540 CMR 2.00: MOTOR VEHICLE REGULATIONS

Section CHECK PG NUMBERS WITH THE BOOK. LINE, INSERT PAGE 30

2.05: Vehicle Registrations Requirements
2.06: Requirements for Driver (Operator) Licenses, Learner Permits and Identification Cards
2.07: Year of Manufacture Registration Plates
2.15: Licensing of Operators of School Buses and Operators of School Pupil Transport Vehicles
2.22: Markings on Commercial Vehicles

2.05: Vehicle Registrations Requirements

(1) Authority, Purpose and Scope. 540 CMR 2.05 is issued by the Registrar of Motor Vehicles under the authority of M.G.L. c. 6C, § 56 and c. 90, §§ 2 and 31. In order to promote and protect the public safety, every motor vehicle and trailer operated, pushed, drawn, towed, or remaining in any way shall be in compliance with the registration requirements of M.G.L. c. 90, and 540 CMR 2.05 or 540 CMR 18.00: *Minimum Standards for the Issuance and Use of General Registrations and General Registration Numbers Plates Issued under the Provisions of M.G.L. c. 90, § 5*.

(2) Applications for Registration and Powers of Attorney. Any person who desires to register a motor vehicle or trailer in the Commonwealth shall complete such application, and provide such information, as required by the Registrar. The application for registration may be signed on behalf of the applicant by a duly authorized attorney in fact acting under a valid power of attorney, provided the power of attorney or a copy thereof, duly authenticated, is filed with the application for registration.

(3) Definitions. As used in 540 CMR 2.05, the following terms are defined as follows:

Ambulance, Antique Motor Car, Auto Home, House Trailer, Motorcycle, School Bus, Semi-trailer, and Trailer. Have the meaning assigned to those terms in M.G.L. c. 90, § 1.

Apportionable Vehicle. Any motor vehicle which qualifies for registration under the International Registration Plan (IRP) authorized by M.G.L. c. 90, § 2.

Bus. Any motor vehicle which is designed to transport 16 or more passengers, including the driver, or meets the definition of bus or motor bus under M.G.L. c. 90, § 1.

Business Advertisement. Unless exempted by law, a business advertisement on a motor vehicle includes, but is not limited to, a notice, slogan, image, logo, internet address or a design, or any combination, intended to draw public attention to a company or organization or to a product or service.

Business Marking. Unless exempted by law, a business marking on a motor vehicle includes, but is not limited to, a name, address, telephone number, internet address or any combination or other *indicia* that identifies the owner or lessee of the vehicle.

Commercial Motor Vehicle (CMV). A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

(a) has a gross combination vehicle weight rating or gross combination vehicle weight of 11,794 kilograms or more (26,001 lbs. or more), whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 lbs.), whichever is greater;

(b) has a gross vehicle weight rating or gross vehicle weight of 11,794 kilograms or more (26,001 lbs. or more), whichever is greater;

(c) is designed to transport 16 or more passengers, including the driver; or

(d) is of any size and is used in transportation of hazardous materials as defined in 540 CMR 2.05(3).

2.05: continued

Commercial Plates Required Vehicle. Any motor vehicle required to display a "commercial" registration plate and which is not an "apportioned vehicle", a private passenger motor vehicle, personal transportation network vehicle, antique motor car, motorcycle, trailer, semi-trailer, auto home, house trailer, taxicab, ambulance, hearse, livery vehicle, bus, school bus, or school pupil transport vehicle, including the following:

(a) Any vehicle which has a vehicle weight, or curb weight, of 6,000 lbs., or more, as per the manufacturer's description of said vehicle, unless such vehicle is a sport utility vehicle or passenger van, or a pickup truck or cargo van meeting the definition of Private Passenger Motor Vehicle or a Camper Vehicle;

(b) Any vehicle which has five or more wheels on the ground; except that a pickup truck which has five or more wheels on the ground that is registered to an individual and is used solely for personal use shall not be classified as a "commercial plates required vehicle" for purposes of registration unless another provision of law requires such registration;

(c) Any pickup truck or cargo van, owned by a partnership, trust or corporation unless such vehicle meets the definition of Private Passenger Motor Vehicle;

(d) Any pickup truck or cargo van, if on the bed of the vehicle tools, supplies, materials or equipment are transported to or from a job site, or are stored for use at a job site, provided that transportation to or storage for use at a personal project for which no compensation is received shall not be considered in connection with a "job site";

(e) Any vehicle, if on the roof or sides of the vehicle, tools, supplies, materials or equipment are transported to or from a job site, or are stored for use at a job site, provided that transportation to or storage for use at a personal project for which no compensation is received shall not be deemed in connection with a "job site";

(f) A vehicle which has business advertisements or business markings thereon; provided however that markings limited to the name, address, telephone number, and logo of any corporation whose personal property is exempt from taxation under M.G.L. c. 59, § 5, Clause Third or Tenth and markings limited to the name, address, telephone number, logo or website address of a "car-sharing organization" as defined in M.G.L. c. 90, § 32J shall not be considered business advertisements or business markings for purposes of 540 CMR 2.05;

(g) A vehicle used for hire to plow;

(h) A vehicle used for hire to transport or store goods, wares or merchandise, provided that a private passenger motor vehicle which is owned by an individual and which is so used on only a part time basis shall not be deemed a commercial plates required vehicle under 540 CMR 2.05(3). "Part time basis" shall mean that not more than 40% of the total usage of the vehicle is devoted to the transporting or storing of goods, wares or merchandise.

(i) A vehicle used to transport or store goods, wares or merchandise intended for sale in the ordinary course of the vehicle operator's or owner's business, provided that if the vehicle is owned by an individual, has a maximum load carrying capacity of 1,000 lbs. or less, and is so used on only a part-time basis, such vehicle shall not be deemed a commercial plates-required vehicle under 540 CMR 2.05(3). "Part-time basis" shall mean that not more than 40% of the total usage of the vehicle is devoted to the transporting or storing of goods, wares or merchandise.

Hazardous materials. Any material that has been designated as hazardous under 49 CFR 383.5, including any material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart F of 49 CFR part 172 or any quantity of a material listed as a select agent or toxin in 42 CFR 73.

Hearse. Any vehicle regularly used in the course of business of a licensed embalmer or a licensed funeral director.

Limited Use Motor Vehicle. Any motor vehicle with two or more wheels as described in M.G.L. c. 90, §§ 1H or 1I which is capable of exceeding 30 miles per hour but not exceeding 40 miles per hour whose operation on public ways is restricted by law. Such vehicle shall display a Limited Use Vehicle registration plate, except that a three-wheeled vehicle meeting the definition of limited use motorcycle in M.G.L. c. 90, § 1I shall display a Limited Use Motorcycle plate.

Livery Vehicle. Any limousine or other vehicle which is designed to carry 15 or fewer passengers, including the driver, and carries passengers for hire, business courtesy, employee shuttle, customer shuttle, charter or other pre-arranged transportation, and which vehicle is not required to obtain a taxicab license pursuant to M.G.L. c. 40, § 22.

2.05: continued

Low-speed Electric Bicycle. A two- or three-wheeled vehicle with fully operable pedals and an electric motor of less than 750 watts (one h.p.), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden by an operator who weighs 170 lbs., is less than 20 mph. These bicycles are not "motor vehicles" and are regulated by the U.S. Consumer Product Safety Commission. They are neither required nor authorized to be registered as "motorized bicycles" in the Commonwealth and the operator is not required to have a license or learner's permit but is subject to the traffic laws of the Commonwealth.

Low-speed Motor Vehicle. Any motor vehicle with four wheels meeting the definition in M.G.L. c. 90, § 1 and qualifying for registration under M.G.L. c. 90, § 1F, whose operations on public ways is restricted by law. Such vehicle shall display a Low Speed Vehicle registration plate and a "Slow Moving Vehicle Emblem."

Military Vehicles Appearing to Carry an Offensive Weapon. A privately-owned vehicle or vehicle owned by a not-for profit organization, which appears to contain a mounted offensive weapon designed for military use including, but not limited to, long guns, machine guns, and rocket launchers may not be registered for use on public ways. However, such vehicles may take part in parades on public ways when law enforcement officers escort the vehicle or close the way to the public.

Motor Vehicles and Motorized Vehicles Not Designed for Use on a Way. If the Registrar determines from a Manufacturer's Certificate of Origin or other document believed to contain reliable information, that a motor vehicle or motorized vehicle presented for registration was not designed for use on public ways, the Registrar may refuse to register such vehicle.

Motorcycle. As defined in M.G.L. c. 90, § 1, includes any such vehicle if it can achieve a top speed, as designed and manufactured, in excess of 40 miles per hour (MPH). If such vehicle can achieve a top speed, as designed and manufactured, of between 30 and 40 miles per hour (MPH) it may be registered as a "Limited Use Motorcycle" subject to restrictions as to operation on certain ways or portions of ways. Any two- or three-wheeled vehicle which has been certified by the National Highway Traffic Safety Administration (NHTSA) as a "motorcycle" can only be registered as a "Motorcycle" or "Limited Use Motorcycle". It cannot be registered as a "private passenger motor vehicle".

