

**HOUSE . . . . . No. 1178**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Nicholas A. Boldyga*

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 the unlawful passing of a school bus.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Nicholas A. Boldyga</i>	<i>3rd Hampden</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>Carlos Gonzalez</i>	<i>10th Hampden</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>
<i>Kevin J. Kuros</i>	<i>8th Worcester</i>
<i>Shaunna L. O'Connell</i>	<i>3rd Bristol</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>

**HOUSE . . . . . No. 1178**

By Mr. Boldyga of Southwick, a petition (accompanied by bill, House, No. 1178) of Nicholas A. Boldyga and others relative to unlawful school bus passing . The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court  
(2015-2016)

An Act relative to the unlawful passing of a school bus.

*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 14 of Chapter 90 of the General laws is hereby amended by striking  
2 the words “Any person who violates the preceding sentence shall be punished by a fine of not  
3 less than \$250; and for a second offense by a fine of not less than \$500 nor more than \$1,000;  
4 and for a third or subsequent offense by a fine of not less than \$1,000 nor more than \$2,000. A  
5 second conviction or third or subsequent conviction as set forth in the preceding sentence shall  
6 be reported forthwith by the court or magistrate to the registrar who shall revoke immediately the  
7 license or right to operate of the person so convicted and no appeal, motion for a new trial or  
8 exceptions, shall operate to stay the revocation of the license or right to operate; provided,  
9 however, that no license or right to operate shall be issued by the registrar to any person  
10 convicted of a second such offense until 6 months after the date of revocation following said  
11 conviction or to any person convicted of a third or subsequent such offense until 1 year after the  
12 date of revocation following said conviction; and provided, further, that if the prosecution

13 against such person has terminated in his favor the registrar shall forthwith reinstate his license  
14 or right to operate.”

15 And inserting the following words:- “Any person who violates the preceding sentence  
16 shall be punished by a fine not less than \$500 nor more than \$1,000; and for a Second or  
17 subsequent offense by a fine of not less than \$1,000 nor more than \$2,000. A conviction or  
18 second or subsequent conviction as set forth in the preceding sentence shall be reported forthwith  
19 by the court or magistrate to the registrar who shall revoke immediately the license or right to  
20 operate of the person so convicted and no appeal, motion for a new trial or exceptions, shall  
21 operate to stay the revocation of the license or right to operate; provided, however, that no  
22 license or right to operate shall be issued by the registrar to any person convicted of such offense  
23 until 180 days after the date of revocation following said conviction or to any person convicted  
24 of a second or subsequent such offense until 1 year after the date of revocation following said  
25 conviction; and provided, further, that if the prosecution against such person has terminated in  
26 his favor the registrar shall forthwith reinstate his license or right to operate.

27 If the aforementioned offense occurs in the presence of a duly sworn law enforcement  
28 officer, such police officer shall:

29 (i) immediately, on behalf of the registrar, take custody of such person's license or  
30 right to operate issued by the commonwealth;

31 (ii) provide, on behalf of the registrar, a written notification of suspension in a format  
32 approved by the registrar; and

33 (iii) impound the vehicle being driven by the operator and arrange for the vehicle to be  
34 impounded for a period of 12 hours, with the costs for the towing, storage and maintenance of

35 the vehicle to be borne by the operator, unless the operator can arrange for the immediate  
36 removal of the vehicle.

37 (iv) The revocation of license or right to operate shall take immediate effect for a  
38 period of not less than 30 days. No appeal or exceptions shall operate to stay the revocation.

39 (v) The police officer before whom such violation occurred shall, within 24 hours,  
40 prepare a report of such violation. Each report shall be made in a format approved by the  
41 registrar and shall be made under the penalties of perjury by the police officer before whom such  
42 violation occurred. Each report shall set forth the grounds for the officer's belief that the person  
43 violated the statute as stated in the above paragraphs as well as any witness statements.