

HOUSE No. 916

The Commonwealth of Massachusetts

PRESENTED BY:

David M. Nangle

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 impeding the flow of traffic on public ways.

PETITION OF:

NAME:

David M. Nangle

DISTRICT/ADDRESS:

17th Middlesex

HOUSE No. 916

By Mr. Nangle of Lowell, a petition (accompanied by bill, House, No. 916) of David M. Nangle relative to the crime of intentionally obstructing vehicular or pedestrian traffic upon a public way. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1511 OF 2015-2016.]

The Commonwealth of Massachusetts

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

An Act relative to impeding the flow of traffic on public ways.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 90 of the General Laws, as appearing in the 2012 official edition, is hereby
2 amended by inserting after Section 24 ½ the following section:-

3 Section 24 ¾:

4 (a) Whoever, intentionally and without lawful authority, or a lawful permit, blocks,
5 obstructs, impedes, or otherwise interferes with the normal and reasonable movement of
6 vehicular or pedestrian traffic upon a public street or highway, by means of a vehicle, barricade,
7 object, or other device or by artifice, or with his or her person, shall be punished by a fine of not
8 less than \$500.00 nor more than \$5,000.00, or by imprisonment for not more than one year, or
9 both. Whoever commits a second or subsequent violation of this section shall be punished by a

10 fine of not less than \$2,500.00 nor more than \$10,000.00, or by imprisonment for not more than
11 one year, or both.

12 (b) Whoever violates the provisions of subsection (a) in such a manner as results in
13 substantial bodily injury to another person shall be punished by a fine of not less than \$5,000.00
14 nor more than \$10,000.00, or by imprisonment for not more than two years, or both.

15 (c) Whoever violates the provisions of subsection (a) in such a manner as results in
16 the death of another, whether directly or indirectly, shall be punished by imprisonment in the
17 state prison for not more than five years, or in a house of correction for not more than two and
18 one-half years.

19 (d) Whoever, intentionally and without lawful authority, or a lawful permit, drives or
20 propels a motor vehicle or non-motorized vehicle at such a slow speed as to block, obstruct,
21 impede, or otherwise interfere with the normal and reasonable movement of vehicular or
22 pedestrian traffic upon a public street or highway, except when reduced speed is necessary for
23 safe operation in consideration of the use of the roadway and/or conditions of travel; or in
24 compliance with law; or when the vehicle is temporarily unable to maintain a greater speed due
25 to mechanical breakdown or emergency, or a combination of the weight of the vehicle and the
26 grade of the highway, shall be punished by a fine of not less than \$500.00 nor more than
27 \$5,000.00, or by imprisonment for not more than one year, or both. Whosoever commits a second
28 or subsequent violation of this section shall be punished by a fine of not less than \$2,500.00 nor
29 more than \$10,000.00, or by imprisonment for not more than one year, or both.

30 (e) Whoever violates the provisions of subsection (d) in such a manner as results in
31 substantial bodily injury to another person shall be punished by a fine of not less than \$5,000.00
32 nor more than \$10,000.00, or by imprisonment for not more than two years, or both.

33 (f) Whoever violates the provisions of subsection (d) in such a manner as results in
34 the death of another, whether directly or indirectly, shall be punished by imprisonment in the
35 state prison for not more than five years, or in a house of correction for not more than two and
36 one-half years.

37 (g) A person found guilty of violating one or more of these subsections, in all cases
38 upon conviction, in addition to any other punishment shall be ordered to make restitution to
39 responding public and /or private emergency service agencies for reasonable costs incurred in
40 responding to said violation(s).

41 (h) Nothing in these sections shall apply to public safety personnel performing their
42 duties; emergency personnel responding to an emergency or report thereof and/or rendering
43 emergency aid; private persons rendering aid in an emergency; or persons engaged in
44 maintaining, rearranging, inspecting, constructing or repairing roadways or other public utility
45 facilities in or adjacent to a street or highway, or in activities lawfully related thereto.

46 (i) A police officer may arrest without warrant any person the officer has probable
47 cause to believe has committed a violation of this Section, whether or not the offense occurred in
48 his presence.