

**SENATE . . . . . No. 2137**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Bruce E. Tarr***

*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 strengthening public safety through interlock devices.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	
<i>Viriato M. deMacedo</i>	<i>Plymouth and Barnstable</i>	<i>1/31/2019</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>2/4/2019</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>2/8/2019</i>
<i>William L. Crocker, Jr.</i>	<i>2nd Barnstable</i>	<i>2/8/2019</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>2/14/2019</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>2/14/2019</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>4/24/2019</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>5/4/2019</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>9/20/2019</i>
<i>Ryan C. Fattman</i>	<i>Worcester and Norfolk</i>	<i>11/22/2019</i>

**SENATE . . . . . No. 2137**

---

---

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 2137) of Bruce E. Tarr, Viriato M. deMacedo, Timothy R. Whelan, Joanne M. Comerford and other members of the General Court for legislation relative to strengthening public safety through interlock devices. Transportation.

---

---

**The Commonwealth of Massachusetts**

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

An Act relative to 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.

31 SECTION 5. Subparagraph (2) of said paragraph (c) of said subdivision (1) of said  
32 Section 24 of said Chapter 90, as so appearing, is hereby amended by striking out the last  
33 sentence.

34 SECTION 6. Said subparagraph (2) of said paragraph (c) of said subdivision (1) of said  
35 Section 24 of said Chapter 90, as so appearing, is hereby further amended by adding the  
36 following paragraph:- Where the license or the right to operate of a person has been revoked  
37 pursuant to paragraph (b) for operating a motor vehicle with a percentage, by weight, of alcohol  
38 in the operator's blood of .08 or greater and that person has been previously convicted of a like  
39 offense or assigned to an alcohol or controlled substance education, treatment or rehabilitation  
40 program by a court of the commonwealth or any other jurisdiction because of a like offense  
41 preceding the date of the commission of the offense for which that person has been convicted,  
42 the registrar shall not restore the license or reinstate the right to operate of that person unless the  
43 prosecution from the registrar, apply for the issuance of an ignition interlock license. That person  
44 shall provide proof in a format acceptable to the registrar that the person has enrolled in and is  
45 successfully completing the residential treatment program in subparagraph (4) of paragraph (a)  
46 of subdivision (1) or a treatment program mandated by section 24D or has completed the  
47 incarcerated portion of the sentence. Mandatory restrictions on an ignition interlock license  
48 granted by the registrar pursuant to this subparagraph shall include but not be limited to: (i) proof  
49 in a format determined by the registrar that a functioning certified ignition interlock device is  
50 installed on vehicles that will be operated by the person during the term of the ignition interlock  
51 license; and (ii) an attestation that ignition interlock devices will be maintained on all vehicles to  
52 be operated by the person. A person with an ignition interlock license shall be prohibited from  
53 operating vehicles without an ignition interlock device for the duration of the license. Failure of  
54 the operator to remain in compliance with court probation shall be cause for immediate  
55 revocation of the ignition interlock license. The registrar shall provide notice of a revocation to  
56 the person issued the ignition interlock license at the address of record at the registry.

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

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

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

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

90 SECTION 10. Said Section 24 of said Chapter 90, as so appearing, is hereby further  
91 amended by inserting after the figure “(b)”, in line 417, the following words:- for being under the  
92 influence of a controlled substance or the vapors of glue.

93 SECTION 11. Subparagraph (3½) of said paragraph (c) of said subdivision (1) of said  
94 Section 24 of said Chapter 90, as so appearing, is hereby amended by striking out the last  
95 sentence.

96 SECTION 12. Said subparagraph (3½) of said paragraph (c) of said subdivision (1) of  
97 said Section 24 of said Chapter 90, as so appearing, is hereby further amended by adding the  
98 following paragraph:- Where the license or the right to operate of a person has been revoked  
99 pursuant to subsection (b) for operating a motor vehicle with a percentage, by weight, of alcohol  
100 in the operator’s blood of .08 or greater and that person has been previously convicted of a like  
101 offense or assigned to an alcohol or controlled substance education, treatment or rehabilitation

