

Keeping Your License

Driving in Massachusetts is a privilege, not a right. You earn driving privileges by passing a learner's permit exam and a road test that prove your ability to operate a motor vehicle safely and within the law. Once you have earned your driver's license, you are responsible for your actions as a driver.

The RMV tracks your history as a driver in your **driving record**. This record lists three types of events that can cause you to lose your driving privileges:

- Civil motor vehicle infractions
- Criminal violations
- Motor vehicle accidents where you are found to be more than 50 percent at fault

This chapter explains these three events, how the law works, and how to avoid losing your driving privileges.



CHAPTER 2

The RMV is required to suspend or revoke your driver's license in a number of situations described in this chapter. A **suspension** or **revocation** means that your driving privileges are taken away for a specific period or indefinitely. (See the *License Suspension or Revocation* section later in this chapter for information on what causes you to lose your driver's license.)

In addition, you will not be able to renew your expired license if you have unpaid parking violations, unpaid excise taxes, outstanding court warrants, outstanding Fast Lane violations, Tobin Bridge violations, or unfulfilled child support obligations. (For details, see the *Reasons for License Nonrenewal* section at the end of this chapter.)

Motor Vehicle Violations and Penalties

When you break a motor vehicle law, you may receive a citation. A citation may require that you pay a fine, lose your driving privileges, appear in court, or go to jail. Major traffic law violations, such as driving while intoxicated or leaving the scene of an accident, are criminal offenses that carry severe penalties and could cause you to lose your license. You can also lose your license through a *series* of traffic violations, such as driving above the speed limit or failing to obey traffic signals.

Motor vehicle violations fall into two categories: *civil* and *criminal*. The following sections explain the differences between the two violations. For many motor vehicle violations, the penalties may be more severe if you hold a Junior Operator's License, if you are under 21, if you are a repeat offender, or if you are driving with a commercial driver's license (CDL).

Depending on the seriousness of your violation, you may face combined penalties, such as a fine, loss of license, and/or a prison sentence.

Civil Motor Vehicle Infractions

Civil violations, such as not obeying traffic signals or speeding, are considered noncriminal and can usually be settled by paying fines. If you receive a citation from a law enforcement officer for a civil motor vehicle infraction (CMVI), you must pay the required fine or request a hearing to dispute the citation within 20 days.

As of July 1, 2009, all requests for a clerk magistrate hearing are subject to a \$25 filing fee. The fee is collected by the court at the time of your hearing. **DO NOT** mail the \$25 filing fee with your request for a court hearing.

If you do *not* respond to a citation within 20 days, you will be found responsible and charged a substantial late payment fee. Continued failure to pay the citation and late fee will cause your license to be suspended. Paying a motor vehicle citation fine means you accept responsibility for that violation. Your driving record will note that you have accepted responsibility for a citation whether you paid the citation by mail, requested a hearing and were ordered by a court to pay the fine, or you failed to respond to the citation within the 20-day period.

All moving violations are tracked in Massachusetts by the RMV and are recorded on your driving record. Moving violations can affect your motor vehicle insurance rate (see *Chapter Six*) and may cause your license to be suspended.

Parking violations are not considered CMVIs. They are handled by the city or town that issued the citations or tickets. However, unpaid parking violations will prevent you from renewing your driver's license or vehicle registration.

You may pay for moving violations using a credit card by calling the RMV Phone Center at 617-351-4500 or through the RMV website at www.mass.gov/rmv or you can mail the payment to: RMV Citations - Processing Center, PO Box 55890, Boston, MA, 02205-5890

Speeding Violations

The beginning of *Chapter Four* explains the speed-limit laws in Massachusetts. If you are given a citation for driving above the speed limit, the minimum penalty is a \$100 fine. If you are convicted of driving more than ten miles per hour (mph) over the speed limit, you will be fined an additional \$10 for each mph you were traveling above the first ten. By law, all fines for speeding violations include a \$50 surcharge. This surcharge is applied to the Head Injury Treatment Services Trust Fund.

Speeding is a common factor in motor vehicle crashes resulting in serious head injuries. The Legislature established this trust fund for rehabilitation services for those with head injuries. For example, if you were traveling 73 mph on a highway with a posted speed limit of 55 mph, you would incur a \$180 dollar fine.

Your Speed	73 mph
Speed Limit	55 mph
	18 mph over the limit
First 10 mph	\$100
Next 8 mph (8 x 10) =	\$80
	\$180 total fine

Three responsible findings on speeding violations in a 12-month period will result in your license being suspended for 30 days. If you hold a Junior Operator's License, 1st offense will result in a 90-day license suspension. Subsequent offenses will result in a one-year license suspension.