Motorcycle Conversions. A two- or three-wheeled motorcycle originally designed and manufactured for off-road use cannot be registered for on-road use, unless and until it has been physically converted in accord with the required motorcycle equipment/components list as contained in the Registrar's "Motorcycle Conversion Preliminary Examination Report" and the vehicle passes such preliminary examination prior to registration.

Motorized Bicycle (commonly called a moped). As defined in M.G.L. c. 90, § 1, may have two or three wheels. A motorized bicycle, however powered, cannot be converted and registered as a motorcycle. If the Registrar has information that he or she believes to be reliable that a particular make and model of motorized bicycle or a particular motorized bicycle itself can exceed 30 miles per hour, he or she may refuse to recognize it as a motorized bicycle and may reject registration for the specific vehicle or the make and model produced by the manufacturer.

Motorized Scooter. As defined in M.G.L. c. 90, § 1, is neither required nor authorized to be registered in the Commonwealth.

Motorized Vehicle Combinations. A vehicle composed of a motorized vehicle on the bottom and one or more parts of another vehicle or vehicles on top, whether the top portion contains a separate motorized vehicle or part of a boat, plane or off-road vehicle, *etc*., will not be registered for operation on public ways.

Motorized Vehicle Designed for Off-road Use. A motorized vehicle originally designed and manufactured for off-road use, for example, a snow mobile or ski mobile, an all-terrain (ATV) vehicle, a utility vehicle, *etc*., that could be registered under M.G.L. c. 90B cannot be registered for on-road use, either in its original manufactured configuration or as modified for on-road use. Only a "motorcycle" properly converted from off-road use may be registered for on-road use.

2.05: continued

Personal Transportation Network Vehicle. A private passenger motor vehicle that is used by a Transportation Network Company Driver to provide Transportation Services for a Transportation Network Company.

Private Passenger Motor Vehicle. Any vehicle:

(a) which has a vehicle weight rating or curb weight of 6,000 lbs. or less as per the manufacturer's description of said vehicle; or is a sport utility vehicle or passenger van as per the manufacturer's description of said vehicle; or which is a pickup truck or cargo van with a Gross Vehicle Weight Rating (GVWR) of 16,000 lbs. or less as per the manufacturer's description of said vehicle; or which is a vehicle used solely for official business by any college or university police department whose officers are appointed as special police officers by the colonel of the state police under M.G.L. c. 22C, § 63; and

(b) which, if a pickup truck or cargo van with a Gross Vehicle Weight Rating (GVWR) of 16,000 lbs. or less as per manufacturer's description of said vehicle, is registered or leased to an individual or individual trust, and is used solely for personal use; or is registered or leased to a college or university police department as described in subparagraph (a); and

(c) which, other than a Personal Transportation Network Vehicle, is not described elsewhere in 540 CMR 2.05.

The terms passenger vehicle, passenger car, automobile and pleasure passenger vehicle are synonymous with Private Passenger Motor Vehicle. For the avoidance of doubt, the Private Passenger Motor Vehicle shall include, but not be synonymous with, Personal Transportation Network Vehicle. For the purposes of M.G.L. c. 90D, § 15A, the term "pleasure vehicle" shall include any motor vehicle, as defined in M.G.L. c. 90D, § 1, that is registered to one or more person(s) and is not registered or used for commercial purposes.

School Pupil Transport Vehicle. Any vehicle which is required to comply with the special equipment and licensing requirement of M.G.L. c. 90, § 7D.

Tank Vehicle (liquid storage). Any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than 119 gallons and an aggregate rated capacity of 1,000 gallons or more that is either permanently or temporarily attached to the vehicle or the chassis. A commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of 1,000 gallons or more that is temporarily attached to a flatbed trailer is not considered a tank vehicle.

Taxicab. Any vehicle which carries passengers for hire, and which is licensed by a municipality pursuant to M.G.L. c. 40, § 22 as a taxicab.

Transportation Services. The transportation of a passenger between points chosen by the passenger for consideration.

Vanpool Vehicle. Any vehicle with a seating arrangement designed to carry seven to 15 adults, including the driver, and is used by seven or more persons commuting on a daily basis to and from work, as classified in M.G.L. c. 63, §§ 31D through 31F.

(4) Registration Plates.

(a) A Private Passenger Motor Vehicle may display a private passenger registration number plate.

(b) Notwithstanding any other provision of 540 CMR 2.05(4), any apportionable vehicle registered under the IRP shall display an APPORTIONED registration number plate.

(c) A Commercial Plates Required Vehicle shall display a COMMERCIAL registration number plate. Each commercial vehicle must have on its registration the registered gross weight evidencing the registered owner’s intended loaded weight.

(d) An Ambulance shall display an AMBULANCE registration number plate.

(e) An Antique Motor Car may display an ANTIQUE registration number plate, or a YEAR OF MANUFACTURE registration number plate issued in accordance with 540 CMR 2.07.

2.05: continued

(f) An Auto Home may display a CAMPER registration number plate. A House Trailer may display either a CAMPER or a TRAILER registration number plate.

(g) A Bus shall display a BUS registration number plate.

(h) A Hearse shall display either a HEARSE or COMMERCIAL registration number plate.

(i) Subject to 540 CMR 2.05(4)(i)1., 2. and 3., and the provisions of M.G.L. c. 90, § 7D, a Livery Vehicle shall display a LIVERY registration number plate, provided that nothing contained in 540 CMR 2.05(4)(i) shall prevent a vehicle that meets the requirements in M.G.L. c. 90 for a registration number plate bearing the International Symbol of Access from displaying such registration number plate.

1. Any vehicle that meets the definition of Livery Vehicle, including vehicles described in 540 CMR 2.05(4)(i)2. and 3., but which vehicle is used for the transportation of school pupils under M.G.L. c. 90, § 7D, shall display a PUPIL registration number plate.

2. Any vehicle that meets the definition of Livery Vehicle solely by virtue of the use to which it is put pursuant to a short term rental agreement of not more than seven consecutive days, and 30 days in the aggregate in any calendar year, need not display a Livery registration number plate during such rental period, provided the vehicle is owned by an entity whose regular business is vehicle rental; the vehicle is covered by a liability insurance policy applicable to a vehicle used to transport people for hire; said rental agreement is carried in the vehicle; and the vehicle is properly registered based upon the use to which it was put just prior to the commencement of the short term rental period.

3. Any vehicle that meets the definition of a Livery Vehicle but is used exclusively to provide transportation in connection with a program of the Commonwealth of Massachusetts Department of Developmental Services and/or Department of Mental Health may display either a Livery registration number plate or a Passenger registration number plate, provided that if such vehicle displays a Passenger registration number plate it shall not bear any business advertisements or markings thereon, and there shall be maintained in the vehicle, in a readily accessible place for examination by law enforcement officers upon request, written evidence of the relationship with the Department(s) supplied by the Department(s), which writing shall specifically reference the expiration date of the current relationship with the Department(s).

(j) A Motorcycle shall display a MOTORCYCLE registration number plate except that a Limited Use Motorcycle shall display a LIMITED USE MOTORCYCLE plate.

(k) A School Bus shall display either a SCHOOL BUS, a BUS, or an APPORTIONED registration number plate, except as provided in M.G.L. c. 90, § 7D. The requirement of 540 CMR 2.05(4)(k) is applicable to all such classified motor vehicles notwithstanding that they otherwise would be eligible to display a COMMERCIAL, LIVERY, TAXI, MUNICIPAL, STATE, AUTHORITY, or other registration number plate. In case of emergency, a vehicle with a COMMERCIAL, LIVERY, TAXI, PUPIL, MUNICIPAL, STATE or AUTHORITY plate may be substituted as a school bus; provided said substitution may not occur for more than five days in any 12-month period.

(l) A School Pupil Transport Vehicle shall display a PUPIL registration number plate. The requirement of 540 CMR 2.05(4)(1) is applicable to all such classified motor vehicles notwithstanding that they otherwise would be eligible to display a COMMERCIAL, LIVERY, TAXI, MUNICIPAL, STATE, AUTHORITY, or other registration number plate. In case of emergency, a vehicle with a COMMERCIAL, LIVERY, TAXI, BUS, SCHOOL BUS, MUNICIPAL, STATE, or AUTHORITY plate may be substituted for a School Pupil Transport Vehicle; provided, said substitution may not occur for more than five days in any 12-month period.

(m) A Semi-trailer shall display a SEMI-TRAILER registration number plate.

(n) A Taxicab shall display a TAXI registration number plate, except that a vehicle which meets the definition of Taxicab, but which vehicle is used for the transportation of school pupils under M.G.L. c. 90, § 7D, shall display a "PUPIL" registration number plate.

(o) A Trailer shall display a TRAILER registration number plate.

(p) A Vanpool Vehicle shall display a VANPOOL registration number plate.

(q) Each registration plate issued by the Registrar remains the property of the Registrar

(r) A vehicle must display the number of registration plates issued by the Registrar for that vehicle.

