

SENATE No. 1895

The Commonwealth of Massachusetts

PRESENTED BY:

James E. Timilty

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:

James E. Timilty

DISTRICT/ADDRESS:

Bristol and Norfolk

SENATE No. 1895

By Mr. Timilty, a petition (accompanied by bill, Senate, No. 1895) of James E. Timilty for legislation to further strengthen public safety by reducing unlicensed, uninsured driving by OUI offenders. Transportation.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

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. Subsection 1(c)(1) of section 24 of chapter 90 of the general laws, as
2 appearing in the 2012 Official Edition, is hereby amended by striking all words from “; provided,
3 however, that such person may”, in line 318, through and including the words “deems
4 appropriate and necessary”, in line 335, and replacing them with the following words:- “;
5 provided, however, that such person may, after receiving notice of the revocation from the
6 registrar, apply for the issuance of an ignition interlock license. Mandatory restrictions on an
7 ignition interlock license granted by the registrar under this subparagraph shall be that such
8 person provides proof in a format acceptable to the registrar that a functioning certified ignition
9 interlock device is installed and will be maintained on any and all vehicles to be operated by the
10 person, and that the person may operate only vehicles so equipped, for the duration of the
11 ignition interlock license. Failure of the operator to remain in compliance with court probation
12 may be cause for immediate revocation of the ignition interlock license.”

13 SECTION 2. Subsection 1(c)(2) of section 24 of chapter 90 of the General Laws, as
14 appearing in the 2012 Official Edition, is hereby amended by striking all words from “;
15 provided, however, that such person may”, in line 345, through and including the words “for the
16 duration of the hardship license”, in line 368, and replacing it with the following words:- “;
17 provided, however, that such person may, after receiving notice of the revocation from the
18 registrar, apply for the issuance of an ignition interlock license. Such person shall provide proof
19 in a format acceptable to the registrar that the person has enrolled in, and is successfully
20 completing the residential treatment program in subparagraph (4) of paragraph (a) of subdivision
21 (1), or such treatment program mandated by section twenty-four D, or has completed the
22 incarcerated portion of the sentence. Mandatory restrictions on an ignition interlock license
23 granted by the registrar under this subparagraph shall be that such person provides proof in a
24 format acceptable to the registrar that a functioning certified ignition interlock device is installed
25 and will be maintained on any and all vehicles to be operated by the person, and that the person
26 may operate only vehicles so equipped, for the duration of the ignition interlock license. Failure
27 of the operator to remain in compliance with court probation may be cause for immediate
28 revocation of the ignition interlock license.”

29 SECTION 3. Subsection 1(c)(3) of section 24 of chapter 90 of the general laws, as
30 appearing in the 2012 Official Edition, is hereby amended by striking all words from “;
31 provided, however, that such person may”, in line 381, through and including the words “for the
32 duration of the hardship license”, in line 401, and replacing them with the following words:-“;
33 provided however, that such person may, after completion of the incarcerated portion of the
34 sentence, apply for an ignition interlock license for the balance of the eight year revocation
35 period. Such person shall provide proof in a format acceptable to the registrar that the person has

36 enrolled in, and is successfully completing the residential treatment program in subparagraph (4)
37 of paragraph (a) of subdivision (1), or such treatment program mandated by section twenty-four
38 D. Mandatory restrictions on an ignition interlock license granted by the registrar under this
39 subparagraph shall be that such person provides proof in a format acceptable to the registrar that
40 a functioning certified ignition interlock device is installed and will be maintained on any and all
41 vehicles to be operated by the person, and that the person may operate only vehicles so equipped,
42 for the duration of the ignition interlock license. Failure of the operator to remain in compliance
43 with court probation may be cause for immediate revocation of the ignition interlock license.”

44 SECTION 4. Subsection 1(c)(3 ½) of section 24 of chapter 90 of the general laws, as
45 appearing in the 2012 Official Edition, is hereby amended by striking all words from “;
46 provided, however, that such person may”, in line 411, through and including the words “for the
47 duration of the hardship license.”, in line 431, and replacing them with the following words:- “;
48 provided, however, that such person may, after the completion of the incarcerated portion of the
49 sentence, apply for the issuance of an ignition interlock license. Such person shall provide proof
50 in a format acceptable to the registrar that the person has enrolled in, and is successfully
51 completing the residential treatment program in subparagraph (4) of paragraph (a) of subdivision
52 (1), or such treatment program mandated by section twenty-four D. Such ignition interlock
53 license shall not be removed for the life of such person, provided however, the person may
54 petition the registrar for removal not less than 10 years after the issuance of such license and not
55 less than every 5 years thereafter. Mandatory restrictions on ignition interlock license granted by
56 the registrar under this subparagraph shall be that such person provides proof in a format
57 acceptable to the registrar that a functioning certified ignition interlock device is installed and
58 will be maintained on any and all vehicles to be operated by the person, and that the person may

59 operate only vehicles so equipped, for the duration of the ignition interlock license. Failure of
60 the operator to remain in compliance with probation may be cause for immediate revocation of
61 the ignition interlock license.”

