

HOUSE No. 3450

By Mr. Casey of Winchester, petition of Paul C. Casey relative to the revocation of motor vehicle drivers' licenses without a hearing. Transportation.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO THE REVOCATION OF MOTOR VEHICLE DRIVERS' LICENSES WITHOUT A HEARING.

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 22 of Chapter 90 of the General Laws, as
2 appearing in the 2002 Official Edition, is hereby amended by
3 striking out paragraph (c) and substituting therefor the following
4 paragraph:—

5 If the registrar receives official notice, in any form which the reg-
6 istrar deems appropriate, including electronic transmissions, that a
7 resident of the Commonwealth or any person licensed to operate a
8 motor vehicle under the provisions of this chapter has been con-
9 victed in another state or country of a motor vehicle violation, the
10 registrar shall give the same effect to said conviction for the pur-
11 poses of suspension, revocation, limitation or reinstatement of the
12 right to operate a motor vehicle, as if said violation had occurred in
13 the Commonwealth.

14 As used in this section, “ motor vehicle violation” shall mean a
15 violation of law, regulation, by-law, or ordinance, except a violation
16 related to parking, the nature of which would have been reported to
17 the registrar pursuant to chapter eighty-nine, ninety, ninety C, or one
18 hundred and seventy-five, if said violation had occurred in the Com-
19 monwealth.

20 If the registrar receives official notice, in any form which the reg-
21 istrar deems appropriate, including electronic transmissions, that a
22 resident of the Commonwealth, or any person licensed to operate a
23 motor vehicle under the provisions of chapter ninety, or any appli-
24 cant therefor has had a license or right to operate suspended or

25 revoked in another state or country, the registrar shall conduct a
26 hearing at a time and place selected by the registrar to determine the
27 severity of the offense as to its effect upon the Commonwealth of
28 Massachusetts. After the hearing if the license, the registrar shall not
29 issue a license to said person, and if a license has already been
30 issued the registrar shall immediately revoke said license. However,
31 if said license or right to operate is subsequently reinstated by such
32 other state or country, the person may apply to the registrar for rein-
33 statement of said license in the Commonwealth.

1 SECTION 2. Section 20 of Chapter 90 is hereby amended by
2 striking out the portion of the fourth paragraph which reads as
3 follows:—

4 Upon a third or subsequent conviction in the same twelve month
5 period of a violation of section sixteen or section seventeen or of a
6 regulation made under section eighteen said violation having
7 occurred in the same year, the registrar shall forthwith revoke the
8 license of the person convicted, and no new license shall be issued to
9 such person for at least thirty days after the date of such revocation,
10 nor thereafter except in the discretion of the registrar; and substi-
11 tuting therefor the following:—

12 Upon a third or subsequent conviction in the same twelve month
13 period of a violation of section sixteen or section seventeen or of a
14 regulation made under section eighteen said violation having
15 occurred in the same year, the registrar shall conduct a hearing to
16 determine the severity of the violations and after the hearing, if the
17 registrar so determines, the registrar may revoke the license of the
18 person convicted, and no new license shall be issued to such person
19 for at least thirty days after the date of such revocation, nor there-
20 after except in the discretion of the registrar;.

1 SECTION 3. Section 22 of Chapter 90 is amended by striking out
2 paragraph (a) and substituting therefor the following:—

3 Section 22. (a) The registrar may suspend or revoke, after a
4 hearing, which hearing shall be held at the time and place designated
5 by the Registrar, any certificate of registration or any license issued
6 under this chapter whenever the holder thereof has committed a vio-
7 lation of the motor vehicle laws of a nature which would give the
8 registrar reason to believe that continuing operation by such holder

9 is and will be so seriously improper as to constitute an immediate
10 threat to public safety. If it is decided after hearing that suspension
11 and revocation is justified the registrar shall forthwith send written
12 notice thereof to licensee or registrant as the case may be. The regis-
13 trar may order the license of such operator or the registration certifi-
14 cate and number plates to be delivered to him; and neither the
15 certificate of registration nor the license shall be reissued unless,
16 upon examination or investigation, or after another hearing, the reg-
17 istrar determines that the operator shall be again permitted to
18 operate. The registrar, under the same conditions, and for the same
19 cause, may also suspend the right of any person to operate motor
20 vehicles in the Commonwealth under section ten until he shall have
21 received a license from the registrar or until his right to operate has
22 been restored by the registrar.