2.05: continued

1. Green and White Registration Plates. Registration plate must be mounted and displayed on the rear of the vehicle.
2. Red, White and Blue Registration Plates. Registration plate must be mounted and displayed on the rear and front of the vehicle (including, but not limited to, all private passenger vehicle plates). Trailers and semi-trailers are issued only one plate which must be mounted and displayed at the rear of the vehicle. General registration number plates issued under M.G.L. c, 90, § 5 (Dealer, Repair, Farm, Owner-Contractor and Transporter) shall display one plate at the rear of the vehicle.
3. Motorcycles are Issued One Registration Plate. Registration plate must be mounted and displayed on the rear of the vehicle.

(s) The registered owner or lessee of a vehicle eligible to display a PASSENGER, CAMPER, LIVERY, BUS, or COMMERCIAL plate may, upon application, request that the Registrar issue a distinctive letter-number combination for said plate. Such application shall be granted unless the Registrar determines that the combination:

1. does not comply with readability standards as set forth by the Registrar;
2. is duplicative of a registration already issued;
3. is or implies a vulgarity or profanity including a swear or curse word, or scatological term, not usually displayed in the community for general viewing;
4. is obscene or otherwise contains material of prurient sexual suggestiveness in that it refers explicitly or by euphemism to a sexual body part, a sex act, or the availability for sex; and/or
5. is an expression of "fighting words" that the RMV reasonably foresees would imminently incite or provoke violence or other immediate breach of peace.

(5) Remedies.

(a) The certificate of registration of any vehicle that is registered in violation of 540 CMR 2.00, as determined by the Registrar after hearing, shall be subject to revocation under M.G.L. c. 90, § 2; however, if the Registrar determines that the continued operation of such vehicle constitutes an immediate threat to public safety then, under M.G.L. c. 90, § 22(a), such revocation by the Registrar shall be without a prior hearing.

(b) Any violation of 540 CMR 2.05 is punishable by a fine pursuant to M.G.L. c. 90, § 20, and may result in the suspension of the operator's license or right to operate and/or certificate of registration for up to 30 days pursuant to M.G.L. c. 90, § 22(b). Confiscation of the registration plate and/or impoundment of the subject vehicle for the reason that the vehicle displays the incorrect type of vehicle registration plate based upon the classifications described in 540 CMR 2.05, is not authorized by 540 CMR 2.05 in the absence of a determination by the Registrar that continued operation of such a vehicle in a particular case would constitute an immediate threat to public safety.

(c) Any person who operates a motor vehicle which has no current registration in violation of M.G.L. c. 90, or which bears a registration plate that is assigned to a vehicle or trailer other than the one to which it is attached, or which is the subject of a revoked or suspended registration shall be subject to the penalties set forth in M.G.L. c. 90, §§ 2, 9 and 23, and the registration plate(s) attached to such vehicle shall be subject to immediate confiscation by an officer of the police, or other person authorized by the Registrar. Any such confiscated plate(s) shall be returned to the Registrar as soon as is practically possible after confiscation.

(6) Registration Stickers.

(a) The Registrar may issue a sticker or decal to validate a registration plate issued under M.G.L. c. 90, § 2. The owner of the vehicle shall attach such sticker or decal to the upper right-hand corner of the rear registration plate, so as to cover any previously attached sticker.

(b) Any motor vehicle or trailer registered to the Commonwealth or a political subdivision shall be exempt from the requirement of displaying a registration sticker.

(7) Electronic Vehicle Registration (EVR) Program. Participation in the Registry's Electronic Vehicle Registration (EVR) Program authorizing third parties to issue motor vehicle registrations, enter motor vehicle registration data onto the Registry's computer database through an authorized third-party vendor and perform ancillary functions shall be by permit issued, suspendable and revocable by the Registrar, and subject to such reasonable terms and conditions as the Registrar may prescribe.

2.05: continued

(8) (a) Registration Requirements for Natural Persons (Individuals). If an applicant for registration of a motor vehicle or trailer is a natural person (an individual), the following information must be provided in addition to any other information the Registrar may require: The applicant's:

1. full name;
2. full residential address, including an apartment or unit number, if applicable; and
3. date of birth;
4. A valid Massachusetts driver's license or identification card, if one has been issued. If the applicant does not hold a Massachusetts driver's license or identification card, the applicant must present at least one of the following:
   a. a valid unexpired driver license from any state or territory of the United States or Canada;
   b. a valid unexpired foreign passport or a valid unexpired consular identification document, which shall be accompanied by a certified translation if the document is not in English;
   c. the applicant's Social Security Number (SSN); or
   d. other proof of lawful presence as defined in 540 CMR 2.06.

(b) Registration Exemptions for Natural Persons (Individuals). As authorized by M.G.L. c. 90, § 2, the Registrar has established exemptions from the requirements in 540 CMR 2.05(8)(a)1. through 4. for nonresident (out of state) students; military personnel; senior citizens and disabled persons; and may establish additional exemptions by regulation for other groups if consistent with the provisions in the law. The following exemptions are incorporated in 540 CMR 2.05(8)(b):

1. Nonresident Student. A nonresident enrolled as a student at a school or college in this state who attends school during any period from September 1st of any year to August 31st of the following year and who has a temporary residential address in this state while attending such school, may register a vehicle for personal use that he or she owns from such address without having to provide evidence of a Massachusetts driver license, a Massachusetts ID card (issued under M.G.L. c. 90, § 8E), or provide his or her Social Security Number (SSN) but must have a valid driver license from his or her home state or country if he or she is to be the principal driver of the registered vehicle.

   Note: A nonresident student enrolled as a student at a school or college in the Commonwealth who attends school during any period from September 1st of any year to August 31st of the following year and who has a temporary residential address in this state while attending such school is not required to obtain Massachusetts registration plates for a vehicle he or she has brought into the Commonwealth while attending a school or college here if the student completes the nonresident student statement required of nonresident students by M.G.L. c. 90, § 3, including maintaining the required insurance coverage, and files such statement in quadruplicate with the local police where the school or college is located and displays the decal for the applicable academic year provided by the school. (For purposes of 540 CMR 2.05(8) a "student" is defined as in M.G.L. c. 90, § 1).

2. Military Personnel. A person who is an active duty member of the armed forces of the United States whose permanent home is in another state, who is assigned to a base or facility in Massachusetts and who has a temporary residential address in this state, may register a vehicle without having to have a Massachusetts driver license, a Massachusetts ID card or an SSN although he or she must have a valid driver license from his or her home state if he or she is the principal driver; and if not the principal driver and he or she does not have an out of state license, he or she must have an SSN or be denied registration.

3. Senior Citizen or Disabled Person. A person who is 65 years of age or older and who is a resident of Massachusetts and a person of any age who is a resident of this state and who otherwise meets the definition of a disabled person who would qualify for a handicapped placard or HP plates under Massachusetts law, can register a vehicle that he or she owns without the need to have a Massachusetts driver license, a Massachusetts Identification card or an SSN.

2.06: Requirements for Driver (Operator) Licenses, Learner Permits and Identification Cards

(1) Purpose, Scope and Applicability. 540 CMR 2.06 is adopted by the Registrar of Motor Vehicles pursuant to M.G.L. c. 6C, § 56, c. 90, §§ 8, 8B, 8E and 31, and c. 90F, §§ 6 and 8 to establish uniform rules governing the issuance and use of, licenses to operate a motor vehicle, or learner's permits, identification cards and licenses and learner's permits to operate a commercial motor vehicle. "CFR" references are to the "Code of Federal Regulations."

(2) Definitions.

(a) The definitions in M.G.L. c. 90, § 1 shall apply to 540 CMR 2.06. With regard to Commercial Driver's License (CDL) matters, the definitions in M.G.L. c. 90F, § 1 shall also apply. If a definition in M.G.L. c. 90, 90F or 540 CMR 2.06 is inconsistent with the definition in 49 CFR Part 383, the definition in 49 CFR Part 383 shall apply.

(b) The following definitions are also used in 540 CMR 2.06:

Birth Certificate.

1. An original birth certificate or certified copy of the original birth certificate issued by a state or territory of the United States or any other jurisdiction; or
2. A record of birth issued by the State Office of Vital Records or the equivalent agency in the applicant's state of birth.

CDL. A Commercial Driver's License issued in accordance with the standards contained in 49 CFR Part 383 and M.G.L. c. 90F, §§ 6 and 8 which authorizes an individual to operate a class of Commercial Motor Vehicle.

CMV. Commercial Motor Vehicle as defined in M.G.L. c. 90F, § 1 for which a CDL is required to operate.

Compliant. A license or identification card that meets federal REAL ID standards and can be used for federal identification.

Credential. For purposes of 205 CMR 2.00, wherever the word "credential" appears it shall refer to either a REAL ID Massachusetts Driver's License or Identification Card or a Standard Massachusetts Driver's License or Identification Card

Digital Image. A digital (photo) image of the face of the holder of the driver's license or identification card.

