

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Fourteen**

1 by inserting at the end thereof the followings sections:-

2 SECTION XX. Chapter 89 of the General Laws is hereby amended by inserting after  
3 section 4C the following section:-

4 Section 4D. Notwithstanding the provisions of section 4A, when any way has been  
5 divided into lanes, the driver of a commercial motor vehicle as defined in section 1 of chapter  
6 90F, shall so drive that the vehicle shall be entirely within a single lane and shall not move from  
7 the lane in which the driver is driving until the driver has first ascertained if such movement can  
8 be made with safety. A violation of this section shall be deemed an "improper or erratic lane  
9 change" as included within the definition of "serious traffic violation" in section 1 of chapter  
10 90F.

11 SECTION XX. Chapter 90 of the General Laws is hereby amended by inserting after  
12 section 2I the following section:-

13 Section 2J. The registrar may refuse to register, and may suspend or revoke if already  
14 registered, a commercial motor vehicle if the registrar has received notice, in any form which the  
15 registrar deems appropriate, including electronic transmissions, that the commercial motor  
16 carrier attempting to register a commercial motor vehicle has been prohibited from operating in  
17 interstate commerce by a federal agency with authority to do so under federal law.

18 SECTION XX. Said chapter 90 is hereby further amended by striking out section 15, as  
19 so appearing, and inserting in place thereof the following section:-

20 Section 15. (a) Except as hereinafter otherwise provided, every person operating a motor  
21 vehicle, upon approaching a railroad crossing at grade, shall reduce the speed of the vehicle to a  
22 reasonable and proper rate before proceeding over the crossing, and shall proceed over the  
23 crossing at a rate of speed and with such care as is reasonable and proper under the  
24 circumstances. Every person operating a school bus, or any motor vehicle carrying explosive  
25 substances or flammable liquids as a cargo, or part of a cargo, upon approaching a railroad  
26 crossing at grade, shall bring his vehicle to a full stop not less than 15 feet and not more than 50

27 feet from the nearest track of said railroad, and shall not proceed to cross until it is safe to do so.  
28 The operator of a school bus, in addition to bringing his vehicle to a full stop, as aforesaid, shall  
29 open the service door, ascertain if he may cross safely and thereupon close said door before  
30 proceeding. Every person operating any motor vehicle, upon approaching at grade a railroad  
31 crossing protected by red lights which flash as a warning, shall bring his vehicle to a full stop not  
32 less than 15 feet and not more than 50 feet from the nearest track of said railroad and shall not  
33 proceed to cross until said lights stop flashing. Every person operating any motor vehicle, upon  
34 approaching at grade a railroad crossing protected by a lowered automatic gate, shall bring his  
35 vehicle to a full stop not less than 15 feet and not more than 50 feet from the nearest track of said  
36 railroad and shall not proceed to cross until said automatic gate is raised. Every person operating  
37 any motor vehicle, upon approaching at grade a railroad crossing protected by a railroad  
38 employee waving a red flag or white lantern, shall bring his vehicle to a full stop not less than 15  
39 feet and not more than 50 feet from the nearest track of said railroad and shall not proceed to  
40 cross until said railroad employee signals that it is safe to do so. A railroad train approaching  
41 within approximately 1,500 of a highway crossing shall emit a warning signal audible from such  
42 distance.

43 (b) In addition to the above, an operator of a commercial motor vehicle who has a  
44 commercial driver license or who is required to have a commercial driver license, including the  
45 operator of a school bus, who fails to take the appropriate action as provided in clauses (1)  
46 through (6), inclusive, when approaching a railroad grade crossing shall be subject to the  
47 penalties contained in this section and the periods of disqualification contained in subsection (I)  
48 of section 9 of chapter 90F. The violations are:

49 (1) the operator is not required to always stop, but fails to slow down and check that  
50 tracks are clear of an approaching train;

51 (2) the operator is not required to always stop, but fails to stop before reaching the  
52 crossing, if the tracks are not clear;

53 (3) the operator is always required to stop, but fails to stop before driving onto the  
54 crossing;

55 (4) the operator fails to have sufficient space to drive completely through the crossing  
56 without stopping;

57 (5) the operator fails to obey a traffic control device or the directions of an  
58 enforcement official at the crossing; or

59 (6) the operator fails to negotiate a crossing because of insufficient undercarriage  
60 clearance.

