

SENATE . . . . . No. 2012

The Commonwealth of Massachusetts

PRESENTED BY:

*Bruce E. Tarr*

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 promoting motor vehicle safety.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Bruce E. Tarr</i>	<input type="checkbox"/> [District] <input type="checkbox"/>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>Robert L. Hedlund</i>	<input type="checkbox"/> [District] <input type="checkbox"/>
<i>Michael R. Knapik</i>	<input type="checkbox"/> [District] <input type="checkbox"/>
<i>Richard J. Ross</i>	<i>Norfolk, Bristol, and Middlesex</i>
<i>George N. Peterson, Jr.</i>	<i>9th Worcester</i>
<i>Bradford Hill</i>	<i>4th Essex</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>
<i>Viriato Manuel deMacedo</i>	<i>1st Plymouth</i>
<i>Shaunna O'Connell</i>	<i>3rd Bristol</i>
<i>Paul Adams</i>	<i>17th Essex</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>

<i>Matthew A. Beaton</i>	<i>11th Worcester</i>
<i>Nicholas A. Boldyga</i>	<i>3rd Hampden</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>
<i>Geoff Diehl</i>	<i>7th Plymouth</i>
<i>Peter J. Durant</i>	<i>6th Worcester</i>
<i>Ryan C. Fattman</i>	<i>18th Worcester</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>
<i>Donald F. Humason, Jr.</i>	<i>4th Hampden</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>
<i>Kevin J. Kuros</i>	<i>8th Worcester</i>
<i>Steven L. Levy</i>	<i>4th Middlesex</i>
<i>James J. Lyons, Jr.</i>	<i>18th Essex</i>
<i>George T. Ross</i>	<i>2nd Bristol</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>
<i>Daniel K. Webster</i>	<i>6th Plymouth</i>
<i>Daniel B. Winslow</i>	<i>9th Norfolk</i>
<i>Donald H. Wong</i>	<i>9th Essex</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>John D. Keenan</i>	<i>7th Essex</i>
<i>Michael J. Rodrigues</i>	<input type="checkbox"/> <i>[District]</i> <input type="checkbox"/>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>
<i>Richard T. Moore</i>	<input type="checkbox"/> <i>[District]</i> <input type="checkbox"/>
<i>Marc R. Pacheco</i>	<input type="checkbox"/> <i>[District]</i> <input type="checkbox"/>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>
<i>John F. Keenan</i>	

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*[District]*

**SENATE . . . . . No. 2012**

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By Mr. Tarr, a petition (subject to Joint Rule 12) (accompanied by bill, Senate, No. ) of Bruce E. Tarr, Bradley H. Jones, Jr., Robert L. Hedlund, Michael R. Knapik and other members of the General Court for legislation to promote motor vehicle safety. The Judiciary.

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**The Commonwealth of Massachusetts**

An Act promoting motor vehicle safety.

*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 22F of Chapter 90 of the General Laws, as appearing in the  
2 2008 Official Edition, is hereby amended by striking out, in line 57, the word “four” and inserting  
3 in place thereof the following word:- five.

4 SECTION 2. Section 22F of Chapter 90, as so appearing, is hereby further amended  
5 by striking out, in lines 66-68, the following sentence:-

6 An appeal to the superior court may be had, in accordance with the provisions of chapter  
7 thirty A, from any order of the registrar of motor vehicles made under the provisions of this  
8 section.

9 SECTION 3. Section 22F of Chapter 90, as so appearing, is hereby further  
10 amended by inserting at the end thereof the following paragraph:-

11 Any person previously deemed an habitual offender under this section who has not had  
12 their license or right to operate a motor vehicle restored to them by the registrar for a period of  
13 more than 5 years and who is convicted of operating a motor vehicle while under the influence of  
14 intoxicating liquor or narcotic drugs in violation of paragraph (a) of subdivision (1) of section  
15 24; operating a motor vehicle recklessly or negligently so that the lives and safety of the public  
16 might be endangered; making a false statement in an application for a learner’s permit or motor  
17 vehicle operator’s license or in an application for a registration of a motor vehicle; going away  
18 without making known his name, residence and the registration number of his vehicle after  
19 knowingly colliding with or otherwise causing injury to any person, other vehicle or property, all  
20 in violation of paragraph (a) of subdivision (2) of section 24; operating a motor vehicle after  
21 suspension or revocation of the person’s motor vehicle operator’s license or his right to operate  
22 motor vehicles in violation of section 23; operating a motor vehicle without a license in violation  
23 of section 10; or the commission of any felony in the commission of which a motor vehicle is