Driver's (Operator) License. An original, renewal or duplicate license to operate a motor vehicle as issued by the Registrar under M.G.L. c. 90 or c. 90F in Class A, B, C, (Commercial licenses); D (Passenger vehicle license); or M (Motorcycle license). It includes a temporary license in any Class. A Class D license may be used to operate a motorized bicycle or a motorized scooter. A license in any Class may contain restrictions and/or endorsements. Driver Licenses are of two types: A driver's (operator) license is issued in REAL ID compliant and Standard Massachusetts versions.

1. REAL ID Massachusetts Driver's License, as defined in M.G.L. c. 90, § 1, is a driver's license of any Class containing a digital image of the person to whom the license was issued, meets federal REAL ID standards and can be used for federal identification purposes.
2. Standard Massachusetts Driver's License, as defined in M.G.L. c. 90, § 1, is a driver's license of any Class containing a digital image of the person to whom the license was issued but does not meet federal REAL ID standards and cannot be used for federal identification purposes.

FHWA. Federal Highway Administration.

FMCSA. Federal Motor Carrier Safety Administration

Full Legal Name. An applicant's first, middle and last name or surname, and suffix if applicable, without the use of titles, initials or nicknames.

2.06: continued

Identification Card. An identification card issued to the person named in the document and issued under M.G.L. c. 90, § 8E. Identification cards are issued in REAL ID compliant and Massachusetts versions.

1. REAL ID Massachusetts Identification Card, as defined in M.G.L. c. 90, § 1, is an identification card containing a digital image of the person to whom the ID card was issued and meets federal REAL ID standards and can be used for federal identification purposes.
2. Standard Massachusetts Identification Card, as defined in M.G.L. c. 90, § 1, is an identification card containing a digital image of the person to whom the ID card was issued but does not meet federal REAL ID standards and cannot be used for federal identification.

Lawful Presence. As defined in M.G.L. c. 90, § 1:

1. persons who have lawful status in the United States; or
2. documentation of lawful presence in the United States satisfactory to the Registrar, in consultation with the United States Department of Homeland Security (DHS).

Lawful Status. A person in lawful status is a citizen or national of the United States; or an alien:

1. lawfully admitted for permanent or temporary residence in the United States;
2. with conditional permanent resident status in the United States;
3. who has an approved application for asylum in the United States or has entered into the United States in refugee status;
4. who has a valid nonimmigrant status in the United States;
5. who has a pending application for asylum in the United States;
6. who has a pending or approved application for temporary protected status (TPS) in the United States;
7. who has approved deferred action status; or
8. who has a pending application for lawful permanent residence (LPR) or conditional permanent resident status.

Learner's Permit. A restricted permit, issued under M.G.L. c. 90, § 8B, that allows a learning driver to operate a passenger motor vehicle (Class D) and also allows a person to operate a motorized bicycle or a motorized scooter; a restricted permit, also issued under M.G.L. c. 90, § 8B, that allows a learning rider to operate a motorcycle (Class M). A Class M permit can only be renewed after expiration if the applicant passes a new written test and has taken (and failed) at least one driving test while the original permit was valid. If an applicant for a renewal of his Class M permit fails two driving tests he must successfully complete a course of study at a rider training school approved by the Registrar before being able to schedule another driving test. Class M and Class D learner's permits may have a period of validity of up to two years, but, in the case of a REAL ID-compliant credential, may be issued for a lesser period to coincide with the date by which the applicant is required to depart the United States; or a restricted permit issued under M.G.L. c. 90F, §§ 6 and 7 that allows a learning driver to operate commercial motor vehicles in Class A, B or C. A Class A, B, or C permit is issued for a period of 180 days, but may be renewed for an additional like period without re-testing. A learner's permit contains a digital image of the person to whom the permit was issued. A learner's permit, in any Class, is a paper document, does not meet federal REAL ID standards and cannot be used for federal identification.

Limited Term License or Limited Term Identification Card. A REAL ID-compliant Driver's License of any class, Standard Massachusetts CDL, or Identification Card issued to a person and which expires at:

(a) The expiration date of the applicant's authorized stay in the United States; or
(b) If there is no definite end to the period of authorized stay, no longer than one year from the date of issue.

2.06: continued

Liquor Purchase Identification Card. An identification card issued by the Registrar under authority of M.G.L. c. 138, § 34B that may be issued to a person who is 21 years of age or older and who does not hold a valid Massachusetts driver's license issued by the Registrar and containing a digital image of the person to whom it was issued. Such identification card does not meet federal REAL ID standards and cannot be used for federal identification.

Nondomiciled Commercial Driver's License (CDL). A CDL issued to:

(a) an individual domiciled in a foreign country other than Mexico or Canada, who has complied with the testing and licensing standards required for CDL drivers; or

(b) an individual domiciled in another state while that state is prohibited from issuing CDLs, who has complied with the testing and licensing standards required for CDL drivers.

Nonresident. As defined in M.G.L. c. 90, § 1, any person whose legal residence is not within the Commonwealth.

Out-of-Service Order. A declaration by an authorized enforcement officer of a federal, state, Canadian, Mexican or local jurisdiction that a driver, a commercial motor vehicle, or a motor carrier operation is out-of-service pursuant to 49 CFR Parts 386.72, 392.5, 395.13, 396.9, or any compatible law, or the North American Uniform Out-of-Service Criteria, as provided in M.G.L. c. 90F, § 1.

REAL ID Massachusetts Driver's License or Identification Card. For purposes of 540 CMR 2.00, means that a driver's license or identification card has been issued by a state certified by U.S.D.H.S. to be in compliance with the requirements of the federal REAL ID Act and which driver's license or identification card meets the standards in 6 CFR § 37, including a limited term driver's license or identification card issued under 6 CFR § 37.21. REAL ID Massachusetts Driver's License or Identification Card is suitable for federal identification purposes.

REAL ID Standards. Standards required by the federal REAL ID Act of 2005, 49 U.S.C. 30301, and established by the U.S.D.H.S. in federal regulations at 6 CFR § 37.

SSA. The United States Social Security Administration.

SSN. A Social Security Number assigned by the Social Security Administration to a specific individual.

Source Document. The original or a certified copy of document acceptable to the Registrar that is submitted by an applicant for an operator's license or identification card.

State. A state of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa and the Commonwealth of the Mariana Islands.

U.S.D.H.S. The United States Department of Homeland Security; also known as DHS.

(3) Applications for Driver's Licenses, Permits and Identification Cards, Fees, Knowledge Tests, and Road Tests, Generally.

(a) To obtain, renew, transfer, or upgrade a driver's license, learner's permit or identification card, an applicant shall submit an application in a form prescribed by the Registrar, and pay the required fees. The application shall be deemed to include the applicant's response to any request by the Registrar or his or her agent for information to be included on the applicant's driver's license, learner's permit or identification card otherwise necessary to process the applicant's driver's license, learner's permit or identification card. Unless the Registrar has issued a waiver for a specific document, an applicant for a driver's license, permit, identification card or liquor purchase identification card is limited to providing identification documents as contained on the Registrar's lists of "Acceptable Forms of Identification". A vision screening test is also required of an applicant for a driver's license or permit, as determined by the Registrar.

2.06: continued

(b) REAL ID Massachusetts Driver's License or Learner's Permit. An applicant for a REAL ID Massachusetts Driver's License or Learner's Permit shall submit documentary proof satisfactory to the Registrar of:

1. Date of Birth. (if younger than 18 years old, written consent of a parent, guardian or another parent-substitute is also required, *see* 540 CMR 2.06(3)(b)1.);
2. Residency within the Commonwealth. (two proofs of address of principal residence in MA is required, each containing the applicant's name and street address);
3. Verifiable SSN of the applicant, the validity of which the Registrar may confirm with the SSA, or acceptable evidence of ineligibility for a SSN as detailed in a dated "Denial Letter" (issued not more than 60 days earlier) from the SSA. If the submitted SSN cannot be verified as having been issued to the applicant, a REAL ID license or permit may not be issued until the SSN can be verified.
4. U.S. Citizenship, lawful status or lawful presence in the United States as those terms are defined in 540 CMR 2.00. If an applicant is not a U.S. citizen, an alien lawfully admitted for permanent or temporary residence in the United States, an alien with conditional permanent resident status in the United States, an alien who has an approved application for asylum in the United States, or an alien who has entered into the United States in refugee status, then the applicant must provide acceptable documentation demonstrating that his or her current authorized stay in the United States is for a period of at least 12 months. The period of at least 12 months shall be measured from the beginning of the applicant's current authorized stay, or from the beginning of the applicant's prior authorized stay if it immediately precedes the current authorized stay without interruption, whichever is earlier. If there is no definite end to the current period of authorized stay (for example, where the applicant has a pending application for lawful permanent residence, asylum, or temporary protected status), it shall be presumed to be for a period of at least 12 months.
5. An applicant for a REAL ID Massachusetts driver's license or learner's permit who is in one of the following categories may only receive a Limited Term REAL ID Massachusetts driver's license or learner's permit:
    a. has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;
    b. has a pending application for asylum in the United States;
    c. has a pending or approved application for temporary protected status in the United States;
    d. has approved deferred action status; or
    e. has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

(c) Standard Massachusetts Driver's License or Learner's Permit. An applicant for a Standard Massachusetts Driver's License or Learner's Permit shall submit documentary proof satisfactory to the Registrar of:

1. Date of Birth. (If younger than 18 years old, written consent of a parent, guardian or another parent-substitute is also required, *see* 540 CMR 2.06(3)(c)1.);
2. Residency within the Commonwealth required containing the applicant's name and street address;
3. One of the following:
    a. An SSN, if the applicant has been issued an SSN at any prior time, the validity of which the Registrar may confirm with the SSA;
    b. a "Denial Letter" (issued not more than 60 days earlier) from the SSA; or
    c. Effective July 1, 2023, and for a Standard Class D or M Driver's License or Learner's Permit only, in the case of an applicant who provides as proof of identity a valid unexpired foreign passport or a valid unexpired Consular Identification document, an attestation executed by said applicant under the pains and penalties of perjury and signed in the presence of a notary public or the Registrar's designee, stating that the applicant has never been issued an SSN
4. Pursuant to 49 C.F.R. 383.71(a)(5) and 49 C.F.R. 383.71(f)(2)(i), an applicant seeking to obtain a Standard Massachusetts CDL must provide proof of U.S. Citizenship or status as a permanent resident of the United States. A person who is domiciled in a foreign jurisdiction other than Canada or Mexico may obtain a nondomiciled Standard Massachusetts CDL upon presentation of an unexpired employment authorization document (EAD) issued by the U.S. Citizenship and Immigration Services or an unexpired foreign passport accompanied by an approved I-94 form documenting the applicant's most recent admittance into the United States. Any Standard Massachusetts CDL shall expire on the date the person's lawful presence in the United States expires.

2.06: continued

(d) REAL ID Massachusetts Identification Card. An applicant for a REAL ID Massachusetts Identification Card shall submit documentary proof satisfactory to the Registrar of:

1. Date of Birth. (Providing the applicant is 14 years of age or older.)
2. Residency within the Commonwealth: (two proofs of address of principal residence in MA is required, each containing the applicant's name and street address);
3. Verifiable SSN of the applicant, the validity of which the Registrar may confirm with the SSA, or acceptable evidence of ineligibility for a SSN as detailed in a dated "Denial Letter" (issued not more than 60 days earlier) from the SSA. If the submitted SSN cannot be verified as having been issued to the applicant, a REAL ID identification card may not be issued until the SSN can be verified.
4. U.S. Citizenship, lawful status or lawful presence in the United States as those terms are defined in 540 CMR 2.00. If an applicant is not a U.S. citizen, an alien lawfully admitted for permanent or temporary residence in the United States, an alien with conditional permanent resident status in the United States, an alien who has an approved application for asylum in the United States, or an alien who has entered into the United States in refugee status, then the applicant must provide acceptable documentation demonstrating that his or her current authorized stay in the United States is for a period of at least 12 months. The period of at least 12 months shall be measured from the beginning of the applicant's current authorized stay, or from the beginning of the applicant's prior authorized stay if it immediately precedes the current authorized stay without interruption, whichever is earlier. If there is no definite end to the current period of authorized stay (for example, where the applicant has a pending application for lawful permanent residence, asylum, or temporary protected status), it shall be presumed to be for a period of at least 12 months.
5. An applicant for a REAL ID Massachusetts Identification Card who is in one of the following categories may only receive a Limited Term REAL ID Massachusetts Identification Card:
    a. has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;
    b. has a pending application for asylum in the United States;
    c. has a pending or approved application for temporary protected status in the United States;
    d. has approved deferred action status; or
    e. has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

    An applicant who holds a valid driver's license issued by the Registrar or issued by another jurisdiction may not hold both a driver's license and a REAL ID Massachusetts identification card.

(e) Standard Massachusetts Identification Card. (An applicant for a Standard Massachusetts Identification Card shall submit documentary proof satisfactory to the Registrar of:

1. Date of Birth, providing the applicant is 14 years of age or older.
2. Residency within the Commonwealth required containing the applicant's name and street address.
3. If no verifiable SSN is provided by the applicant, the applicant must provide acceptable evidence of ineligibility for a SSN as detailed in a dated "Denial Letter" (issued not more than 60 days earlier) from the SSA. If the submitted SSN cannot be verified as having been issued to the applicant a Massachusetts identification card may not be issued until the SSN can be verified.
4. U.S. Citizenship, lawful status or lawful presence in the United States as those terms are defined in 540 CMR 2.00. If an applicant is not a U.S. citizen, an alien lawfully admitted for permanent or temporary residence in the United States, an alien with conditional permanent resident status in the United States, an alien who has an approved application for asylum in the United States, or an alien who has entered into the United States in refugee status, then the applicant must provide acceptable documentation demonstrating that his or her current authorized stay in the United States is for a period of at least 12 months. The period of at least 12 months shall be measured from the beginning of the applicant's current authorized stay, or from the beginning of the

2.06: continued

applicant's prior authorized stay if it immediately precedes the current authorized stay without interruption, whichever is earlier. If there is no definite end to the current period of authorized stay (for example, where the applicant has a pending application for lawful permanent residence, asylum, or temporary protected status), it shall be presumed to be for a period of at least 12 months.

5. An applicant for a Standard Massachusetts Identification Card who is in one of the following categories may only receive a Limited Term Standard Massachusetts Identification Card:

a. has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;

b. has a pending application for asylum in the United States;

c. has a pending or approved application for temporary protected status in the United States;

d. has approved deferred action status; or

e. has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

An applicant who holds a valid driver's license issued by the Registrar or issued by another jurisdiction may not hold both a driver's license and a Standard Massachusetts identification card.

(f) Liquor Purchase Identification Card. An applicant for a Massachusetts Liquor Purchase Identification Card shall submit documentary proof satisfactory to the Registrar of:

1. Date of Birth, providing the applicant is 21 years of age or older.

2. Verifiable SSN of the applicant, the validity of which the Registrar may confirm with the SSA, or acceptable evidence of ineligibility for a SSN as detailed in a dated "Denial Letter" (issued not more than 60 days earlier) from the SSA. If the submitted SSN cannot be verified as having been issued to the applicant, a Massachusetts Liquor Purchase Identification Card may not be issued until the SSN can be verified.

An applicant who holds a valid Massachusetts driver's license issued by the Registrar is not eligible for a Massachusetts Liquor Purchase Identification Card. An applicant who holds a valid driver's license from a jurisdiction outside of Massachusetts is eligible for a Massachusetts Liquor Purchase Identification Card.

(g) Proof of Identity and Residency. An applicant for a Driver's (Operator's) License, Learner's Permit, Identification Card or Liquor Purchase Identification Card shall submit documentary proof of the applicant's identity and residency satisfactory to the Registrar. As a part of 540 CMR 2.00, the Registrar has established lists of documents the RMV may accept to prove aspects of identity and residency, and reserves the right to amend these lists from time to time. The lists can be found on the RMV website and in the Driver's Manual that is current at the time of application. Lists displayed on the website shall be considered the most recent in the event of a disparity between the Driver's Manual and the website, and shall be offered in multiple languages. Such lists include, but are not limited to the following:

1. Documents to Prove Massachusetts Residence.

2. Documents to Prove Date of Birth (DOB).

3. Documents to Prove U.S. Citizenship, lawful status or lawful presence in the United States; or

4. Effective July 1, 2023, and for a Standard Class D or M Driver's License or Learner's Permit only, if an applicant does not provide proof of lawful presence, the applicant shall submit two documents as proof of identity and date of birth. One such document shall be:

a. a valid unexpired foreign passport or

b. a valid unexpired consular identification document; the other such document shall be:

i. a valid unexpired driver's license from any United States state or territory,

ii. an original or certified copy of a birth certificate,

iii. a valid unexpired foreign nationalidentification card,

iv. a valid unexpired foreign driver's license, or

v. a marriage certificate or divorce decree issued by any state or territory of the United States. One of these documents shall include a photograph and one document shall include a date of birth. Any documents submitted under this paragraph that are in any language other than English shall be accompanied by a certified translation translating the document into English.

2.06: continued

(g½) Verification of Documentation. The Registrar shall retain each application and all supporting documents and shall adopt policies to verify the authenticity and protect the confidentiality of said applicant's documents including personally identifying information. Said applications and supporting documents shall not be used for any purpose other than internal review and associated fraud prevention, training, and to confirm compliance with internal controls and will be retained in accordance with applicable statewide retention schedules. The Registrar may conduct a review of any document presented by an applicant for any credential to verify the document's authenticity. Any information relating to an applicant for a Massachusetts license shall not be disclosed except to comply with Federal law or pursuant to regulations promulgated by the Attorney General.