62 SECTION 5. Subsection 1(c)(3 ³/₄) of section 24 of chapter 90 of the general laws, as
63 appearing in the 2012 Official Edition, is hereby amended by striking the paragraph and inserting
64 the following in place thereof:-

65 “Where the license or the right to operate of a person has been revoked under paragraph
66 (b) and such person has been previously convicted of or assigned to an alcohol or controlled
67 substance education, treatment or rehabilitation program by a court of the commonwealth or any
68 other jurisdiction because of a like violation four or more times preceding the date of the
69 commission of the offense for which such person has been convicted, such person's license or
70 right to operate a motor vehicle shall be revoked for the life of such person; provided however,
71 that such person may, after completion of the incarcerated portion of the sentence, apply for an
72 ignition interlock license. Such person shall provide proof in a format acceptable to the registrar
73 that the person has enrolled in, and has successfully completed or is successfully completing the
74 residential treatment program in subparagraph (4) of paragraph (a) of subdivision (1), or such
75 treatment program mandated by section twenty-four D, or has completed the incarcerated portion
76 of the sentence. Such ignition interlock license shall not be removed for the life of such person,
77 provided however, the person may petition the registrar for removal not less than 10 years after
78 the issuance of such license and not less than every 5 years thereafter. Mandatory restrictions on
79 an ignition interlock license granted by the registrar under this subparagraph shall be that such
80 person provides proof in a format acceptable to the registrar that a functioning certified ignition
81 interlock device is installed and will be maintained on any and all vehicles to be operated by the

82 person, and that the person may operate only vehicles so equipped, for the duration of the
83 ignition interlock license. An aggrieved party may appeal, in accordance with the provisions of
84 chapter thirty A, from any order of the registrar of motor vehicles under the provisions of this
85 section.”

86 SECTION 6. Subsection 1(f)(1) of section 24 of chapter 90 of the general laws, as
87 appearing in the 2012 Official Edition, is hereby amended by striking, in line 552, the word
88 “restistrar” and inserting in place thereof:- “registrar”

89 SECTION 7. Subsection 1(f)(1) of section 24 of chapter 90 of the general laws, as
90 appearing in the 2012 Official Edition, is hereby amended by striking, in line 594, the words “No
91 license or right to operate” through and including the words “paragraph; provided however, that
92 the”, in lines 596-7, and replacing it with the following words:- “A person who refused to submit
93 to such test or analysis may apply, on or after the effective date of the suspension, for the
94 issuance of an ignition interlock license for the balance of the revocation period listed in this
95 subsection. A mandatory restriction on an ignition interlock license granted by the registrar
96 under this subparagraph shall be that such person provides proof in a format acceptable to the
97 registrar that a functioning certified ignition interlock device is installed and will be maintained
98 on any and all vehicles to be operated by the person, and that the person may operate only
99 vehicles so equipped, for the duration of the ignition interlock license. A person issued an
100 ignition interlock license under this subsection shall not receive credit against any additional
101 ignition interlock requirement arising from the same or from another incident. The”

102 SECTION 8. Subsection 1(f)(2) of section 24 of chapter 90 of the general laws, as
103 appearing in the 2012 Official Edition, is hereby amended by inserting, after the word “days.” In
104 line 643, the following new paragraph:-

105 “Such person may apply in advance of or after the effective date of the suspension, for
106 the issuance of an ignition interlock license for the balance of the suspension period listed in this
107 subsection. Mandatory restrictions on an ignition interlock license granted by the registrar under
108 this subparagraph shall be that such person provides proof in a format acceptable to the registrar
109 that such person has a functioning certified ignition interlock device installed and maintained on
110 any and all vehicles to be operated by the person, and that the person may operate only vehicles
111 so equipped, for the duration of the ignition interlock license. A suspension for failure of a
112 chemical test or analysis of breath or blood shall run concurrently, both as to any additional
113 suspension periods arising from the same incident, and as to each other. A person issued an
114 ignition interlock license under this subsection shall receive day for day credit against any
115 additional ignition interlock requirement arising from the same incident.”

