

SENATE No. 2462

Senate, July 23, 2016 -- Text of the Senate Bill further strengthening public safety by reducing unlicensed, uninsured driving by OUI offenders (Senate, No. 2462) (being the text of Senate, No. 2445, printed as amended)

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. 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:-

8 Where the license or right to operate has been revoked pursuant to sections 24D or 24E or
9 pursuant to paragraph (b), for operating a motor vehicle with a percentage, by weight, of alcohol
10 in the operator’s blood of .08 or greater, and such person has not been convicted of a like offense
11 or has not been assigned to an alcohol or controlled substance education, treatment or

12 rehabilitation program because of a like offense by a court of the commonwealth or any other
13 jurisdiction preceding the date of the commission of the offense for which the operator was
14 convicted, the registrar shall not restore the license or reinstate the right to operate to that person
15 unless the prosecution of that person has been terminated in favor of the defendant, until 1 year
16 after the date of conviction; provided, however, that such person may, after receiving notice of
17 the revocation from the registrar, apply for the issuance of an ignition interlock license.
18 Mandatory restrictions on an ignition interlock license granted by the registrar pursuant to this
19 subparagraph shall include, but not be limited to: (i) proof in a format determined by the registrar
20 that a functioning certified ignition interlock device is installed on vehicles that will be operated
21 by the 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.

31 SECTION 5. Subparagraph (2) of said paragraph (c) of said subdivision (1) of said
32 section 24 of said chapter 90, as so appearing, is hereby amended by striking out the last
33 sentence.

34 SECTION 6. Said subparagraph (2) of said paragraph (c) of said subdivision (1) of said
35 section 24 of said chapter 90, as so appearing, is hereby further amended by adding the following
36 paragraph:-

37 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 of that person has been terminated in favor of the defendant, until 2 years after the date of the
45 conviction; provided, however, that such person may, after receiving notice of the revocation
46 from the registrar, apply for the issuance of an ignition interlock license. That person shall
47 provide proof in a format acceptable to the registrar that the person has enrolled in and is
48 successfully completing the residential treatment program in subparagraph (4) of paragraph (a)
49 of subdivision (1) or a treatment program mandated by section 24D or has completed the
50 incarcerated portion of the sentence. Mandatory restrictions on an ignition interlock license
51 granted by the registrar pursuant to this subparagraph shall include but not be limited to: (i) proof
52 in a format determined by the registrar that a functioning certified ignition interlock device is
53 installed on vehicles that will be operated by the person during the term of the ignition interlock
54 license; and (ii) an attestation that ignition interlock devices will be maintained on all vehicles to
55 be operated by the person. A person with an ignition interlock license shall be prohibited from
56 operating vehicles without an ignition interlock device for the duration of the license. Failure of

57 the operator to remain in compliance with court probation shall be cause for immediate
58 revocation of the ignition interlock license. The registrar shall provide notice of a revocation to
59 the person issued the ignition interlock license at the address of record at the registry.

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

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

66 SECTION 9. Said subparagraph (3) of said paragraph (c) of said subdivision (1) of said
67 section 24 of said chapter 90, as so appearing, is hereby further amended by adding the following
68 paragraph:-

69 Where the license or right to operate of a person has been revoked pursuant to paragraph
70 (b) for operating a motor vehicle with a percentage, by weight, of alcohol in the operator’s blood
71 of .08 or greater and that person has been previously convicted of a like offense or assigned to an
72 alcohol or controlled substance education, treatment or rehabilitation program because of a like
73 offense by a court of the commonwealth or any other jurisdiction 2 times preceding the date of
74 the commission of the offense for which that person has been convicted or where the license or
75 right to operate has been revoked due to a violation section 23 and such revocation was made
76 pursuant to paragraph (b) or section 24D or 24E, the registrar shall not restore the license or
77 reinstate the right to operate to that person, unless the prosecution of that person has terminated
78 in favor of the defendant, until 8 years after the date of conviction; provided, however, that such

79 person may, after completion of the incarcerated portion of the sentence, apply for an ignition
80 interlock license for the balance of the 8 year revocation period. Such person shall provide proof
81 in a format acceptable to the registrar that the person has enrolled in and is successfully
82 completing the residential treatment program in subparagraph (4) of paragraph (a) of subdivision
83 (1) or such treatment program mandated by section 24D. Mandatory restrictions on an ignition
84 interlock license granted by the registrar pursuant to this subparagraph shall include but not be
85 limited to: (i) proof in a format determined by the registrar that a functioning certified ignition
86 interlock device is installed on vehicles that will be operated by the person during the term of the
87 ignition interlock license; and (ii) an attestation that ignition interlock devices will be
88 maintained on all vehicles to be operated by the person. A person with an ignition interlock
89 license shall be prohibited from operating vehicles without an ignition interlock device for the
90 duration of the license. Failure of the operator to remain in compliance with court probation shall
91 be cause for immediate revocation of the ignition interlock license. The registrar shall provide
92 notice of a revocation to the person issued the ignition interlock license at the address of record
93 at the registry.

