

SENATE No. 2012

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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 promoting motor vehicle safety.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Bruce E. Tarr</i>	
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>Robert L. Hedlund</i>	
<i>Michael R. Knapik</i>	
<i>Richard J. Ross</i>	<i>Norfolk, Bristol, and Middlesex</i>
<i>George N. Peterson, Jr.</i>	<i>9th Worcester</i>
<i>Bradford Hill</i>	<i>4th Essex</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>
<i>Viriato Manuel deMacedo</i>	<i>1st Plymouth</i>
<i>Shaunna O'Connell</i>	<i>3rd Bristol</i>
<i>Paul Adams</i>	<i>17th Essex</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>
<i>Matthew A. Beaton</i>	<i>11th Worcester</i>
<i>Nicholas A. Boldyga</i>	<i>3rd Hampden</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>
<i>Geoff Diehl</i>	<i>7th Plymouth</i>
<i>Peter J. Durant</i>	<i>6th Worcester</i>
<i>Ryan C. Fattman</i>	<i>18th Worcester</i>

<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>
<i>Donald F. Humason, Jr.</i>	<i>4th Hampden</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>
<i>Kevin J. Kuros</i>	<i>8th Worcester</i>
<i>Steven L. Levy</i>	<i>4th Middlesex</i>
<i>James J. Lyons, Jr.</i>	<i>18th Essex</i>
<i>George T. Ross</i>	<i>2nd Bristol</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>
<i>Daniel K. Webster</i>	<i>6th Plymouth</i>
<i>Daniel B. Winslow</i>	<i>9th Norfolk</i>
<i>Donald H. Wong</i>	<i>9th Essex</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>John D. Keenan</i>	<i>7th Essex</i>
<i>Michael J. Rodrigues</i>	
<i>James M. Cantwell</i>	<i>4th Plymouth</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>
<i>Richard T. Moore</i>	
<i>Marc R. Pacheco</i>	
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>
<i>John F. Keenan</i>	

SENATE No. 2012

By Mr. Tarr, a petition (subject to Joint Rule 12) (accompanied by bill, Senate, No.) of Bruce E. Tarr, Bradley H. Jones, Jr., Robert L. Hedlund, Michael R. Knapik and other members of the General Court for legislation to promote motor vehicle safety. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act promoting motor vehicle safety.

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 22F of Chapter 90 of the General Laws, as appearing in the
2 2008 Official Edition, is hereby amended by striking out, in line 57, the word “four” and inserting
3 in place thereof the following word:- five.

4 SECTION 2. Section 22F of Chapter 90, as so appearing, is hereby further amended
5 by striking out, in lines 66-68, the following sentence:-

6 An appeal to the superior court may be had, in accordance with the provisions of chapter
7 thirty A, from any order of the registrar of motor vehicles made under the provisions of this
8 section.

9 SECTION 3. Section 22F of Chapter 90, as so appearing, is hereby further
10 amended by inserting at the end thereof the following paragraph:-

11 Any person previously deemed an habitual offender under this section who has not had
12 their license or right to operate a motor vehicle restored to them by the registrar for a period of

13 more than 5 years and who is convicted of operating a motor vehicle while under the influence of
14 intoxicating liquor or narcotic drugs in violation of paragraph (a) of subdivision (1) of section
15 24; operating a motor vehicle recklessly or negligently so that the lives and safety of the public
16 might be endangered; making a false statement in an application for a learner's permit or motor
17 vehicle operator's license or in an application for a registration of a motor vehicle; going away
18 without making known his name, residence and the registration number of his vehicle after
19 knowingly colliding with or otherwise causing injury to any person, other vehicle or property, all
20 in violation of paragraph (a) of subdivision (2) of section 24; operating a motor vehicle after
21 suspension or revocation of the person's motor vehicle operator's license or his right to operate
22 motor vehicles in violation of section 23; operating a motor vehicle without a license in violation
23 of section 10; or the commission of any felony in the commission of which a motor vehicle is
24 used, shall be deemed a level 3 habitual traffic offender and the registrar shall immediately
25 revoke such person's license or right to operate and shall not issue a new license or reinstate the
26 right to operate for a period up to life but not less than 5 years from the date of revocation, nor
27 until such person has satisfactorily completed a driver improvement course approved by the
28 registrar and has passed such examination as to his competence to operate motor vehicles as the
29 registrar may require.

30 Any person previously deemed an habitual offender under this section who has not had
31 their license or right to operate a motor vehicle restored to them by the registrar for a period of
32 more than 5 years and who is convicted of 3 or more convictions of offenses which are required
33 by any provision of law to be reported to the registrar and for which the registrar is authorized or
34 required to suspend or revoke the person's license or right to operate motor vehicles for a period
35 of 30 days or more, shall be deemed a level 2 habitual offender and the registrar shall

36 immediately revoke such person's license or right to operate and shall not issue a new license or
37 reinstate the right to operate to such person for a period of not less than 5 years from the date of
38 revocation nor more than 15 years from such date of revocation, nor until such person has
39 satisfactorily completed a driver improvement course approved by the registrar and has passed
40 such examination as to his competence to operate motor vehicles as the registrar may require.
41 Provided further, that any person previously deemed a level 2 habitual offender under this
42 section who has not had their license or right to operate a motor vehicle restored to them by the
43 registrar for a period of 5 years and is convicted of operating a motor vehicle while under the
44 influence of intoxicating liquor or narcotic drugs in violation of paragraph (a) of subdivision (1)
45 of section 24; operating a motor vehicle recklessly or negligently so that the lives and safety of
46 the public might be endangered; making a false statement in an application for a learner's permit
47 or motor vehicle operator's license or in an application for a registration of a motor vehicle;
48 going away without making known his name, residence and the registration number of his
49 vehicle after knowingly colliding with or otherwise causing injury to any person, other vehicle or
50 property, all in violation of paragraph (a) of subdivision (2) of section 24; operating a motor
51 vehicle after suspension or revocation of the person's motor vehicle operator's license or his
52 right to operate motor vehicles in violation of section 23; operating a motor vehicle without a
53 license in violation of section 10; or the commission of any felony in the commission of which a
54 motor vehicle is used; or 2 or more convictions of offenses which are required by any provision
55 of law to be reported to the registrar and for which the registrar is authorized or required to
56 suspend or revoke the person's license or right to operate motor vehicles for a period of 30 days
57 or more, shall be deemed a level 3 habitual offender and the registrar shall immediately revoke
58 such person's license or right to operate and shall not issue a new license or reinstate the right to

59 operate for a period up to life but not less than 5 years from the date of revocation, nor until such
60 person has satisfactorily completed a driver improvement course approved by the registrar and
61 has passed such examination as to his competence to operate motor vehicles as the registrar may
62 require. The registrar may revoke from any level 3 habitual offender who has had their license
63 or right to operate restored and who commits an automobile law violation, as defined in section 1
64 of chapter 90C, the license or right to operate for a period up to life. The registrar may further
65 issue to any habitual traffic offender who has satisfied the durational license revocation
66 requirements provided for in this section a new license or reinstate such person's right to operate
67 under such terms and conditions as the registrar deems appropriate and necessary. Nothing in
68 this section shall limit the authority of the registrar to revoke a license or right to operate or issue
69 a new license or reinstate the right to operate under section 24 of chapter 90. An appeal to the
70 superior court may be had, in accordance with the provisions of chapter 30A, from any order of
71 the registrar of motor vehicles made under the provisions of this section.