

**HOUSE . . . . . No. 3585**

By Mr. Naughton of Clinton, petition of Harold P. Naughton, Jr., for legislation to further regulate the penalties for certain operators of motor vehicles involved in “road rage”, so-called. Transportation.

**The Commonwealth of Massachusetts**

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO ROAD RAGE.

*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 21 of Chapter 90 of the General Laws, as  
2 appearing in the 2002 Official Edition, is hereby amended by  
3 inserting after the word “person”, in line 34, the following words:—  
4 , or any person who operates a motor vehicle on any way or in any  
5 place to which the public has a right of access, or upon any way or  
6 in any place to which members of the public have access as invitees  
7 or licensees, aggressively, maliciously or recklessly so that the safety  
8 of at least one other person might be endangered.

1 SECTION 2. Section 22F of said Chapter 90, as so appearing, is  
2 hereby amended by inserting after the word “ten”, in line 23, the  
3 following words:— operating a motor vehicle aggressively, mali-  
4 ciously or recklessly so that the safety of at least one other person  
5 might be endangered, in violation of Section 24Q.

1 SECTION 3. Said Chapter 90 is hereby further amended by  
2 inserting after Section 24P the following section:—  
3 Section 24Q. Whenever a police officer receives a report of a road  
4 rage incident, he shall investigate the incident as soon as possible. If  
5 the report is substantiated, or the incident occurs in the officer’s  
6 presence, the officer shall issue a citation to any violator, and if such  
7 citation is issued, the officer shall notify the registrar of motor vehi-  
8 cles of the incident and the violator by filing RMV form Request for  
9 Immediate Threat License Suspension/Revocation. The registrar,

10 upon receipt of the immediate threat form shall immediately suspend  
11 the license of the violator and follow the procedures set forth under  
12 Section 22 and the rules of regulations of the registry of motor vehi-  
13 cles regarding the administrative suspension of licenses.

14 An incident of road rage shall be deemed to have occurred when  
15 an individual operates a motor vehicle on any way or in any place to  
16 which the public has a right of access, or upon any way or in any  
17 place to which members of the public have access as invitees or  
18 licensees, aggressively, maliciously or recklessly so that the safety of  
19 at least one other person might be endangered. Such operation may  
20 include but shall not be limited to some or all of the following  
21 acts:— speeding, following too closely, failure to give way to a  
22 passing vehicle, unsafe lane changes, purposely braking to endanger  
23 or annoy the operator of a following vehicle, threatening to commit  
24 bodily injury or another crime, menacing or obscene gesturing and  
25 unnecessary sounding of the horn.

26 If a police officer observes a person operating a motor vehicle on  
27 any way or in any place to which the public has a right of access, or  
28 upon any way or in any place to which members of the public have  
29 access as invitees or licensees, in an erratic manner fitting the defini-  
30 tion of road rage, he may arrest without a warrant the person respon-  
31 sible for such operation.

32 Any person found guilty of committing an incident of road rage  
33 shall be punished by a fine of not less than \$200 nor more than  
34 \$1,000, or by imprisonment for not more than two and one-half  
35 years in a house of correction, or by both such fine and imprison-  
36 ment. A sentence imposed under this section shall not run concurrent  
37 with any sentence imposed under any other chapter and section for  
38 the same incident. Any person found guilty of road rage shall be  
39 required to attend anger management classes or an anger manage-  
40 ment program. The frequency of mandatory attendance at such  
41 classes or length of program to be recommended by probation shall  
42 be based on a probation officer's assessment of the individual  
43 including prior criminal record and driver history. Upon conviction  
44 of this section, the registrar shall revoke the license or right to  
45 operate of such convicted person for not less than one year nor more  
46 than five years, unless the person convicted has been issued a com-  
47 mercial driver license, in which case the registrar shall revoke the

48 commercial driver license for not less than two years nor more than  
49 five years.

50 A police officer of any jurisdiction through which part of an inci-  
51 dent of road rage occurs shall have the authority to investigate and  
52 seek charges through his district court for the entire incident even  
53 though some of the incident may have taken place within other juris-  
54 dictions. This section shall not be construed as extending police  
55 power of arrest, outside the jurisdiction in which such officers are  
56 sworn. Any district court having jurisdiction over any area through  
57 which the road rage incident occurred shall have jurisdiction  
58 regarding all charges stemming from the same incident.

59 The registrar of motor vehicles shall make rules and regulations  
60 pertaining to the length of suspension or revocation of license or  
61 right to operate of those convicted under this section who hold a  
62 commercial driver license, for second and subsequent offenders, or  
63 those convicted under this section coupled with convictions for other  
64 crimes during the same incident such as, but not limited to: oper-  
65 ating after suspension of license or operating under the influence and  
66 any felony.