

HOUSE No. 3632

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to blood alcohol testing..

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. Subsection (e) of Section 24 of Chapter 90 of the General Laws, is hereby
2 amended by striking the words “at the time of the alleged offense” in lines 463-464, and
3 inserting in place thereof the following:— “within 2 hours of the alleged offense”.

4 SECTION 2. Subparagraph (iii) of paragraph (1) of subsection (f) of Section 24 of said
5 Chapter 90 is further amended by striking the following words in lines 571-580 of paragraph
6 2:— “provided, however, that the defendant may immediately, upon the entry of a not guilty
7 finding or dismissal of all charges under this section, section twenty-four G or twenty-four L,
8 and in the absence of any other alcohol related charges pending against said defendant, apply for
9 and be immediately granted a hearing before the court which took final action on the charges for
10 the purpose of requesting the restoration of said license. At said hearing, there shall be a
11 rebuttable presumption that said license be restored, unless the commonwealth shall establish, by
12 a fair preponderance of the evidence, that restoration of said license would likely endanger the
13 public safety”.

14 SECTION 3. Paragraph 1 of subsection F of Section 24 of said Chapter 90 is further
15 amended in line 515 by inserting after the words “under the influence of intoxicating liquor.”, the
16 following words:-- “In the event that a person operating a motor vehicle on a public way causes
17 or is involved in a collision with another motor vehicle or another person that results in the death
18 of one or more persons, that person shall be subject to a chemical analysis of his breath or a
19 blood test.”.