
From: Kelley, Patricia (DOT)
Sent: Tuesday, July 24, 2018 3:03 PM
To: Costantino, Keith (DOT)
Cc: Douville, Deana (DOT); Hannan, Sherri (DOT); Kelley, Patricia (DOT)
Subject: PDPS reciprocity

Importance: High

Keith,

We have a serious problem with the PDPS inquiry system. When a hearings Officer inquires on the customers status, and finds the customer is suspended out of state, NO suspension action is being posted to the record!! Essentially, we are condoning operation in MA regardless of the fact that the customer has a suspended privilege in another state. This is a direct violation of 90 22(c) which states

(c) If the registrar receives official notice, in any form which the registrar deems appropriate, including electronic transmissions, that a resident of the commonwealth or any person licensed to operate a motor vehicle under the provisions of this chapter has been convicted in another state, country or jurisdiction of a motor vehicle violation, the registrar shall give the same effect to said conviction for the purposes of suspension, revocation, limitation or reinstatement of the right to operate a motor vehicle, as if said violation had occurred in the commonwealth.

As used in this section "motor vehicle violation" shall mean a violation of law, regulation, by-law, or ordinance, except a violation related to parking, the nature of which would have been reported to the registrar pursuant to chapters eighty-nine, ninety, ninety C, or one hundred and seventy-five, if said violation had occurred in the commonwealth.

If the registrar receives official notice, in any form which the registrar deems appropriate, including electronic transmissions, that a resident of the commonwealth, or any person licensed to operate a motor vehicle under the provisions of chapter ninety, or any applicant therefor has had a license or right to operate suspended or revoked in another state, country or jurisdiction, the registrar shall not issue a license to said person, and if a license has already been issued the registrar shall immediately revoke said license, without a prior hearing. However, if said license or right to operate is subsequently reinstated by such other state, country or jurisdiction, the person may apply to the registrar for reinstatement of said license in the commonwealth.

For example, this record - [REDACTED], is suspended in Florida for a refusal until 01/2019. She is pending court action on the OUI charge. How are we supposed to explain this allowance when she runs over the nun in a crosswalk with her nurse school kids???? This reeks of [REDACTED] !!

Why was it decided that no action would be taken in the event an out of state issue is discovered. What happens if a licensing clerk runs the PDPS query? Does anything happen to post a sanction?

I have been getting inquires from the staff on how to proceed with this issue. What am I telling them for future policy?? How are we going to track this pending OUI action?

Please advise -

**Patricia A Kelley
Hearings Officer
Driver Control Unit
MA DOT/RMV Division
857-368-4768**