Criminal Violations

Criminal motor vehicle violations are serious offenses. If you commit a criminal motor vehicle violation, you may be arrested immediately, your vehicle may be towed, your license may be taken away, and you may be placed in jail until a court hearing can be arranged. If you are convicted of a criminal motor vehicle offense, the court will set any fine or prison term.

Criminal motor vehicle offenses include driving with a suspended license, operating under the influence (OUI), and leaving the scene of an accident. The *License Suspension or Revocation* section of this chapter includes tables that outline the penalties of many criminal motor vehicle offenses.

In addition, you may be arrested and criminally charged for not responding truthfully and fully to a police officer who has asked you to...

- Provide your name and address
- Provide the vehicle owner's name and address
- Produce your driver's license on demand
- Show a valid registration certificate for the vehicle
- Sign your name in the officer's presence

Out-of-State Violations

Massachusetts has arranged to share driving-record and criminal-violation information with other states. **Certain traffic offenses you have committed in other states will be placed on your driving record and treated by the RMV as if they had occurred in Massachusetts.**

As explained later in this chapter, out-of-state violations count toward possible license suspension and automobile insurance surcharges. Furthermore, if your license or driving privileges have been suspended or revoked in another state, your Massachusetts license will be suspended automatically.

At-Fault Accidents

In addition to civil and criminal motor vehicle violations, the third type of event that negatively affects your driving record is a motor vehicle accident for which you are considered to be at fault. You are considered to be more than 50 percent at fault for an accident if your insurance company...

1. Finds you at fault according to one of the 19 Standards of Fault listed at the end of *Chapter Six*. An example is causing an accident while driving on the wrong side of the road or crashing into another vehicle from behind.
and
2. Has paid a claim of more than \$500 for collision, limited collision, or damage to someone else's property or has paid a claim of more than \$500 for bodily injury if there is no collision or damage to someone else's property claim over \$500 as a result of the same incident.

Any at-fault accidents charged to you will be listed on your driving record with any motor vehicle violations you committed and will count toward possible license suspension.

Surchargeable Events

The motor vehicle violations or at-fault accidents described previously that are listed on your driving record are called **surchargeable events**. Each surchargeable event counts toward possible license suspension. Remember, the RMV treats most out-of-state traffic convictions as if they occurred in Massachusetts.

If you receive responsible findings on three speeding violations within a 12-month period, your driver's license will be suspended automatically for 30 days. The 12-month period begins when you either pay or are found responsible for the first of the three citations.

Junior Operators (under age 18) face a tougher license suspension of 90 days for a first speeding citation and one year for any subsequent citation. For a first drag racing citation, a Junior Operator license will be suspended for one year. A subsequent drag racing violation will result in a three year suspension.

If you collect five surchargeable events on your driving record within a three-year period, you are in danger of having your license suspended. You will be sent a letter

from the RMV instructing you to complete a Driver Retraining course (*see the next section*). You must complete the retraining course within 90 days or your license *will* be suspended indefinitely until you complete the program. If you have taken the Driver Retraining course in the past three years, you are exempt from this requirement.

If you collect seven surchargeable events within a three-year period, your license will be suspended automatically for 60 days.

Surchargeable events not only threaten your driving privileges, they also affect your private passenger motor vehicle insurance. Using a point system and driving record information, the Merit Rating Board administers a program called the Safe Driver Insurance Plan (SDIP). Under SDIP, your insurance premium is determined by your driving record. If you are a safe driver over the years, your premium may go down. However, if you are convicted of criminal or civil moving violations, or if you are more than 50 percent at fault in an accident, your insurance rate will increase (*see Chapter Six for more information*).

Driver Retraining Course

If you accumulate five or more surchargeable events on your driving record within a three year period, you *must* complete the Massachusetts Driver Retraining Course or lose your license. This course does not teach driving skills; it helps drivers learn to change their driving behavior.

To enroll in a Driver Retraining course, call the National Safety Council at 1-800-215-1581.

Shortly after the RMV notifies you that you have five or more surchargeable events, you will receive a driver retraining information packet, which contains fee information. The eight-hour retraining program is held at many locations throughout the state and is typically offered as two four-hour sessions. However, one eight-hour Saturday session may be available in your area.

Completing the Driver Retraining course does *not* erase any offenses or surcharges from your driving record and does *not* replace any other requirements you must meet for specific offenses. For example, if you were convicted of drunk driving, you may also have to complete an alcohol treatment or education program.