24 used, shall be deemed a level 3 habitual traffic offender and the registrar shall immediately  
25 revoke such person's license or right to operate and shall not issue a new license or reinstate the  
26 right to operate for a period up to life but not less than 5 years from the date of revocation, nor  
27 until such person has satisfactorily completed a driver improvement course approved by the  
28 registrar and has passed such examination as to his competence to operate motor vehicles as the  
29 registrar may require.

30 Any person previously deemed an habitual offender under this section who has not had  
31 their license or right to operate a motor vehicle restored to them by the registrar for a period of  
32 more than 5 years and who is convicted of 3 or more convictions of offenses which are required  
33 by any provision of law to be reported to the registrar and for which the registrar is authorized or  
34 required to suspend or revoke the person's license or right to operate motor vehicles for a period  
35 of 30 days or more, shall be deemed a level 2 habitual offender and the registrar shall  
36 immediately revoke such person's license or right to operate and shall not issue a new license or  
37 reinstate the right to operate to such person for a period of not less than 5 years from the date of  
38 revocation nor more than 15 years from such date of revocation, nor until such person has  
39 satisfactorily completed a driver improvement course approved by the registrar and has passed  
40 such examination as to his competence to operate motor vehicles as the registrar may require.  
41 Provided further, that any person previously deemed a level 2 habitual offender under this  
42 section who has not had their license or right to operate a motor vehicle restored to them by the  
43 registrar for a period of 5 years and is convicted of operating a motor vehicle while under the  
44 influence of intoxicating liquor or narcotic drugs in violation of paragraph (a) of subdivision (1)  
45 of section 24; operating a motor vehicle recklessly or negligently so that the lives and safety of  
46 the public might be endangered; making a false statement in an application for a learner's permit  
47 or motor vehicle operator's license or in an application for a registration of a motor vehicle;  
48 going away without making known his name, residence and the registration number of his  
49 vehicle after knowingly colliding with or otherwise causing injury to any person, other vehicle or  
50 property, all in violation of paragraph (a) of subdivision (2) of section 24; operating a motor  
51 vehicle after suspension or revocation of the person's motor vehicle operator's license or his  
52 right to operate motor vehicles in violation of section 23; operating a motor vehicle without a  
53 license in violation of section 10; or the commission of any felony in the commission of which a  
54 motor vehicle is used; or 2 or more convictions of offenses which are required by any provision  
55 of law to be reported to the registrar and for which the registrar is authorized or required to  
56 suspend or revoke the person's license or right to operate motor vehicles for a period of 30 days  
57 or more, shall be deemed a level 3 habitual offender and the registrar shall immediately revoke  
58 such person's license or right to operate and shall not issue a new license or reinstate the right to  
59 operate for a period up to life but not less than 5 years from the date of revocation, nor until such  
60 person has satisfactorily completed a driver improvement course approved by the registrar and  
61 has passed such examination as to his competence to operate motor vehicles as the registrar may  
62 require. The registrar may revoke from any level 3 habitual offender who has had their license  
63 or right to operate restored and who commits an automobile law violation, as defined in section 1

64 of chapter 90C, the license or right to operate for a period up to life. The registrar may further  
65 issue to any habitual traffic offender who has satisfied the durational license revocation  
66 requirements provided for in this section a new license or reinstate such person's right to operate  
67 under such terms and conditions as the registrar deems appropriate and necessary. Nothing in  
68 this section shall limit the authority of the registrar to revoke a license or right to operate or issue  
69 a new license or reinstate the right to operate under section 24 of chapter 90. An appeal to the  
70 superior court may be had, in accordance with the provisions of chapter 30A, from any order of  
71 the registrar of motor vehicles made under the provisions of this section.