

**HOUSE . . . . . No. 872**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Louis L. Kafka***

*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 further strengthening public safety by reducing unlicensed, uninsured driving by OUI offenders.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>John J. Mahoney</i>	<i>13th Worcester</i>
<i>David M. Nangle</i>	<i>17th Middlesex</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>

<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Solomon Goldstein-Rose</i>	<i>3rd Hampshire</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Bradford R. Hill</i>	<i>4th Essex</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>William Driscoll</i>	<i>7th Norfolk</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>
<i>Brian Murray</i>	<i>10th Worcester</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>Paul Tucker</i>	<i>7th Essex</i>
<i>Kathleen O'Connor Ives</i>	<i>First Essex</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>

**HOUSE . . . . . No. 872**

By Mr. Kafka of Stoughton, a petition (accompanied by bill, House, No. 872) of Louis L. Kafka and others relative to operating motor vehicles under the influence of alcohol or controlled substances. The Judiciary.

**The Commonwealth of Massachusetts**

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

An Act further strengthening public safety by reducing unlicensed, uninsured driving by OUI offenders.

*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 24 of chapter 90 of the General Laws, as appearing in the 2014  
2 Official Edition, is hereby amended by striking out, in line 319, the words “or twenty-four E”.

3 SECTION 2. Said section 24 of said chapter 90, as so appearing, is hereby further  
4 amended by inserting after the figure “(b)”, in line 320, the following words:- for being under the  
5 influence of a controlled substance or the vapors of glue.

6 SECTION 3. Subparagraph (1) of paragraph (c) of subdivision (1) of said section 24 of  
7 said chapter 90, as so appearing, is hereby amended by adding the following paragraph:- Where  
8 the license or right to operate has been revoked pursuant to sections 24D or 24E or pursuant to  
9 paragraph (b), for operating a motor vehicle with a percentage, by weight, of alcohol in the  
10 operator’s blood of .08 or greater, and such person has not been convicted of a like offense or has  
11 not been assigned to an alcohol or controlled substance education, treatment or rehabilitation

12 program because of a like offense by a court of the commonwealth or any other jurisdiction  
13 preceding the date of the commission of the offense for which the operator was convicted, the  
14 registrar shall not restore the license or reinstate the right to operate to that person unless the  
15 prosecution of that person has been terminated in favor of the defendant, until 1 year after the  
16 date of conviction; provided, however, that such person may, after receiving notice of the  
17 revocation from the registrar, apply for the issuance of an ignition interlock license. Mandatory  
18 restrictions on an ignition interlock license granted by the registrar pursuant to this subparagraph  
19 shall include, but not be limited to: (i) proof in a format determined by the registrar that a  
20 functioning certified ignition interlock device is installed on vehicles that will be operated by the  
21 person during the term of the ignition interlock license; and (ii) an attestation that ignition  
22 interlock devices will be maintained on all vehicles to be operated by the person. A person with  
23 an ignition interlock license shall be prohibited from operating vehicles without an ignition  
24 interlock device for the duration of the license. Failure of the operator to remain in compliance  
25 with court probation shall be cause for immediate revocation of the ignition interlock license.  
26 The registrar shall provide notice of a revocation to the person issued the ignition interlock  
27 license at the address of record at the registry.

28 SECTION 4. Said section 24 of said chapter 90, as so appearing, is hereby further  
29 amended by inserting after the figure “(b)”, in line 347, the following words:- for being under the  
30 influence of a controlled substance or the vapors of glue. SECTION 5. Subparagraph (2) of said  
31 paragraph (c) of said subdivision (1) of said section 24 of said chapter 90, as so appearing, is  
32 hereby amended by striking out the last sentence.