61 (c) Whoever violates any provisions of this section and is operating a school bus, or any  
62 motor vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo,  
63 shall be punished by a fine of not less than \$500 or by being required to perform a total of 100  
64 hours of community service which may include service in the operation lifesaver program. All  
65 other persons violating the provisions of this section not operating a school bus, or any motor  
66 vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, shall be  
67 punished by a fine of not less than \$100 nor more than \$200 or by being required to perform a  
68 total of 50 hours of community service which may include service in the operation lifesaver  
69 program.

70 SECTION XX. Said chapter 90 is hereby further amended by inserting after section 22  
71 the following section:-

72 Section 22½. The registrar may suspend or revoke the certificate of registration of any  
73 commercial motor vehicle issued under this chapter if the registrar receives notice in any form  
74 which the registrar deems appropriate, including electronic transmissions, that the commercial  
75 motor carrier responsible for its safety has been prohibited from operating in interstate commerce  
76 by a federal agency with authority to do so under federal law. Notice to the registrant shall be as  
77 provided in subsection (d) of section 22.

78 SECTION XX. Section 1 of chapter 90F of the General Laws, as so appearing, is hereby  
79 amended by inserting after the definition of “Commerce” the following definition:-

80 “Commercial Driver’s License” (CDL), a license issued in accordance with the standards  
81 contained in federal regulations at 49 C.F.R. Part 383 to an individual which authorizes the  
82 individual to operate a class of a commercial motor vehicle.

83 SECTION XX. Said section 1 of said chapter 90F, as so appearing, is hereby further  
84 amended by inserting after the word “vehicle”, in line 18, the first time it appears, the  
85 following word:- (CMV).

86 SECTION XX. Said section 1 of said chapter 90F, as so appearing, is hereby further  
87 amended by inserting after the word “probated”, in line 39, the following words:- ; dispositions  
88 under sections 24D and 24E of chapter 90an admission to sufficient facts; a continuance without  
89 a finding; an assignment to an alcohol or controlled substance education, treatment or  
90 rehabilitation program; refusing to submit to a chemical test or analysis of one’s breath or blood;  
91 an alcohol concentration in one’s breath or blood of 0.04 or more.

92 SECTION XX. Said section 1 of said chapter 90F, as so appearing, is hereby further  
93 amended by inserting after the definition of “License to operate a commercial motor vehicle” the  
94 following definition:-

95 “Major offense”, operation under the influence of alcohol or drugs, operating to endanger  
96 or reckless driving, under the provisions of paragraphs (a) to (h), inclusive, of subdivision 1 of  
97 section 24 of chapter 90; leaving the scene of a personal injury accident under said section 24 of  
98 said chapter 90; homicide by a commercial motor vehicle under the provisions of section 24G of  
99 said chapter 90; causing serious bodily injury while operating a commercial motor vehicle while  
100 under the influence of intoxicating liquor or drugs under the provisions of section 24L of said  
101 chapter 90; having an alcohol concentration of 0.04 or greater while operating a commercial  
102 motor vehicle; refusing to take an alcohol test as required by state or federal jurisdiction under its  
103 implied consent laws or regulations as defined in 49 CFR 383.72; using a commercial motor  
104 vehicle to commit a felony; driving a commercial motor vehicle when, as a result of prior  
105 violations committed operating a commercial motor vehicle, the driver’s CDL is revoked,  
106 suspended or canceled, or the driver is disqualified from operating a commercial motor vehicle;  
107 using a commercial motor vehicle in the commission of a felony involving manufacturing,  
108 distributing or dispensing a controlled substance; and any other violations of state law relating to  
109 motor vehicle traffic control which the registry determines by regulation to be major. This  
110 definition shall include any and all disqualifying offenses under 49 CFR 383.51, as well as  
111 offenses listed in regulations which the registrar may promulgate to reflect the definition of a  
112 major offense contained in any applicable federal statute or regulation.