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

125 SECTION 13. Said paragraph (c) of said subdivision (1) of said Section 24 of said  
126 Chapter 90, as so appearing, is hereby further amended by striking out subparagraph (3¾) and  
127 inserting in place thereof the following subparagraph:- (3¾) Where the license or the right to  
128 operate of a person has been revoked pursuant to paragraph (b) and that person was previously  
129 convicted of a like offense or assigned to an alcohol or controlled substance education, treatment  
130 or rehabilitation program by a court of the commonwealth or any other jurisdiction because of a  
131 like offense not less than 4 times preceding the date of the commission of the offense for which  
132 the person has been convicted, that person's license or right to operate a motor vehicle shall be  
133 revoked for the life of that person; provided, however, that such person may, after completion of  
134 the incarcerated portion of the sentence, apply for an ignition interlock license. Such person shall  
135 provide proof in a format acceptable to the registrar that the person has enrolled in and has  
136 successfully completed or is successfully completing the residential treatment program in  
137 subparagraph (4) of paragraph (a) of subdivision (1) or a treatment program mandated by section  
138 24D and has completed the incarcerated portion of the sentence. The ignition interlock license  
139 shall not be removed for the life of the person; provided, however, that the person may petition  
140 the registrar for removal not less than 10 years after the issuance of the ignition interlock license  
141 and not less than every 5 years thereafter. Mandatory restrictions on an ignition interlock license  
142 granted by the registrar pursuant to this subparagraph shall include, but not be limited to: (i)  
143 proof in a format determined by the registrar that a functioning certified ignition interlock device  
144 is installed on vehicles that will be operated by the person during the term of the ignition  
145 interlock license; and (ii) an attestation that ignition interlock devices will be maintained on all  
146 vehicles to be operated by the person. A person with an ignition interlock license shall be  
147 prohibited from operating vehicles without an ignition interlock device for the duration of the



148 license. Failure of the operator to remain in compliance with probation shall be cause for  
149 immediate revocation of the ignition interlock license. An aggrieved party may appeal, in  
150 accordance with chapter 30A, from an order of the registrar of motor vehicles pursuant to this  
151 subparagraph.

152 SECTION 14. Said Section 24 of said Chapter 90, as so appearing, is hereby amended by  
153 striking out, in line 575, the word “restistrar” and inserting in place thereof the following word:-  
154 registrar.

155 SECTION 15. The fifth paragraph of subparagraph (1) of paragraph (f) of said  
156 subdivision (1) of said Section 24 of said Chapter 90, as so appearing, is hereby further amended  
157 by striking out the first sentence and inserting in place thereof the following 4 sentences:- A  
158 person who refuses to submit to a chemical test or analysis of breath or blood may apply for the  
159 issuance of an ignition interlock license, on or after the effective date of the suspension, for the  
160 balance of the suspension period imposed by this paragraph. A mandatory restriction on an  
161 ignition interlock license granted by the registrar pursuant to this subparagraph shall include, but  
162 not be limited to: (i) proof in a format determined by the registrar that a functioning certified  
163 ignition interlock device is installed on vehicles that will be operated by the person during the  
164 term of the ignition interlock license; and (ii) an attestation that ignition interlock devices will be  
165 maintained on all vehicles to be operated by the person. A person with an ignition interlock  
166 license shall be prohibited from operating vehicles without an ignition interlock device for the  
167 duration of the license. A person issued an ignition interlock license pursuant to this  
168 subparagraph shall not receive credit against an additional ignition interlock requirement arising  
169 from the same incident or from another incident. A defendant, during the suspension period  
170 imposed by this paragraph, may immediately, upon the entry of a not guilty finding or dismissal

171 of all charges under this section, section 24G, section 24L or section 13½ of chapter 265, and in  
172 the absence of any other alcohol related charges pending against the defendant, apply for and be  
173 immediately granted a hearing before the court which took final action on the charges for the  
174 purpose of requesting the restoration of the person's license.

175 SECTION 16. Subparagraph (2) of said paragraph (f) of said subdivision (1) of said  
176 Section 24 of said Chapter 90, as so appearing, is hereby amended by inserting after the second  
177 paragraph the following paragraph:- A person may apply in advance of or after the effective date  
178 of a suspension under this subparagraph, for the issuance of an ignition interlock license for the  
179 balance of the suspension period listed in this paragraph. Mandatory restrictions on an ignition  
180 interlock license granted by the registrar pursuant to this subparagraph shall include, but not be  
181 limited to: (i) proof in a format determined by the registrar that a functioning certified ignition  
182 interlock device is installed on vehicles that will be operated by the person during the term of the  
183 ignition interlock license; and (ii) an attestation that ignition interlock devices will be maintained  
184 on all vehicles to be operated by the person. A person with an ignition interlock license shall be  
185 prohibited from operating vehicles without an ignition interlock device for the duration of the  
186 license. A suspension for failure of a chemical test or analysis of breath or blood shall run  
187 consecutively, both as to any additional suspension periods arising from the same incident, and  
188 as to each other. A person issued an ignition interlock license pursuant to this subparagraph shall  
189 receive day for day credit against an additional ignition interlock requirement arising from the  
190 same incident.

