

HOUSE No. 872

The Commonwealth of Massachusetts

PRESENTED BY:

Louis L. Kafka

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 by reducing unlicensed, uninsured driving by OUI offenders.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>John J. Mahoney</i>	<i>13th Worcester</i>
<i>David M. Nangle</i>	<i>17th Middlesex</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>

<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Solomon Goldstein-Rose</i>	<i>3rd Hampshire</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Bradford R. Hill</i>	<i>4th Essex</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>William Driscoll</i>	<i>7th Norfolk</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>
<i>Brian Murray</i>	<i>10th Worcester</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>Paul Tucker</i>	<i>7th Essex</i>
<i>Kathleen O'Connor Ives</i>	<i>First Essex</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>

HOUSE No. 872

By Mr. Kafka of Stoughton, a petition (accompanied by bill, House, No. 872) of Louis L. Kafka and others relative to operating motor vehicles under the influence of alcohol or controlled substances. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act further strengthening public safety by reducing unlicensed, uninsured driving by OUI offenders.

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

94 SECTION 13. Said subparagraph (3½) of said paragraph (c) of said subdivision (1) of
95 said section 24 of said chapter 90, as so appearing, is hereby further amended by adding the
96 following paragraph:- Where the license or the right to operate of a person has been revoked
97 pursuant to subsection (b) for operating a motor vehicle with a percentage, by weight, of alcohol
98 in the operator’s blood of .08 or greater and that person has been previously convicted of a like
99 offense or assigned to an alcohol or controlled substance education, treatment or rehabilitation
100 program by a court of the commonwealth or any other jurisdiction because of a like offense 3
101 times preceding the date of the commission of the offense for which the person has been

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

123 SECTION 14. Said paragraph (c) of said subdivision (1) of said section 24 of said chapter
124 90, as so appearing, is hereby further amended by striking out subparagraph (3³/₄) and inserting in

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

148 accordance with chapter 30A, from an order of the registrar of motor vehicles pursuant to this
149 subparagraph. SECTION 15. Said section 24 of said chapter 90, as so appearing, is hereby
150 amended by striking out, in line 575, the word “restistrar” and inserting in place thereof the
151 following word:-registrar.

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

170 immediately granted a hearing before the court which took final action on the charges for the
171 purpose of requesting the restoration of the person's license.

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

188 SECTION 18. Paragraph (g) of said subdivision (1) of said section 24 of said chapter 90,
189 as so appearing, is hereby amended by inserting after the first paragraph the following
190 paragraph:- The application for the issuance of an ignition interlock license for the period during
191 which a person's license, permit or right to operate is suspended pursuant to subparagraph (1) of
192 paragraph (f) shall waive the person's right to a hearing pursuant to this subparagraph.

193 SECTION 19. Said chapter 90 is hereby further amended by striking out section 24½, as
194 so appearing, and inserting in place thereof the following section:- Section 24½. (a) No person
195 whose license has been suspended in the commonwealth or any other jurisdiction by reason of an
196 assignment to an alcohol education, treatment or rehabilitation program or because of a
197 conviction for a violation of subsection (a) of section 24G, or operating a motor vehicle with a
198 percentage by weight of blood alcohol of .08 or greater or while under the influence of
199 intoxicating liquor in violation of paragraph (a) of subdivision (1) of section 24, subsection (b) of
200 said section 24G, section 24L, section 131/2 of chapter 265, subsection (a) of section 8 of
201 chapter 90B, section 8A or 8B of said chapter 90B or, in the case of another jurisdiction, for any
202 like offense, shall be issued a new license or right to operate or have such license or right to
203 operate restored if that person has previously been so assigned or convicted unless such person
204 provides proof in a format acceptable to the registrar that the person has a functioning certified
205 ignition interlock device installed on all vehicles to be operated by that person as a precondition
206 for the issuance, reissuance or restoration of a license or right to operate. A functioning certified
207 ignition interlock device shall be installed and maintained on all vehicles operated by any such
208 person for a period of 2 years. (b) Any person whose license or right to operate is restricted to
209 operating vehicles equipped with a functioning certified ignition interlock device shall have such
210 device inspected, maintained and monitored in accordance with regulations which shall be
211 promulgated by the registrar. The ignition interlock device shall be calibrated to prevent the
212 motor vehicle from being started with the breath sample provided has an alcohol concentration of
213 0.025 or more. The ignition interlock device shall remain in place until the registrar receives a
214 declaration from the person's ignition interlock device vendor, in a form provided or approved by
215 the registry, certifying that there have been none of the following incidents in the six consecutive

216 months prior to the date the person seeks removal of the device: (a) any attempt to start the
217 vehicle with a breath alcohol concentration of 0.04 or more unless a subsequent test performed
218 within ten minutes registers a breath alcohol concentration lower than 0.04; (b) failure to take
219 any random test; (c) failure to pass any random retest with a breath alcohol concentration of
220 0.025 or lower; (d) any attempt to remove, tamper or circumvent the proper operation of the
221 device; or (e) failure of the person to appear at the ignition interlock device vendor when
222 required for maintenance, repair, calibration, monitoring, inspection, or replacement of the
223 device.