Driving Records

You can obtain a copy of your Massachusetts driving record by ordering it over the phone or the Internet, requesting it by mail, or picking it up in person at any full-service RMV Branch. Certified copies of driving records cannot be issued in branches. The cost of each driving record is \$20, which can be paid by check, money order, or cash (in a branch), or by VISA, MasterCard, Discover, or American Express. To order by phone, call the RMV Phone Center at 617-351-4500. To order by mail, send a written request with your name, date of birth, driver's license number, Massachusetts address, and check or money order, to the address on the next page.

Checks or money orders should be payable to MassDOT. Make sure your name, address, and driver's license number are printed on your check. If you presently reside out of state, please indicate where you would like your driving record mailed.

All fees are subject to change at any time.

Driver Control/ Court Records, Registry of Motor Vehicles, P.O. Box 55896 Boston, MA 02205-5896
When ordering a driving record by mail or over the phone, please allow ten business days for processing.

Mandatory License Suspensions (18 Years and Older)

Situation	Explanation	Suspension Period	Fee to Reinstatement
Three Speeding Violations	Three speeding violations/ responsible findings within any one-year period.	30 days	\$100
Five Surchargeable Events	Any combination of moving violations and surchargeable accidents that total five surchargeable events within a three-year period.	Must complete Driver Retraining course within 90 days or license will be suspended indefinitely until course is completed	\$100
Seven Surchargeable Events	Any combination of moving violations and surchargeable accidents that total seven surchargeable events within a three-year period.	60 days	\$100
Habitual Traffic Offender	A total of three major moving violations or any combination of twelve major or minor moving violations within a five-year period.	Four years	\$500
Out-of-State Suspension	License has been suspended or revoked in another state.	Until the out-of-state suspension is resolved	\$100

License Suspension or Revocation

The Registrar of Motor Vehicles has the right to suspend or revoke your driver's license according to Massachusetts law or when he/she considers you to be a threat to public safety. Some motor vehicle violations require the immediate suspension or revocation of your license. You can also lose your license for committing a number of moving violations over time or for being at fault in a number of accidents.

Reasons for License Suspension

The law requires the Registrar to suspend or revoke your driver's license automatically in several instances. The charts in this section summarize the situations in which suspension is mandatory. In addition to automatic license suspension, the Registrar has the discretionary right to suspend or revoke your license in the following cases:

- *Immediate threat*—If the Registrar determines that allowing you to continue driving poses an immediate threat to public safety, he/she can suspend your learner's permit or driver's license immediately.

- *Improper operation*—If it is determined at a hearing that you have operated a motor vehicle improperly, the Registrar can suspend your driving privileges.
- *Fake ID*—Even without a court conviction, the Registrar can suspend your driving privileges for six months (or one year after a conviction) for the following offenses:
 - Transferring, altering, or defacing a license/ID
 - Making, using, carrying, selling, or distributing a false license/ID
 - Using somebody else’s license/ID
 - Furnishing false information to obtain a license/ID

Other Reasons for License Suspensions

Since the receipt or retention of a driver’s license is a privilege and not a right, the Registrar is also required by law to suspend a driver’s license for some reasons unrelated to the person’s motor vehicle record or a conviction requiring suspension. For example, the Registrar is required to initiate the suspension process whenever he/she receives official notification that a license holder:

- Has failed to comply with a child support enforcement order
- Has an outstanding arrest or default warrant
- Has failed to register as a sex offender
- Has been convicted of a drug offense
- Has failed to pay Massachusetts income tax
- Has made a bad payment to the RMV

If your license has been suspended due to a bad payment, you may make restitution with cash or certified bank check payable to MassDOT at any full-service RMV Branch. In addition to your reinstatement fee, you will be charged a \$15 fee to clear your bad payment.

If you have questions about...

- Child support, contact the Department of Revenue’s Child Support Office at 1-800-332-2733.
- Registering as a sex offender, contact the Sex Offender Registry Board at 978-740-6503.

Out-of-State Suspensions

If your driving privileges have been suspended or revoked in another state, your Massachusetts driver’s license will be suspended until your out-of-state suspension or revocation is resolved. Once your license has been reinstated in the state that suspended or revoked it, you can settle your Massachusetts suspension by bringing either a reinstatement letter or a current driving record from the state of suspension to any full-service RMV Branch. For certain offenses, you may be required to submit additional information. Your reinstatement letter or driving record must be no more than 30 days old.

Each state in the United States is required to notify the Massachusetts RMV of any traffic offenses you commit out of state. **Again, these offenses will be treated as if they occurred in the Commonwealth if they are a “like” offense.**

To determine what is a “like” offense, the RMV will look at what conduct the other state’s law prohibits, not whether or not the other state chose to assess a higher or lower penalty, or treat the offense as a civil or criminal infraction.

