

# HOUSE . . . . . No. 4599

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, May 9, 2024.

The committee on The Judiciary, to whom was referred the petition (accompanied by bill, House, No. 1720) of Edward R. Philips relative to penalties for driving on a non-administrative license suspension, reports recommending that the accompanying bill (House, No. 4599) ought to pass.

For the committee,

MICHAEL S. DAY.

**HOUSE . . . . . No. 4599**

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**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Third General Court  
(2023-2024)**

An Act relative to offenses while driving on a non-administrative license suspension.

*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 23 of Chapter 90 of the Massachusetts General Laws, as appearing  
2 in the 2022 Official Edition, is hereby amended by inserting after the fourth paragraph the  
3 following 3 paragraphs:-

4           Any person convicted of operating a motor vehicle in violation of section 10 who on the  
5 date of operation was not eligible for issuance or renewal of a license to operate; or of operating  
6 a motor vehicle after his license to operate has been suspended or revoked, or after notice of the  
7 suspension or revocation of his right to operate a motor vehicle without a license has been issued  
8 by the registrar and received by such person or by his agent or employer, and prior to the  
9 restoration of such license or right to operate or to the issuance to him of a new license to  
10 operate, and so operates a motor vehicle recklessly or negligently so that the lives or safety of the  
11 public might be endangered, and by such operation causes injury to another person not resulting  
12 in the death of any person shall be punished by imprisonment in a house of correction for not  
13 more than 2 ½ years or a fine of not more than \$1,000 or both such imprisonment and fine.

14 Prosecutions commenced under this paragraph shall only apply to a person operating a motor

15 vehicle in violation of section 10 of chapter 90 who on the date of operation was not eligible for  
16 issuance or renewal of a license to operate, or to a person whose license or right to operate has  
17 been suspended or revoked due to a conviction or continuance without a finding under this or  
18 any other chapter, or due to offenses which are required by any provision of law to be reported to  
19 the registrar and for which the registrar is authorized or required to suspend or revoke the  
20 person's license or right to operate motor vehicles for a period of 30 days or more. If the person  
21 has been previously convicted of a violation of sections 10 or 23 of chapter 90 by a court of the  
22 commonwealth or by a court of any other jurisdiction because of a like violation preceding the  
23 date of the commission of the offense for which they have been convicted, the person shall be  
24 punished by imprisonment in a house of correction for not more than 2 ½ years or a fine of not  
25 more than \$1,000 or both such imprisonment and fine. Section 87 of chapter 276 shall not apply  
26 to any person charged with a violation of this paragraph. Prosecutions commenced under this  
27 paragraph shall not be placed on file or continued without a Finding. The registrar shall revoke  
28 the license or right to operate of a person convicted of a violation of this paragraph for a period  
29 of 60 days to 1 year after the date of conviction. No appeal, motion for a new trial or exceptions  
30 shall operate to stay the revocation of the license or of the right to operate; provided, however,  
31 such license shall be restored or such right to operate shall be reinstated if the prosecution of  
32 such person ultimately terminates in favor of the defendant.

33 Any person convicted of operating a motor vehicle in violation of section 10 of chapter  
34 90 who on the date of operation was not eligible for issuance or renewal of a license to operate;  
35 or of operating a motor vehicle after his license to operate has been suspended or revoked, or  
36 after notice of the suspension or revocation of his right to operate a motor vehicle without a  
37 license has been issued by the registrar and received by such person or by their agent or

38 employer, and prior to the restoration of such license or right to operate or to the issuance to him  
39 of a new license to operate, and so operates a motor vehicle recklessly or negligently so that the  
40 lives or safety of the public might be endangered, and by such operation causes serious bodily  
41 injury to another person shall be punished by imprisonment in a house of correction for not more  
42 than 2 ½ years or imprisonment in the state prison for not more than 5 years or a fine of not more  
43 than \$3,000 or both such imprisonment and fine. Prosecutions commenced under this paragraph  
44 shall only apply to a person operating a motor vehicle in violation of section 10 of chapter 90  
45 who on the date of operation was not eligible for issuance or renewal of a license to operate, or to  
46 a person whose license or right to operate has been suspended or revoked due to a conviction or  
47 continuance without a finding under this or any other chapter, or due to offenses which are  
48 required by any provision of law to be reported to the registrar and for which the registrar is  
49 authorized or required to suspend or revoke the person's license or right to operate motor  
50 vehicles for a period of 30 days or more. If the person has been previously convicted of a  
51 violation of sections 10 or 23 of chapter 90 by a court of the commonwealth or by a court of any  
52 other jurisdiction because of a like violation preceding the date of the commission of the offense  
53 for which he has been convicted, the person shall be punished by imprisonment in a house of  
54 correction for not more than 2 ½ years, or state prison for not more than 10 years or a fine of not  
55 more than \$3,000 or such imprisonment and fine. Such sentence shall not be suspended, nor shall  
56 any such person be eligible for probation, parole, or furlough or receive any deduction from his  
57 sentence for good conduct until he shall have served said 1 year of such sentence; provided,  
58 however, that the commissioner of correction may, on the recommendation of the warden,  
59 superintendent or other person in charge of a correctional institution, or of the administrator of a  
60 county correctional institution, grant to an offender committed under this paragraph a temporary

61 release in the custody of an officer of such institution only to obtain emergency medical or  
62 psychiatric services unavailable at said institution or to engage in employment pursuant to a  
63 work release program. Section 87 of chapter 276 shall not apply to any person charged with a  
64 violation of this paragraph. Prosecutions commenced under this paragraph shall not be placed on  
65 file or continued without a finding. The registrar shall revoke the license or right to operate of a  
66 person convicted of a violation of this paragraph for a period of two years after the date of  
67 conviction. No appeal, motion for a new trial or exceptions shall operate to stay the revocation  
68 of the license or of the right to operate; provided, however, such license shall be restored or such  
69 right to operate shall be reinstated if the prosecution of such person ultimately terminates in  
70 favor of the defendant.

