

SENATE No. 01797

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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 passage of the accompanying bill:

An Act relative to increasing the civil fines and financial responsibilities and criminal penalties of motorists who violate the right of way of other motorists, motorcyclists, bicyclists and/or pedestrians, resulting in serious bodily injury and/or death.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Marc Lombardo</i>	<i>22nd Middlesex</i>
<i>Robert L. Hedlund</i>	<i>Plymouth and Norfolk</i>
<i>Christine E. Canavan</i>	<i>10th Plymouth</i>
<i>Geoff Diehl</i>	<i>7th Plymouth</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Anne M. Gobi</i>	<i>5th Worcester</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>Michael R. Knapik</i>	<i>Second Hampden and Hampshire</i>
<i>George N. Peterson, Jr.</i>	<i>9th Worcester</i>
<i>Elizabeth Poirier</i>	<i>14th Bristol</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>George Ross</i>	<i>2nd Bristol</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>

SENATE No. 01797

By Mr. Tarr, petition (accompanied by bill, Senate, No. 1797) of Smola, Ross, Puppolo and other members of the General Court for legislation to increase the civil fines and penalties of motorists who violate the right of way of other motorists [Joint Committee on Transportation].

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to increasing the civil fines and financial responsibilities and criminal penalties of motorists who violate the right of way of other motorists, motorcyclists, bicyclists and/or pedestrians, resulting in serious bodily injury and/or death.

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 8 of chapter 89, as appearing in the 2008 Official Edition, is
2 hereby amended by striking out in the last sentence the words “thirty-five” and replacing it with
3 “two hundred.”

4 SECTION 2. Section 8 of Chapter 89 of the General Laws, as so appearing, is hereby
5 amended by adding at the end of said section the following new paragraph:

6 Any person who is found guilty of or pleads guilty or nolo contendere to a violation of
7 the provisions of this Section shall be subject to the following penalties:

8 (a) If the violation results in the injury of another person, the offender shall, in addition
9 to any other penalties, be fined two hundred dollars and have their driver's or commercial driver's

10 license or permit or nonresident operating privilege suspended for a period of not less than thirty
11 days, or both.

12 (b) If the violation results in the serious bodily injury of another person, the offender
13 shall, in addition to any other penalties, be fined five hundred dollars and have their driver's or
14 commercial driver's license or permit or nonresident operating privilege suspended for a period
15 of not less than ninety days, or both.

16 (c) If the violation results in the death of another person, the offender shall, in addition
17 to any other penalties, be fined one thousand dollars and have their driver's or commercial
18 driver's license or permit or nonresident operating privilege suspended for a period of not less
19 than one hundred eighty days, or both.

20 (d) For purposes of this Section, "serious bodily injury" shall mean a bodily injury
21 which involves unconsciousness, extreme physical pain, or protracted and obvious
22 disfigurement, protracted loss or impairment of the function of a bodily member, organ, or
23 mental faculty, or a substantial risk of death.