To the Honorable Senate and House of Representatives,

I am filing for your consideration the enclosed bill, “An Act to Promote Commercial Driver Safety.” The recent tragic deaths of seven individuals in Randolph, New Hampshire have called attention to the Commonwealth’s regulation of commercial driver’s licenses. While there is no question that the Registry of Motor Vehicles failed to act as it was required to prior to that incident, my Administration’s review has revealed a broader need to strengthen the Commonwealth’s laws regulating commercial driver’s licenses to ensure that only safe and qualified drivers are authorized to operate the largest vehicles on our roads.

This legislation proposes several safety-focused provisions that will raise Massachusetts’s standards for commercial driver’s licenses above the minimum requirements of federal law. To begin with, under the proposed legislation, applicants for commercial driver’s licenses will have to demonstrate a history of good driving and will be ineligible for licensure if they have been suspended or disqualified from driving at any time in the past three years. The bill also proposes to raise suspension periods for operators with commercial driver’s licenses who commit multiple, serious traffic violations: it raises the minimum suspension period from 60 to 120 days for drivers who commit two serious traffic violations during a three-year period, and raises the minimum suspension period from 120 to 240 days for drivers who commit three serious violations in that window.
In addition, to ensure that both employers and the Registry of Motor Vehicles are informed in a timely manner of convictions that impact a driver’s eligibility to hold a commercial driver’s license, the bill would require drivers to provide next day notification to employers and the Registry if they are convicted of violating any state or local motor vehicle traffic law or if they have their right to operate a motor vehicle revoked or suspended by any state. For the first time, a commercial driver would be penalized for failing to notify an employer or the Registry of such suspensions or revocations.

This legislation would also require any employer hiring commercial drivers to sign up for the state’s Driver Verification System, a free service that provides automatic notification to employers when an employee’s commercial driver’s license status changes. This service has been in operation in Massachusetts for over ten years and gives employers next-day notification if an employee’s license has been suspended or revoked and when an employee’s commercial driver’s license expires.

The bill also aligns various provisions of our state statute governing commercial driver licensing with the relevant minimum federal requirements to eliminate any technical gaps between state law and the federal regulations that our state statutes implement. While Chapter 90F of the General Laws already empowers the Registrar to write regulations that conform to and keep pace with changes in federal requirements, for purposes of clarity and consistency, it is important that our requirements be captured in both statute and regulation. Among these updates is a provision that makes texting while driving a commercial motor vehicle a serious traffic violation that can result in a mandatory license suspension. This legislation also requires that a driver use only hands-free operation of electronic devices while driving a commercial motor vehicle, a provision that is consistent with the road safety legislation I filed in January. In response to a recent change in federal law, we have also incorporated a new provision that mandates a lifetime suspension for any driver who uses a commercial motor vehicle in the commission of a crime involving human trafficking.

This bill will enhance roadway safety by improving the tools the Commonwealth has to ensure that only qualified, responsible, and safe drivers are operating commercial motor vehicles on the roads. I urge your prompt enactment of this legislation.

Sincerely,

Charles D. Baker,
Governor
An Act to promote commercial driver safety.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to improve safety measures relating to the licensing of commercial vehicle drivers in the Commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.

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

SECTION 1. Section 4A of Chapter 89 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by adding the following sentence:-

A violation of this section while operating a commercial motor vehicle shall be deemed an “improper or erratic lane change” as included within the definition of “serious traffic violation” in section 1 of chapter 90F.

SECTION 2. Chapter 90 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after section 2I the following section:-

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

SECTION 3. Section 7D of said chapter 90, as so appearing, is hereby amended by 
striking out, in line 2, the words “and (16)” and inserting thereof the words:- , (16) and (17).

