

**HOUSE . . . . . No. 1580**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Timothy R. Whelan***

*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 through interlock devices.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>1/16/2019</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>	<i>1/24/2019</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>	<i>1/24/2019</i>
<i>William L. Crocker, Jr.</i>	<i>2nd Barnstable</i>	<i>1/23/2019</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>	<i>1/21/2019</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>1/31/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>1/30/2019</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>	<i>1/22/2019</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>1/28/2019</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>1/29/2019</i>
<i>Lenny Mirra</i>	<i>2nd Essex</i>	<i>1/23/2019</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>1/30/2019</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>1/30/2019</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>	<i>1/31/2019</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/22/2019</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>1/22/2019</i>
<i>Michael J. Soter</i>	<i>8th Worcester</i>	<i>1/30/2019</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>1/30/2019</i>



**HOUSE . . . . . No. 1580**

By Mr. Whelan of Brewster, a petition (accompanied by bill, House, No. 1580) of Timothy R. Whelan and others relative to operating motor vehicles under the influence of alcohol or controlled substances. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 872 OF 2017-2018.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
In the One Hundred and Ninety-First General Court  
(2019-2020)  
\_\_\_\_\_

An Act further strengthening public safety through interlock devices.

*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.

92 SECTION 12. Subparagraph (3½) of said paragraph (c) of said subdivision (1) of said  
93 section 24 of said chapter 90, as so appearing, is hereby amended by striking out the last  
94 sentence.

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97 following paragraph:- Where the license or the right to operate of a person has been revoked  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

101 program by a court of the commonwealth or any other jurisdiction because of a like offense 3  
102 times preceding the date of the commission of the offense for which the person has been  
103 convicted, the registrar shall not restore the license or reinstate the right to operate of that person  
104 unless the prosecution of that person has been terminated in favor of the defendant, until 10 years  
105 after the date of the conviction; provided, however, that such person may, after the completion of  
106 the incarcerated portion of the sentence, apply for the issuance of an ignition interlock license.  
107 Such person shall provide proof in a format acceptable to the registrar that the person has  
108 enrolled in and is successfully completing the residential treatment program in subparagraph (4)  
109 of paragraph (a) of subdivision (1) or a treatment program mandated by section 24D. The  
110 ignition interlock license shall not be removed for the life of the person; provided, however, that  
111 the person may petition the registrar for removal not less than 10 years after the issuance of the  
112 ignition interlock license and not less than every 5 years thereafter. Mandatory restrictions on an  
113 ignition interlock license granted by the registrar pursuant to this subparagraph shall include, but  
114 not be limited to: (i) proof in a format determined by the registrar that a functioning certified  
115 ignition interlock device is installed on vehicles that will be operated by the person during the  
116 term of the ignition interlock license; and (ii) an attestation that ignition interlock devices will be  
117 maintained on all vehicles to be operated by the person. A person with an ignition interlock  
118 license shall be prohibited from operating vehicles without an ignition interlock device for the  
119 duration of the license. Failure of the operator to remain in compliance with probation shall be  
120 cause for immediate revocation of the ignition interlock license. The registrar shall provide  
121 notice of a revocation to the person issued the ignition interlock license at the address of record  
122 at the registry. An aggrieved party may appeal, in accordance with chapter 30A, from an order of  
123 the registrar of motor vehicles pursuant to this subparagraph.



