

HOUSE No. 4998

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, January 29, 2026.

The committee on The Judiciary, to whom was referred the petition (accompanied by bill, House, No. 1936) of Edward R. Philips relative to offenses while driving on a non-administrative license suspension, reports recommending that the accompanying bill (House, No. 4998) ought to pass.

For the committee,

MICHAEL S. DAY.

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 General Laws, as appearing in the 2024
2 Official Edition, is hereby amended by inserting, after the fourth paragraph the following 3
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 of a new license to operate, and
10 so operates a motor vehicle recklessly or negligently so that the lives or safety of the public
11 might be endangered, and by such operation causes injury to another person shall be punished by
12 incarceration in a house of correction for not more than 2 ½ years or a fine of not more than
13 \$1,000, or both such incarceration and fine. Prosecutions commenced under this paragraph shall
14 only apply to a person operating a motor vehicle in violation of section 10 of chapter 90 who, on

15 the date of operation was not eligible for issuance or renewal of a license to operate, or to a
16 person whose license or right to operate has been suspended or revoked due to a conviction or
17 continuance without a finding under this or any other chapter, or due to offenses which are
18 required by any provision of law to be reported to the registrar and for which the registrar is
19 authorized or required to suspend or revoke the person's license or right to operate motor
20 vehicles for a period of 30 days or more. If the person has been previously convicted of a
21 violation of sections 10 or 23 of chapter 90 by a court of the commonwealth, or by a court of any
22 other jurisdiction because of a like violation preceding the date of the commission of the offense
23 for which they have been convicted, the person shall be punished by incarceration in a house of
24 correction for not more than 2 ½ years or a fine of not more than \$1,000, or both such
25 incarceration and fine. Section 87 of chapter 276 shall not apply to any person charged with a
26 violation of this paragraph. Prosecutions commenced under this paragraph shall not be placed on
27 file or continued without a finding. The registrar shall revoke the license or right to operate of a
28 person convicted of a violation of this paragraph for a period of 60 days to 1 year after the date
29 of conviction. No appeal, motion for a new trial or exception shall operate to stay the revocation
30 of the license or of the right to operate; provided, however, such license shall be restored, or such
31 right to operate shall be reinstated, if the prosecution of such person ultimately terminates in
32 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 their license to operate has been suspended or revoked, or
36 after notice of the suspension or revocation of their 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 of a
39 new license to operate, and so operates a motor vehicle recklessly or negligently so that the lives
40 or safety of the public might be endangered, and by such operation causes serious bodily injury
41 to another person shall be punished by incarceration in a house of correction for not more than 2
42 $\frac{1}{2}$ years or in the state prison for not more than 5 years or a fine of not more than \$3,000, or both
43 such incarceration and fine. Prosecutions commenced under this paragraph shall only apply to a
44 person operating a motor vehicle in violation of section 10 of chapter 90 who, on the date of
45 operation was not eligible for issuance or renewal of a license to operate, or to a person whose
46 license or right to operate has been suspended or revoked due to a conviction or continuance
47 without a finding under this or any other chapter, or due to offenses which are required by any
48 provision of law to be reported to the registrar and for which the registrar is authorized or
49 required to suspend or revoke the person's license or right to operate motor vehicles for a period
50 of 30 days or more. If the person has been previously convicted of a violation of sections 10 or
51 23 of chapter 90 by a court of the commonwealth or by a court of any other jurisdiction because
52 of a like violation preceding the date of the commission of the offense for which they has been
53 convicted, the person shall be punished by incarceration in a house of correction for not more
54 than 2 $\frac{1}{2}$ years or in state prison for not more than 10 years or a fine of not more than \$3,000, or
55 such incarceration and fine. Such sentence shall not be suspended, nor shall any such person be
56 eligible for probation, parole, or furlough or receive any deduction from his sentence for good
57 conduct until they shall have served said 1 year of such sentence; provided, however, that the
58 commissioner of correction may, on the recommendation of the warden, superintendent or other
59 person in charge of a correctional institution, or of the administrator of a county correctional
60 institution, grant to an offender committed under this paragraph a temporary release in the

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

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

84 any other chapter, or due to offenses which are required by any provision of law to be reported to
85 the registrar and for which the registrar is authorized or required to suspend or revoke the
86 person's license or right to operate motor vehicles for a period of 30 days or more. Such sentence
87 shall not be suspended, nor shall any such person be eligible for probation, parole, or furlough or
88 receive any deduction from his sentence for good conduct until they shall have served said 2
89 years of such sentence; provided, however, that the commissioner of correction may, on the
90 recommendation of the warden, superintendent or other person in charge of a correctional
91 institution, or of the administrator of a county correctional institution, grant to an offender
92 committed under this paragraph a temporary release in the custody of an officer of such
93 institution only to obtain emergency medical or psychiatric services unavailable at said
94 institution or to engage in employment pursuant to a work release program. Prosecutions
95 commenced under this paragraph shall only apply to a person operating a motor vehicle in
96 violation of section 10 of chapter 90 who on the date of operation was not eligible for issuance or
97 renewal of a license to operate, or to a person whose license or right to operate has been
98 suspended or revoked due to a conviction or continuance without a finding under this or any
99 other chapter, or due to offenses which are required by any provision of law to be reported to the
100 registrar and for which the registrar is authorized or required to suspend or revoke the person's
101 license or right to operate motor vehicles for a period of 30 days or more. If the person has been
102 previously convicted of a violation of sections 10 or 23 of chapter 90 by a court of the
103 commonwealth or by a court of any other jurisdiction because of a like violation preceding the
104 date of the commission of the offense for which they has been convicted, the person shall be
105 punished by incarceration in the state prison for not less than 5 years but no more than 15 years
106 or a fine of not more than \$5,000, or both such incarceration and fine. Such sentence shall not be

107 suspended, nor shall any such person be eligible for probation, parole, or furlough or receive any
108 deduction from their sentence for good conduct until they shall have served said 5 years of such
109 sentence; provided, however, that the commissioner of correction may, on the recommendation
110 of the warden, superintendent or other person in charge of a correctional institution, or of the
111 administrator of a county correctional institution, grant to an offender committed under this
112 paragraph a temporary release in the custody of an officer of such institution only to obtain
113 emergency medical or psychiatric services unavailable at said institution or to engage in
114 employment pursuant to a work release program. Section 87 of chapter 276 shall not apply to
115 any person charged with a violation of this paragraph. Prosecutions commenced under this
116 paragraph shall not be placed on file or continued without a finding. The registrar shall revoke
117 the license or right to operate of a person convicted of a violation of this paragraph for a period
118 of 15 years to life after the date of conviction. No appeal, motion for a new trial or exception
119 shall operate to stay the revocation of the license or of the right to operate; provided, however,
120 such license shall be restored or such right to operate shall be reinstated if the prosecution of
121 such person ultimately terminates in favor of the defendant.

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

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