Massachusetts state law requires the RMV to apply Massachusetts license suspension rules to *any* of these out-of-state violations, even if an offense did not cause a suspension in another state.

Mandatory Permit Suspensions Junior Operators Only (16½ to 18 Years)

Violation	Suspension Period	Reinstatement Requirements	Fee to Reinstate
Conviction for Driving Without a Licensed Driver (c. 90, §8B)	60 days—first offense 180 days—second offense One year—subsequent offenses	All offenses require you to retake the learner's permit exam. Second offense requires a Driver Attitudinal Retraining course.	\$100
Conviction for Driving During the Night Restriction (c. 90, §10) (c. 90, §8B)	60 days—first offense 180 days—second offense One year—subsequent offenses	All offenses require you to retake the learner's permit exam. Second offense requires a Driver Attitudinal Retraining course.	\$100
Conviction for Speeding (c. 90, §17) (c. 90, §17A) (c. 90, §18)	90 days—first offense One year—second or subsequent offense	All offenses require a new learner's permit exam.	\$100
Conviction for Drag Racing (c. 90, §17B)	One year—first offense Three years—second or subsequent offense	All offenses require a Driver Attitudinal Retraining course and a new learner's permit exam. In addition, you may be required to take a State Courts Against Road Rage (SCARR) course.*	\$500-first offense \$1000-second or subsequent offense

Note: In addition to any other penalty required by law, Massachusetts General Laws chapter 90, section 24p requires that any Junior Operator who is convicted of Operating Under the Influence (OUI), Operating to Endanger, Leaving the Scene of an Accident, Drinking from an Open Alcohol Container, OUI with Serious Bodily Injury, Unauthorized Use of a Motor Vehicle, Reckless/Negligent Operation, Loaning/Allowing Another to Use Your License or Learner's Permit, or Motor Vehicle Homicide will face a 180 day suspension (in addition to any other suspension required by law) for a first offense, or a one year suspension for any subsequent offense. This additional suspension only applies to Junior Operators, and only in cases in which they did not already receive an additional suspension for failing or refusing a breath test.

In addition to the penalties listed, your parent or guardian will be notified of the suspension.

All fees are subject to change at any time.

Mandatory License Suspensions Junior Operators Only (16½ to 18 Years)

Violation	Suspension Period	Reinstatement Requirements	Fee to Reinstate
Conviction for Violating Passenger or Night Restriction (c. 90, §8) (c. 90, §10)	60 days—first offense 180 days—second offense One year—subsequent offenses	Second and subsequent offenses require a Driver Attitudinal Retraining course. Third and subsequent offenses require a new learner's permit and road exam.	\$100
Conviction for Speeding (c. 90, §17) (c. 90, §17A) (c. 90, §18)	90 days—first offense One year—second or subsequent offense	All offenses require a Driver Attitudinal Retraining course, a new learner's permit exam, and a new road test. In addition, you may be required to take a State Courts Against Road Rage (SCARR) course.*	\$500
Conviction for Drag Racing (c. 90, §17B)	One year—first offense Three years—second or subsequent offense	All offenses require a Driver Attitudinal Retraining course, a new learner's permit exam, and a new road test. In addition, you may be required to take a State Courts Against Road Rage (SCARR) course.*	\$500—first offense \$1000—second or subsequent offense
Conviction for Driving Negligently or Recklessly/ Operating to Endanger (c. 90, §24)	180 days—first offense One year—second or subsequent offense (within a three year period)	Second and subsequent offenses require a new learner's permit exam and a new road test.	\$500

Note: In addition to any other penalty required by law, Massachusetts General Laws chapter 90, section 24p requires that any Junior Operator who is convicted of Operating Under the Influence (OUI), Operating to Endanger, Leaving the Scene of an Accident, Drinking from an Open Alcohol Container, OUI with Serious Bodily Injury, Unauthorized Use of a Motor Vehicle, Reckless/Negligent Operation, Loaning/Allowing Another to Use Your License or Learner's Permit, or Motor Vehicle Homicide will face a 180 day suspension (in addition to any other suspension required by law) for a first offense, or a one year suspension for any subsequent offense. This additional suspension only applies to Junior Operators, and only in cases in which they did not already receive an additional suspension for failing or refusing a breath test.

*A Massachusetts JOL License or Permit holder that commits certain categories of motor vehicle violations is required under law to complete the SCARR program. Drivers may also be mandated to complete SCARR as assigned by a specific court. A Junior Operator will only be required to take the SCARR course one time. Visit www.mass.gov/rmv for more information.

