

HOUSE No. 4967

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, September 14, 2020.

The committee on Transportation to whom was recommitted the message from His Excellency the Governor recommending legislation relative to promoting commercial driver safety (House, No. 3980), reports recommending that the accompanying bill (House, No. 4967) ought to pass.

For the committee,

WILLIAM M. STRAUS.

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The Commonwealth of Massachusetts

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

An Act to promote commercial driver safety.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to regulate the licensing of commercial drivers, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.

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

3 SECTION 2. Section 1 of chapter 90F of the General Laws, as so appearing, is hereby
4 amended by inserting after the definition of “Commerce”, the following definition:-

5 “Commercial Driver’s License” (CDL), a license issued in accordance with the standards
6 contained in federal regulations at 49 C.F.R. Part 383 and in this chapter to an individual which
7 authorizes the individual to operate a class of commercial motor vehicle.

8 SECTION 3. Said section 1 of said chapter 90F, as so appearing, is hereby further
9 amended by striking out the definition of “Conviction” and inserting in place thereof the
10 following definition:-

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

24 SECTION 4. Said section 1 of said chapter 90F, as so appearing, is hereby further
25 amended by striking out the definition of “Serious traffic violation” and inserting in place thereof
26 the following definition:-

27 “Serious traffic violation”, improper or erratic traffic lane changes; following the vehicle
28 ahead too closely or excessive speeding, as those violations are defined by the United States
29 Department of Transportation by regulation; any violation of a state or local law relating to
30 motor vehicle traffic control (other than a parking violation) that arises in connection with a fatal
31 accident; driving recklessly, as defined by state or local law or regulation, including but not
32 limited to, offenses of driving a motor vehicle in willful or wanton disregard for the safety of
33 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 5. 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 6. 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 7. 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 8. 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 9. 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 10. 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 11. 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 12. 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 13. 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 14. 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 15. 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

98 operation by such holder is and will be so seriously improper as to constitute an immediate threat
99 to the public safety; or (ii) has committed two or more serious traffic violations within the prior
100 twelve month period. Upon such suspension or revocation, the registrar shall forthwith send
101 written notice thereof to the licensee. Such notice shall specify the time and place of the violation
102 or violations. The registrar may order the license of such operator to be delivered to him; and the
103 license shall not be reissued unless, upon examination or investigation, or after a hearing, the
104 registrar determines that the operator shall again be permitted to operate. Said operator shall be
105 entitled to a hearing within thirty days of the suspension or revocation, and the registrar shall so
106 advise him in the notice of suspension or revocation.