

**SENATE . . . . . No. 2005**

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**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 relative to driving offenses.

PETITION OF:

NAME:

*James E. Timilty*

DISTRICT/ADDRESS:

*Bristol and Norfolk*

**SENATE . . . . . No. 2005**

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By Mr. Timilty, a petition (accompanied by bill, Senate, No. 2005) of James E. Timilty for legislation relative to driving offenses. Transportation.

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**The Commonwealth of Massachusetts**

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

An Act relative to driving offenses.

*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 23 of Chapter 90 of the Massachusetts General Laws, as appearing  
2 in the 2014 Official Edition, is hereby amended by inserting after the fourth paragraph the  
3 following 3 paragraphs:-

4           Any person convicted of operating a motor vehicle in violation of section 10 of chapter  
5 90 who on the date of operation was not eligible for issuance or renewal of a license to operate;  
6 or of operating a motor vehicle after his license to operate has been suspended or revoked, or  
7 after notice of the suspension or revocation of his right to operate a motor vehicle without a  
8 license has been issued by the registrar and received by such person or by his agent or employer,  
9 and prior to the restoration of such license or right to operate or to the issuance to him of a new  
10 license to operate, and so operates a motor vehicle recklessly or negligently so that the lives or  
11 safety of the public might be endangered, and by such operation causes injury to another person  
12 shall be punished by a fine of not more than \$5,000 and by imprisonment in a house of  
13 correction for not more than 2 ½ years. Prosecutions commenced under this paragraph shall only

14 apply to a person whose license or right to operate has been suspended or revoked due to a  
15 conviction or continuance without a finding under this or any other chapter, due to an  
16 outstanding default or arrest warrant, or due to offenses which are required by any provision of  
17 law to be reported to the registrar and for which the registrar is authorized or required to suspend  
18 or revoke the person's license or right to operate motor vehicles for a period of 30 days or more.  
19 If the person has been previously convicted of a violation of sections 10 or 23 of chapter 90 by a  
20 court of the commonwealth or by a court of any other jurisdiction because of a like violation  
21 preceding the date of the commission of the offense for which he has been convicted, the person  
22 shall be punished by a fine of not more than \$5,000 and by imprisonment in a house of  
23 correction for not less than 6 months and not more than 2 ½ years. Section 87 of chapter 276  
24 shall not apply to any person charged with a violation of this paragraph. Prosecutions  
25 commenced under this paragraph shall not be placed on file or continued without a finding.

26         Any person convicted of operating a motor vehicle in violation of section 10 of chapter  
27 90 who on the date of operation was not eligible for issuance or renewal of a license to operate;  
28 or of operating a motor vehicle after his license to operate has been suspended or revoked, or  
29 after notice of the suspension or revocation of his right to operate a motor vehicle without a  
30 license has been issued by the registrar and received by such person or by his agent or employer,  
31 and prior to the restoration of such license or right to operate or to the issuance to him of a new  
32 license to operate, and so operates a motor vehicle recklessly or negligently so that the lives or  
33 safety of the public might be endangered, and by such operation causes serious bodily injury to  
34 another person shall be punished by a fine of not more than \$10,000 and by imprisonment in a  
35 house of correction for not more than 2 ½ years or imprisonment in the state prison for not more  
36 than 5 years. Prosecutions commenced under this paragraph shall only apply to a person whose

37 license or right to operate has been suspended or revoked due to a conviction or continuance  
38 without a finding under this or any other chapter, due to an outstanding default or arrest warrant,  
39 or due to offenses which are required by any provision of law to be reported to the registrar and  
40 for which the registrar is authorized or required to suspend or revoke the person's license or right  
41 to operate motor vehicles for a period of 30 days or more. If the person has been previously  
42 convicted of a violation of sections 10 or 23 of chapter 90 by a court of the commonwealth or by  
43 a court of any other jurisdiction because of a like violation preceding the date of the commission  
44 of the offense for which he has been convicted, the person shall be punished by a fine of not  
45 more than \$10,000 and by imprisonment in a house of correction for a mandatory period of not  
46 less than 1 year and not more than 2 ½ years, or state prison for not less than 1 year but no more  
47 than 10 years with said sentence to be served consecutively to and not concurrent with any other  
48 sentence or penalty. Such sentence shall not be suspended, nor shall any such person be eligible  
49 for probation, parole, or furlough or receive any deduction from his sentence for good conduct  
50 until he shall have served said 1 year of such sentence; provided, however, that the commissioner  
51 of correction may, on the recommendation of the warden, superintendent or other person in  
52 charge of a correctional institution, or of the administrator of a county correctional institution,  
53 grant to an offender committed under this paragraph a temporary release in the custody of an  
54 officer of such institution only to obtain emergency medical or psychiatric services unavailable  
55 at said institution or to engage in employment pursuant to a work release program. Section 87 of  
56 chapter 276 shall not apply to any person charged with a violation of this paragraph.  
57 Prosecutions commenced under this paragraph shall not be placed on file or continued without a  
58 finding.

