

# HOUSE . . . . . No. 5109



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GOVERNOR

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LIEUTENANT GOVERNOR

*November 15, 2024*

To the Honorable Senate and House of Representatives,

I am submitting for your consideration the attached legislation recommending an amendment to Section 9 of Chapter 90F, entitled An Act relative to commercial driver’s licenses.

In Massachusetts, and nationally, commercial drivers are held to high standards due to the nature of their work and safety concerns for the motoring public. In particular, under both federal and state law, drivers who commit certain offenses on the roads may be prohibited from driving a commercial vehicle, either temporarily or permanently. These requirements aim to enhance the safety of our roadways by imposing periods of disqualification that are proportional to the nature and age of a commercial driver’s offense.

Federal law sets minimum standards for disqualification from holding a commercial driver’s license that must be followed by all states. The Safe Roads Act of 2012, Pub. L. 112-141, 126 Stat. 795, requires periods of disqualification for commercial drivers who fail or refuse workplace drug or alcohol tests. The Commercial Motor Vehicle Safety Act of 1986, Pub. L. 99-570, 100 Stat. 3207-170, requires periods of disqualification for certain offenses committed in a commercial vehicle, without regard to when the offense occurred. And the Motor Carrier Safety Improvement Act of 1999, Pub. L. 106-159, 113 Stat. 1748, requires periods of disqualification for certain offenses committed in a passenger vehicle, but only for offenses occurring after September 30, 2005. As a general rule, a driver who has committed two offenses under federal law must be disqualified for life from driving a commercial vehicle. The law does, however, permit states to create a reinstatement program, allowing some lifetime disqualified drivers who have served at least ten years of disqualification to seek reinstatement of their commercial license after completing a state-approved rehabilitation program. These various federal rules are collected at 49 U.S.C. § 313 et seq., 49 CFR 382 et seq., and 49 CFR 383 et seq.

Our disqualification law in Massachusetts, Section 9 of Chapter 90F, incorporates the minimum requirements of federal law. It also provides the Registry of Motor Vehicles with the authority to establish a federally compliant reinstatement program. In one important respect, however, Section 9 of Chapter 90F diverges from the requirements of federal law: While federal law requires disqualification only for passenger vehicle offenses occurring after September 30, 2005, our state law includes no such limitation. As a result, the Registry of Motor Vehicles is presently required to impose disqualifications on commercial drivers due to passenger vehicle offenses from before September 30, 2005, even though such offenses need not be considered as a matter of federal law.

I have instructed the Registry of Motor Vehicles to prepare regulations to stand up a federally compliant reinstatement process and rehabilitation program for Massachusetts, and to issue such regulations for comment by the end of February 2025. Federal law will limit this program to commercial drivers who have served ten years of disqualification, and who have committed no more than two offenses in total. For those drivers, this program will be an important step towards allowing individuals who have demonstrated their rehabilitation to regain an important credential and contribute to needed and essential work in our economy.

I also believe that we should revise Section 9 of Chapter 90F to exclude consideration of most passenger vehicle offenses that occurred before the federal cut-off date of September 30, 2005. Over time, the relevance and predictive value of these older offenses has diminished, particularly for those drivers who have remained offense-free since. In most circumstances, a commercial driver who meets the safety requirements of federal law should not be disqualified from driving due solely to passenger vehicle offenses that occurred 19 or more years ago. To that end, the legislation I am submitting today would remove consideration of pre-September 30, 2005 passenger vehicle offenses from our disqualification law, except for multiple instances of operating under the influence.

By removing consideration of most passenger vehicle offenses from this older timeframe, we can better align Massachusetts with federal law and uphold our commitment to a safety-centered disqualification system that accurately reflects both the nature and age of a driver's offenses. Commercial drivers with more recent offenses will, as before, continue to be subject to all federally mandated disqualification periods.

I appreciate the Legislature's prompt attention to enact this important piece of legislation.

Respectfully submitted,

Maura T. Healey,  
*Governor*

**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Third General Court**  
**(2023-2024)**  
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An Act relative to commercial driver's licenses.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to amend the lookback period for certain disqualifying offenses for commercial driver's licenses, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*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 9 of chapter 90F of the General Laws, as appearing in the 2022 Official Edition,  
2 is hereby amended by adding the following paragraph:-

3           (I) A person shall not be disqualified from operating a commercial vehicle under  
4 paragraphs (A) or (B) based upon convictions occurring on or before September 30, 2005,  
5 unless: (i) the person has 3 or more convictions for operating under the influence under section  
6 24 of chapter 90 or (ii) disqualification is required under 49 C.F.R. 383.51 or any other federal  
7 statute or regulation.