113 SECTION XX. Said section 1 of said chapter 90F, as so appearing, is hereby further  
114 amended by striking out the definition of “Serious traffic violation” and inserting in place thereof  
115 the following definition:-

116 “Serious traffic violation”, excessive speeding, improper or erratic traffic lane changes or  
117 following the vehicle ahead too closely as defined by the United States Department of  
118 Transportation by regulation; driving recklessly, as defined by state or local law or regulation,  
119 including but, not limited to, offenses of driving a motor vehicle in willful or wanton disregard  
120 for the safety of persons or property; driving a commercial motor vehicle without obtaining a  
121 commercial driver license; driving a commercial motor vehicle without having a commercial  
122 driver license in possession; driving a commercial motor vehicle without the proper class or  
123 endorsement; manually composing, sending or reading an electronic message, as defined in  
124 section 1 of chapter 90, while operating a commercial motor vehicle; using a mobile telephone or  
125 mobile electronic device, both as defined in said section 1 of said chapter 90, while operating a  
126 commercial motor vehicle; and any other violations of state law relating to motor vehicle traffic  
127 control which the registry determines by regulation to be serious. This definition shall include  
128 any and all disqualifying offenses under 49 CFR 383.51, as well as offenses listed in regulations  
129 which the registrar may promulgate to reflect the definition of a serious traffic violation  
130 contained in any applicable federal statute or regulation.

131 SECTION XX. Section 4 of said chapter 90F, as so appearing, is hereby amended by  
132 striking out, in line 16, the figure “\$11,000” and inserting in place thereof the following figure:-  
133 \$25,000.

134 SECTION XX. Said section 6 of said chapter 90F, as so appearing, is hereby further  
135 amended by adding the following paragraph:-

136 No person shall be issued a special license or permit, or a provisional, temporary or  
137 hardship license or permit to drive a commercial motor vehicle during a period in which the  
138 person is disqualified from operating a commercial motor vehicle or after the person's  
139 noncommercial driving privilege has been revoked, suspended or cancelled, or when any type of  
140 driver's license held by such person is suspended, revoked or cancelled by the state in which the  
141 driver is licensed for any state or local law related to motor vehicle traffic control, other than  
142 parking violations. A person shall not be issued a commercial driver license or learner's permit  
143 to operate a commercial motor vehicle on a limited basis on the grounds of hardship.

144 SECTION XX. Section 7 of said chapter 90F, as so appearing, is hereby amended by  
145 striking out, in lines 6 and 7, the words “, weight, and eye and hair color” and inserting in place  
146 thereof the following words:- and weight.

147 SECTION XX. Said section 7 of said chapter 90F, as so appearing, is hereby further  
148 amended by striking out clauses (6) to (9), inclusive, and inserting in place thereof the following  
149 clauses:-

150 (6) certifications, including those required by 49 CFR 383.71(a);

151 (7) consent of the applicant to release driving record information; and

152 (8) any other information required by the registrar.

153 SECTION XX. Said chapter 90F is hereby further amended by striking out section 9, as  
154 so appearing, and inserting in place thereof the following section:-

155 Section 9. (A) Any person who holds a license to operate a motor vehicle, a license to  
156 operate a commercial motor vehicle or is unlicensed, is disqualified from operating a commercial  
157 motor vehicle and is prohibited from operating a commercial motor vehicle for a period of not  
158 less than 1 year if convicted of a first violation of:

159 (1) operating a commercial motor vehicle or a motor vehicle under the influence of  
160 alcohol or drugs;

161 (2) operating a commercial motor vehicle while the alcohol concentration in the person's  
162 blood or breath is 0.04 or more;

163 (3) operating a motor vehicle while the alcohol concentration in the person's breath or  
164 blood is 0.08 or more;

165 (4) leaving the scene of an accident involving a commercial motor vehicle or a motor  
166 vehicle driven by the person;

167 (5) refusing to submit to a chemical test or analysis of the person's breath or blood after  
168 operating a commercial motor vehicle or a motor vehicle;

169 (6) using a commercial motor vehicle or a motor vehicle in the commission of a felony as  
170 defined in this chapter;

171 (7) driving a CMV when, as a result of prior violations committed operating a CMV, the  
172 driver's CDL is revoked, suspended or canceled, or the driver is disqualified from operating a  
173 CMV; or

174 (8) causing a fatality through the negligent operation of a CMV, including, but not  
175 limited to, the crimes of motor vehicle manslaughter, homicide by motor vehicle and negligent  
176 homicide.