33 SECTION 6. Said subparagraph (2) of said paragraph (c) of said subdivision (1) of said  
34 section 24 of said chapter 90, as so appearing, is hereby further amended by adding the following

35 paragraph:- Where the license or the right to operate of a person has been revoked pursuant to  
36 paragraph (b) for operating a motor vehicle with a percentage, by weight, of alcohol in the  
37 operator's blood of .08 or greater and that person has been previously convicted of a like offense  
38 or assigned to an alcohol or controlled substance education, treatment or rehabilitation program  
39 by a court of the commonwealth or any other jurisdiction because of a like offense preceding the  
40 date of the commission of the offense for which that person has been convicted, the registrar  
41 shall not restore the license or reinstate the right to operate of that person unless the prosecution  
42 from the registrar, apply for the issuance of an ignition interlock license. That person shall  
43 provide proof in a format acceptable to the registrar that the person has enrolled in and is  
44 successfully completing the residential treatment program in subparagraph (4) of paragraph (a)  
45 of subdivision (1) or a treatment program mandated by section 24D or has completed the  
46 incarcerated portion of the sentence. Mandatory restrictions on an ignition interlock license  
47 granted by the registrar pursuant to this subparagraph shall include but not be limited to: (i) proof  
48 in a format determined by the registrar that a functioning certified ignition interlock device is  
49 installed on vehicles that will be operated by the person during the term of the ignition interlock  
50 license; and (ii) an attestation that ignition interlock devices will be maintained on all vehicles to  
51 be operated by the person. A person with an ignition interlock license shall be prohibited from  
52 operating vehicles without an ignition interlock device for the duration of the license. Failure of  
53 the operator to remain in compliance with court probation shall be cause for immediate  
54 revocation of the ignition interlock license. The registrar shall provide notice of a revocation to  
55 the person issued the ignition interlock license at the address of record at the registry.

56 SECTION 7. Said section 24 of said chapter 90, as so appearing, is hereby amended by  
57 inserting after the figure “(b)”, in line 382, the following words:- for being under the influence of  
58 a controlled substance or the vapors of glue.

59 SECTION 8. Subparagraph (3) of said paragraph (c) of said subdivision (1) of said  
60 section 24 of said chapter 90, as so appearing, is hereby amended by striking out the last  
61 sentence.

62 SECTION 9. Said subparagraph (3) of said paragraph (c) of said subdivision (1) of said  
63 section 24 of said chapter 90, as so appearing, is hereby further amended by adding the following  
64 paragraph:- Where the license or right to operate of a person has been revoked pursuant to  
65 paragraph (b) for operating a motor vehicle with a percentage, by weight, of alcohol in the  
66 operator’s blood of .08 or greater and that person has been previously convicted of a like offense  
67 or assigned to an alcohol or controlled substance education, treatment or rehabilitation program  
68 because of a like offense by a court of the commonwealth or any other jurisdiction 2 times  
69 preceding the date of the commission of the offense for which that person has been convicted or  
70 where the license or right to operate has been revoked due to a violation section 23 and such  
71 revocation was made pursuant to paragraph (b) or section 24D or 24E, the registrar shall not  
72 restore the license or reinstate the right to operate to that person, unless the prosecution of that  
73 person has terminated in favor of the defendant, until 8 years after the date of conviction;  
74 provided, however, that such person may, after completion of the incarcerated portion of the  
75 sentence, apply for an ignition interlock license for the balance of the 8 year revocation period.  
76 Such person shall provide proof in a format acceptable to the registrar that the person has  
77 enrolled in and is successfully completing the residential treatment program in subparagraph (4)  
78 of paragraph (a) of subdivision (1) or such treatment program mandated by section 24D.

79 Mandatory restrictions on an ignition interlock license granted by the registrar pursuant to this  
80 subparagraph shall include but not be limited to: (i) proof in a format determined by the registrar  
81 that a functioning certified ignition interlock device is installed on vehicles that will be operated  
82 by the person during the term of the ignition interlock license; and (ii) an attestation that ignition  
83 interlock devices will be maintained on all vehicles to be operated by the person. A person with  
84 an ignition interlock license shall be prohibited from operating vehicles without an ignition  
85 interlock device for the duration of the license. Failure of the operator to remain in compliance  
86 with court probation shall be cause for immediate revocation of the ignition interlock license.  
87 The registrar shall provide notice of a revocation to the person issued the ignition interlock  
88 license at the address of record at the registry.

89 SECTION 11. Said section 24 of said chapter 90, as so appearing, is hereby further  
90 amended by inserting after the figure “(b)”, in line 417, the following words:- for being under the  
91 influence of a controlled substance or the vapors of glue. SECTION 12. Subparagraph (3½) of  
92 said paragraph (c) of said subdivision (1) of said section 24 of said chapter 90, as so appearing, is  
93 hereby amended by striking out the last sentence.

