

HOUSE No. 1449

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act increasing the liability for permitting an intoxicated arrestee to operate a motor vehicle..

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. Chapter 90 of the General Laws, as most recently amended by chapter 303
2 of the acts of 2008, is hereby amended by inserting after section 24X, the following new
3 section:—

4 Section 24Y. (a) Any vehicle operated by a person arrested for a violation of
5 subparagraph (1) of paragraph (a) of section 24 or section 24L shall be removed and impounded
6 as provided by the provisions of this section, section 69L of chapter 111 and section 2C of
7 chapter 85 and any rule or regulation adopted thereunder, for a period not less than 12 hours
8 from the time of such arrest.

9 (b) Whenever a person is summoned by or on behalf of a person who has been arrested
10 for a violation of subparagraph (1) of paragraph (a) of section 24 or section 24L, in order to
11 transport or accompany the arrestee from the premises of a law enforcement agency, the law
12 enforcement agency shall provide that person with a written statement advising that person of the
13 potential criminal and civil liability for permitting or facilitating the arrestee’s operation of a

14 motor vehicle while the arrestee remains under the influence or impaired by alcohol, drugs, drugs
15 and alcohol, a controlled dangerous substance, or any combination thereof.

16 (1) The person to whom the statement is issued shall acknowledge, in writing, receipt of
17 the statement, or the law enforcement agency shall record the fact that the written statement was
18 provided, but the person refused to sign an acknowledgment.

19 (2) The attorney general shall establish the content and form of the written statement and
20 acknowledgment to be used by law enforcement agencies throughout the commonwealth.

21 (3) Nothing in this section shall impose any obligation on a physician or other health care
22 provider involved in the treatment or evaluation of the arrestee.

23 (c) A motor vehicle impounded under this section may not be released unless the person
24 claiming the motor vehicle:

25 Presents a valid driver's license, proof of ownership of or lawful authority to operate the
26 motor vehicle, and proof of valid motor vehicle insurance for that motor vehicle, or

27 Subject to review of the district court, meets any other reasonable condition for release
28 that is established by the law enforcement agency.

29 (d) A law enforcement agency that impounds a motor vehicle under this section may
30 charge a reasonable fee for towing and storage of the motor vehicle and may retain the motor
31 vehicle until the fee is paid.