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

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

100 SECTION 13. Said subparagraph (3½) of said paragraph (c) of said subdivision (1) of
101 said section 24 of said chapter 90, as so appearing, is hereby further amended by adding the
102 following paragraph:-

103 Where the license or the right to operate of a person has been revoked pursuant to
104 subsection (b) for operating a motor vehicle with a percentage, by weight, of alcohol in the
105 operator's blood of .08 or greater and that person has been previously convicted of a like offense
106 or assigned to an alcohol or controlled substance education, treatment or rehabilitation program
107 by a court of the commonwealth or any other jurisdiction because of a like offense 3 times
108 preceding the date of the commission of the offense for which the person has been convicted, the
109 registrar shall not restore the license or reinstate the right to operate of that person unless the
110 prosecution of that person has been terminated in favor of the defendant, until 10 years after the
111 date of the conviction; provided, however, that such person may, after the completion of the
112 incarcerated portion of the sentence, apply for the issuance of an ignition interlock license. Such
113 person shall provide proof in a format acceptable to the registrar that the person has enrolled in
114 and is successfully completing the residential treatment program in subparagraph (4) of
115 paragraph (a) of subdivision (1) or a treatment program mandated by section 24D. The ignition
116 interlock license shall not be removed for the life of the person; provided, however, that the
117 person may petition the registrar for removal not less than 10 years after the issuance of the
118 ignition interlock license and not less than every 5 years thereafter. Mandatory restrictions on an
119 ignition interlock license granted by the registrar pursuant to this subparagraph shall include, but
120 not be limited to: (i) proof in a format determined by the registrar that a functioning certified
121 ignition interlock device is installed on vehicles that will be operated by the person during the
122 term of the ignition interlock license; and (ii) an attestation that ignition interlock devices will be

123 maintained on all vehicles to be operated by the person. A person with an ignition interlock
124 license shall be prohibited from operating vehicles without an ignition interlock device for the
125 duration of the license. Failure of the operator to remain in compliance with probation shall be
126 cause for immediate revocation of the ignition interlock license. The registrar shall provide
127 notice of a revocation to the person issued the ignition interlock license at the address of record
128 at the registry. An aggrieved party may appeal, in accordance with chapter 30A, from an order of
129 the registrar of motor vehicles pursuant to this subparagraph.

130 SECTION 14. Said paragraph (c) of said subdivision (1) of said section 24 of said chapter
131 90, as so appearing, is hereby further amended by striking out subparagraph (3³/₄) and inserting in
132 place thereof the following subparagraph:-

133 (3³/₄) Where the license or the right to operate of a person has been revoked pursuant to
134 paragraph (b) and that person was previously convicted of a like offense or assigned to an
135 alcohol or controlled substance education, treatment or rehabilitation program by a court of the
136 commonwealth or any other jurisdiction because of a like offense not less than 4 times preceding
137 the date of the commission of the offense for which the person has been convicted, that person's
138 license or right to operate a motor vehicle shall be revoked for the life of that person; provided,
139 however, that such person may, after completion of the incarcerated portion of the sentence,
140 apply for an ignition interlock license. Such person shall provide proof in a format acceptable to
141 the registrar that the person has enrolled in and has successfully completed or is successfully
142 completing the residential treatment program in subparagraph (4) of paragraph (a) of subdivision
143 (1) or a treatment program mandated by section 24D and has completed the incarcerated portion
144 of the sentence. The ignition interlock license shall not be removed for the life of the person;
145 provided, however, that the person may petition the registrar for removal not less than 10 years

146 after the issuance of the ignition interlock license and not less than every 5 years thereafter.
147 Mandatory restrictions on an ignition interlock license granted by the registrar pursuant to this
148 subparagraph shall include, but not be limited to: (i) proof in a format determined by the
149 registrar that a functioning certified ignition interlock device is installed on vehicles that will be
150 operated by the person during the term of the ignition interlock license; and (ii) an attestation
151 that ignition interlock devices will be maintained on all vehicles to be operated by the person. A
152 person with an ignition interlock license shall be prohibited from operating vehicles without an
153 ignition interlock device for the duration of the license. Failure of the operator to remain in
154 compliance with probation shall be cause for immediate revocation of the ignition interlock
155 license. An aggrieved party may appeal, in accordance with chapter 30A, from an order of the
156 registrar of motor vehicles pursuant to this subparagraph.

