

HOUSE No. 3570

The Commonwealth of Massachusetts

PRESENTED BY:

Edward R. Philips

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 offenses while driving on a non-administrative license suspension.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Edward R. Philips</i>	<i>8th Norfolk</i>	<i>2/19/2021</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>2/26/2021</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>2/26/2021</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>2/26/2021</i>
<i>Meghan Kilcoyne</i>	<i>12th Worcester</i>	<i>2/26/2021</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>2/26/2021</i>
<i>Steven G. Xiarhos</i>	<i>5th Barnstable</i>	<i>2/26/2021</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>3/15/2021</i>

HOUSE No. 3570

By Mr. Philips of Sharon, a petition (accompanied by bill, House, No. 3570) of Edward R. Philips and others relative to penalties for driving on a non-administrative license suspension. Transportation.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to offenses while driving on a non-administrative license suspension.

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 23 of Chapter 90 of the Massachusetts General Laws, as appearing
2 in the 2014 Official Edition, is hereby amended by inserting after the fourth paragraph the
3 following 3 paragraphs:-

4 Any person convicted of operating a motor vehicle in violation of section 10 of chapter
5 90 who on the date of operation was not eligible for issuance or renewal of a license to operate;
6 or of operating a motor vehicle after his license to operate has been suspended or revoked, or
7 after notice of the suspension or revocation of his right to operate a motor vehicle without a
8 license has been issued by the registrar and received by such person or by his agent or employer,
9 and prior to the restoration of such license or right to operate or to the issuance to him of a new
10 license to operate, and so operates a motor vehicle recklessly or negligently so that the lives or
11 safety of the public might be endangered, and by such operation causes injury to another person
12 shall be punished by imprisonment in a house of correction for not more than 2 ½ years and a

13 fine of not more than \$1,000. Prosecutions commenced under this paragraph shall only apply to a
14 person operating a motor vehicle in violation of section 10 of chapter 90 who on the date of
15 operation was not eligible for issuance or renewal of a license to operate, or to a person whose
16 license or right to operate has been suspended or revoked due to a conviction or continuance
17 without a finding under this or any other chapter, or due to offenses which are required by any
18 provision of law to be reported to the registrar and for which the registrar is authorized or
19 required to suspend or revoke the person's license or right to operate motor vehicles for a period
20 of 30 days or more. If the person has been previously convicted of a violation of sections 10 or
21 23 of chapter 90 by a court of the commonwealth or by a court of any other jurisdiction because
22 of a like violation preceding the date of the commission of the offense for which he has been
23 convicted, the person shall be punished by imprisonment in a house of correction for not less
24 than 6 months and not more than 2 ½ years and a fine of not more than \$1,000. Section 87 of
25 chapter 276 shall not apply to any person charged with a violation of this paragraph.

26 Prosecutions commenced under this paragraph shall not be placed on file or continued without a
27 Finding. The registrar shall revoke the license or right to operate of a person convicted of a
28 violation of this paragraph for a period of sixty days to one year after the date of conviction. No
29 appeal, motion for a new trial or exceptions shall operate to stay the revocation of the license or
30 of the right to operate; provided, however, such license shall be restored or such right to operate
31 shall be reinstated if the prosecution of such person ultimately terminates in favor of the
32 defendant.

33 Any person convicted of operating a motor vehicle in violation of section 10 of chapter
34 90 who on the date of operation was not eligible for issuance or renewal of a license to operate;
35 or of operating a motor vehicle after his license to operate has been suspended or revoked, or

36 after notice of the suspension or revocation of his right to operate a motor vehicle without a
37 license has been issued by the registrar and received by such person or by his agent or employer,
38 and prior to the restoration of such license or right to operate or to the issuance to him of a new
39 license to operate, and so operates a motor vehicle recklessly or negligently so that the lives or
40 safety of the public might be endangered, and by such operation causes serious bodily injury to
41 another person shall be punished by imprisonment in a house of correction for not more than 2 ½
42 years or imprisonment in the state prison for not more than 5 years and a fine of not more than
43 \$3,000. Prosecutions commenced under this paragraph shall only apply to a person operating a
44 motor vehicle in violation of section 10 of chapter 90 who on the date of operation was not
45 eligible for issuance or renewal of a license to operate, or to a person whose license or right to
46 operate has been suspended or revoked due to a conviction or continuance without a finding
47 under this or any other chapter, or due to offenses which are required by any provision of law to
48 be reported to the registrar and for which the registrar is authorized or required to suspend or
49 revoke the person's license or right to operate motor vehicles for a period of 30 days or more. If
50 the person has been previously convicted of a violation of sections 10 or 23 of chapter 90 by a
51 court of the commonwealth or by a court of any other jurisdiction because of a like violation
52 preceding the date of the commission of the offense for which he has been convicted, the person
53 shall be punished by imprisonment in a house of correction for a mandatory period of not less
54 than 1 year and not more than 2 ½ years, or state prison for not less than 1 year but no more than
55 10 years with said sentence to be served consecutively to and not concurrent with any other
56 sentence or penalty and a fine of not more than \$3,000. Such sentence shall not be suspended,
57 nor shall any such person be eligible for probation, parole, or furlough or receive any deduction
58 from his sentence for good conduct until he shall have served said 1 year of such sentence;