For more information on, or to register for, a Driver Attitudinal Retraining course or a State Courts Against Road Rage (SCARR) course, visit www.mass.gov/rmv and click on "Teens and Parents."

Criminal Offenses and Suspensions

Criminal Conviction	Suspension Period	Fee to Reinstatement
Operating a motor vehicle with a suspended or revoked license	60 days–One year	\$500
Operating a motor vehicle without the owner's authority / larceny of a motor vehicle	One–Three years	\$500
Leaving the scene of an accident when a person is injured	One–Two years	\$500
Leaving the scene of an accident involving property damage	60 days–One year	\$500
Operating to endanger	60 days–One year	\$500
Motor vehicle homicide	15 years–Lifetime	\$500
Vehicular manslaughter	15 years–Lifetime	\$500
Operating under the influence of alcohol or drugs	One year (first) Two years (second) Eight years (third) Ten years (fourth) Lifetime (fifth)	\$500 (first) \$700 (second) \$1200 (third) \$1200 (fourth) N/A
Any drug-related conviction (Operation of a vehicle is not required)	One–Five years	\$500
Defacing real or personal property, spraying paint or applying stickers or other graffiti (Operation of a vehicle is not required)	One year (or delay of one year in obtaining a License)	\$100
Drag racing (by drivers over the age of 18)	30 days-180 days	\$500 - \$1,000

Many of the offenses in the chart above may also require you to serve time in jail.

Additional suspension periods will apply to many of the offenses in the chart above when Junior Operators commit them and alcohol or drugs are involved. For more information, see the *Under 21 Alcohol Offenses* section later in this chapter.

When Your License Is Suspended or Revoked. . .

If the RMV suspends or revokes your driver's license, you *must* stop driving immediately. You have lost your driving privileges, and it is illegal for you to operate any motor vehicle.

Driving Without a License

It is illegal to drive in Massachusetts without a valid driver's license or permit.

Driving With a Suspended License

If your license or permit has been suspended or revoked for any reason, your license or permit is *not* valid and you are *not* allowed to drive in the Commonwealth. **Driving while**

your license is suspended or revoked is considered a criminal motor vehicle violation. You may face a considerable fine and/or jail sentence, as well as additional suspension sanctions, for doing so.

License Reinstatement

To reinstate your driver's license or your right to operate a motor vehicle, you may need to appear for a hearing. If your license is suspended or revoked, you have the right to a hearing with a Hearings Officer. Hearings are held on a walk-in basis, unless your notice specifies a certain date, time, and place for your hearing. Walk-in hearing hours are 9:00am to 5:00pm (Mon, Tue, Wed, and Fri) and 10:00am to 5:00pm (Thurs) at the following locations:

Full Time Hearings Locations (Monday through Friday, excluding holidays): Boston, Brockton, Lawrence, Lowell, Springfield, and Worcester.

Part Time Hearings Locations (selected days): Beverly (Wed), South Yarmouth (Mon/Tues), Wilmington (Tues/Wed).

Note: Hearings days or locations are subject to change without notice. Please check www.mass.gov/rmv to ensure that hearings are currently available at the branch you wish to visit. If a hearing cannot be held for any reason at a particular location, the branch staff can direct you to the next nearest location for service.

At your hearing, the Hearings Officer will review your case, including your driving record and all applicable laws and regulations. Most suspensions are mandatory, and the hearing is limited to whether the law is being applied correctly to your driving record.

Once you have been found guilty of or responsible for a violation, the facts of the incident are no longer relevant, and the Hearings Officer will not have the discretion to waive a valid suspension. The Hearings Officer may take the hearing under advisement for up to ten business days following the closing of the hearing before rendering a decision.

State law requires you to pay a fee to reinstate a suspended or revoked license. The most common fee is \$100, but suspensions caused by serious offenses may require reinstatement fees as high as \$1,200.

Depending on the suspension, you may also be required to pass a learner's permit exam and road test as part of the reinstatement process. You will be required to present four forms of identification to prove your identity if you have to take a learner's permit exam and road test (see *Identification Requirements* section of *Chapter One*).

All fees are subject to change at any time.

Alcohol, Drugs, and Driving

The facts are simple: **You cannot drive safely after drinking alcohol or taking other drugs.** Alcohol is a drug. It is a depressant that affects your vision, reaction time, coordination, and judgment. Even small amounts of alcohol or other drugs—including some over-the-counter medicines—can decrease the mental and physical abilities you need to operate a motor vehicle safely. You do not have to be drunk or completely intoxicated to be a dangerous driver.