(h) Conversion of Driver's Licenses, Identification Cards and Learner's Permits from Another Jurisdiction. "Conversion" of a driver license means the Registrar has recognized that another specific jurisdiction enforces standards of fitness of operators substantially as high as those prescribed and enforced by the Commonwealth, the Registrar has been able to confirm the validity and status of an applicant's driver license issued in the other jurisdiction and is willing to issue an equivalent Class of Massachusetts driver license for the applicant from that jurisdiction, who has become a resident of this state, with the same restrictions or endorsements (if any) as on that applicant's existing license and without the need for a written test or a road test. The applicant is otherwise subject to the same application requirements as an applicant for an initial license, including the payment of all fees as if the tests had been taken and passed, and , if applicable based upon the type of credential being requested, must demonstrate U.S. Citizenship, lawful status or lawful presence in the United States unless the Registrar can confirm such status through other means. The Registrar will not issue a driver license as part of a license conversion unless the applicant surrenders the license to be converted to the Registrar.

1. Conversion of License from Another U.S. State, the District of Columbia or U.S. Territory. An applicant who is 18 years of age or older with a driver license from another U.S. jurisdiction who has become a resident of this state, may convert his or her driver license with the same restrictions or endorsements (if any) as on that applicant's existing license and without the need for a written or a road test. The applicant is otherwise subject to the same application requirements as an applicant for an initial license, including the payment of all fees as if the tests had been taken and passed. An applicant presenting a REAL ID driver license may, on conversion, receive the equivalent REAL ID Massachusetts Driver's License as issued by Massachusetts if the applicant has demonstrated U.S. Citizenship, lawful status or lawful presence in the United States. An applicant presenting a non-REAL ID driver's license may convert to a REAL ID or Standard Massachusetts Driver's License upon furnishing the required documentation for such credential. An applicant for license conversion from a U.S. Territory may also be required to provide a recent driving record.

2. Conversion of Identification Card. The Commonwealth of Massachusetts will not convert an identification card from another U.S. state or another jurisdiction. An applicant for a REAL ID Massachusetts Identification Card or for a Standard Massachusetts Identification Card who has recently become a Massachusetts resident is subject to the same terms and conditions as any other applicant for that particular type of Identification Card.

3. Conversion of Liquor Purchase Identification Card. No conversion of the equivalent of a Massachusetts Liquor Purchase Identification Card will be made by the Registrar. Each application for such card is treated as an initial application.

4. Conversion of a Learner's Permit. The Registrar may convert a learner's permit from another U.S. jurisdiction if the jurisdiction from which the permit was issued would accept a Massachusetts permit for conversion. If the applicant for a permit is younger than 18 years old, Massachusetts law requires the applicant to complete a course of driver education instruction approved by the Registrar. He or she may accept any portion of a driver education program completed in the other jurisdiction if he or she finds that the program and completed portion(s) is substantially similar to the driver education program or portion in this state. An applicant for a learner's permit must provide documentation listed in the "Document Requirements Chart" of the *RMV's Driver's Manual*.

2.06: continued

5. Conversion of Driver Licenses, Learner's Permits and Identification Cards from Canada or Mexico. *See* the "Document Requirements Chart" of the *RMV's Driver's Manual* or found on the RMV's website. An applicant may convert to a REAL ID or Standard Massachusetts Driver's License upon furnishing the required documentation for such credential.

6. Conversion of licenses from Select Foreign Countries which have entered into reciprocal agreements with Massachusetts for the conversion of driver licenses for persons 18 years of age or older are also contained in the *RMV's Driver's Manual* or found on the RMV's website. An applicant may convert to a REAL ID or Standard Massachusetts Driver's License upon furnishing the required documentation for such credential.

7. Other Foreign Licenses. An applicant presenting a valid driver license from a foreign country not having a reciprocal license conversion agreement with Massachusetts, who has become a resident of this state, will be required to take a written and road test. If the applicant is younger than 18 years old, he or she may be required to take a Driver Education course at a school approved by the Registrar. Parental consent will also be required. An applicant may convert to a REAL ID or Standard Massachusetts Driver's License upon furnishing the required documentation for such credential.

(i) Parental Consent for Learner's Permit/Junior Operator License.

1. Driver's License. An application for a driver's license for a person younger than 18 years old must be accompanied by the written consent of a parent or legal guardian of the applicant or, if a parent is not available, by another person standing in place of a parent. The written consent on the minor's application may be given by either parent if no separation or divorce exists. It may only be given by the parent having legal custody if a legal separation or divorce does exist. If joint custody has been awarded, only the parent with whom the minor applicant resides in the Commonwealth at the time of application may give consent.

If the Registrar is satisfied 540 CMR 2.00 has been followed, he or she will not rescind a decision to issue a Learner's Permit or Driver License to a minor due solely to an objection from a parent not authorized to give consent under 540 CMR 2.00, unless the objector has a court order.

For purposes of 540 CMR 2.00, the Registrar may deem a person occupying one of the following positions as a person "standing in the place of a parent" if for good cause shown, a parent who can give consent under 540 CMR 2.00 is not available.

a. a legal guardian who properly identifies himself or herself and presents an order of a Court appointing him or her as legal guardian of the minor applicant.

b. a step-parent who properly identifies himself or herself and presents evidence that he or she is the step-parent of the minor applicant and that the applicant resides with him or her.

c. a foster-parent who properly identifies himself or herself as someone who provides temporary substitute parental care for a child or children under an agreement with a licensed or approved placement agency, as recognized by the state's Executive Office of Health and Human Services and Department of Early Education and provides documentation indicating the minor applicant is in his or her care.

d. a social worker representing the state Department of Children and Families (DCF) licensed to engage in the practice of social work in the Commonwealth who properly identifies himself or herself and who satisfies the Registrar that he or she has or is providing professional social work services to the minor applicant and/or to the applicant's family.

e. an authorized representative of a residential group care program, as recognized by the Executive Office of Health and Human Services and Department of Early Education, in which the minor applicant resides who has properly identified himself or herself and provides evidence of residential program assignment.

f. a boarding school headmaster of an academic school in the Commonwealth who properly identifies himself or herself and provides documentation indicating that the minor applicant is a student in residence at the school and that as headmaster he or she is authorized by the parent(s) to exercise discretion in making decisions on behalf of the resident student.

2.06: continued

g. the Massachusetts resident-host of a minor foreign exchange student who properly identifies himself or herself and provides documentation from the student's parent(s) indicating authority to exercise discretion in making decisions on the resident student's behalf.

For purposes of 540 CMR 2.00, a notarized "Caregiver Affidavit" issued under the authority of M.G.L. c. 201F and provided by the care giver named in the document is not considered acceptable since it is limited to making only medical and academic educational decisions on behalf of a minor.

(j) ID Card - No Permanent Address. An application for a Massachusetts Identification Card by a person who otherwise meets the statutory qualifications for such Card but who does not have a permanent residential address in Massachusetts, including an application by a person who is younger than 18 years old, may be considered for issuance of the ID Card for good cause shown if:

Homeless Shelter or Other Accommodation for Transients. The properly identified director or person in charge of an established homeless shelter or other recognized accommodation for transient guests (other than a hotel or similar accommodation), attests that he knows the applicant personally, discloses the period of time he or she has known the applicant, discloses the source of his or her knowledge that the applicant has no permanent address, asserts that the applicant stays at the shelter for homeless individuals on an irregular basis by disclosing the approximate number of times per week or month that the applicant has recently been a guest and agrees to allow the applicant to use the shelter as both his or her residential and mailing address for RMV purposes. In addition to the above, if the applicant is younger than 18 years old, the director or person in charge of an established homeless shelter also discloses his or her personal knowledge of the applicant's relationship with his parent(s) or other relatives, and if none, whether the applicant is under any form of State guardianship or under the control of the Department of Children and Families (DCF).

(k) Written and Road Tests Required (formerly 3c). Prior to the issuance of any license, an applicant must pass both a knowledge test and a driving or skills test as prescribed by the Registrar, and must satisfy the Registry's medical qualification standards as set forth in 540 CMR 24.00: *Medical Qualifications for Operators of Motor Vehicles*, in a manner acceptable to the Registrar. If, at any time before or after the issuance of a license or learner's permit, the Registrar has any reason to believe that a person is physically or mentally incapable of operating a motor vehicle, the Registrar may require satisfactory proof of that person's ability to operate a motor vehicle including, but not limited to, the successful completion of a competency road test.

(l) Road Test Vehicle (formerly 3d). The driving or skills test must be taken in a motor vehicle representative of the type of motor vehicle which the driver operates or expects to operate.

(m) Authorized Test Administrative (formerly 3e). The knowledge and driving or skills tests may be administered by a Registry employee or agent designated by the Registrar to administer such tests or by a third-party whom the Registrar has authorized to administer such tests; provided that an independent third party contractor may not give the CDL Knowledge Tests.

(4) Learner's Permits and Licenses Generally.

(a) Unless prohibited by the state of issuance, an out of state operator with a learner's permit may operate in Massachusetts. Likewise, a Massachusetts learner's permit holder may operate in another state, unless otherwise prohibited.

(b) Classes.

1. All original operator licenses and all operator license renewals shall be valid only in accordance with the Classes of licenses listed in 540 CMR 2.06. The Registrar shall examine each applicant according to the Class of license for which application was made. Each license shall indicate the Class to which it is assigned.

