

HOUSE No. 1936

The Commonwealth of Massachusetts

PRESENTED BY:

Edward R. Philips

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 offenses while driving on a non-administrative license suspension.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Edward R. Philips</i>	<i>8th Norfolk</i>	<i>1/16/2025</i>

HOUSE No. 1936

By Representative Philips of Sharon, a petition (accompanied by bill, House, No. 1936) of Edward R. Philips relative to offenses while driving on a non-administrative license suspension. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 4599 OF 2023-2024.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

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.