94 SECTION 13. Said subparagraph (3½) of said paragraph (c) of said subdivision (1) of  
95 said section 24 of said chapter 90, as so appearing, is hereby further amended by adding the  
96 following paragraph:- Where the license or the right to operate of a person has been revoked  
97 pursuant to subsection (b) for operating a motor vehicle with a percentage, by weight, of alcohol  
98 in the operator’s blood of .08 or greater and that person has been previously convicted of a like  
99 offense or assigned to an alcohol or controlled substance education, treatment or rehabilitation  
100 program by a court of the commonwealth or any other jurisdiction because of a like offense 3  
101 times preceding the date of the commission of the offense for which the person has been

102 convicted, the registrar shall not restore the license or reinstate the right to operate of that person  
103 unless the prosecution of that person has been terminated in favor of the defendant, until 10 years  
104 after the date of the conviction; provided, however, that such person may, after the completion of  
105 the incarcerated portion of the sentence, apply for the issuance of an ignition interlock license.  
106 Such person shall provide proof in a format acceptable to the registrar that the person has  
107 enrolled in and is successfully completing the residential treatment program in subparagraph (4)  
108 of paragraph (a) of subdivision (1) or a treatment program mandated by section 24D. The  
109 ignition interlock license shall not be removed for the life of the person; provided, however, that  
110 the person may petition the registrar for removal not less than 10 years after the issuance of the  
111 ignition interlock license and not less than every 5 years thereafter. Mandatory restrictions on an  
112 ignition interlock license granted by the registrar pursuant to this subparagraph shall include, but  
113 not be limited to: (i) proof in a format determined by the registrar that a functioning certified  
114 ignition interlock device is installed on vehicles that will be operated by the person during the  
115 term of the ignition interlock license; and (ii) an attestation that ignition interlock devices will be  
116 maintained on all vehicles to be operated by the person. A person with an ignition interlock  
117 license shall be prohibited from operating vehicles without an ignition interlock device for the  
118 duration of the license. Failure of the operator to remain in compliance with probation shall be  
119 cause for immediate revocation of the ignition interlock license. The registrar shall provide  
120 notice of a revocation to the person issued the ignition interlock license at the address of record  
121 at the registry. An aggrieved party may appeal, in accordance with chapter 30A, from an order of  
122 the registrar of motor vehicles pursuant to this subparagraph.

123 SECTION 14. Said paragraph (c) of said subdivision (1) of said section 24 of said chapter  
124 90, as so appearing, is hereby further amended by striking out subparagraph (3<sup>3</sup>/<sub>4</sub>) and inserting in



125 place thereof the following subparagraph:- (3<sup>3/4</sup>) Where the license or the right to operate of a  
126 person has been revoked pursuant to paragraph (b) and that person was previously convicted of a  
127 like offense or assigned to an alcohol or controlled substance education, treatment or  
128 rehabilitation program by a court of the commonwealth or any other jurisdiction because of a  
129 like offense not less than 4 times preceding the date of the commission of the offense for which  
130 the person has been convicted, that person's license or right to operate a motor vehicle shall be  
131 revoked for the life of that person; provided, however, that such person may, after completion of  
132 the incarcerated portion of the sentence, apply for an ignition interlock license. Such person shall  
133 provide proof in a format acceptable to the registrar that the person has enrolled in and has  
134 successfully completed or is successfully completing the residential treatment program in  
135 subparagraph (4) of paragraph (a) of subdivision (1) or a treatment program mandated by  
136 section 24D and has completed the incarcerated portion of the sentence. The ignition interlock  
137 license shall not be removed for the life of the person; provided, however, that the person may  
138 petition the registrar for removal not less than 10 years after the issuance of the ignition interlock  
139 license and not less than every 5 years thereafter. Mandatory restrictions on an ignition interlock  
140 license granted by the registrar pursuant to this subparagraph shall include, but not be limited to:  
141 (i) proof in a format determined by the registrar that a functioning certified ignition interlock  
142 device is installed on vehicles that will be operated by the person during the term of the ignition  
143 interlock license; and (ii) an attestation that ignition interlock devices will be maintained on all  
144 vehicles to be operated by the person. A person with an ignition interlock license shall be  
145 prohibited from operating vehicles without an ignition interlock device for the duration of the  
146 license. Failure of the operator to remain in compliance with probation shall be cause for  
147 immediate revocation of the ignition interlock license. An aggrieved party may appeal, in

148 accordance with chapter 30A, from an order of the registrar of motor vehicles pursuant to this  
149 subparagraph. SECTION 15. Said section 24 of said chapter 90, as so appearing, is hereby  
150 amended by striking out, in line 575, the word “restistrar” and inserting in place thereof the  
151 following word:-registrar.