Penalties for Operating a Motor Vehicle Under the Influence of Alcohol or Drugs

Conviction	Fine	Prison Term	License Suspension
First Offense	\$500-\$5,000	Maximum 2½ years	One year
For your first offense, the court may allow you to complete an alcohol education course to reduce your license suspension period.			Over 21, 45-90 days, Under 21, 210 days
Second Offense	\$600-\$10,000	Minimum 30 days Maximum 2½ years	Two years
Third Offense (Felony)	\$1,000-\$15,000	Minimum 150 days Maximum Five years	Eight years
Fourth Offense (Felony)	\$1,500-\$25,000	Minimum One year Maximum Five years	Ten years
Fifth Offense (Felony)	\$2,000-\$50,000	Minimum Two years Maximum Five years	Lifetime

In addition to the fines listed in this chart, you will have to pay any RMV reinstatement fees before you can get your license back.

As a licensed driver, your first responsibility is *always* safety. If you have consumed any substance that impairs your awareness and your reflexes, you are no longer safe to drive.

Each year in the United States, alcohol is responsible for nearly 40% of all highway deaths. This figure does not include the thousands of drivers, passengers, and pedestrians who are seriously hurt or permanently disabled in accidents, or the millions of dollars of damage caused, or the tragedies that friends and families must face—all at the hands of drivers operating under the influence (OUI) of alcohol or drugs.

Because driving under the influence is so dangerous, Massachusetts enforces very strict penalties for OUI violations. The chart above shows the penalties associated with each OUI conviction.

Alcohol

Whether it's in the form of beer, wine, or hard liquor, alcohol is a depressant that **slows your reflexes, increases the time you need to react, and distorts your vision and judgment**. At the same time, alcohol often makes you *feel* more confident about your actions, and it can cause you to take chances while driving that you normally wouldn't take. This is a dangerous combination that often leads to serious motor vehicle accidents and tragic deaths.

License Suspension Periods for Failed Chemical Tests

All drivers will fail a chemical test if they have a Blood Alcohol Content (BAC) of .08 or greater. Drivers under 21 have the same standard for criminal purposes, but will face administrative sanctions for tests with a BAC as low as .02.

AGE	LICENSE SUSPENSION
Drivers <u>over age 21</u>	License is suspended for 30 days or until the conclusion of the court case, whichever is shorter. The suspension will end if the case is concluded either before or during the 30-day period. If the court finds you guilty, you will then face whatever sanctions ordered by the court.
Drivers age <u>18 to 21</u>	License is suspended for 30 days, plus an additional 180 days, pursuant to MGL c.90, s. 24P. If this is your first operating under the influence case, the 180-day suspension can be waived upon entry into a Department of Public Health (DPH) approved alcohol education program.
Drivers <u>under age 18</u>	License is suspended for 30 days, plus an additional one year, pursuant to MGL c.90, s. 24P. If this is your first operating under the influence case, the one-year suspension can be reduced to 180 days upon entry into a Department of Public Health (DPH) approved alcohol education program.

Note: The additional 180-day or one-year suspension for drivers under age 21 is designed to get youths charged with operating under the influence, or with having a BAC of .02 or higher, to undergo alcohol education. **It does not matter what happens with your court case. Even if you win the case, it will not change the requirement for you to take the alcohol education course.**

Even one alcoholic drink in an hour can affect your driving. The effects of alcohol can increase significantly if you are tired, emotionally upset, or haven't eaten. No one is immune to alcohol. After drinking, your ability to drive any vehicle safely is impaired. No matter how much you try to be careful or how hard you try to concentrate, there is still a drug inside your body affecting you physically and mentally.

In October 2005, Massachusetts passed Melanie's Law. This law increased the penalties and administrative sanctions for OUI offenses.

Blood Alcohol Content

When you drink an alcoholic beverage, your body works hard to eliminate the alcohol from your system. You *do not* digest alcohol as you do food. Alcohol is processed by your liver and kidneys, and the process takes time. There is no quick way to sober up or to get the alcohol out of your body. Drinking black coffee, taking a cold shower, exercising, or eating might make you feel more alert after drinking alcohol, but none of these actions has any effect on how quickly alcohol leaves your body.

Ideally, if you have had *any* alcoholic beverage, you should *not* drive. Determining exactly what is "too much" alcohol can be difficult. The amount of unprocessed alcohol in your body is measured as **blood alcohol content (BAC)**, which can be determined by a blood or a breath test. Your BAC depends on several factors:

- Your body weight
- How much alcohol you have had to drink
- The amount of food you ate before drinking
- The length of time during which you have been drinking alcohol
- The speed at which your body processes alcohol (everyone processes alcohol differently)

Regardless of the *kind* of beverage you drink, the key is the amount of alcohol you have consumed over a period of time. **Each of the following drinks contain about the same amount of alcohol** (about 1/2 ounce):

- 12-ounce beer
- Four-ounce glass of wine
- One-ounce serving of 80-proof liquor (even if mixed with a soft drink)

Any one of these drinks can raise an average person's BAC by 0.02. If you have more than one drink in an hour, your BAC rises, and only time will rid you of the effects of alcohol.