157 SECTION 15. Said section 24 of said chapter 90, as so appearing, is hereby amended by
158 striking out, in line 575, the word “restistrar” and inserting in place thereof the following word:-
159 registrar.

160 SECTION 16. The fifth paragraph of subparagraph (1) of paragraph (f) of said
161 subdivision (1) of said section 24 of said chapter 90, as so appearing, is hereby further amended
162 by striking out the first sentence and inserting in place thereof the following 4 sentences:- A
163 person who refuses to submit to a chemical test or analysis of breath or blood may apply for the
164 issuance of an ignition interlock license, on or after the effective date of the suspension, for the
165 balance of the suspension period imposed by this paragraph. A mandatory restriction on an
166 ignition interlock license granted by the registrar pursuant to this subparagraph shall include, but
167 not be limited to: (i) proof in a format determined by the registrar that a functioning certified
168 ignition interlock device is installed on vehicles that will be operated by the person during the

169 term of the ignition interlock license; and (ii) an attestation that ignition interlock devices will be
170 maintained on all vehicles to be operated by the person. A person with an ignition interlock
171 license shall be prohibited from operating vehicles without an ignition interlock device for the
172 duration of the license. A person issued an ignition interlock license pursuant to this
173 subparagraph shall not receive credit against an additional ignition interlock requirement arising
174 from the same incident or from another incident. A defendant, during the suspension period
175 imposed by this paragraph, may immediately, upon the entry of a not guilty finding or dismissal
176 of all charges under this section, section 24G, section 24L or section 13½ of chapter 265, and in
177 the absence of any other alcohol related charges pending against the defendant, apply for and be
178 immediately granted a hearing before the court which took final action on the charges for the
179 purpose of requesting the restoration of the person's license.

180 SECTION 17. Subparagraph (2) of said paragraph (f) of said subdivision (1) of said
181 section 24 of said chapter 90, as so appearing, is hereby amended by inserting after the second
182 paragraph the following paragraph:-

183 A person may apply in advance of or after the effective date of a suspension under this
184 subparagraph, for the issuance of an ignition interlock license for the balance of the suspension
185 period listed in this paragraph. Mandatory restrictions on an ignition interlock license granted by
186 the registrar pursuant to this subparagraph shall include, but not be limited to: (i) proof in a
187 format determined by the registrar that a functioning certified ignition interlock device is
188 installed on vehicles that will be operated by the person during the term of the ignition interlock
189 license; and (ii) an attestation that ignition interlock devices will be maintained on all vehicles to
190 be operated by the person. A person with an ignition interlock license shall be prohibited from
191 operating vehicles without an ignition interlock device for the duration of the license. A

192 suspension for failure of a chemical test or analysis of breath or blood shall run concurrently,
193 both as to any additional suspension periods arising from the same incident, and as to each other.
194 A person issued an ignition interlock license pursuant to this subparagraph shall receive day for
195 day credit against an additional ignition interlock requirement arising from the same incident.

196 SECTION 18. Paragraph (g) of said subdivision (1) of said section 24 of said chapter 90,
197 as so appearing, is hereby amended by inserting after the first paragraph the following
198 paragraph:-

199 The application for the issuance of an ignition interlock license for the period during
200 which a person's license, permit or right to operate is suspended pursuant to subparagraph (1) of
201 paragraph (f) shall waive the person's right to a hearing pursuant to this subparagraph.