177 If any of the above violations occurred while transporting a hazardous material required  
178 to be placarded, the person shall be disqualified for a period of 3 years.

179 (B) Any person shall be disqualified for life if convicted of 2 or more violations of any of  
180 the offenses specified in subsection (A), or for 2 or more refusals to submit to a chemical test or  
181 analysis of the person's breath or blood after operating a commercial motor vehicle or a motor  
182 vehicle, or any combination of those offenses, arising from 2 or more separate incidents.

183 (C) The registrar may issue regulations establishing guidelines, including conditions,  
184 under which a disqualification for life under subsection (B) may be reduced to a period of not  
185 less than 10 years.

186 (D) Any person shall be disqualified from operating a commercial motor vehicle for life  
187 who uses a vehicle in the commission of any felony involving the manufacture, distribution or  
188 dispensing of a controlled substance or possession with intent to manufacture, distribute or  
189 dispense a controlled substance.

190 (E) Any person shall be disqualified from operating a commercial motor vehicle for a  
191 period of not less than 60 days if convicted of 2 serious traffic violations, or 120 days if  
192 convicted of 3 serious traffic violations, committed in the operation of a commercial motor  
193 vehicle arising from separate incidents occurring within a 3-year period. The 120 day  
194 disqualification period shall be imposed in addition to any other previously imposed period of  
195 disqualification.

196 (E $\frac{1}{2}$ ) (1) Except as provided in subparagraph (2), any person who violates the provisions  
197 of an out-of-service order shall be disqualified from driving a commercial motor vehicle as  
198 follows:

199 (i) for not less than 180 days or more than 1 year for a first violation of an out-of-service  
200 order;

201 (ii) for not less than 2 years or more than 5 years for a second violation of an out-of-  
202 service order; provided, however, that such violations arose out of separate incidents during any  
203 10 year period; and

204 (iii) for not less than 3 years or more than 5 years for a third or subsequent violation of an  
205 out-of-service order; provided, however, that such violations arose out of separate incidents  
206 during any 10 year period.

207 (2) Any person who violates the provisions of an out-of-service order while transporting  
208 hazardous materials required to be placarded under the Hazardous Materials Transportation Act,  
209 49 U.S.C. app. 1801-1813, or while operating a motor vehicle designed to transport more than 15  
210 passengers, including the driver, shall be disqualified from driving a commercial motor vehicle  
211 as follows:

212 (i) for not less than 180 days or more than 2 years for a first violation of an out-of-service  
213 order; and

214 (ii) for not less than 3 years or more than 5 years for a second or subsequent violation of  
215 an out-of-service order; provided, however, that such violations arose out of separate incidents  
216 during any 10 year period.

217 In addition to the disqualification provided for in subparagraphs (1) and (2), any driver  
218 who violates the provisions of an out-of-service order shall be subject to a civil penalty of not  
219 less than \$2,500 and not more than \$5,000.

220 (F) After suspending, revoking or cancelling a license to operate a commercial motor  
221 vehicle, the registrar shall update its records to reflect such action within 10 days. After  
222 suspending, revoking or cancelling the privileges of a nonresident operator of a commercial  
223 motor vehicle, the registrar shall notify the licensing authority of the state which issued the  
224 license or certificate of the nonresident operator of a commercial motor vehicle within 10 days.

225 (G) Pursuant to the provisions of 49 CFR 383.52 or any regulations promulgated by the  
226 registrar to reflect the applicable federal requirements, the registrar shall disqualify from  
227 operating a commercial motor vehicle any driver whose driving is determined by the assistant  
228 administrator of the Federal Motor Carrier Safety Administration of the United States  
229 Department of Transportation, or his designee, to constitute an imminent hazard. The period of  
230 disqualification shall not exceed 30 days, unless the assistant administrator or his designee  
231 complies with 49 CFR 383.52(c). Any disqualification so imposed shall be transmitted by the  
232 Federal Motor Carrier Safety Administration to the registrar and shall become a part of the  
233 driver's record maintained by the registrar. A driver who is simultaneously disqualified under  
234 this subsection and pursuant to any other federal or state disqualification from holding a  
235 commercial driver license shall serve such disqualification periods concurrently.