Alcohol Tests

According to the Massachusetts Implied Consent Law, every licensed driver in this state agrees to consent to a breathalyzer or blood test under certain circumstances. If you are stopped by a police officer who believes you are operating a motor vehicle under the influence of alcohol, the officer has the right to ask you to...

- Perform a field sobriety test
- Submit to a breathalyzer or blood test to calculate your BAC, if you have been arrested

If you take a breath test and you register a **BAC of 0.08 or higher**, you are operating above the legal limit. For drivers under 21, Massachusetts has a "zero-tolerance" law. Any driver under the age of 21 faces administrative sanctions for having a BAC of .02 or higher.

If you register an illegal BAC OR if you refuse a breathalyzer or blood test, the police officer is required to take away your license on the spot and give you a notice of suspension, which is effective immediately. See the charts on pages 55 and 57 for the suspension periods.

Under-21 Alcohol Offenses

According to state and federal accident statistics, **drivers under age 21 are twice as likely as most drivers to be involved in motor vehicle accidents in which alcohol is a factor. This is one reason that laws applying to under-21 drivers are more strict.**

Massachusetts has a "zero-tolerance" law, which means that if you are a driver under 21 and are found to have a BAC as low as 0.02 while driving, you will lose your license.

Ignition Interlock Devices

Starting January 1, 2006, if you have had a **second or subsequent operating under the influence offense** and are eligible for a hardship license or for license reinstatement, you

License Suspension Periods for Refusing a Chemical Test

Note: For this table, a prior operating under the influence (OUI) offense refers to a court conviction for OUI or a court-ordered assignment to an alcohol education program. Chemical test refusals do not count as prior OUI offenses.

AGE	LICENSE SUSPENSION	
Drivers <u>over age 21</u>	No Prior OUI Offenses	180 days
	One Prior OUI Offense	Three years
	Two Prior OUI Offenses	Five years
	Three or More Prior OUI Offenses	Lifetime
Drivers age <u>18 to 21</u>	No Prior OUI Offenses	Three years + 180 days
	One Prior OUI Offense	Three years + 180 days
	Two Prior OUI Offenses	Five years + 180 days
	Three or More Prior OUI Offenses	Lifetime

Note: The additional 180-day suspension for drivers under age 21 is designed to get youths charged with OUI who refuse a chemical test to undergo alcohol education. It does not matter what happens with your court case. **Even if you win the case, it will not change the requirement for you to take an alcohol education course.** If this is your first OUI case, the 180-day suspension can be waived upon entry into a Department of Public Health (DPH) approved alcohol education program.

Drivers <u>under age 18</u>	No Prior OUI Offenses	Three years + One year
	One Prior OUI Offense	Three years + One year
	Two Prior OUI Offenses	Five years + One year
	Three or More Prior OUI Offenses	Lifetime

Note: The additional one-year suspension for drivers under age 18 is designed to get youths charged with OUI who refuse a chemical test to undergo alcohol education. It does not matter what happens with your court case. **Even if you win the case, it will not change the requirement for you to take an alcohol education course.** If this is your first OUI case, the one-year suspension can be reduced to 180 days upon entry into a Department of Public Health (DPH) approved alcohol education program.

will be required to have an Ignition Interlock Device attached to your motor vehicle, at your own expense.

If you obtain a hardship license, you must use the device for the **entire life of the hardship license and for two additional years after your license has been reinstated.**

If a Hearings Officer determines that your license is eligible for reinstatement, **the device will be required for two years**. This two-year period is mandatory (even if you used the device with a hardship license). If you don't have the device installed, your license will not be reinstated. Failure to comply with the Ignition Interlock Law will result in a license revocation and a suspension from ten years to life.

The RMV strongly recommends that you arrive prior to 4:00 pm for an Ignition Interlock Device hearing.

The RMV will provide a list of vendors who install the device. Once it is installed, you will be required to pass a breath test before starting the vehicle. Any blood alcohol reading of greater than .02 will prevent the vehicle from starting. Every 30 days, you must return to the vendor, who will upload and transfer data from the device to the RMV. The goal of this law is to protect both the public and the driver from continued unlawful operation of a motor vehicle. Massachusetts now joins a majority of states in utilizing this technology.