124 SECTION 14. Said paragraph (c) of said subdivision (1) of said section 24 of said chapter  
125 90, as so appearing, is hereby further amended by striking out subparagraph (3<sup>3/4</sup>) and inserting in  
126 place thereof the following subparagraph:- (3<sup>3/4</sup>) Where the license or the right to operate of a  
127 person has been revoked pursuant to paragraph (b) and that person was previously convicted of a  
128 like offense or assigned to an alcohol or controlled substance education, treatment or  
129 rehabilitation program by a court of the commonwealth or any other jurisdiction because of a  
130 like offense not less than 4 times preceding the date of the commission of the offense for which  
131 the person has been convicted, that person's license or right to operate a motor vehicle shall be  
132 revoked for the life of that person; provided, however, that such person may, after completion of  
133 the incarcerated portion of the sentence, apply for an ignition interlock license. Such person shall  
134 provide proof in a format acceptable to the registrar that the person has enrolled in and has  
135 successfully completed or is successfully completing the residential treatment program in  
136 subparagraph (4) of paragraph (a) of subdivision (1) or a treatment program mandated by  
137 section 24D and has completed the incarcerated portion of the sentence. The ignition interlock  
138 license shall not be removed for the life of the person; provided, however, that the person may  
139 petition the registrar for removal not less than 10 years after the issuance of the ignition interlock  
140 license and not less than every 5 years thereafter. Mandatory restrictions on an ignition interlock  
141 license granted by the registrar pursuant to this subparagraph shall include, but not be limited to:  
142 (i) proof in a format determined by the registrar that a functioning certified ignition interlock  
143 device is installed on vehicles that will be operated by the person during the term of the ignition  
144 interlock license; and (ii) an attestation that ignition interlock devices will be maintained on all  
145 vehicles to be operated by the person. A person with an ignition interlock license shall be  
146 prohibited from operating vehicles without an ignition interlock device for the duration of the

147 license. Failure of the operator to remain in compliance with probation shall be cause for  
148 immediate revocation of the ignition interlock license. An aggrieved party may appeal, in  
149 accordance with chapter 30A, from an order of the registrar of motor vehicles pursuant to this  
150 subparagraph. SECTION 15. Said section 24 of said chapter 90, as so appearing, is hereby  
151 amended by striking out, in line 575, the word “restistrar” and inserting in place thereof the  
152 following word:-registrar.

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

170 the absence of any other alcohol related charges pending against the defendant, apply for and be  
171 immediately granted a hearing before the court which took final action on the charges for the  
172 purpose of requesting the restoration of the person's license.

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

189 SECTION 18. Paragraph (g) of said subdivision (1) of said section 24 of said chapter 90,  
190 as so appearing, is hereby amended by inserting after the first paragraph the following  
191 paragraph:- The application for the issuance of an ignition interlock license for the period during

192 which a person's license, permit or right to operate is suspended pursuant to subparagraph (1) of  
193 paragraph (f) shall waive the person's right to a hearing pursuant to this subparagraph.

194 SECTION 19. Said chapter 90 is hereby further amended by striking out section 24½, as  
195 so appearing, and inserting in place thereof the following section:- Section 24½. (a) No person  
196 whose license has been suspended in the commonwealth or any other jurisdiction by reason of an  
197 assignment to an alcohol education, treatment or rehabilitation program or because of a  
198 conviction for a violation of subsection (a) of section 24G, or operating a motor vehicle with a  
199 percentage by weight of blood alcohol of .08 or greater or while under the influence of  
200 intoxicating liquor in violation of paragraph (a) of subdivision (1) of section 24, subsection (b) of  
201 said section 24G, section 24L, section 131/2 of chapter 265, subsection (a) of section 8 of  
202 chapter 90B, section 8A or 8B of said chapter 90B or, in the case of another jurisdiction, for any  
203 like offense, shall be issued a new license or right to operate or have such license or right to  
204 operate restored if that person has previously been so assigned or convicted unless such person  
205 provides proof in a format acceptable to the registrar that the person has a functioning certified  
206 ignition interlock device installed on all vehicles to be operated by that person as a precondition  
207 for the issuance, reissuance or restoration of a license or right to operate. A functioning certified  
208 ignition interlock device shall be installed and maintained on all vehicles operated by any such  
209 person for a period of 2 years. (b) Any person whose license or right to operate is restricted to  
210 operating vehicles equipped with a functioning certified ignition interlock device shall have such  
211 device inspected, maintained and monitored in accordance with regulations which shall be  
212 promulgated by the registrar. The ignition interlock device shall be calibrated to prevent the  
213 motor vehicle from being started with the breath sample provided has an alcohol concentration of  
214 0.025 or more. The ignition interlock device shall remain in place until the registrar receives a

215 declaration from the person's ignition interlock device vendor, in a form provided or approved by  
216 the registry, certifying that there have been none of the following incidents in the six consecutive  
217 months prior to the date the person seeks removal of the device: (a) any attempt to start the  
218 vehicle with a breath alcohol concentration of 0.04 or more unless a subsequent test performed  
219 within ten minutes registers a breath alcohol concentration lower than 0.04; (b) failure to take  
220 any random test; (c) failure to pass any random retest with a breath alcohol concentration of  
221 0.025 or lower; (d) any attempt to remove, tamper or circumvent the proper operation of the  
222 device; or (e) failure of the person to appear at the ignition interlock device vendor when  
223 required for maintenance, repair, calibration, monitoring, inspection, or replacement of the  
224 device.