SECTION 4. Said Chapter 90, as so appearing, is hereby amended by inserting after 
section 13C the following section:-

Section 13D. (a) No operator of a commercial motor vehicle shall use a mobile electronic 
device while operating a commercial motor vehicle unless the person is using the device in 
hands-free mode. No operator of a commercial motor vehicle shall touch or hold in either hand a 
mobile electronic device while operating a commercial motor vehicle except to perform a single 
tap or swipe to activate, deactivate or initiate hands-free mode. No operator of a commercial 
motor vehicle shall use a mobile electronic device or other device capable of accessing the 
internet to: (i) compose, send or read an electronic message; (ii) access social media; (iii) use 
camera functions, including video calls; (iv) watch videos not intended for navigation purposes; 
(v) review or input information on a mobile electronic device; or (vi) manually input information 
into a global positioning system or navigation device while operating a commercial motor 
vehicle. Nothing in this section shall prohibit the use of a display which enhances the operator’s 
view to maneuver the commercial motor vehicle or to perform a single tap or swipe to activate, 
deactivate or initiate a command to a global positioning system or navigation device or function. 
An operator of a commercial motor vehicle who holds a mobile electronic device to or in the 
 immediate proximity of the operator’s head, in the operator’s hand or on the operator’s lap while 
operating a commercial motor vehicle shall be presumed to be in violation of this section. For the

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purposes of this section, an operator shall not be considered to be operating a commercial motor
vehicle if the vehicle is stationary and not located in part of a roadway intended for travel by a
motor vehicle or bicycle.

(b) Whoever violates this section shall be punished by a fine of $100 for a first offense,
by a fine of $250 for a second offense and by a fine of $500 for a third or subsequent offense
within 6 years of the first offense. A third or subsequent violation of this section shall be a
surchargeable incident under section 113B of chapter 175 or under a motor vehicle liability
policy as defined by section 34A that is issued pursuant to said chapter 175. In addition to fines
pursuant to this subsection, an operator who commits a second or third or subsequent offense
under this section shall be required to complete a program selected by the registrar of motor
vehicles that encourages a change in driver behavior and attitude about distracted driving. This
subsection shall not be construed as authorizing the seizure or forfeiture of a hand-held mobile
telephone or a mobile electronic device. A violation of this section shall be deemed a “serious
traffic violation” as defined in section 1 of chapter 90F.

(c) Documentary or other evidence that the use of a mobile electronic device was for
emergency purposes and that no other person in the vehicle was capable of using a mobile
electronic device shall be an affirmative defense to an alleged violation of this section. For the
purposes of this section, “emergency purposes” shall mean that the operator used the mobile
electronic device for voice communication with another person to report: (i) that the commercial
motor vehicle was disabled; (ii) that medical attention or assistance was required; (iii) that police
or fire department intervention or some other emergency service was necessary for the safety of
the operator or to otherwise ensure the safety of the passengers; (iv) that a disabled vehicle or an
accident was present in the roadway; (v) that police or fire department intervention or some other
emergency service was necessary for the safety of a pedestrian in or near the roadway; or (vi) that police intervention was necessary due to a motor vehicle being operated in a manner that pose a threat to the safety of travelers on the roadway or to pedestrians.

(d) This section shall not apply to public safety personnel or emergency first responders using a mobile electronic device while operating an emergency services vehicle and engaged in the performance of their duties as emergency services personnel.

SECTION 5. The first sentence of section 15 of said chapter 90, as so appearing, is hereby amended by striking out, in line 1, the word “Except”, and inserting in place thereof, the following words:- (a) Except.

SECTION 6. Said section 15 of said chapter 90, as so appearing, is hereby further amended by adding the following subsection:-

(b) In addition to the above, an operator of a commercial motor vehicle who has a commercial driver license as defined in section 1 of chapter 90F or who is required to have a commercial driver license, including the operator of a school bus, and who fails to take the appropriate action as provided in clauses (1) through (6) of this subsection when approaching a railroad grade crossing shall be subject to the penalties contained in this section and the periods of disqualification contained in subparagraph (4) of paragraph E ½ of section 9 of chapter 90F.

The violations are:

(1) the operator is not required to always stop, but fails to slow down and check that tracks are clear of an approaching train;
(2) the operator is not required to always stop, but fails to stop before reaching the
crossing, if the tracks are not clear;
(3) the operator is always required to stop, but fails to stop before driving onto the
crossing;
(4) the operator fails to have sufficient space to drive completely through the crossing
without stopping;
(5) the operator fails to obey a traffic control device or the directions of an
enforcement official at the crossing; or
(6) the operator fails to negotiate a crossing because of insufficient undercarriage
clearance.