2. The Classes of licenses entitling a licensee to operate motor vehicles or a combination of motor vehicles are as follows:

Class A: Any combination of vehicles with a gross combination weight (GCW), gross vehicle weight (GVW), or registered weight of 26,001 or more lbs., whichever is greater, provided the GVWR of the vehicle(s) being towed is in excess of 10,000 lbs. (Holders of a Class A license may, with any appropriate endorsements, operate all vehicles within Class B, C, and D.)

2.06: continued

Class B: Any single vehicle with a gross vehicle weight rating (GVWR) of 26,001 or more lbs., or any such vehicle towing a vehicle not in excess of 10,000 lbs. GVWR. (Holders of a Class B license may, with appropriate endorsements, operate all vehicles within Class C and D.)

Class C: Any single vehicle or combination of vehicles that does not meet the definition of Class A or Class B, but is either designed to transport 16 or more passengers including the driver, or is required to be placarded for hazardous materials under 49 CFR 172.500 or any other federal regulation. (Holders of a Class C license may operate all vehicles within Class D.)

Class D: Any single vehicle or combination of vehicles that does not meet the definition of Class A, Class B, Class C, or Class M.

Class M: Any motor vehicle defined as a motorcycle in M.G.L. c. 90, § 1 or any two-wheeled vehicle whose top speed is as described in c. 90, § 1H or any three-wheeled vehicle whose top speed is as described in M.G.L. c. 90, § 1I.

3. A Class A, B, or C License shall also be known as a Commercial Driver's License or CDL.

4. Gross Weight Rating.

a. A vehicle without a plate specifying the GVWR of the vehicle shall contain in a readily accessible place, a written statement specifying the GVWR of the vehicle and including the make, model, year and Vehicle Identification Number (VIN) of the vehicle, which must be prepared by the manufacturer of the vehicle or by an authorized dealer who buys and sells such vehicles.

b. If the registered gross weight or actual gross weight of a vehicle or of a combination of vehicles exceeds its GVWR or GCWR, then the registered gross weight or actual gross weight, whichever is higher, shall be used instead of the GVWR or GCWR to determine what license class is required under 540 CMR 2.06.

(c) Temporary License or Identification Card. The Registrar may for administrative convenience and the appropriate fee, and in accordance with M.G.L. c. 90, § 11, issue a temporary license or temporary identification card of any Class for 60 days including, but not limited to:

1. At initial issuance or upon issuance of a duplicate, where the final document containing a digital image will be manufactured at a later date;

2. When a licensee whose Massachusetts license has expired or is about to expire renews the license online, the downloadable receipt that is issued upon proper payment may be printed and must be carried by the licensee, along with the license containing a digital image that was most recently issued, until the new license is issued and mailed to the licensee's address on file or the 60 days expires, whichever first occurs;

3. When a licensee cannot complete a license renewal transaction at an RMV Service Center due to reasons beyond the control of the Registrar, a temporary Massachusetts license may be issued at the discretion of the Service Center manager;

4. When a competency road exam has to be taken by an applicant who either does not currently have a valid license or who's license has been suspended, the Registrar may issue a temporary license in order to allow the person to take the test on a public way, but may suspend the unexpired portion of the temporary license immediately upon the failure of the competency road exam by the applicant;

5. When a licensee who is a resident of Massachusetts and whose Massachusetts license has expired or is about to expire while the licensee is outside of the Commonwealth, the Registrar may issue a temporary license if the licensee is not eligible to renew online. The Registrar may mail the temporary license by standard U.S. mail to an address provided by the licensee. If the licensee requests overnight or expedited delivery, he or she will be required to arrange and pay for such service, in advance. In regard to issuance of a temporary driver license, the following is applicable:

a. A licensee may be eligible to renew the license but not eligible to renew online if he or she is required by law or by a regulation or policy of the Registrar to visit a Service Center to renew because of age or other requirement.

b. A licensee is not eligible to renew if his or her license is suspended or if he or she has been placed in "non-renewal" status by the Registrar based on official notifications received under state law.

2.06: continued

c. Although a temporary license of any Class that is issued by the Registrar is valid in Massachusetts, due to differences in state laws the Registrar cannot guarantee that such temporary license will be honored by law enforcement officers or courts in other jurisdictions.

d. A temporary Massachusetts driver license or temporary Massachusetts identification card may be issued either in person or remotely only if the:

i. RMV is satisfied of the identity of the applicant and, if applicable, has reverified the holder's lawful presence and SSN;

ii. The compliant document contains the most recent digital image of the holder from RMV files;

iii. Any remote renewal is authorized by the RMV Driver License Section;

iv. The expiration date of the temporary document does not exceed the date of the end of the license holder's authorized stay in the United States or 60 days, whichever first occurs.

(d) Restrictions.

1. Restrictions on a license shall be coded as follows:
2. MEDICAL LOG/GLUCOSE REQUIRED
   A. USE WITH CERTIFIED DRIVING INSTRUCTOR ONLY
   B. CORRECTIVE LENSES
   C. MECHANICAL AID (adaptive devices)
   D. PROSTHETIC AID/PERSONAL MEDICAL AID
   E. CMV AUTOMATIC TRANSMISSION
   G. DAYLIGHT ONLY
   H. LIMITED TO EMPLOYMENT
   I. JOL LIMITED/OTHER
   J. OTHER
   K. CDL - INTRASTATE ONLY
   L. CDL - VEHICLES WITHOUT AIR BRAKES
   M. CDL - EXCEPT CLASS A BUS
   N. CDL - EXCEPT CLASS A AND B BUS
   O. CDL - EXCEPT TRACTOR/TRAILER
   P. NO PASSENGERS IN CMV BUS
   Q. CLASS D AUTOMATIC TRANSMISSION
   R. BI OPTIC TELESCOPIC LENS
   S. PROOF OF BLOOD SUGAR LEVEL
   T. IGNITION INTERLOCK
   U. THREE WHEELED MOTORCYCLE
   V. MEDICAL VARIANCE+

2.06: continued

W. INTRASTATE MEDICAL WAIVER
X. CDL - NO CARGO IN CMV TANKER
Y. RESTRICTED TO 14 PASSENGER CAPACITY
Z. CDL - AIR OVER HYDRAULIC

(e) Reinstatement - Generally. A Class D or Class M driver's license which is revoked, suspended, canceled, or downgraded may be reinstated fully or, when applicable, with an "H" restriction signifying a hardship license for employment use only.

(5) Penalties - Generally.

(a) Violations - Application, Testing and Licensing. In addition to any other penalty provided by law, and in order to insure the integrity of the application, testing and licensing processes, the following provisions shall apply:

1. Anyone who without lawful authority possesses, in whole or in part, an original version of a driver's license knowledge test, a copy of such test, or information copied from such test, shall be disqualified from holding any Class of driver's license or learner's permit for 60 consecutive days.

2. Anyone who cheats or attempts to cheat on a driver's license test, including a knowledge test, a test for a CDL endorsement, a skills test, a pre-trip inspection of a Commercial Motor Vehicle, or any other written or practical test required to obtain or upgrade a learner's permit or driver license shall be disqualified from holding any Class of driver's license or learner's permit for 60 consecutive days.

3. Anyone who falsifies information to obtain, renew, transfer, or upgrade a driver's license or learner's permit shall be disqualified from holding any Class of driver's license or learner's permit for 60 consecutive days. Any driver's license or learner's permit, in any Class, issued to a driver who has falsified any information shall be void from the date of issuance.

4. Any driver's license or learner's permit secured for a driver by an impersonator of that driver, or with the assistance of an impersonator, shall be void from the date of issuance.

5. Anyone who bribes or attempts to bribe any government official with respect to any driver's license or learner's permit shall be disqualified from holding any Class of driver's license or learner's permit for 60 consecutive days.

(b) Violations - Statutes, Rules and Regulations.

1. A person who operates a motor vehicle or combination of vehicles not included within the Class of license issued to him or her, or without required endorsements, or in violation of license restrictions, or who, while holding a learner's permit operates a motor vehicle in violation of the terms of such permit, or who operates a motor vehicle in violation of an out-of-service order, is deemed to be operating a motor vehicle without being duly licensed and is subject to the penalties for such offense provided in M.G.L. c. 90 and c. 90F, 49 CFR Part 383, and 540 CMR 2.06.

2. In addition to any other penalty provided by law, unless otherwise provided by regulation or statute, the administrative licensing sanction for violating the rules, regulations, and requirements of M.G.L. c. 90, M.G.L. c. 90F, 540 CMR 2.06, or 49 CFR Part 383 shall be a 60 consecutive days disqualification from holding a license, learner's permit, CDL or CDL learner's permit. Any adverse action taken against a license or permit by the Registrar shall not preclude the imposition of criminal penalties or of other civil penalties for the same violation. Likewise, no law enforcement officer is precluded from utilizing criminal law procedure against a driver whose conduct has violated both the criminal law and civil law. At administrative hearings, findings shall be based on a preponderance of the evidence even if the unlawful conduct is also a violation of a criminal law statute.

3. In addition to any other penalty provided by law, in a case where an employer is the violator of any provision of 540 CMR 2.06, each agent of the employer who knowingly allowed, required, permitted, or authorized the violation shall be subject to a 60 consecutive days disqualification from holding any Class of driver's license or learner's permit.

