

HOUSE No. 3279

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to road rage..

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 21 of chapter 90 of the General Laws, as appearing in the 2002
2 Official Edition, is hereby amended by inserting after the word “person”, in line 34, the
3 following words:— , or any person who operates a motor vehicle on any way or in any place to
4 which the public has a right of access, or upon any way or in any place to which members of the
5 public have access as invitees or licensees, aggressively, maliciously or recklessly so that the
6 safety of at least one other person might be endangered.

7 SECTION 2. Section 22F of said chapter 90, as so appearing, is hereby amended by
8 inserting after the word “ten”, in line 23, the following words:— operating a motor vehicle
9 aggressively, maliciously or recklessly so that the safety of at least one other person might be
10 endangered, in violation of section 24Q.

11 SECTION 3. Said chapter 90 is hereby further amended by inserting after section 24P the
12 following section:—Section 24Q. Whenever a police officer receives a report of a road rage
13 incident, he shall investigate the incident as soon as possible. If the report is substantiated, or the
14 incident occurs in the officer’s presence, the officer shall issue a citation to any violator, and if

such citation is issued, the officer shall notify the registrar of motor vehicles of the incident and the violator by filing RMV form Request for Immediate Threat License Suspension/Revocation. The registrar, upon receipt of the immediate threat form shall immediately suspend the license of the violator and follow the procedures set forth under section 22 and the rules of regulations of the registry of motor vehicles regarding the administrative suspension of licenses. An incident of road rage shall be deemed to have occurred when an individual operates a motor vehicle on any way or in any place to which the public has a right of access, or upon any way or in any place to which members of the public have access as invitees or licensees, aggressively, maliciously or recklessly so that the safety of at least one other person might be endangered. Such operation may include but shall not be limited to some or all of the following acts: speeding, following too closely, failure to give way to a passing vehicle, unsafe lane changes, purposely braking to endanger or annoy the operator of a following vehicle, threatening to commit bodily injury or another crime, menacing or obscene gesturing and unnecessary sounding of the horn. If a police officer observes a person operating a motor vehicle on any way or in any place to which the public has a right of access, or upon any way or in any place to which members of the public have access as invitees or licensees, in an erratic manner fitting the definition of road rage, he may arrest without a warrant the person responsible for such operation. Any person found guilty of committing an incident of road rage shall be punished by a fine of not less than \$200 nor more than \$1,000, or by imprisonment for not more than two and one-half years in a house of correction, or by both such fine and imprisonment. A sentence imposed under this section shall not run concurrent with any sentence imposed under any other chapter and section for the same incident. Any person found guilty of road rage shall be required to attend anger management classes or an anger management program. The frequency of mandatory attendance at such

38 classes or length of program to be recommended by probation shall be based on a probation
39 officer's assessment of the individual including prior criminal record and driver history. Upon
40 conviction of this section, the registrar shall revoke the license or right to operate of such
41 convicted person for not less than one year nor more than five years, unless the person convicted
42 has been issued a commercial driver license, in which case the registrar shall revoke the
43 commercial driver license for not less than two years nor more than five years. A police officer of
44 any jurisdiction through which part of an incident of road rage occurs shall have the authority to
45 investigate and seek charges through his district court for the entire incident even though some of
46 the incident may have taken place within other jurisdictions. This section shall not be construed
47 as extending police power of arrest, outside the jurisdiction in which such officers are sworn.
48 Any district court having jurisdiction over any area through which the road rage incident
49 occurred shall have jurisdiction regarding all charges stemming from the same incident. The
50 registrar of motor vehicles shall make rules and regulations pertaining to the length of suspension
51 or revocation of license or right to operate of those convicted under this section who hold a
52 commercial driver license, for second and subsequent offenders, or those convicted under this
53 section coupled with convictions for other crimes during the same incident such as, but not
54 limited to: operating after suspension of license or operating under the influence and any felony.