

HOUSE No. 1216

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas J. Calter and Viriato M. DeMacedo

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 increasing penalties for hit and runs with recreational vehicles in the commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>
<i>Viriato M. DeMacedo</i>	<i>Plymouth and Barnstable</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>

HOUSE No. 1216

By Representative Calter of Kingston and Senator DeMacedo, a joint petition (accompanied by bill, House, No. 1216) of Thomas J. Calter and others relative to increasing penalties for hit and runs with recreational vehicles. The Judiciary.

The Commonwealth of Massachusetts

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

An Act increasing penalties for hit and runs with recreational vehicles in the commonwealth.

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. Chapter 90B of the General Laws is hereby amended by striking out
2 section 26B, as appearing in the 2012 Official Edition, and inserting in place thereof the
3 following section:-

4 Section 26B. (a) Whoever operates a snow vehicle or recreation vehicle so that the lives
5 or safety of the public might be endangered shall be punished by a fine of not less than \$250 nor
6 more than \$1,000.

7 (b) Whoever operates a snow vehicle or recreation vehicle and, without stopping and
8 making known his name, address and the registration number of his snow vehicle or recreation
9 vehicle, leaves the scene after knowingly colliding with or otherwise causing damage to another
10 snow vehicle or recreation vehicle or property shall be punished by a fine of not less than \$250
11 nor more than \$1,000; provided, however, that the damage to property shall be greater than \$500.

12 (c) Whoever operates a snow vehicle or a recreation vehicle and, without stopping and
13 making known his name, address and the registration number of his snow vehicle or recreation
14 vehicle, leaves the scene after knowingly colliding with or otherwise causing bodily injury to
15 another person not resulting in the death of any person, shall be punished by imprisonment in a
16 jail or house of correction for not less than 6 months nor more than 2 years and by a fine of not
17 less than \$500 nor more than \$1,000 or by imprisonment in a state prison for not less than 2 ½
18 years nor more than 5 years and by a fine of not less than \$500 nor more than \$1,000.

19 (d) Whoever operates a snow vehicle or a recreation vehicle and, without stopping and
20 making known his name, address and the registration number of his snow vehicle or recreation
21 vehicle, goes away to avoid prosecution or evade apprehension after knowingly colliding with or
22 otherwise causing bodily injury to another person shall, if the injuries result in the death of a
23 person, be punished by imprisonment in the state prison for not less than 2 ½ years nor more than
24 10 years.

25 The sentence imposed upon such person shall not be reduced to less than 1 year, nor
26 suspended, nor shall any person convicted under this paragraph be eligible for probation, parole,
27 or furlough or receive any deduction from his sentence until such person has served at least 1
28 year of such sentence; provided, however, that the commissioner of correction may on the
29 recommendation of the warden, superintendent or other person in charge of a correctional
30 institution, or the administrator of a county correctional institution, grant to an offender
31 committed under this paragraph, a temporary release in the custody of an officer of such
32 institution for the following purposes only: to attend the funeral of a relative; to visit a critically
33 ill relative; to obtain emergency medical or psychiatric services unavailable at said institution or
34 to engage in employment pursuant to a work release program.

35 (e) Whoever operates a snow vehicle or a recreation vehicle so that the lives or safety of
36 the public might be endangered and, by such operation, causes serious bodily injury, shall be
37 punished by imprisonment in a jail or house of correction for not more than 2 ½ years and by a
38 fine of not less than \$300 nor more than \$5,000. For the purposes of this section “serious bodily
39 injury” shall mean bodily injury which creates a substantial risk of death or which involves either
40 total disability or the loss or substantial impairment of some bodily function for a substantial
41 period of time.

42 (f) Whoever operates a snow vehicle or a recreation vehicle so that the lives or safety of
43 the public might be endangered and, by such operation causes the death of another person, shall
44 be punished by imprisonment in a jail or house of correction for not more than 2 ½ years or by
45 imprisonment in the state prison for not more than 5 years or by a fine of not more than \$5,000,
46 or by both such fine and imprisonment.