202 SECTION 19. Said chapter 90 is hereby further amended by striking out section 24^{1/2}, as
203 so appearing, and inserting in place thereof the following section:-

204 Section 24^{1/2}. (a) No person whose license has been suspended in the commonwealth or
205 any other jurisdiction by reason of an assignment to an alcohol education, treatment or
206 rehabilitation program or because of a conviction for a violation of subsection (a) of section 24G,
207 or operating a motor vehicle with a percentage by weight of blood alcohol of .08 or greater or
208 while under the influence of intoxicating liquor in violation of paragraph (a) of subdivision (1) of
209 section 24, subsection (b) of said section 24G, section 24L, section 131/2 of chapter 265,
210 subsection (a) of section 8 of chapter 90B, section 8A or 8B of said chapter 90B or, in the case of
211 another jurisdiction, for any like offense, shall be issued a new license or right to operate or have
212 such license or right to operate restored if that person has previously been so assigned or
213 convicted unless such person provides proof in a format acceptable to the registrar that the

214 person has a functioning certified ignition interlock device installed on all vehicles to be operated
215 by that person as a precondition for the issuance, reissuance or restoration of a license or right to
216 operate. A functioning certified ignition interlock device shall be installed and maintained on all
217 vehicles owned, leased and operated by any such person for a period of 2 years .

218 (b) Any person whose license or right to operate is restricted to operating vehicles
219 equipped with a functioning certified ignition interlock device shall have such device inspected,
220 maintained and monitored in accordance with regulations which shall be promulgated by the
221 registrar. The registrar may, after a hearing, extend, for up to 2 years, the period of the ignition
222 interlock restriction on the license of a person who: (i) removes, tampers with or circumvents the
223 proper operation of the device; (ii) fails on at least 2 occasions during the period of the restricted
224 license or right to operate to have the device inspected, maintained or monitored within 10 days
225 of the end of each inspection, maintenance or monitoring period as required by the regulations
226 promulgated by the registrar; or (iii) if during the period of the restricted license or right to
227 operate, the person has recorded in such device on at least 2 occasions, 2 blood alcohol tests in
228 excess of .02 within any 15-minute period of time. A person aggrieved by a decision of the
229 registrar pursuant to this section may file an appeal in the superior court of the trial court
230 department. If the court determines that the registrar's decision was an abuse of discretion, the
231 court may vacate the issuance or vacate or reduce an extension of an ignition interlock restriction
232 on a person's license or right to operate that was ordered by the registrar.

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

236 SECTION 21. The fourth paragraph of said section 24D of said chapter 90, as so
237 appearing, is hereby amended by inserting after the fifth sentence the following sentence:-
238 Notwithstanding subparagraph (1) of paragraph (c) of subdivision (2) of section 24,
239 subparagraph (1) of paragraph (f) of subdivision (1) of section 24 and section 24P, a defendant
240 whose disposition resulted from a conviction or charge of alcohol in their blood of .08 or greater
241 or while under the influence of intoxicating liquor may immediately upon entering a program
242 pursuant to this section apply to the registrar for issuance of an ignition interlock license for the
243 probation period. A mandatory restriction on an ignition interlock license granted by the
244 registrar pursuant to this paragraph shall include, but not be limited to:(i) proof in a format
245 determined by the registrar that a functioning certified ignition interlock device is installed on
246 vehicles that will be operated by the person during the term of the ignition interlock license; and
247 (ii) an attestation that ignition interlock devices will be maintained on all vehicles to be operated
248 by the person. A person with an ignition interlock license shall be prohibited from operating
249 vehicles without an ignition interlock device for the duration of the license.

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

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

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

260 SECTION 25. Section 24G of said chapter 90, as so appearing, is hereby amended
261 adding the following subsection:-

262 (d) Upon completion of the period of imprisonment prescribed in subsection (a) or (b) for
263 an offense involving operating a motor vehicle with a percentage, by weight, of alcohol in the
264 blood of .08 or greater or while under the influence of intoxicating liquor, the person may apply
265 to the registrar for the issuance of an ignition interlock license for the remainder of the
266 revocation period designated in subsection (c). The registrar may issue such license under such
267 terms and conditions as appropriate and necessary for the balance of the revocation period listed
268 in this subsection. Mandatory restrictions on an ignition interlock license granted by the registrar
269 pursuant to this subsection shall include, but not be limited to: (i) proof in a format determined
270 by the registrar that a functioning certified ignition interlock device is installed on vehicles that
271 will be operated by the person during the term of the ignition interlock license; and (ii) an
272 attestation that ignition interlock devices will be maintained on all vehicles to be operated by the
273 person. A person with an ignition interlock license shall be prohibited from operating vehicles
274 without an ignition interlock device for the duration of the license. Failure of the operator to
275 remain in compliance with the sentence or court probation shall be cause for immediate
276 revocation of the ignition interlock license. The registrar shall provide notice a revocation to the
277 person issued the ignition interlock license at the address of record at the registry.