152 SECTION 16. The fifth paragraph of subparagraph (1) of paragraph (f) of said  
153 subdivision (1) of said section 24 of said chapter 90, as so appearing, is hereby further amended  
154 by striking out the first sentence and inserting in place thereof the following 4 sentences:- A  
155 person who refuses to submit to a chemical test or analysis of breath or blood may apply for the  
156 issuance of an ignition interlock license, on or after the effective date of the suspension, for the  
157 balance of the suspension period imposed by this paragraph. A mandatory restriction on an  
158 ignition interlock license granted by the registrar pursuant to this subparagraph shall include, but  
159 not be limited to: (i) proof in a format determined by the registrar that a functioning certified  
160 ignition interlock device is installed on vehicles that will be operated by the person during the  
161 term of the ignition interlock license; and (ii) an attestation that ignition interlock devices will be  
162 maintained on all vehicles to be operated by the person. A person with an ignition interlock  
163 license shall be prohibited from operating vehicles without an ignition interlock device for the  
164 duration of the license. A person issued an ignition interlock license pursuant to this  
165 subparagraph shall not receive credit against an additional ignition interlock requirement arising  
166 from the same incident or from another incident. A defendant, during the suspension period  
167 imposed by this paragraph, may immediately, upon the entry of a not guilty finding or dismissal  
168 of all charges under this section, section 24G, section 24L or section 13½ of chapter 265, and in  
169 the absence of any other alcohol related charges pending against the defendant, apply for and be

170 immediately granted a hearing before the court which took final action on the charges for the  
171 purpose of requesting the restoration of the person's license.

172 SECTION 17. Subparagraph (2) of said paragraph (f) of said subdivision (1) of said  
173 section 24 of said chapter 90, as so appearing, is hereby amended by inserting after the second  
174 paragraph the following paragraph:- A person may apply in advance of or after the effective date  
175 of a suspension under this subparagraph, for the issuance of an ignition interlock license for the  
176 balance of the suspension period listed in this paragraph. Mandatory restrictions on an ignition  
177 interlock license granted by the registrar pursuant to this subparagraph shall include, but not be  
178 limited to: (i) proof in a format determined by the registrar that a functioning certified ignition  
179 interlock device is installed on vehicles that will be operated by the person during the term of the  
180 ignition interlock license; and (ii) an attestation that ignition interlock devices will be maintained  
181 on all vehicles to be operated by the person. A person with an ignition interlock license shall be  
182 prohibited from operating vehicles without an ignition interlock device for the duration of the  
183 license. A suspension for failure of a chemical test or analysis of breath or blood shall run  
184 consecutively, both as to any additional suspension periods arising from the same incident, and  
185 as to each other. A person issued an ignition interlock license pursuant to this subparagraph shall  
186 receive day for day credit against an additional ignition interlock requirement arising from the  
187 same incident.

188 SECTION 18. Paragraph (g) of said subdivision (1) of said section 24 of said chapter 90,  
189 as so appearing, is hereby amended by inserting after the first paragraph the following  
190 paragraph:- The application for the issuance of an ignition interlock license for the period during  
191 which a person's license, permit or right to operate is suspended pursuant to subparagraph (1) of  
192 paragraph (f) shall waive the person's right to a hearing pursuant to this subparagraph.