SECTION 7. Section 22 of said chapter 90, as so appearing, is hereby amended by
inserting after subsection (j) the following subsection:-

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

SECTION 8. Section 1 of chapter 90F of the General Laws, as so appearing, is hereby
amended by inserting after the definition of “Commerce”, the following definition:-
“Commercial Driver’s License” (CDL), a license issued in accordance with the standards contained in federal regulations at 49 C.F.R. Part 383 and in this chapter to an individual which authorizes the individual to operate a class of commercial motor vehicle.

SECTION 9. Said section 1 of said chapter 90F, as so appearing, is hereby further amended by striking out the definition of “Conviction” and inserting in place thereof the following definition:

“Conviction”, an unvacated adjudication of guilt; a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an administrative tribunal; an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; a plea of guilty or nolo contendere accepted by the court; the payment of a fine or court cost; violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended or probated; a disposition under sections 24D and 24E of chapter 90; an admission to sufficient facts; a continuance without a finding; a court-ordered assignment to an alcohol or controlled substance education, treatment or rehabilitation program; a refusal to submit to a chemical test or analysis of one’s breath or blood when requested by law enforcement in the enforcement of motor vehicle safety laws; a determination by chemical test or analysis that a person has had a percentage, by weight, of alcohol in their blood of 0.04 or more while operating a commercial motor vehicle or a concentration of 0.08 or more while operating any motor vehicle.

SECTION 10. Said section 1 of said chapter 90F, as so appearing, is hereby further amended by striking out the definition of “Serious traffic violation” and inserting in place thereof the following definition:
“Serious traffic violation”, improper or erratic traffic lane changes; following the vehicle ahead too closely or excessive speeding, as those violations are defined by the United States Department of Transportation by regulation; any violation of a state or local law relating to motor vehicle traffic control (other than a parking violation) that arises in connection with a fatal accident; driving recklessly, as defined by state or local law or regulation, including but not limited to, offenses of driving a motor vehicle in willful or wanton disregard for the safety of persons or property; driving a commercial motor vehicle without obtaining a commercial driver license or commercial vehicle learner’s permit; driving a commercial motor vehicle without having a commercial driver license or commercial vehicle learner’s permit in possession; driving a commercial motor vehicle without the proper class or endorsement; manually composing, sending or reading an electronic message while operating a commercial motor vehicle in violation of section 13D of chapter 90; using a mobile electronic device while operating a commercial motor vehicle in violation of said section 13D said chapter 90; and any other violations of state law relating to motor vehicle traffic control which the registry determines by regulation to be serious, as well as offenses listed in regulations which the registrar may promulgate to reflect the definition of a serious traffic violation contained in any applicable federal statute or regulation.

SECTION 11. Section 2 of said chapter 90F, as so appearing, is hereby amended by adding the following paragraph:-

An applicant for a commercial driver’s license shall be a duly licensed motor vehicle operator for a period of 3 continuous years immediately prior to his or her application. An applicant shall not be eligible to obtain a commercial driver’s license if his or her operator’s
license or right to operate has been suspended or revoked by any state within 3 years prior to the
date of application.

SECTION 12. Section 3 of said chapter 90F, as so appearing, is hereby amended by
inserting, after the word “vehicles” in line 6, the following words:- within one business day of
receiving notice of such conviction.

SECTION 13. Said section 3 of said chapter 90F is hereby further amended by striking
out, in line 12, the words “thirty days of the date of conviction” and inserting in place thereof the
following words:- one business day of receiving notice of such conviction.