Buying, Possessing, or Transporting Alcohol

If you are under 21, it is illegal to...

- Buy alcohol or have someone buy it for you
- Possess, carry, or transport alcohol unless accompanied by a parent or guardian

Violating either of these laws requires a 90-day to one-year license suspension and possible fines and other penalties. **The suspension for buying or attempting to buy alcoholic beverages by a person under 21 is 180 days.**

Open Container Law

You may *not* drink alcohol while driving or have an open alcoholic beverage inside your vehicle, regardless of who is holding it. If you are convicted of this offense, you will be fined \$100 to \$500. If you are under 21, you can be arrested, fined, and have your license suspended.

False or Altered Licenses/Identification Cards

It is against the law to use a false license or ID, to alter a license or ID, or to use another person's license or ID. It is also against the law to use false information to obtain a license or ID. In most cases, illegal use of these is a felony and serious penalties may apply. These penalties are not limited to an attempt to purchase alcohol. *M.G.L.c.90,§22(e) allows the RMV to suspend your license or right to operate in Massachusetts for six months. **A conviction is not required.** If you are convicted of this offense, your license will be suspended for one year.*

Illegal Drugs, Medicine, and Other Controlled Substances

Massachusetts laws that define violations and penalties for operating under the influence of alcohol also apply to drugs. Almost any drug can affect your driving skills; illegal drugs, prescription medicines, and over-the-counter remedies can all decrease your ability to drive safely.

Marijuana

Smoking or ingesting marijuana impedes your responses to sights and sounds and therefore makes you dangerous as a driver. It lessens your ability to handle a quick series of tasks. As a result, marijuana smokers' most serious driving problems occur when they face unexpected events, such as a car approaching from a side street or a child running into the street from between parked cars. These driving problems get more severe after dark, because marijuana also causes a severe loss of night vision.

Other Drugs

Like marijuana, many other drugs and controlled substances can negatively impact your driving ability:

- Illegal hard drugs, like lysergic acid diethylamide (LSD), heroin, and opium, make you virtually unaware of and indifferent to your surroundings.
- Prescription sedatives and tranquilizers make you drowsy and, therefore, dangerous as a driver.
- Most medicines taken for colds, hay fever, or headaches can cause drowsiness. Pain killers and medicines containing codeine can be especially dangerous.

Remember, you can still be considered OUI with prescription drugs. It is illegal to operate a motor vehicle while impaired by *any* substance.

- Stimulants like pep pills, speed, cocaine, and diet pills may make you feel more awake and more aware for short periods, but these periods are inevitably followed by fatigue, nervousness, dizziness, and a lack of concentration. These substances can also affect your vision.
- Inhaling controlled substances like solvents or glue vapors is not only a serious health hazard, but doing so can make you unable to operate a motor vehicle properly.

For prescription or over-the-counter medicines, make sure you read labels carefully and know the drugs' potential side effects. Ask your doctor or pharmacist if you're not sure.

Combining alcohol with other drugs dramatically increases the negative effects that either one would have on its own. Do *not* mix alcohol, drugs, and driving. It's a fatal mistake.

Drug Possession Offenses

If you are convicted of *any* drug offense, whether in Massachusetts or another state, your driver's license *will* be suspended. **Even if no motor vehicle was involved in the offense, the law requires you to lose your driving privileges for one to five years, depending on the conviction.**

Reasons for License Nonrenewal

When the time comes to renew your driver's license, the RMV will refuse your renewal request if you have...

- Unpaid fines for parking violations
- Citations for abandoned vehicles

- Outstanding excise tax due in your local community
- Outstanding court warrants
- Unpaid Fast Lane violations
- Unpaid Tobin Bridge violations

Before you can renew your license, you must present official **release forms** showing that all fines and taxes have been paid to local communities or that outstanding warrants have been satisfied. For an outstanding court warrant, a recall notice from the court is required. No other documents will be accepted by the RMV.

Unpaid parking tickets and excise taxes must be paid to local cities and towns.

The RMV can only collect Fast Lane violations that are 60 or more days delinquent. This means that at least 60 days have passed since the date of violation issuance.

For more information, call Fast Lane Violation Processing Center at 1-877-627-7745.

Tobin Bridge violations can be paid in person at:

Terminal C
Lower Level
Logan International Airport
East Boston, MA 02128

Tobin Bridge violations can be paid by mail to:

Parking Violations
1 Harborside Drive
Suite 200S
East Boston, MA 02128

License Suspension

If your license is suspended or revoked, you will not be able to renew your license. See the *License Suspension or Revocation* section of this chapter for more information.

The RMV cannot serve you until you have cleared any outstanding problems.