193 SECTION 19. Said chapter 90 is hereby further amended by striking out section 24½, as  
194 so appearing, and inserting in place thereof the following section:- Section 24½. (a) No person  
195 whose license has been suspended in the commonwealth or any other jurisdiction by reason of an  
196 assignment to an alcohol education, treatment or rehabilitation program or because of a  
197 conviction for a violation of subsection (a) of section 24G, or operating a motor vehicle with a  
198 percentage by weight of blood alcohol of .08 or greater or while under the influence of  
199 intoxicating liquor in violation of paragraph (a) of subdivision (1) of section 24, subsection (b) of  
200 said section 24G, section 24L, section 131/2 of chapter 265, subsection (a) of section 8 of  
201 chapter 90B, section 8A or 8B of said chapter 90B or, in the case of another jurisdiction, for any  
202 like offense, shall be issued a new license or right to operate or have such license or right to  
203 operate restored if that person has previously been so assigned or convicted unless such person  
204 provides proof in a format acceptable to the registrar that the person has a functioning certified  
205 ignition interlock device installed on all vehicles to be operated by that person as a precondition  
206 for the issuance, reissuance or restoration of a license or right to operate. A functioning certified  
207 ignition interlock device shall be installed and maintained on all vehicles operated by any such  
208 person for a period of 2 years. (b) Any person whose license or right to operate is restricted to  
209 operating vehicles equipped with a functioning certified ignition interlock device shall have such  
210 device inspected, maintained and monitored in accordance with regulations which shall be  
211 promulgated by the registrar. The ignition interlock device shall be calibrated to prevent the  
212 motor vehicle from being started with the breath sample provided has an alcohol concentration of  
213 0.025 or more. The ignition interlock device shall remain in place until the registrar receives a  
214 declaration from the person's ignition interlock device vendor, in a form provided or approved by  
215 the registry, certifying that there have been none of the following incidents in the six consecutive

216 months prior to the date the person seeks removal of the device: (a) any attempt to start the  
217 vehicle with a breath alcohol concentration of 0.04 or more unless a subsequent test performed  
218 within ten minutes registers a breath alcohol concentration lower than 0.04; (b) failure to take  
219 any random test; (c) failure to pass any random retest with a breath alcohol concentration of  
220 0.025 or lower; (d) any attempt to remove, tamper or circumvent the proper operation of the  
221 device; or (e) failure of the person to appear at the ignition interlock device vendor when  
222 required for maintenance, repair, calibration, monitoring, inspection, or replacement of the  
223 device.

224 SECTION 20. Section 24D of said chapter 90, as so appearing, is hereby amended by  
225 inserting after the word “defendant”, in line 65, the following words:- whose disposition resulted  
226 from the use of a controlled substance or the vapors of glue.

227 SECTION 21. The fourth paragraph of said section 24D of said chapter 90, as so  
228 appearing, is hereby amended by inserting after the fifth sentence the following sentence:-  
229 Notwithstanding subparagraph (1) of paragraph (c) of subdivision (2) of section 24,  
230 subparagraph (1) of paragraph (f) of subdivision (1) of section 24 and section 24P, a defendant  
231 whose disposition resulted from a conviction or charge of alcohol in their blood of .08 or greater  
232 or while under the influence of intoxicating liquor may immediately upon entering a program  
233 pursuant to this section apply to the registrar for issuance of an ignition interlock license for the  
234 probation period. A mandatory restriction on an ignition interlock license granted by the registrar  
235 pursuant to this paragraph shall include, but not be limited to:(i) proof in a format determined by  
236 the registrar that a functioning certified ignition interlock device is installed on vehicles that will  
237 be operated by the person during the term of the ignition interlock license; and (ii) an attestation  
238 that ignition interlock devices will be maintained on all vehicles to be operated by the person. A

239 person with an ignition interlock license shall be prohibited from operating vehicles without an  
240 ignition interlock device for the duration of the license.

241 SECTION 22. Said section 24D of said chapter 90, as so appearing, is hereby further  
242 amended by inserting after the word “hardship”, in lines 76 and 81, each time it appears, the  
243 following words:- or ignition interlock.

244 SECTION 23. Section 24E of said chapter 90, as so appearing, is hereby amended by  
245 inserting after the word “program”, in line 38, the following words:- and may include a written  
246 statement by the supervisor of the ignition interlock provider used by such person detailing the  
247 person’s compliance with the ignition interlock requirement.

248 SECTION 24. Said section 24E of said chapter 90, as so appearing, is hereby further  
249 amended by inserting after the word “operate”, in lines 66 and 67, each time it appears, the  
250 following words:- or an ignition interlock license.