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

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

239 person with an ignition interlock license shall be prohibited from operating vehicles without an
240 ignition interlock device for the duration of the license.

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

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

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

251 SECTION 25. Section 24G of said chapter 90, as so appearing, is hereby amended adding
252 the following subsection:- (d) Upon completion of the period of imprisonment prescribed in
253 subsection (a) or (b) for an offense involving operating a motor vehicle with a percentage, by
254 weight, of alcohol in the blood of .08 or greater or while under the influence of intoxicating
255 liquor, the person may apply to the registrar for the issuance of an ignition interlock license for
256 the remainder of the revocation period designated in subsection (c). The registrar may issue such
257 license under such terms and conditions as appropriate and necessary for the balance of the
258 revocation period listed in this subsection. Mandatory restrictions on an ignition interlock license
259 granted by the registrar pursuant to this subsection shall include, but not be limited to: (i) proof
260 in a format determined by the registrar that a functioning certified ignition interlock device is

261 installed on vehicles that will be operated by the person during the term of the ignition interlock
262 license; and (ii) an attestation that ignition interlock devices will be maintained on all vehicles to
263 be operated by the person. A person with an ignition interlock license shall be prohibited from
264 operating vehicles without an ignition interlock device for the duration of the license. Failure of
265 the operator to remain in compliance with the sentence or court probation shall be cause for
266 immediate revocation of the ignition interlock license. The registrar shall provide notice a
267 revocation to the person issued the ignition interlock license at the address of record at the
268 registry.

269 SECTION 26. Section 24L of said chapter 90, as so appearing, is hereby amended by
270 adding the following subdivision:- (5) Upon completion of the period of imprisonment
271 prescribed in subdivision (1) or (2) for an offense involving operating a motor vehicle with a
272 percentage, by weight, of alcohol in the blood of .08 or greater or while under the influence of
273 intoxicating liquor, the person may apply to the registrar for the issuance of an ignition interlock
274 license for the remainder of the revocation period designated in subdivision (4). The registrar
275 may issue such license under such terms and conditions as appropriate and necessary for the
276 balance of the revocation period listed in this subsection. Mandatory restrictions on an ignition
277 interlock license granted by the registrar pursuant to this subdivision shall include, but not be
278 limited to: include: (i) proof in a format determined by the registrar that a functioning certified
279 ignition interlock device is installed on vehicles that will be operated by the person during the
280 term of the ignition interlock license; and (ii) an attestation that ignition interlock devices will be
281 maintained on all vehicles to be operated by the person. A person with an ignition interlock
282 license shall be prohibited from operating vehicles without an ignition interlock device for the
283 duration of the license. Failure of the operator to remain in compliance with the sentence or court

284 probation shall be cause for immediate revocation of the ignition interlock license. The registrar
285 shall provide notice of a revocation to the person issued the ignition interlock license at the
286 address of record at the registry.

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

302 SECTION 28. Said section 24N of said chapter 90, as so appearing, is hereby further
303 amended by striking out, in lines 58 to 61, inclusive, the words “refusal. No license shall be
304 restored under any circumstances and no restricted or hardship permits shall be issued during the
305 suspension period imposed by this paragraph; provided, however, that the” and inserting in place
306 thereof the following words:- refusal; provided further, that a person who refused to submit to

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

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

326 SECTION 30. Section 19 of chapter 122 of the acts of 2005 is hereby amended by
327 inserting after the word "registry", in line 7, the following words:- ; provided, however, that
328 approval procedures for ignition interlock device servicing and monitoring entities shall require
329 any entity seeking certification to agree to provide all program costs, including installation,

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

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

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

352 (iii) that the costs to install and maintain the certified ignition interlock device shall be borne by
353 the operator unless the operator presents valid evidence of a grave and serious hardship;

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

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

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

367 This act shall take effect on January 1, 2018.