116 SECTION 9. Subsection 1(g) of section 24 of chapter 90 of the general laws, as
117 appearing in the 2012 Official Edition, is hereby amended by inserting, after the words “the court
118 may reverse the registrar’s determination” in line 702, the following new paragraph:-

119 “Upon issuance of an ignition interlock license during the period of suspension by a
120 person whose license, permit or right to operate has been suspended under subparagraph (1) of
121 paragraph (f), such person waives his or her right to a hearing under this subparagraph.”

122 SECTION 10. Subsection 1(g) of section 24 of chapter 90 of the general laws, as
123 appearing in the 2012 Official Edition, is hereby amended by inserting, in line 643, after the
124 words “registrar of such restoration”, the following:-

125 “Upon issuance of an ignition interlock license during the period of suspension by a
126 person whose license, permit or right to operate has been suspended under subparagraph (2) of
127 paragraph (f), such person waives his or her right to a hearing under this subsection.”

128 SECTION 11. Section 24 ½ of chapter 90 of the general laws, as appearing in the 2012
129 Official Edition, is hereby amended by striking the words from “; unless a certified ignition
130 interlock device”, in lines 12-13, through and including the words “ordered by the registrar.”, in
131 line 33, and replacing it with the following words:-

132 “such person provides proof in a format acceptable to the registrar that such person has a
133 functioning certified ignition interlock device installed on any and all vehicles to be operated by
134 that person as a precondition to the issuance of a new license or right to operate or the restoration
135 of such person’s license or right to operate. A functioning certified ignition interlock device shall
136 be installed and maintained on any and all vehicles owned, leased and operated by the person for
137 a period of 6 months if he or she has not previously been assigned or convicted, and for a period
138 of 2 years if he or she has previously been so assigned or convicted. Any person whose license
139 or right to operate is restricted to operating vehicles equipped with a functioning certified
140 ignition interlock device shall have such device inspected, maintained and monitored in
141 accordance with such regulations as the registrar shall promulgate. The registrar may extend, for
142 up to two years, the period of the ignition interlock restriction on the license of a person who (i)
143 removes, tampers with or circumvents the proper operation of such device, (ii) fails on two or

144 more occasions during the period of the restricted license or right to operate to have such device
145 inspected, maintained or monitored within ten days of the end of each inspection, maintenance,
146 or monitoring period as required by such regulations as the registrar shall promulgate, or (iii) if
147 during the period of the restricted license or right to operate, the person has recorded in such
148 device on at least two occasions, two or more blood alcohol tests in excess of .02 within any
149 fifteen minute period of time. A person aggrieved by a decision of the registrar pursuant to this
150 section may file an appeal in the superior court of the trial court department. If the court
151 determines that the registrar abused his discretion, the court may vacate the extension of an
152 ignition interlock restriction on a person's of a license or right to operate ordered by the
153 registrar.”

154 SECTION 12. Section 24D of chapter 90 of the general laws, as appearing in the 2012
155 Official Edition, is hereby amended by striking all words from “a defendant may”, in line 62,
156 through and including the words “12 hour period, 7 days a week”, in line 66, and replacing them
157 with the following words:- “, a defendant shall immediately upon entering a program pursuant to
158 this section apply to the registrar for issuance of an ignition interlock license for a minimum of
159 one year or for the period of probation, whichever is longer. A mandatory restriction on an
160 ignition interlock license granted by the registrar under this subparagraph shall be that such
161 person provides proof in a format acceptable to the registrar that a functioning certified ignition
162 interlock device has been installed and will be maintained on any and all vehicles to be operated
163 by the licensee for the duration of the ignition interlock license.

164 SECTION 13. Section 24D of chapter 90 of the general laws, as appearing in the 2012
165 Official Edition, is hereby amended by striking the word “hardship” in lines 71, 76 and 77, and
166 replacing it in each instance with the words “ignition interlock”.

167 SECTION 14. Section 24E of chapter 90 of the general laws, as appearing in the 2012
168 Official Edition, is hereby amended by inserting after the words “in the program”, in line 37, the
169 following words:- “and may include a written statement by the supervisor of the ignition
170 interlock provider used by such person detailing the person’s compliance with his or her ignition
171 interlock requirement.”