251 SECTION 25. Section 24G of said chapter 90, as so appearing, is hereby amended adding  
252 the following subsection:- (d) Upon completion of the period of imprisonment prescribed in  
253 subsection (a) or (b) for an offense involving operating a motor vehicle with a percentage, by  
254 weight, of alcohol in the blood of .08 or greater or while under the influence of intoxicating  
255 liquor, the person may apply to the registrar for the issuance of an ignition interlock license for  
256 the remainder of the revocation period designated in subsection (c). The registrar may issue such  
257 license under such terms and conditions as appropriate and necessary for the balance of the  
258 revocation period listed in this subsection. Mandatory restrictions on an ignition interlock license  
259 granted by the registrar pursuant to this subsection shall include, but not be limited to: (i) proof  
260 in a format determined by the registrar that a functioning certified ignition interlock device is

261 installed on vehicles that will be operated by the person during the term of the ignition interlock  
262 license; and (ii) an attestation that ignition interlock devices will be maintained on all vehicles to  
263 be operated by the person. A person with an ignition interlock license shall be prohibited from  
264 operating vehicles without an ignition interlock device for the duration of the license. Failure of  
265 the operator to remain in compliance with the sentence or court probation shall be cause for  
266 immediate revocation of the ignition interlock license. The registrar shall provide notice a  
267 revocation to the person issued the ignition interlock license at the address of record at the  
268 registry.

269 SECTION 26. Section 24L of said chapter 90, as so appearing, is hereby amended by  
270 adding the following subdivision:- (5) Upon completion of the period of imprisonment  
271 prescribed in subdivision (1) or (2) for an offense involving operating a motor vehicle with a  
272 percentage, by weight, of alcohol in the blood of .08 or greater or while under the influence of  
273 intoxicating liquor, the person may apply to the registrar for the issuance of an ignition interlock  
274 license for the remainder of the revocation period designated in subdivision (4). The registrar  
275 may issue such license under such terms and conditions as appropriate and necessary for the  
276 balance of the revocation period listed in this subsection. Mandatory restrictions on an ignition  
277 interlock license granted by the registrar pursuant to this subdivision shall include, but not be  
278 limited to: include: (i) proof in a format determined by the registrar that a functioning certified  
279 ignition interlock device is installed on vehicles that will be operated by the person during the  
280 term of the ignition interlock license; and (ii) an attestation that ignition interlock devices will be  
281 maintained on all vehicles to be operated by the person. A person with an ignition interlock  
282 license shall be prohibited from operating vehicles without an ignition interlock device for the  
283 duration of the license. Failure of the operator to remain in compliance with the sentence or court

284 probation shall be cause for immediate revocation of the ignition interlock license. The registrar  
285 shall provide notice of a revocation to the person issued the ignition interlock license at the  
286 address of record at the registry.

287 SECTION 27. Section 24N of said chapter 90, as so appearing, is hereby amended by  
288 inserting after the word “days”, in line 38, the following words:- ; provided, however, that such  
289 person may apply, on or after the effective date of the suspension, for the issuance of an ignition  
290 interlock license for the balance of the suspension period listed in this subsection; provided  
291 further, that mandatory restrictions on an ignition interlock license granted by the registrar  
292 pursuant to this section shall include, but not be limited to: (i) proof in a format determined by  
293 the registrar that a functioning certified ignition interlock device is installed on vehicles that will  
294 be operated by the person during the term of the ignition interlock license; and (ii) an attestation  
295 that ignition interlock devices will be maintained on all vehicles to be operated by the person. A  
296 person with an ignition interlock license shall be prohibited from operating vehicles without an  
297 ignition interlock device for the duration of the license. A suspension for failure of a chemical  
298 test or analysis of breath or blood shall run consecutively, both as to any additional suspension  
299 periods arising from the same incident and as to each other. A person issued an ignition interlock  
300 license pursuant to this section shall receive day-for-day credit against any additional ignition  
301 interlock requirement arising from the same incident.

302 SECTION 28. Said section 24N of said chapter 90, as so appearing, is hereby further  
303 amended by striking out, in lines 58 to 61, inclusive, the words “refusal. No license shall be  
304 restored under any circumstances and no restricted or hardship permits shall be issued during the  
305 suspension period imposed by this paragraph; provided, however, that the” and inserting in place  
306 thereof the following words:- refusal; provided further, that a person who refused to submit to