59           Any person convicted of operating a motor vehicle in violation of section 10 of chapter  
60 90 who on the date of operation was not eligible for issuance or renewal of a license to operate;  
61 or of operating a motor vehicle after his license to operate has been suspended or revoked, or  
62 after notice of the suspension or revocation of his right to operate a motor vehicle without a  
63 license has been issued by the registrar and received by such person or by his agent or employer,  
64 and prior to the restoration of such license or right to operate or to the issuance to him of a new  
65 license to operate, and so operates a motor vehicle recklessly or negligently so that the lives or  
66 safety of the public might be endangered, and by such operation causes the death of another  
67 shall be punished by a fine of not more than \$15,000 and by imprisonment in a house of  
68 correction for a mandatory period of not less than 2 years and not more than 2 ½ years, or state  
69 prison for not less than 2 years but no more than 10 years with said sentence to be served  
70 consecutively to and not concurrent with any other sentence or penalty. Such sentence shall not  
71 be suspended, nor shall any such person be eligible for probation, parole, or furlough or receive  
72 any deduction from his sentence for good conduct until he shall have served said 2 years of such  
73 sentence; provided, however, that the commissioner of correction may, on the recommendation  
74 of the warden, superintendent or other person in charge of a correctional institution, or of the  
75 administrator of a county correctional institution, grant to an offender committed under this  
76 paragraph a temporary release in the custody of an officer of such institution only to obtain  
77 emergency medical or psychiatric services unavailable at said institution or to engage in  
78 employment pursuant to a work release program. Prosecutions commenced under this paragraph  
79 shall only apply to a person whose license or right to operate has been suspended or revoked due  
80 to a conviction or continuance without a finding under this or any other chapter, due to an  
81 outstanding default or arrest warrant, or due to offenses which are required by any provision of

82 law to be reported to the registrar and for which the registrar is authorized or required to suspend  
83 or revoke the person's license or right to operate motor vehicles for a period of 30 days or more.  
84 If the person has been previously convicted of a violation of sections 10 or 23 of chapter 90 by a  
85 court of the commonwealth or by a court of any other jurisdiction because of a like violation  
86 preceding the date of the commission of the offense for which he has been convicted, the person  
87 shall be punished by a fine of not more than \$15,000 and by imprisonment in the state prison for  
88 not less than 5 years but no more than 15 years with said sentence to be served consecutively to  
89 and not concurrent with any other sentence or penalty. Such sentence shall not be suspended, nor  
90 shall any such person be eligible for probation, parole, or furlough or receive any deduction from  
91 his sentence for good conduct until he shall have served said 5 years of such sentence; provided,  
92 however, that the commissioner of correction may, on the recommendation of the warden,  
93 superintendent or other person in charge of a correctional institution, or of the administrator of a  
94 county correctional institution, grant to an offender committed under this paragraph a temporary  
95 release in the custody of an officer of such institution only to obtain emergency medical or  
96 psychiatric services unavailable at said institution or to engage in employment pursuant to a  
97 work release program. Section 87 of chapter 276 shall not apply to any person charged with a  
98 violation of this paragraph. Prosecutions commenced under this paragraph shall not be placed on  
99 file or continued without a finding.

100 SECTION 2. Said section 23 of said chapter 90, as so appearing, is hereby amended by  
101 striking out the words "first or second", in line 148, and inserting in place thereof the following  
102 words:- first, second, fifth, sixth or seventh.

103           SECTION 3. Section 26 of chapter 218 of the General Laws, as so appearing, is hereby  
104 amended by inserting, in line 12, after the word “90B” the following words:- , sixth or seventh  
105 paragraph of section 23 of chapter 90.