278 SECTION 26. Section 24L of said chapter 90, as so appearing, is hereby amended by
279 adding the following subdivision:-

280 (5) Upon completion of the period of imprisonment prescribed in subdivision (1) or (2)
281 for an offense involving operating a motor vehicle with a percentage, by weight, of alcohol in the
282 blood of .08 or greater or while under the influence of intoxicating liquor, the person may apply
283 to the registrar for the issuance of an ignition interlock license for the remainder of the
284 revocation period designated in subdivision (4). The registrar may issue such license under such
285 terms and conditions as appropriate and necessary for the balance of the revocation period listed
286 in this subsection. Mandatory restrictions on an ignition interlock license granted by the registrar
287 pursuant to this subdivision shall include, but not be limited to: include: (i) proof in a format
288 determined by the registrar that a functioning certified ignition interlock device is installed on
289 vehicles that will be operated by the person during the term of the ignition interlock license; and
290 (ii) an attestation that ignition interlock devices will be maintained on all vehicles to be operated
291 by the person. A person with an ignition interlock license shall be prohibited from operating
292 vehicles without an ignition interlock device for the duration of the license. Failure of the
293 operator to remain in compliance with the sentence or court probation shall be cause for
294 immediate revocation of the ignition interlock license. The registrar shall provide notice of a
295 revocation to the person issued the ignition interlock license at the address of record at the
296 registry.

297 SECTION 27. Section 24N of said chapter 90, as so appearing, is hereby amended by
298 inserting after the word “days”, in line 38, the following words:- ; provided, however, that such
299 person may apply, on or after the effective date of the suspension, for the issuance of an ignition
300 interlock license for the balance of the suspension period listed in this subsection; provided

301 further, that mandatory restrictions on an ignition interlock license granted by the registrar
302 pursuant to this section shall include, but not be limited to: (i) proof in a format determined by
303 the registrar that a functioning certified ignition interlock device is installed on vehicles that will
304 be operated by the person during the term of the ignition interlock license; and (ii) an attestation
305 that ignition interlock devices will be maintained on all vehicles to be operated by the person. A
306 person with an ignition interlock license shall be prohibited from operating vehicles without an
307 ignition interlock device for the duration of the license. A suspension for failure of a chemical
308 test or analysis of breath or blood shall run concurrently, both as to any additional suspension
309 periods arising from the same incident and as to each other. A person issued an ignition interlock
310 license pursuant to this section shall receive day-for-day credit against any additional ignition
311 interlock requirement arising from the same incident.

312 SECTION 28. Said section 24N of said chapter 90, as so appearing, is hereby further
313 amended by striking out, in lines 58 to 61, inclusive, the words “refusal. No license shall be
314 restored under any circumstances and no restricted or hardship permits shall be issued during the
315 suspension period imposed by this paragraph; provided, however, that the” and inserting in place
316 thereof the following words:- refusal; provided further, that a person who refused to submit to
317 such test or analysis may apply, on or after the effective date of the suspension, for the issuance
318 of an ignition interlock license for the balance of the suspension period listed in this section;
319 provided further, that mandatory restrictions on an ignition interlock license granted by the
320 registrar pursuant to this paragraph shall include, but not be limited to: (i) proof in a format
321 determined by the registrar that a functioning certified ignition interlock device is installed on
322 vehicles that will be operated by the person during the term of the ignition interlock license; and
323 (ii) an attestation that ignition interlock devices will be maintained on all vehicles to be operated

324 by the person. A person with an ignition interlock license shall be prohibited from operating
325 vehicles without an ignition interlock device for the duration of the license; provided however,
326 that a suspension for a refusal of either a chemical test or analysis of breath or blood shall run
327 consecutively, both as to any additional suspension periods arising from the same incident and as
328 to each other; provided further, that a person issued an ignition interlock license pursuant to this
329 section shall not receive credit against any additional ignition interlock requirement arising from
330 the same incident; and provided further, that a.

331 SECTION 29. Said section 24N of said chapter 90, as so appearing, is hereby further
332 amended by adding the following paragraph:-

333 The application for the issuance of an ignition interlock license for the period during
334 which a person's license, permit or right to operate is suspended pursuant to this section shall
335 waive the person's right to a hearing pursuant to this section.