SECTION 14. Said section 3 of said chapter 90F, as so appearing, is hereby amended by
striking out paragraph (B) and inserting in place thereof the following paragraph:-

(B) Notification of suspensions, revocations and cancellations. Each driver whose driver
license is suspended, revoked, or cancelled by any state, who loses the privilege to drive a
commercial motor vehicle in any state for any period, or who is disqualified from driving a
commercial motor vehicle for any period, shall notify his employer and the registrar of motor
vehicles of that fact before the end of the business day following the day the driver received
notice of that fact. Any driver who violates the provisions of this paragraph shall be subject to a
civil penalty of $500 in addition to any other administrative action that the registrar of motor
vehicles may impose as a consequence of the underlying suspension, revocation, or cancellation.

SECTION 15. Paragraph (C) of section 4 of said chapter 90F, as so appearing, is hereby
amended by striking out, in line 17, the words “$2,750 to $11,000” and inserting in place thereof
the following words:- $5,591 to $30,956.
SECTION 16. Said section 4 of said chapter 90F, as so appearing, is hereby amended by 
adding the following paragraph:-

(E) Each employer shall participate in the Registrar’s Driver Verification System, which 
allows an employer to track the license status of employees who operate commercial motor 
vehicles and which notifies employers of any change in an employee’s commercial driver’s 
license status.

SECTION 17. Section 6 of said chapter 90F, as so appearing, is hereby amended by 
striking out the eighth paragraph and inserting in place thereof the following paragraph:-

A learner’s permit to operate a commercial motor vehicle shall not be valid for more than 
180 days when originally issued. A learner’s permit to operate a commercial motor vehicle may 
be renewed once for an additional 180 days without requiring the holder of the learner’s permit 
to operate a commercial motor vehicle to retake the general and endorsement knowledge tests. 
The learner’s permit to operate a commercial motor vehicle may be renewed up to 60 days 
before the initial expiration or up to 30 days after the initial expiration. The issuance of a 
learner’s permit to operate a commercial motor vehicle is a precondition to the initial issuance of 
a commercial driver’s license and is also a precondition to the upgrade of a commercial driver’s 
license if such upgrade requires a skills test. A holder of a learner’s permit to operate a 
commercial motor vehicle is not eligible to take a commercial driver’s license skills test within 
the first 14 days following the initial issuance of the learner’s permit to operate a commercial 
motor vehicle. The holder of a learner’s permit to operate a commercial motor vehicle may drive 
a commercial motor vehicle on a highway only when accompanied by the holder of a valid 
license to operate a commercial motor vehicle for the type of vehicle driven who occupies a seat
beside the individual for the purpose of giving instruction in driving the commercial motor
vehicle.

SECTION 18. Said section 6 of said chapter 90F, as so appearing, is hereby further
amended by adding the following two paragraphs:-

In addition to the above, no person shall be issued a special license or permit, or a
provisional, temporary or hardship license or permit to drive a commercial motor vehicle during
a period in which the person is disqualified from operating a commercial motor vehicle or after
the person’s noncommercial driving privilege has been revoked, suspended or cancelled, or when
any type of driver’s license held by such person is suspended, revoked or cancelled by the state
in which the driver is licensed for any state or local law related to motor vehicle traffic control
other than parking violations.

A person shall not be issued a CDL or learner’s permit to operate a commercial motor
vehicle on a limited basis on the grounds of hardship.

SECTION 19. Section 7 of said chapter 90F, as so appearing, is hereby amended by
striking out, in line 7, the words “weight and eye and hair color,” and inserting in place thereof
the following words:- eye color.

SECTION 20. Paragraph (A) of section 9 of said chapter 90F, as so appearing, is hereby
amended by striking out subparagraph (2) and inserting in place thereof the following
subparagraph:-

(2) Operating a commercial motor vehicle while the person has a percentage, by weight,
of alcohol in their blood of 0.04 or more;
SECTION 21. Said paragraph (A) of said section 9 of said chapter 90F, as so appearing, is hereby further amended by inserting after subparagraph (5) the following 3 subparagraphs:

(6) Operating any motor vehicle while the person has a percentage, by weight, of alcohol in their blood of 0.08 or more;

(7) Driving a commercial motor vehicle when, as a result of prior violations committed while operating a commercial motor vehicle, the person’s commercial driver’s license is revoked, suspend, or canceled, or the person is disqualified from operating a commercial motor vehicle;

(8) Causing a fatality through the negligent operation of a commercial motor vehicle, including but not limited to the crimes of motor vehicle manslaughter, homicide by motor vehicle, and negligent homicide.

