be maintained on all vehicles to be operated by the person. A
297 person with an ignition interlock license shall be prohibited from operating vehicles without an
298 ignition interlock device for the duration of the license. A suspension for failure of a chemical
299 test or analysis of breath or blood shall run consecutively, both as to any additional suspension
300 periods arising from the same incident and as to each other. A person issued an ignition interlock
301 license pursuant to this section shall receive day-for-day credit against any additional ignition
302 interlock requirement arising from the same incident.

303 SECTION 28. Said section 24N of said chapter 90, as so appearing, is hereby further
304 amended by striking out, in lines 58 to 61, inclusive, the words “refusal. No license shall be
305 restored under any circumstances and no restricted or hardship permits shall be issued during the

306 suspension period imposed by this paragraph; provided, however, that the” and inserting in place
307 thereof the following words:- refusal; provided further, that a person who refused to submit to
308 such test or analysis may apply, on or after the effective date of the suspension, for the issuance
309 of an ignition interlock license for the balance of the suspension period listed in this
310 section; provided further, that mandatory restrictions on an ignition interlock license granted by
311 the registrar pursuant to this paragraph shall include, but not be limited to: (i) proof in a format
312 determined by the registrar that a functioning certified ignition interlock device is installed on
313 vehicles that will be operated by the person during the term of the ignition interlock license; and
314 (ii) an attestation that ignition interlock devices will be maintained on all vehicles to be operated
315 by the person. A person with an ignition interlock license shall be prohibited from operating
316 vehicles without an ignition interlock device for the duration of the license; provided however,
317 that a suspension for a refusal of either a chemical test or analysis of breath or blood shall run
318 consecutively, both as to any additional suspension periods arising from the same incident and as
319 to each other; provided further, that a person issued an ignition interlock license pursuant to this
320 section shall not receive credit against any additional ignition interlock requirement arising from
321 the same incident; and provided further, that a.

322 SECTION 29. Said section 24N of said chapter 90, as so appearing, is hereby further
323 amended by adding the following paragraph:- The application for the issuance of an ignition
324 interlock license for the period during which a person’s license, permit or right to operate is
325 suspended pursuant to this section shall waive the person’s right to a hearing pursuant to this
326 section.

327 SECTION 30. Section 19 of chapter 122 of the acts of 2005 is hereby amended by
328 inserting after the word “registry”, in line 7, the following words:- ; provided, however, that

329 approval procedures for ignition interlock device servicing and monitoring entities shall require
330 any entity seeking certification to agree to provide all program costs, including installation,
331 maintenance and removal, at fifty percent cost to a person who presents documentation issued by
332 the registrar that such cost would cause a grave and serious hardship to the offender or the
333 offender's family; provided further, that documentation of grave and serious hardship to the
334 offender or the offender's family shall include, but not be limited to, evidence of a valid
335 electronic benefit transfer card or evidence of a valid MassHealth benefits card; and provided
336 further, that the registrar shall provide notice to a person seeking application for a certified
337 ignition interlock device that the person may obtain a certified ignition interlock device, services
338 and monitoring at fifty percent cost if such cost would cause a grave and serious hardship to the
339 offender or the offender's family.

340 SECTION 31. Said section 19 of said chapter 122 of the acts of 2005 is hereby further
341 amended by inserting after the word "vehicles", in line 10, the following words:- ; provided,
342 however, that reporting shall ensure compliance with an entity's responsibly pursuant to clause
343 (2) including, but not limited to, standard charges for installation, service, maintenance and
344 removal of a device and percentages of the entity's standard program costs waived pursuant to
345 said clause (2).

346 SECTION 32. Clause (6) of said section 19 of said chapter 122 of the acts of 2005 is
347 hereby amended by striking out clauses (a) to (c), inclusive, and inserting in place thereof the
348 following 3 clauses:- (i) of inspection of the certified ignition interlock device for accurate
349 operation by an entity approved by the registrar not less than once every 30 to 60 days, as
350 promulgated by the registrar, for the duration of any license ignition interlock device restriction;
351 (ii) that the ignition interlock device shall be monitored, maintained and serviced not less than

352 every 30 to 60 days, as promulgated by the registrar, by an entity approved by the registrar; and
353 (iii) that the costs to install and maintain the certified ignition interlock device shall be borne by
354 the operator unless the operator presents valid evidence of a grave and serious hardship;

355 SECTION 33. Said section 19 of said chapter 122 of the acts of 2005 is hereby further
356 amended by striking out clause (8) and inserting in place thereof the following clause:- violation
357 of the required inspection, monitoring or reporting requirements may result, after hearing, in up
358 to a 2 year extension of the ignition interlock license or a permanent revocation of an ignition
359 interlock license and up to an additional 10-year license suspension during which such person
360 may not be eligible for an ignition interlock license.

361 SECTION 34. Said section 19 of chapter 122 of the acts of 2005 is hereby further
362 amended by striking out clause (9) and inserting in place thereof the following clause:- (9) a
363 schedule for phasing in requirements that ignition interlock devices be equip with cameras or
364 other means of positively identifying the person providing the ignition interlock breath alcohol
365 concentration test.

366 SECTION 35. Said section 19 of said chapter 122 of the acts of 2005 is hereby amended
367 by adding the following clause at the end thereof:-

368 This act shall take effect on August 1, 2019.