59 provided, however, that the commissioner of correction may, on the recommendation of the
60 warden, superintendent or other person in charge of a correctional institution, or of the
61 administrator of a county correctional institution, grant to an offender committed under this
62 paragraph a temporary release in the custody of an officer of such institution only to obtain
63 emergency medical or psychiatric services unavailable at said institution or to engage in
64 employment pursuant to a work release program. Section 87 of chapter 276 shall not apply to
65 any person charged with a violation of this paragraph. Prosecutions commenced under this
66 paragraph shall not be placed on file or continued without a finding. The registrar shall revoke
67 the license or right to operate of a person convicted of a violation of this paragraph for a period
68 of two years after the date of conviction. No appeal, motion for a new trial or exceptions shall
69 operate to stay the revocation of the license or of the right to operate; provided, however, such
70 license shall be restored or such right to operate shall be reinstated if the prosecution of such
71 person ultimately terminates in favor of the defendant.

72 Any person convicted of operating a motor vehicle in violation of section 10 of chapter
73 90 who on the date of operation was not eligible for issuance or renewal of a license to operate;
74 or of operating a motor vehicle after his license to operate has been suspended or revoked, or
75 after notice of the suspension or revocation of his right to operate a motor vehicle without a
76 license has been issued by the registrar and received by such person or by his agent or employer,
77 and prior to the restoration of such license or right to operate or to the issuance to him of a new
78 license to operate, and so operates a motor vehicle recklessly or negligently so that the lives or
79 safety of the public might be endangered, and by such operation causes the death of another shall
80 be punished by imprisonment in a house of correction for a mandatory period of not less than 2
81 years and not more than 2 ½ years, or state prison for not less than 2 years but no more than 10

82 years with said sentence to be served consecutively to and not concurrent with any other
83 sentence or penalty and a fine of not more than \$5,000. Such sentence shall not be suspended,
84 nor shall any such person be eligible for probation, parole, or furlough or receive any deduction
85 from his sentence for good conduct until he shall have served said 2 years of such sentence;
86 provided, however, that the commissioner of correction may, on the recommendation of the
87 warden, superintendent or other person in charge of a correctional institution, or of the
88 administrator of a county correctional institution, grant to an offender committed under this
89 paragraph a temporary release in the custody of an officer of such institution only to obtain
90 emergency medical or psychiatric services unavailable at said institution or to engage in
91 employment pursuant to a work release program. Prosecutions commenced under this paragraph
92 shall only apply to a person operating a motor vehicle in violation of section 10 of chapter 90
93 who on the date of operation was not eligible for issuance or renewal of a license to operate, or to
94 a person whose license or right to operate has been suspended or revoked due to a conviction or
95 continuance without a finding under this or any other chapter, or due to offenses which are
96 required by any provision of law to be reported to the registrar and for which the registrar is
97 authorized or required to suspend or revoke the person's license or right to operate motor
98 vehicles for a period of 30 days or more. If the person has been previously convicted of a
99 violation of sections 10 or 23 of chapter 90 by a court of the commonwealth or by a court of any
100 other jurisdiction because of a like violation preceding the date of the commission of the offense
101 for which he has been convicted, the person shall be punished by imprisonment in the state
102 prison for not less than 5 years but no more than 15 years with said sentence to be served
103 consecutively to and not concurrent with any other sentence or penalty and a fine of not more
104 than \$5,000. Such sentence shall not be suspended, nor shall any such person be eligible for

105 probation, parole, or furlough or receive any deduction from his sentence for good conduct until
106 he shall have served said 5 years of such sentence; provided, however, that the commissioner of
107 correction may, on the recommendation of the warden, superintendent or other person in charge
108 of a correctional institution, or of the administrator of a county correctional institution, grant to
109 an offender committed under this paragraph a temporary release in the custody of an officer of
110 such institution only to obtain emergency medical or psychiatric services unavailable at said
111 institution or to engage in employment pursuant to a work release program. Section 87 of chapter
112 276 shall not apply to any person charged with a violation of this paragraph. Prosecutions
113 commenced under this paragraph shall not be placed on file or continued without a finding. The
114 registrar shall revoke the license or right to operate of a person convicted of a violation of this
115 paragraph for a period of fifteen years to life after the date of conviction. No appeal, motion for
116 a new trial or exceptions shall operate to stay the revocation of the license or of the right to
117 operate; provided, however, such license shall be restored or such right to operate shall be
118 reinstated if the prosecution of such person ultimately terminates in favor of the defendant.

119 SECTION 2. Said section 23 of said chapter 90, as so appearing, is hereby amended by
120 striking out the words "first or second", in line 148, and inserting in place thereof the following
121 words:- first, second, fifth, sixth or seventh.

122 SECTION 3. Section 26 of chapter 218 of the General Laws, as so appearing, is hereby
123 amended by inserting, in line 12, after the word "90B" the following words:- , sixth or seventh
124 paragraph of section 23 of chapter 90.