191 SECTION 17. Paragraph (g) of said subdivision (1) of said Section 24 of said Chapter 90,  
192 as so appearing, is hereby amended by inserting after the first paragraph the following  
193 paragraph:- The application for the issuance of an ignition interlock license for the period during

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

196 SECTION 18. Said Chapter 90 is hereby further amended by striking out Section 24½, as  
197 so appearing, and inserting in place thereof the following section:- Section 24½. (a) No person  
198 whose license has been suspended in the commonwealth or any other jurisdiction by reason of an  
199 assignment to an alcohol education, treatment or rehabilitation program or because of a  
200 conviction for a violation of subsection (a) of section 24G, or operating a motor vehicle with a  
201 percentage by weight of blood alcohol of .08 or greater or while under the influence of  
202 intoxicating liquor in violation of paragraph (a) of subdivision (1) of section 24, subsection (b) of  
203 said section 24G, section 24L, section 131/2 of chapter 265, subsection (a) of section 8 of  
204 chapter 90B, section 8A or 8B of said chapter 90B or, in the case of another jurisdiction, for any  
205 like offense, shall be issued a new license or right to operate or have such license or right to  
206 operate restored if that person has previously been so assigned or convicted unless such person  
207 provides proof in a format acceptable to the registrar that the person has a functioning certified  
208 ignition interlock device installed on all vehicles to be operated by that person as a precondition  
209 for the issuance, reissuance or restoration of a license or right to operate. A functioning certified  
210 ignition interlock device shall be installed and maintained on all vehicles operated by any such  
211 person for a period of 2 years. (b) Any person whose license or right to operate is restricted to  
212 operating vehicles equipped with a functioning certified ignition interlock device shall have such  
213 device inspected, maintained and monitored in accordance with regulations which shall be  
214 promulgated by the registrar. The ignition interlock device shall be calibrated to prevent the  
215 motor vehicle from being started with the breath sample provided has an alcohol concentration of  
216 0.025 or more. The ignition interlock device shall remain in place until the registrar receives a

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

227 SECTION 19. Section 24D of said Chapter 90, as so appearing, is hereby amended by  
228 inserting after the word “defendant”, in line 65, the following words:- whose disposition resulted  
229 from the use of a controlled substance or the vapors of glue.

230 SECTION 20. The fourth paragraph of said Section 24D of said Chapter 90, as so  
231 appearing, is hereby amended by inserting after the fifth sentence the following sentence:-  
232 Notwithstanding subparagraph (1) of paragraph (c) of subdivision (2) of section 24,  
233 subparagraph (1) of paragraph (f) of subdivision (1) of section 24 and section 24P, a defendant  
234 whose disposition resulted from a conviction or charge of alcohol in their blood of .08 or greater  
235 or while under the influence of intoxicating liquor may immediately upon entering a program  
236 pursuant to this section apply to the registrar for issuance of an ignition interlock license for the  
237 probation period. A mandatory restriction on an ignition interlock license granted by the registrar  
238 pursuant to this paragraph shall include, but not be limited to:(i) proof in a format determined by  
239 the registrar that a functioning certified ignition interlock device is installed on vehicles that will

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

244 SECTION 21. Said Section 24D of said Chapter 90, as so appearing, is hereby further  
245 amended by inserting after the word “hardship”, in lines 76 and 81, each time it appears, the  
246 following words:- or ignition interlock.

247 SECTION 22. Section 24E of said Chapter 90, as so appearing, is hereby amended by  
248 inserting after the word “program”, in line 38, the following words:- and may include a written  
249 statement by the supervisor of the ignition interlock provider used by such person detailing the  
250 person’s compliance with the ignition interlock requirement.

251 SECTION 23. Said Section 24E of said Chapter 90, as so appearing, is hereby further  
252 amended by inserting after the word “operate”, in lines 66 and 67, each time it appears, the  
253 following words:- or an ignition interlock license.

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

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

272 SECTION 25. Section 24L of said Chapter 90, as so appearing, is hereby amended by  
273 adding the following subdivision:- (5) Upon completion of the period of imprisonment  
274 prescribed in subdivision (1) or (2) for an offense involving operating a motor vehicle with a  
275 percentage, by weight, of alcohol in the blood of .08 or greater or while under the influence of  
276 intoxicating liquor, the person may apply to the registrar for the issuance of an ignition interlock  
277 license for the remainder of the revocation period designated in subdivision (4). The registrar  
278 may issue such license under such terms and conditions as appropriate and necessary for the  
279 balance of the revocation period listed in this subsection. Mandatory restrictions on an ignition  
280 interlock license granted by the registrar pursuant to this subdivision shall include, but not be  
281 limited to: include: (i) proof in a format determined by the registrar that a functioning certified  
282 ignition interlock device is installed on vehicles that will be operated by the person during the  
283 term of the ignition interlock license; and (ii) an attestation that ignition interlock devices will be  
284 maintained on all vehicles to be operated by the person. A person with an ignition interlock