236 (H) The registrar may disqualify and reject any application for commercial licensure by  
237 any Massachusetts resident holding a non-commercial driver license who has been convicted of a  
238 disqualifying event as defined in 49 CFR 383.51 or in regulations promulgated by the registrar to  
239 reflect the applicable federal requirements.

240 (I) Any person who holds a license to operate a motor vehicle, a CDL or is unlicensed, is  
241 disqualified from operating a CMV and is prohibited from operating a CMV during the period of  
242 disqualification provided in subparagraph (2) below for a violation of any offense committed in a  
243 commercial motor vehicle listed in subsection (b) of section 15 of chapter 90 for a railroad  
244 crossing violation, in addition to the penalties contained in that section, the violations are:

245 (1) the operator is not required to always stop, but fails to slow down and check that  
246 tracks are clear of an approaching train;

247 (2) the operator is not required to always stop, but fails to stop before reaching the  
248 crossing, if the tracks are not clear;

249 (3) the operator is always required to stop, but fails to stop before driving onto the  
250 crossing;

251 (4) the operator fails to have sufficient space to drive completely through the crossing  
252 without stopping;

253 (5) the operator fails to obey a traffic control device or the directions of an  
254 enforcement official at the crossing;

255 (6) the operator fails to negotiate a crossing because of insufficient undercarriage  
256 clearance.

257 The periods of disqualification are:

258 For a first conviction a person required to have a CDL and a CDL holder shall be  
259 disqualified from operating a CMV for not less than 60 days.

260 For a second conviction, of any combination of offenses in clauses 1-6, inclusive, in a  
261 separate incident within a 3-year period a person required to have a CDL and a CDL holder shall  
262 be disqualified from operating a CMV for not less than 120 days.

263 For a third or subsequent conviction of any combination of offenses in clauses 1-6,  
264 inclusive, in a separate incident within a 3-year period a person required to have a CDL and a  
265 CDL holder shall be disqualified from operating a CMV for not less than 1 year.

266 (J) (1) No operator of a CMV shall use a mobile telephone as defined in section 1 of  
267 chapter 90, or any hand-held device capable of accessing the internet, to manually compose, send  
268 or read an electronic message while operating a commercial motor vehicle. For the purposes of



269 this section, an operator shall not be considered to be operating a commercial motor vehicle if  
270 the vehicle is stationary and not located in a part of the public way intended for travel.

271 (2) A violation of this subsection shall be punished by a fine of \$100 for a first offense,  
272 by a fine of \$250 for a second offense and by a fine of \$500 for a third or subsequent offense.

273 (3) A penalty under this subsection shall not be a surchargeable offense under section  
274 113B of chapter 175.

275 (4) A violation of this subsection shall be deemed to be a serious traffic violation and a  
276 person who is found in violation may be prohibited from operating a commercial motor vehicle  
277 for the period designated in 49 CFR 383.51 when that person has been convicted of a second or  
278 subsequent offense of a serious traffic violation within a 3 year period.

279 (K)

280 (1) No operator of a CMV shall use a mobile telephone or mobile electronic device, each  
281 as defined in section 1 of chapter 90, while operating a commercial motor vehicle on any public  
282 way. For the purposes of this subsection, a commercial motor vehicle operator shall not be  
283 considered to be operating a commercial motor vehicle if the vehicle is stationary and not located  
284 in a part of the public way intended for travel.

285 (2) A violation of this subsection shall be punished by a fine of \$100 for a first offense,  
286 by a fine of \$250 for a second offense and by a fine of \$500 for a third or subsequent offense.

287 (3) A penalty under this subsection shall not be a surchargeable offense under section  
288 113B of chapter 175.

289 (4) A violation of this subsection shall be deemed to be a serious traffic violation and a  
290 person who is found in violation may be prohibited from operating a commercial motor vehicle  
291 for the period designated in 49 CFR 383.51 when that person has been convicted of a second or  
292 subsequent offense of a serious traffic violation within a 3 year period.