71 Any person convicted of operating a motor vehicle in violation of section 10 of chapter  
72 90 who on the date of operation was not eligible for issuance or renewal of a license to operate;  
73 or of operating a motor vehicle after his license to operate has been suspended or revoked, or  
74 after notice of the suspension or revocation of his right to operate a motor vehicle without a  
75 license has been issued by the registrar and received by such person or by his agent or employer,  
76 and prior to the restoration of such license or right to operate or to the issuance to them of a new  
77 license to operate, and so operates a motor vehicle recklessly or negligently so that the lives or  
78 safety of the public might be endangered, and by such operation causes the death of another shall  
79 be punished by imprisonment in a house of correction for not more than 2 ½ years, or state  
80 prison for not more than 10 years or a fine of not more than \$5,000 or both such imprisonment  
81 and fine. Prosecutions commenced under this paragraph shall only apply to a person operating a  
82 motor vehicle in violation of section 10 of chapter 90 who on the date of operation was not  
83 eligible for issuance or renewal of a license to operate, or to a person whose license or right to

84 operate has been suspended or revoked due to a conviction or continuance without a finding  
85 under this or any other chapter, or due to offenses which are required by any provision of law to  
86 be reported to the registrar and for which the registrar is authorized or required to suspend or  
87 revoke the person's license or right to operate motor vehicles for a period of 30 days or more.  
88 Such sentence shall not be suspended, nor shall any such person be eligible for probation, parole,  
89 or furlough or receive any deduction from his sentence for good conduct until he shall have  
90 served said 2 years of such sentence; provided, however, that the commissioner of correction  
91 may, on the recommendation of the warden, superintendent or other person in charge of a  
92 correctional institution, or of the administrator of a county correctional institution, grant to an  
93 offender committed under this paragraph a temporary release in the custody of an officer of such  
94 institution only to obtain emergency medical or psychiatric services unavailable at said  
95 institution or to engage in employment pursuant to a work release program. Prosecutions  
96 commenced under this paragraph shall only apply to a person operating a motor vehicle in  
97 violation of section 10 of chapter 90 who on the date of operation was not eligible for issuance or  
98 renewal of a license to operate, or to a person whose license or right to operate has been  
99 suspended or revoked due to a conviction or continuance without a finding under this or any  
100 other chapter, or due to offenses which are required by any provision of law to be reported to the  
101 registrar and for which the registrar is authorized or required to suspend or revoke the person's  
102 license or right to operate motor vehicles for a period of 30 days or more. If the person has been  
103 previously convicted of a violation of sections 10 or 23 of chapter 90 by a court of the  
104 commonwealth or by a court of any other jurisdiction because of a like violation preceding the  
105 date of the commission of the offense for which he has been convicted, the person shall be  
106 punished by imprisonment in the state prison for not less than 5 years but no more than 15 years

107 or a fine of not more than \$5,000 or both such imprisonment and fine. Such sentence shall not be  
108 suspended, nor shall any such person be eligible for probation, parole, or furlough or receive any  
109 deduction from his sentence for good conduct until he shall have served said 5 years of such  
110 sentence; provided, however, that the commissioner of correction may, on the recommendation  
111 of the warden, superintendent or other person in charge of a correctional institution, or of the  
112 administrator of a county correctional institution, grant to an offender committed under this  
113 paragraph a temporary release in the custody of an officer of such institution only to obtain  
114 emergency medical or psychiatric services unavailable at said institution or to engage in  
115 employment pursuant to a work release program. Section 87 of chapter 276 shall not apply to  
116 any person charged with a violation of this paragraph. Prosecutions commenced under this  
117 paragraph shall not be placed on file or continued without a finding. The registrar shall revoke  
118 the license or right to operate of a person convicted of a violation of this paragraph for a period  
119 of fifteen years to life after the date of conviction. No appeal, motion for a new trial or  
120 exceptions shall operate to stay the revocation of the license or of the right to operate; provided,  
121 however, such license shall be restored or such right to operate shall be reinstated if the  
122 prosecution of such person ultimately terminates in favor of the defendant.

123 SECTION 2. Said section 23 of said chapter 90, as so appearing, is hereby further  
124 amended by striking out the words "first or second", in line 148, and inserting in place thereof  
125 the following words:- first, second, fifth, sixth or seventh.

126 SECTION 3. Section 26 of chapter 218 of the General Laws, as so appearing, is hereby  
127 amended by inserting, in line 12, after the word "90B" the following words:- , sixth or seventh  
128 paragraph of section 23 of chapter 90.