172 SECTION 15. Section 24E of chapter 90 of the general laws, as appearing in the 2012
173 Official Edition, is hereby amended by inserting after the words “right to operate”, in lines 61
174 and 62, the following words:- “or an ignition interlock license”

175 SECTION 16. Section 24G of chapter 90 of the general laws, as appearing in the 2012
176 Official Edition, is hereby amended by inserting the following new subsection at the end
177 thereof:-

178 (d) Upon completion of the period of imprisonment prescribed in either (a) or (b) of this
179 Section 24G, the person may apply to the registrar for the issuance of an ignition interlock
180 license for the remainder of the revocation period designated in (c) of this Section 24G. The
181 registrar may, in his or her discretion, issue such license under such terms and conditions as he or
182 she deems appropriate and necessary for the balance of the revocation period listed in this
183 subsection. Mandatory restrictions on an ignition interlock license granted by the registrar under
184 this subparagraph shall be that such person provides proof in a format acceptable to the registrar
185 that a functioning certified ignition interlock device has been installed and will be maintained on
186 any and all vehicles to be operated by the person, and that the person may operate only vehicles
187 so equipped, for the duration of the ignition interlock license. Failure of the operator to remain in

188 compliance with the sentence or court probation may be cause for immediate revocation of the
189 ignition interlock license.”

190 SECTION 17. Section 24L of chapter 90 of the general laws, as appearing in the 2012
191 Official Edition, is hereby amended by inserting the following new section at the end thereof:-

192 “(5) Upon completion of the period of imprisonment prescribed in either (1) or (2) of this
193 Section 24L, the person may apply to the registrar for the issuance of an ignition interlock
194 license for the remainder of the revocation period designated in (4) of this Section 24L. The
195 registrar may, in his or her discretion, issue such license under such terms and conditions as he or
196 she deems appropriate and necessary for the balance of the revocation period listed in this
197 subsection. Mandatory restrictions on an ignition interlock license granted by the registrar under
198 this subparagraph shall be that such person provides proof in a format acceptable to the registrar
199 that a functioning certified ignition interlock device is installed and will be maintained on any
200 and all vehicles to be operated by the person, and that the person may operate only vehicles so
201 equipped, for the duration of the ignition interlock license. Failure of the operator to remain in
202 compliance with the sentence or court probation may be cause for immediate revocation of the
203 ignition interlock license.”

204 SECTION 18. Section 24N of chapter 90 of the general laws, as appearing in the 2012
205 Official Edition, is hereby amended by inserting, in line 36, after the word “days”, the following
206 words:- “, provided that such person may apply, on or after the effective date of the suspension,
207 for the issuance of an ignition interlock license for the balance of the suspension period listed in
208 this subsection. Mandatory restrictions on an ignition interlock license granted by the registrar
209 under this subparagraph shall be that such person provides proof in a format acceptable to the

210 registrar that a functioning certified ignition interlock device is installed and will be maintained
211 on any and all vehicles to be operated by the person, and that the person may operate only
212 vehicles so equipped, for the duration of the ignition interlock license. A suspension for failure
213 of a chemical test or analysis of breath or blood shall run concurrently, both as to any additional
214 suspension periods arising from the same incident, and as to each other. A person issued an
215 ignition interlock license under this subsection shall receive day for day credit against any
216 additional ignition interlock requirement arising from the same incident”

217 SECTION 19. Section 24N of chapter 90 of the general laws, as appearing in the 2012
218 Official Edition, is hereby amended by striking, in lines 55 to 58, the following words:- “No
219 license shall be restored under any circumstances and no restricted or hardship permits shall be
220 issued during the suspension period imposed by this paragraph; provided, however, that the” and
221 inserting in place thereof the following:-

222 “A person who refused to submit to such test or analysis may apply, on or after the
223 effective date of the suspension, for the issuance of an ignition interlock license for the balance
224 of the suspension period listed in this subsection. Mandatory restrictions on an ignition interlock
225 license granted by the registrar under this subparagraph shall be that such person provides proof
226 in a format acceptable to the registrar that a functioning certified ignition interlock device is
227 installed and will be maintained on any and all vehicles to be operated by the person, and that the
228 person may operate only vehicles so equipped, for the duration of the ignition interlock license.
229 A suspension for a refusal of either a chemical test or analysis of breath or blood shall run
230 consecutively and not concurrently, both as to any additional suspension periods arising from the
231 same incident, and as to each other. A person issued an ignition interlock license under this

232 subsection shall not receive credit against any additional ignition interlock requirement arising
233 from the same incident. The”

234 SECTION 20. Section 24N of chapter 90 of the general laws, as appearing in the 2012
235 Official Edition, is hereby amended inserting after the word “restoration.” in line 101, the
236 following new paragraph:-

237 “Upon issuance of an ignition interlock license during the period of suspension when a
238 person whose license, permit or right to operate has been suspended under this section, such
239 person waives his or her right to a hearing under this section.”