307 such test or analysis may apply, on or after the effective date of the suspension, for the issuance  
308 of an ignition interlock license for the balance of the suspension period listed in this  
309 section; provided further, that mandatory restrictions on an ignition interlock license granted by  
310 the registrar pursuant to this paragraph shall include, but not be limited to: (i) proof in a format  
311 determined by the registrar that a functioning certified ignition interlock device is installed on  
312 vehicles that will be operated by the person during the term of the ignition interlock license; and  
313 (ii) an attestation that ignition interlock devices will be maintained on all vehicles to be operated  
314 by the person. A person with an ignition interlock license shall be prohibited from operating  
315 vehicles without an ignition interlock device for the duration of the license; provided however,  
316 that a suspension for a refusal of either a chemical test or analysis of breath or blood shall run  
317 consecutively, both as to any additional suspension periods arising from the same incident and as  
318 to each other; provided further, that a person issued an ignition interlock license pursuant to this  
319 section shall not receive credit against any additional ignition interlock requirement arising from  
320 the same incident; and provided further, that a.

321 SECTION 29. Said section 24N of said chapter 90, as so appearing, is hereby further  
322 amended by adding the following paragraph:- The application for the issuance of an ignition  
323 interlock license for the period during which a person's license, permit or right to operate is  
324 suspended pursuant to this section shall waive the person's right to a hearing pursuant to this  
325 section.

326 SECTION 30. Section 19 of chapter 122 of the acts of 2005 is hereby amended by  
327 inserting after the word "registry", in line 7, the following words:- ; provided, however, that  
328 approval procedures for ignition interlock device servicing and monitoring entities shall require  
329 any entity seeking certification to agree to provide all program costs, including installation,

330 maintenance and removal, at fifty percent cost to a person who presents documentation issued by  
331 the registrar that such cost would cause a grave and serious hardship to the offender or the  
332 offender's family; provided further, that documentation of grave and serious hardship to the  
333 offender or the offender's family shall include, but not be limited to, evidence of a valid  
334 electronic benefit transfer card or evidence of a valid MassHealth benefits card; and provided  
335 further, that the registrar shall provide notice to a person seeking application for a certified  
336 ignition interlock device that the person may obtain a certified ignition interlock device, services  
337 and monitoring at fifty percent cost if such cost would cause a grave and serious hardship to the  
338 offender or the offender's family.

339 SECTION 31. Said section 19 of said chapter 122 of the acts of 2005 is hereby further  
340 amended by inserting after the word "vehicles", in line 10, the following words:- ; provided,  
341 however, that reporting shall ensure compliance with an entity's responsibly pursuant to clause  
342 (2) including, but not limited to, standard charges for installation, service, maintenance and  
343 removal of a device and percentages of the entity's standard program costs waived pursuant to  
344 said clause (2).

345 SECTION 32. Clause (6) of said section 19 of said chapter 122 of the acts of 2005 is  
346 hereby amended by striking out clauses (a) to (c), inclusive, and inserting in place thereof the  
347 following 3 clauses:- (i) of inspection of the certified ignition interlock device for accurate  
348 operation by an entity approved by the registrar not less than once every 30 to 60 days, as  
349 promulgated by the registrar, for the duration of any license ignition interlock device restriction;  
350 (ii) that the ignition interlock device shall be monitored, maintained and serviced not less than  
351 every 30 to 60 days, as promulgated by the registrar, by an entity approved by the registrar; and

352 (iii) that the costs to install and maintain the certified ignition interlock device shall be borne by  
353 the operator unless the operator presents valid evidence of a grave and serious hardship;

354 SECTION 33. Said section 19 of said chapter 122 of the acts of 2005 is hereby further  
355 amended by striking out clause (8) and inserting in place thereof the following clause:- violation  
356 of the required inspection, monitoring or reporting requirements may result, after hearing, in up  
357 to a 2 year extension of the ignition interlock license or a permanent revocation of an ignition  
358 interlock license and up to an additional 10-year license suspension during which such person  
359 may not be eligible for an ignition interlock license.

360 SECTION 34. Said section 19 of chapter 122 of the acts of 2005 is hereby further  
361 amended by striking out clause (9) and inserting in place thereof the following clause:- (9) a  
362 schedule for phasing in requirements that ignition interlock devices be equip with cameras or  
363 other means of positively identifying the person providing the ignition interlock breath alcohol  
364 concentration test.

365 SECTION 35. Said section 19 of said chapter 122 of the acts of 2005 is hereby amended  
366 by adding the following clause at the end thereof:-

367 This act shall take effect on January 1, 2018.