

HOUSE No. 723

The Commonwealth of Massachusetts

PRESENTED BY:

Nicholas A. Boldyga

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 relative to the unlawful passing of a school bus.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|-------------------------------|-------------------------------------|------------------|
| <i>Nicholas A. Boldyga</i> | <i>3rd Hampden</i> | <i>1/18/2017</i> |
| <i>Donald F. Humason, Jr.</i> | <i>Second Hampden and Hampshire</i> | <i>3/14/2018</i> |

HOUSE No. 723

By Mr. Boldyga of Southwick, a petition (accompanied by bill, House, No. 723) of Nicholas A. Boldyga and Donald F. Humason, Jr., relative to the unlawful passing of a school bus. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1178 OF 2015-2016.]

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act relative to the unlawful passing of a school bus.

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 14 of Chapter 90 of the General laws is hereby amended by striking
2 the words “Any person who violates the preceding sentence shall be punished by a fine of not
3 less than \$250; and for a second offense by a fine of not less than \$500 nor more than \$1,000;
4 and for a third or subsequent offense by a fine of not less than \$1,000 nor more than \$2,000. A
5 second conviction or third or subsequent conviction as set forth in the preceding sentence shall
6 be reported forthwith by the court or magistrate to the registrar who shall revoke immediately the
7 license or right to operate of the person so convicted and no appeal, motion for a new trial or
8 exceptions, shall operate to stay the revocation of the license or right to operate; provided,
9 however, that no license or right to operate shall be issued by the registrar to any person
10 convicted of a second such offense until 6 months after the date of revocation following said

conviction or to any person convicted of a third or subsequent such offense until 1 year after the date of revocation following said conviction; and provided, further, that if the prosecution against such person has terminated in his favor the registrar shall forthwith reinstate his license or right to operate.”

And inserting the following words:- “Any person who violates the preceding sentence shall be punished by a fine not less than \$500 nor more than \$1,000; and for a Second or subsequent offense by a fine of not less than \$1,000 nor more than \$2,000. A conviction or second or subsequent conviction as set forth in the preceding sentence shall be reported forthwith by the court or magistrate to the registrar who shall revoke immediately the license or right to operate of the person so convicted and no appeal, motion for a new trial or exceptions, shall operate to stay the revocation of the license or right to operate; provided, however, that no license or right to operate shall be issued by the registrar to any person convicted of such offense until 180 days after the date of revocation following said conviction or to any person convicted of a second or subsequent such offense until 1 year after the date of revocation following said conviction; and provided, further, that if the prosecution against such person has terminated in his favor the registrar shall forthwith reinstate his license or right to operate.

If the aforementioned offense occurs in the presence of a duly sworn law enforcement officer, such police officer shall:

(i) immediately, on behalf of the registrar, take custody of such person's license or right to operate issued by the commonwealth;

(ii) provide, on behalf of the registrar, a written notification of suspension in a format approved by the registrar; and

33 (iii) impound the vehicle being driven by the operator and arrange for the vehicle to be
34 impounded for a period of 12 hours, with the costs for the towing, storage and maintenance of
35 the vehicle to be borne by the operator, unless the operator can arrange for the immediate
36 removal of the vehicle.

37 (iv) The revocation of license or right to operate shall take immediate effect for a
38 period of not less than 30 days. No appeal or exceptions shall operate to stay the revocation.

39 (v) The police officer before whom such violation occurred shall, within 24 hours,
40 prepare a report of such violation. Each report shall be made in a format approved by the
41 registrar and shall be made under the penalties of perjury by the police officer before whom such
42 violation occurred. Each report shall set forth the grounds for the officer's belief that the person
43 violated the statute as stated in the above paragraphs as well as any witness statements.