336 SECTION 30. Section 19 of chapter 122 of the acts of 2005 is hereby amended by
337 inserting after the word "registry", in line 7, the following words:- ; provided, however, that
338 approval procedures for ignition interlock device servicing and monitoring entities shall require
339 any entity seeking certification to agree to provide all program costs, including installation,
340 maintenance and removal, at no cost to a person who presents documentation issued by the
341 registrar that such cost would cause a grave and serious hardship to the offender or the offender's
342 family; provided further, that documentation of grave and serious hardship to the offender or the
343 offender's family shall include, but not be limited to, evidence of a valid electronic benefit
344 transfer card, evidence of a valid MassHealth benefits card or evidence the offender was
345 appointed counsel or otherwise had their financial status verified after filing an affidavit of

346 indigency; and provided further, that the registrar shall provide notice to a person seeking
347 application for a certified ignition interlock device that the person may obtain a certified ignition
348 interlock device, services and monitoring at no cost if such cost would cause a grave and serious
349 hardship to the offender or the offender's family.

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

355 SECTION 32. Clause (6) of said section 19 of said chapter 122 is hereby amended by
356 striking out clauses (a) to (c), inclusive, and inserting in place thereof the following 3 clauses:-

357 (i) of inspection of the certified ignition interlock device for accurate operation by an
358 entity approved by the registrar not less than once every 30 to 60 days, as promulgated by the
359 registrar, for the duration of any license ignition interlock device restriction;

360 (ii) that the ignition interlock device shall be monitored, maintained and serviced not less
361 than every 30 to 60 days, as promulgated by the registrar, by an entity approved by the registrar;
362 and

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

366 SECTION 33. Said section 19 of said chapter 122 is hereby further amended by striking
367 out clause (8) and inserting in place thereof the following clause:-

368 (8) require that any operation in violation of the ignition interlock restriction or any
369 violation of the required inspection, monitoring or reporting requirements may result, after
370 hearing, in up to a 2 year extension of the ignition interlock license or a permanent revocation of
371 an ignition interlock license and up to an additional 10-year license suspension during which
372 such person may not be eligible for an ignition interlock license.

373 SECTION 33A. Notwithstanding any general or special law to the contrary, the
374 commissioner of probation, in consultation with the commissioner of criminal justice
375 information services, shall study law enforcement's and criminal justice agencies' access to
376 sealed prior convictions for violations of section 24 of chapter 90 of the General Laws. The
377 commissioner may, in conducting the study, seek input from interested stakeholders. The
378 commissioner shall file a report, including any legislative recommendations, with the clerks of
379 the house of representatives and senate, who shall forward the same to the senate and house
380 chairs of the joint committee on public safety and homeland security and the senate and house
381 chairs of the joint committee on the judiciary not later than March 1, 2017.

382 SECTION 33B. The registrar of motor vehicles shall issue a report on driver's license
383 suspensions and revocations. The report shall include, but not be limited to, an accounting of the
384 total number of license suspensions and revocations issued in the preceding 36 months, the cause
385 of each suspension or revocation, the average financial cost to an operator to receive a valid
386 license after a suspension or revocation and the average time it takes to restore a license after the
387 period of suspension or revocation has expired. The report shall include: (i) an analysis of the

388 correlation between the cost of the fine and its impact, if any, on preventing or deterring future
389 violations; and (ii) the number of drivers with a suspended or revoked license who are cited for
390 driving in violation of the terms of the suspension or revocation, the penalties imposed for that
391 violation and the average cost and time for such a person to obtain a valid license. The registrar
392 shall submit the report with the clerks of the house of representatives and senate and the senate
393 and house chairs of the joint committee on transportation and the senate and house chairs of the
394 joint committee on the judiciary not later than January 1, 2017.

395 SECTION 34. The executive office of public safety and security, in consultation with the
396 department of state police and the Massachusetts Chiefs of Police Association Incorporated, shall
397 conduct a formal review of the drug and alcohol testing procedures administered by police
398 officers at the scene of motor vehicle crashes. This review shall include any recommended
399 statutory, regulatory or policy revisions by the executive office of public safety and security
400 necessary to improve the procedures currently in place. The executive office of public safety and
401 security shall report its findings and recommendations to the clerks of the house of
402 representatives and senate and the senate and house chairs of the joint committee on public
403 safety and homeland security not later than July 31, 2017.

404 SECTION 35. This act shall take effect on January 1, 2017.