HOUSE DOCKET, NO. 2219 FILED ON: 1/20/2011

HOUSE . . . . . No. 2199

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, Jr.

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 passage of the accompanying:

An Act increasing the liability for permitting an intoxicated arrestee to operate a motor vehicle.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bradley H. Jones, Jr.	*20th Middlesex*
Donald F. Humason, Jr.	*4th Hampden*
F. Jay Barrows	*1st Bristol*
George T. Ross	*2nd Bristol*
Todd M. Smola	*1st Hampden*
Sheila C. Harrington	*1st Middlesex*
Paul K. Frost	*7th Worcester*
George N. Peterson, Jr.	*9th Worcester*
Elizabeth A. Poirier	*14th Bristol*
Viriato Manuel deMacedo	*1st Plymouth*

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HOUSE . . . . . No. 2199

By Mr. Jones of North Reading, a petition (accompanied by bill, House, No. 2199) of Bradley H. Jones, Jr., and others relative to the liability of persons transporting operators of motor vehicles arrested for drunk driving. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *1449* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act increasing the liability for permitting an intoxicated arrestee to operate a motor vehicle.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 90 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after section 24X, the following new section:—

Section 24Y. (a) Any vehicle operated by a person arrested for a violation of subparagraph (1) of paragraph (a) of section 24 or section 24L shall be removed and impounded as provided by the provisions of this section, section 69L of chapter 111 and section 2C of chapter 85 and any rule or regulation adopted thereunder, for a period not less than 12 hours from the time of such arrest.

(b) Whenever a person is summoned by or on behalf of a person who has been arrested for a violation of subparagraph (1) of paragraph (a) of section 24 or section 24L, in order to transport or accompany the arrestee from the premises of a law enforcement agency, the law enforcement agency shall provide that person with a written statement advising that person of the potential criminal and civil liability for permitting or facilitating the arrestee's operation of a motor vehicle while the arrestee remains under the influence or impaired by alcohol, drugs, drugs and alcohol, a controlled dangerous substance, or any combination thereof.

(1) The person to whom the statement is issued shall acknowledge, in writing, receipt of the statement, or the law enforcement agency shall record the fact that the written statement was provided, but the person refused to sign an acknowledgment.

18 (2) The attorney general shall establish the content and form of the written statement and
19 acknowledgment to be used by law enforcement agencies throughout the commonwealth.

20 (3) Nothing in this section shall impose any obligation on a physician or other health care
21 provider involved in the treatment or evaluation of the arrestee.

22 (c) A motor vehicle impounded under this section may not be released unless the person
23 claiming the motor vehicle:

24 Presents a valid driver's license, proof of ownership of or lawful authority to operate the
25 motor vehicle, and proof of valid motor vehicle insurance for that motor vehicle, or

26 Subject to review of the district court, meets any other reasonable condition for release
27 that is established by the law enforcement agency.

28 (d) A law enforcement agency that impounds a motor vehicle under this section may
29 charge a reasonable fee for towing and storage of the motor vehicle and may retain the motor
30 vehicle until the fee is paid.