SECTION 22. Said section 9 of said chapter 90F, as so appearing, is hereby further amended by striking out paragraph (D) and inserting in place thereof the following paragraph:

(D) Any person shall be disqualified from operating a commercial motor vehicle for life who uses a commercial motor vehicle in the commission of (i) any felony involving the manufacture, distribution, or dispensing of a controlled substance, or possession with intent to manufacture, distribute or dispense a controlled substance; or (ii) any felony involving trafficking in persons or organs as prohibited by sections 50, 51, or 53 of chapter 265 or any felony involving an act or practice of severe forms of trafficking in persons, as defined in 22 U.S.C. 7102(11).
SECTION 23. Said section 9 of said chapter 90F, as so appearing, is hereby further amended by striking out paragraph (E) and inserting in place thereof the following paragraph:-

(E) Any person shall be disqualified from operating a commercial motor vehicle for a period of not less than 120 days if convicted of 2 serious traffic violations, or 240 days if convicted of 3 serious traffic violations, committed in the operation of a commercial motor vehicle arising from separate incidents occurring within a 3-year period. The disqualification period under this paragraph shall be imposed in addition to any other previously imposed period of disqualification.

SECTION 24. Clause (i) of subparagraph (1) of paragraph (E 1/2) of said section 9 of said chapter 90F, as so appearing, is hereby amended by striking out the words “ninety days” and inserting in place thereof the following words:- one hundred and eighty days or more than one year.

SECTION 25. Clause (ii) of said subparagraph (1) of said paragraph (E1/2) of said section 9 of said chapter 90F, as so appearing, is hereby amended by striking out the words “one year” and inserting in place thereof the following words:- two years or more than five years.

SECTION 26. Clause (iii) of said subparagraph (1) of said paragraph (E1/2) of said section 9 of said chapter 90F, as so appearing, is hereby amended by inserting after the words “three years” the following words:- or more than five years.

SECTION 27. Clause (i) of subparagraph (2) of said paragraph (E1/2) of said section 9 of said chapter 90F, as so appearing, is hereby amended by inserting after the word “days”, the following words:- or more than two years.
SECTION 28. Clause (ii) of said subparagraph (2) of said paragraph (E1/2) of said section 9 of said chapter 90F, as so appearing, is hereby amended by inserting after the words “three years”, the following words: - or more than five years.

SECTION 29. Subparagraph (3) of said paragraph (E1/2) of said section 9 of said chapter 90F, as so appearing, is hereby amended by striking out, in line 67, the words “$1,100 and not more than $2,750” and inserting in place thereof the following words: - $3,096 for a first violation and not less than $6,192 for a second or subsequent violation.

SECTION 30. Subparagraph (4) of said paragraph (E1/2) of said section 9 of said chapter 90F, as so appearing, is hereby amended by inserting after the word “in”, in line 70, the following words: - subsection (b) of section 15 of chapter 90 or in.

SECTION 31. Said section 9 of said chapter 90F, as so appearing, is hereby amended by adding the following paragraph: -

(I) The registrar may suspend or revoke without a hearing any commercial driver’s license issued under this chapter whenever the holder thereof (i) has committed a violation of the motor vehicle laws of a nature which would give the registrar reason to believe that continuing operation by such holder is and will be so seriously improper as to constitute an immediate threat to the public safety; or (ii) has committed two or more serious traffic violations within the prior twelve month period. Upon such suspension or revocation, the registrar shall forthwith send written notice thereof to the licensee. Such notice shall specify the time and place of the violation or violations. The registrar may order the license of such operator to be delivered to him; and the license shall not be reissued unless, upon examination or investigation, or after a hearing, the registrar determines that the operator shall again be permitted to operate. Said
operator shall be entitled to a hearing within thirty days of the suspension or revocation, and the registrar shall so advise him in the notice of suspension or revocation.