

SENATE No. 2195

Senate, October 26, 2017 -- Text of Amendment #23 (Senator McGee) to the Senate Bill relative to criminal justice reform (Senate, No. 2185)

The Commonwealth of Massachusetts

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

1 by inserting at the end thereof the following new sections:-

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

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

7 SECTION __. Subparagraph (1) of paragraph (c) of subdivision (1) of said section 24 of
8 said chapter 90, as so appearing, is hereby amended by adding the following paragraph:- Where
9 the license or right to operate has been revoked pursuant to sections 24D or 24E or pursuant to
10 paragraph (b), for operating a motor vehicle with a percentage, by weight, of alcohol in the
11 operator’s blood of .08 or greater, and such person has not been convicted of a like offense or has
12 not been assigned to an alcohol or controlled substance education, treatment or rehabilitation
13 program because of a like offense by a court of the commonwealth or any other jurisdiction
14 preceding the date of the commission of the offense for which the operator was convicted, the
15 registrar shall not restore the license or reinstate the right to operate to that person unless the

16 prosecution of that person has been terminated in favor of the defendant, until 1 year after the
17 date of conviction; provided, however, that such person may, after receiving notice of the
18 revocation from the registrar, apply for the issuance of an ignition interlock license. Mandatory
19 restrictions on an ignition interlock license granted by the registrar pursuant to this subparagraph
20 shall include, but not be limited to: (i) proof in a format determined by the registrar that a
21 functioning certified ignition interlock device is installed on vehicles that will be operated by the
22 person during the term of the ignition interlock license; and (ii) an attestation that ignition
23 interlock devices will be maintained on all vehicles to be operated by the person. A person with
24 an ignition interlock license shall be prohibited from operating vehicles without an ignition
25 interlock device for the duration of the license. Failure of the operator to remain in compliance
26 with court probation shall be cause for immediate revocation of the ignition interlock license.
27 The registrar shall provide notice of a revocation to the person issued the ignition interlock
28 license at the address of record at the registry.

29 SECTION __. Said section 24 of said chapter 90, as so appearing, is hereby further
30 amended by inserting after the figure “(b)”, in line 347, the following words:- for being under the
31 influence of a controlled substance or the vapors of glue.

32 SECTION __. Subparagraph (2) of said paragraph (c) of said subdivision (1) of said
33 section 24 of said chapter 90, as so appearing, is hereby amended by striking out the last
34 sentence.

35 SECTION __. Said subparagraph (2) of said paragraph (c) of said subdivision (1) of said
36 section 24 of said chapter 90, as so appearing, is hereby further amended by adding the following
37 paragraph:- Where the license or the right to operate of a person has been revoked pursuant to

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

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

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

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

84 by the person during the term of the ignition interlock license; and (ii) an attestation that ignition
85 interlock devices will be maintained on all vehicles to be operated by the person. A person with
86 an ignition interlock license shall be prohibited from operating vehicles without an ignition
87 interlock device for the duration of the license. Failure of the operator to remain in compliance
88 with court probation shall be cause for immediate revocation of the ignition interlock license.
89 The registrar shall provide notice of a revocation to the person issued the ignition interlock
90 license at the address of record at the registry.

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

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

97 SECTION __. Said subparagraph (3½) of said paragraph (c) of said subdivision (1) of
98 said section 24 of said chapter 90, as so appearing, is hereby further amended by adding the
99 following paragraph:- Where the license or the right to operate of a person has been revoked
100 pursuant to subsection (b) for operating a motor vehicle with a percentage, by weight, of alcohol
101 in the operator’s blood of .08 or greater and that person has been previously convicted of a like
102 offense or assigned to an alcohol or controlled substance education, treatment or rehabilitation
103 program by a court of the commonwealth or any other jurisdiction because of a like offense 3
104 times preceding the date of the commission of the offense for which the person has been
105 convicted, the registrar shall not restore the license or reinstate the right to operate of that person

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

126 SECTION __. Said paragraph (c) of said subdivision (1) of said section 24 of said chapter
127 90, as so appearing, is hereby further amended by striking out subparagraph (3³/₄) and inserting in
128 place thereof the following subparagraph:- (3³/₄) Where the license or the right to operate of a

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

151 accordance with chapter 30A, from an order of the registrar of motor vehicles pursuant to this
152 subparagraph.

153 SECTION __. Said section 24 of said chapter 90, as so appearing, is hereby amended by
154 striking out, in line 575, the word “restistrar” and inserting in place thereof the following word:-
155 registrar.

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

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

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

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

197 SECTION __. Said chapter 90 is hereby further amended by striking out section 24½, as
198 so appearing, and inserting in place thereof the following section:- Section 24½. (a) No person
199 whose license has been suspended in the commonwealth or any other jurisdiction by reason of an
200 assignment to an alcohol education, treatment or rehabilitation program or because of a
201 conviction for a violation of subsection (a) of section 24G, or operating a motor vehicle with a
202 percentage by weight of blood alcohol of .08 or greater or while under the influence of
203 intoxicating liquor in violation of paragraph (a) of subdivision (1) of section 24, subsection (b) of
204 said section 24G, section 24L, section 131/2 of chapter 265, subsection (a) of section 8 of
205 chapter 90B, section 8A or 8B of said chapter 90B or, in the case of another jurisdiction, for any
206 like offense, shall be issued a new license or right to operate or have such license or right to
207 operate restored if that person has previously been so assigned or convicted unless such person
208 provides proof in a format acceptable to the registrar that the person has a functioning certified
209 ignition interlock device installed on all vehicles to be operated by that person as a precondition
210 for the issuance, reissuance or restoration of a license or right to operate. A functioning certified
211 ignition interlock device shall be installed and maintained on all vehicles operated by any such
212 person for a period of 2 years. (b) Any person whose license or right to operate is restricted to
213 operating vehicles equipped with a functioning certified ignition interlock device shall have such
214 device inspected, maintained and monitored in accordance with regulations which shall be
215 promulgated by the registrar. The ignition interlock device shall be calibrated to prevent the
216 motor vehicle from being started with the breath sample provided has an alcohol concentration of
217 0.025 or more. The ignition interlock device shall remain in place until the registrar receives a
218 declaration from the person's ignition interlock device vendor, in a form provided or approved by
219 the registry, certifying that there have been none of the following incidents in the six consecutive

220 months prior to the date the person seeks removal of the device: (a) any attempt to start the
221 vehicle with a breath alcohol concentration of 0.04 or more unless a subsequent test performed
222 within ten minutes registers a breath alcohol concentration lower than 0.04; (b) failure to take
223 any random test; (c) failure to pass any random retest with a breath alcohol concentration of
224 0.025 or lower; (d) any attempt to remove, tamper or circumvent the proper operation of the
225 device; or (e) failure of the person to appear at the ignition interlock device vendor when
226 required for maintenance, repair, calibration, monitoring, inspection, or replacement of the
227 device.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

356 install and maintain the certified ignition interlock device shall be borne by the operator unless
357 the operator presents valid evidence of a substantial financial hardship on the individual.

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

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

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

371 This act shall take effect on August 1, 2018.