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

290 SECTION 26. Section 24N of said Chapter 90, as so appearing, is hereby amended by  
291 inserting after the word “days”, in line 38, the following words:- ; provided, however, that such  
292 person may apply, on or after the effective date of the suspension, for the issuance of an ignition  
293 interlock license for the balance of the suspension period listed in this subsection; provided  
294 further, that mandatory restrictions on an ignition interlock license granted by the registrar  
295 pursuant to this section shall include, but not be limited to: (i) proof in a format determined by  
296 the registrar that a functioning certified ignition interlock device is installed on vehicles that will  
297 be operated by the person during the term of the ignition interlock license; and (ii) an attestation  
298 that ignition interlock devices will be maintained on all vehicles to be operated by the person. A  
299 person with an ignition interlock license shall be prohibited from operating vehicles without an  
300 ignition interlock device for the duration of the license. A suspension for failure of a chemical  
301 test or analysis of breath or blood shall run consecutively, both as to any additional suspension  
302 periods arising from the same incident and as to each other. A person issued an ignition interlock  
303 license pursuant to this section shall receive day-for-day credit against any additional ignition  
304 interlock requirement arising from the same incident.

305 SECTION 27. Said Section 24N of said Chapter 90, as so appearing, is hereby further  
306 amended by striking out, in lines 58 to 61, inclusive, the words “refusal. No license shall be  
307 restored under any circumstances and no restricted or hardship permits shall be issued during the

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

324 SECTION 28. Said Section 24N of said Chapter 90, as so appearing, is hereby further  
325 amended by adding the following paragraph:- The application for the issuance of an ignition  
326 interlock license for the period during which a person’s license, permit or right to operate is  
327 suspended pursuant to this section shall waive the person’s right to a hearing pursuant to this  
328 section.

329 SECTION 29. Section 19 of Chapter 122 of the Acts of 2005 is hereby amended by  
330 inserting after the word “registry”, in line 7, the following words:- ; provided, however, that



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

342 SECTION 30. Said Section 19 of said Chapter 122 of the Acts of 2005 is hereby further  
343 amended by inserting after the word "vehicles", in line 10, the following words:- ; provided,  
344 however, that reporting shall ensure compliance with an entity's responsibly pursuant to clause  
345 (2) including, but not limited to, standard charges for installation, service, maintenance and  
346 removal of a device and percentages of the entity's standard program costs waived pursuant to  
347 said clause (2).

348 SECTION 31. Clause (6) of said Section 19 of said Chapter 122 of the Acts of 2005 is  
349 hereby amended by striking out clauses (a) to (c), inclusive, and inserting in place thereof the  
350 following 3 clauses:- (i) of inspection of the certified ignition interlock device for accurate  
351 operation by an entity approved by the registrar not less than once every 30 days, as promulgated  
352 by the registrar, for the duration of any license ignition interlock device restriction; (ii) that the  
353 ignition interlock device shall be monitored, maintained and serviced not less than every 30 days,

354 as promulgated by the registrar, by an entity approved by the registrar; and (iii) that the costs to  
355 install and maintain the certified ignition interlock device shall be borne by the operator unless  
356 the operator presents valid evidence of a substantial financial hardship on the individual.

357 SECTION 32. Said Section 19 of said Chapter 122 of the Acts of 2005 is hereby further  
358 amended by striking out clause (8) and inserting in place thereof the following clause:- violation  
359 of the required inspection, monitoring or reporting requirements may result, after hearing, in up  
360 to a 2 year extension of the ignition interlock license or a permanent revocation of an ignition  
361 interlock license and up to an additional 10-year license suspension during which such person  
362 may not be eligible for an ignition interlock license.

363 SECTION 33. Said Section 19 of Chapter 122 of the Acts of 2005 is hereby further  
364 amended by striking out clause (9) and inserting in place thereof the following clause:- (9) a  
365 schedule for phasing in requirements that ignition interlock devices be equip with cameras or  
366 other means of positively identifying the person providing the ignition interlock breath alcohol  
367 concentration test.

368 SECTION 34. Said Section 19 of said Chapter 122 of the Acts of 2005 is hereby  
369 amended by adding the following clause at the end thereof:-

370 SECTION 35. This act shall take effect on August 1, 2019.