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

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

238 be operated by the person during the term of the ignition interlock license; and (ii) an attestation  
239 that ignition interlock devices will be maintained on all vehicles to be operated by the person. A  
240 person with an ignition interlock license shall be prohibited from operating vehicles without an  
241 ignition interlock device for the duration of the license.

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

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

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

252 SECTION 25. Section 24G of said chapter 90, as so appearing, is hereby amended adding  
253 the following subsection:- (d) Upon completion of the period of imprisonment prescribed in  
254 subsection (a) or (b) for an offense involving operating a motor vehicle with a percentage, by  
255 weight, of alcohol in the blood of .08 or greater or while under the influence of intoxicating  
256 liquor, the person may apply to the registrar for the issuance of an ignition interlock license for  
257 the remainder of the revocation period designated in subsection (c). The registrar may issue such  
258 license under such terms and conditions as appropriate and necessary for the balance of the  
259 revocation period listed in this subsection. Mandatory restrictions on an ignition interlock license

260 granted by the registrar pursuant to this subsection shall include, but not be limited to: (i) proof  
261 in a format determined by the registrar that a functioning certified ignition interlock device is  
262 installed on vehicles that will be operated by the person during the term of the ignition interlock  
263 license; and (ii) an attestation that ignition interlock devices will be maintained on all vehicles to  
264 be operated by the person. A person with an ignition interlock license shall be prohibited from  
265 operating vehicles without an ignition interlock device for the duration of the license. Failure of  
266 the operator to remain in compliance with the sentence or court probation shall be cause for  
267 immediate revocation of the ignition interlock license. The registrar shall provide notice a  
268 revocation to the person issued the ignition interlock license at the address of record at the  
269 registry.

270 SECTION 26. Section 24L of said chapter 90, as so appearing, is hereby amended by  
271 adding the following subdivision:- (5) Upon completion of the period of imprisonment  
272 prescribed in subdivision (1) or (2) for an offense involving operating a motor vehicle with a  
273 percentage, by weight, of alcohol in the blood of .08 or greater or while under the influence of  
274 intoxicating liquor, the person may apply to the registrar for the issuance of an ignition interlock  
275 license for the remainder of the revocation period designated in subdivision (4). The registrar  
276 may issue such license under such terms and conditions as appropriate and necessary for the  
277 balance of the revocation period listed in this subsection. Mandatory restrictions on an ignition  
278 interlock license granted by the registrar pursuant to this subdivision shall include, but not be  
279 limited to: include: (i) proof in a format determined by the registrar that a functioning certified  
280 ignition interlock device is installed on vehicles that will be operated by the person during the  
281 term of the ignition interlock license; and (ii) an attestation that ignition interlock devices will be  
282 maintained on all vehicles to be operated by the person. A person with an ignition interlock

283 license shall be prohibited from operating vehicles without an ignition interlock device for the  
284 duration of the license. Failure of the operator to remain in compliance with the sentence or court  
285 probation shall be cause for immediate revocation of the ignition interlock license. The registrar  
286 shall provide notice of a revocation to the person issued the ignition interlock license at the  
287 address of record at the registry.

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

303 SECTION 28. Said section 24N of said chapter 90, as so appearing, is hereby further  
304 amended by striking out, in lines 58 to 61, inclusive, the words “refusal. No license shall be  
305 restored under any circumstances and no restricted or hardship permits shall be issued during the



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

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

327 SECTION 30. Section 19 of chapter 122 of the acts of 2005 is hereby amended by  
328 inserting after the word “registry”, in line 7, the following words:- ; provided, however, that

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

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

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

352 every 30 to 60 days, as promulgated by the registrar, by an entity approved by the registrar; and  
353 (iii) that the costs to install and maintain the certified ignition interlock device shall be borne by  
354 the operator unless the operator presents valid evidence of a grave and serious hardship;

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

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

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

368 This act shall take effect on August 1, 2019.