2.06: continued

4. In addition to any other penalty provided by law, any driver who violates the provision of M.G.L. c. 90, § 25 shall be disqualified from holding any Class of driver's license or learner's permit for a period of 60 consecutive days.

5. In addition to any other penalty provided by law, a driver who violates the provisions of M.G.L. c. 90, § 24B shall be disqualified from holding any Class of driver's license or learner's permit for a one year period. This period shall commence upon notice of a criminal conviction. If no prosecution is pending, the disqualification period shall be for 60 consecutive days, which shall commence following an administrative determination that a driver has violated the terms of M.G.L. c. 90, § 24B.

(c) Notice. Except for a driver under a 24-hour out-of-service order and except pursuant to M.G.L. c. 90, § 22(a), no driver shall be subjected to any penalties described in 540 CMR 2.00 until reasonable notice is sent to the driver and until there has been a reasonable opportunity for a Registry hearing under 540 CMR 9.00: *Conduct of Hearings within the Registry of Motor Vehicles*.

(6) Suspension or Nonrenewal of Driver's License or Permit for Violations of the Hands-free Use of Mobile Electronic Devices While Operating a Motor Vehicle Pending Completion of a Distracted Driving Program. An operator who is younger than 18 years old and who commits an offense under M.G.L. c. 90, § 8M, relating to the hands-free use of mobile electronic devices while operating a motor vehicle, shall have his or her license or permit suspended for 60 days for a first offense, 180 days for a second offense, and one year for a third or subsequent offense. For each offense under M.G.L. c. 90, § 8M, an operator shall not be eligible for license renewal or reinstatement until he or she completes a program selected by the Registrar that encourages a change in driver behavior and attitude about distracted driving. An operator who is 18 years of age or older and who commits a second or subsequent offense under M.G.L. c. 90, § 13B, relating to the hands-free use of mobile electronic devices while operating a motor vehicle, shall have his or her license placed in nonrenewal status unless, within 90 days of committing the second or subsequent offense, he or she completes a program selected by the Registrar that encourages a change in driver behavior and attitude about distracted driving. The operator shall not be eligible for renewal of his or her license until he or she successfully completes such program.

(7) Additional Particular Provisions Applicable to Class M Licenses (Motorcycles) - Skill Test.

(a) No Registry conducted motorcycle skills test shall be required of any holder of a Massachusetts Class M learner's permit, if the holder has been certified as being qualified by the Massachusetts Rider Education Program (MREP) as recognized by the Registrar and if said holder has successfully completed a course of instruction prescribed by said Registrar. The Registrar shall approve the form of certification and methods of communication of such certification to be used under 540 CMR 2.06.

(b) Applicants taking a Class M skill test on a three wheeled motorcycle will be restricted on their license to such a vehicle and applicants taking a Class M skill test on a two-wheeled motorcycle with an attached sidecar shall be restricted to such a vehicle on the license.

(c) Applicants taking a Class M skill test on a Limited Use Motorcycle shall be restricted to such a vehicle on the license.

(8) Additional Particular Provisions Applicable to School Bus Operators. Any person who operates a school bus, as defined in M.G.L. c. 90, § 1, or a motor vehicle used to transport school pupils under M.G.L. c. 90, § 7D, must also comply with all applicable special licensing provisions contained in M.G.L. c. 90, and 540 CMR 2.15.

(9) Particular Provisions Applicable to Commercial Driver's Licenses.

(a) Federal Regulations. Unless otherwise provided by statute or regulation, all provisions and definitions found in 49 CFR Part 383, and those in M.G.L. c. 90F, § 1 to the extent they are not inconsistent with the federal regulations, are incorporated by reference into 540 CMR 2.06 and, for CDL purposes, are applicable to both intrastate and interstate commerce in MassachusettsUnless otherwise provided by statute or regulation, any federal regulations referenced in 49 CFR Part 383 or any other provision of Title 49 applicable to a holder of a CDL are also incorporated by reference into 540 CMR 2.06 and, for CDL purposes, are applicable to both interstate and intrastate commerce in Massachusetts.

2.06: continued

(b) Driving or Skills Tests Waivers.

1. The Registrar may prescribe forms for use in determining whether a CMV driving skills test may be waived, and may prescribe other forms for use in the license application process. Such forms shall include, but are not limited to, application forms and affidavits.

2. A driving or skills test described in 49 CFR § 383.113 shall be waived for a CMV operator who meets the conditions set forth in 49 CFR § 383.77, unless the Registrar acts pursuant to M.G.L. c. 90, § 22. This includes waiver of the portion of a CMV skills test related to air brakes if the driver already has a CDL without the "L" restriction.

3. Any authority from the FHWA (Federal Highway Administration) or FMCSA (Federal Motor Carrier Safety Administration) Administrator to waive all testing for a 180-day CDL to be issued to a seasonal farm worker is expressly declined.

(c) CDL Learner's Permits and Licenses.

1. Temporary Licenses. The holder of a temporary CDL license assumes the responsibility to verify that all states through which he or she is traveling will honor such a CDL.

2.06: continued

2. Restrictions. The holder of a Class "A" CDL with an "O" restriction may not operate a tractor using its fifth wheel to pull a trailer. The holder of a Class "A" CDL with an "O" restriction may operate, but not exclusively, a truck using a fifth wheel to pull a "gooseneck" trailer, and a truck or tractor using a pintle hook to pull a trailer.

3. Endorsements.

a. Endorsements on a CDL shall be coded as follows:

H - HAZARDOUS MATERIALS ("HAZMAT")
N - TANK VEHICLES
P - PASSENGER TRANSPORT
S - SCHOOL BUS
T - DOUBLES/TRIPLES
X - HAZARDOUS MATERIAL AND TANK VEHICLES

b. DELETED.

c. When a CDL is required to operate a particular vehicle, a tank vehicle "N" endorsement is required on the operator's CDL if the vehicle is designed to transport liquid or gaseous material within a tank or tanks attached to the vehicle or to the chassis of the vehicle (*see* definition of Tank Vehicle). An "N" endorsement is not necessary if the tank has a rated capacity, or if the tanks in the aggregate have total rated capacities under 1,000 gallons and if each tank attached to the vehicle or to the chassis of the vehicle is a temporarily attached portable tank, readily removable from the vehicle and filled, re filled, and accessed only while on the ground or otherwise off the truck.

d. The operator of a truck towing a vehicle placarded for hazardous materials or transporting liquid or gaseous material in a tank does not need any endorsements on any required CDL, so long as the operator is engaged in an emergency first move to the nearest appropriate repair facilityFor any subsequent moves by the operator of a truck towing any such vehicle, the CDL requirements or hazardous materials endorsements and/or tank vehicle endorsements shall be applicable other than as stated in 540 CMR 2.06(9)(c)3.c. and d.

4. Suspension, Revocation and Disqualification.

a. Except when a CDL holder is subjected to a 24-hour out-of-service order, any holder of a CDL which is revoked or canceled may only regain a CDL by passing the CDL Knowledge Tests and CDL Road Test.

b. The holder of a CDL which has been revoked or canceled exclusively on account of state law may, after passing the CDL Knowledge Test, obtain a CDL learner's permit, with or without the "H" restriction, if allowed by applicable state law. After passing the CDL Road Test, the holder of a CDL learner's permit may obtain a CDL and the holder of a CDL learner's permit with an "H" restriction may receive a CDL with an "H" restriction.

c. A CDL which is revoked or canceled exclusively on account of federal law or on account of both federal and state laws may not be reinstated to any extent as a CDL holder prior to the end of the disqualification period mandated by federal law; therefore, a CDL which is revoked or canceled exclusively on account of federal law, or on account of federal and state laws together, may not be reinstated with an "H" restriction until the federally mandated disqualification period has terminated.

d. A driver disqualified from holding a CDL may not make an appointment to take the CDL Knowledge Test, take the CDL Knowledge Test, obtain a CDL Learner's Permit, make an appointment to take the CDL Road Test, or take the CDL Road Test unless the driver has received permission to do so from the Registrar.

e. When a driver is disqualified from holding a CDL, but is qualified to hold a Class D license or Class M license, the driver's CDL may be downgraded to a Class D or Class M license.

f. To the extent a driver's privilege to hold a passenger vehicle Class D license is suspended, revoked, or canceled, the driver may neither obtain a CDL nor retain a previously issued CDL.

g. The Registrar shall enact and enforce through licensing sanctions the disqualifications prescribed in 49 CFR § 383.51(b).

2.06: continued

h. The Registrar shall give full faith and credit to the disqualification of commercial motor vehicle drivers by other states.

5. Reinstatement after Lifetime Disqualification

a. A driver disqualified for life from holding a CDL for refusals to submit to a chemical test or analysis of the person's breath or blood, convictions under M.G.L. c. 90F, § 9(A) and (B), or convictions under paragraphs (b)(1) through (8) in Table 1 of 49 CFR 383.51, may be eligible for reinstatement of their CDL, provided that they:

i. Served no less than ten years of their lifetime disqualification and submit an initial eligibility review application on a form to be prescribed by the registrar;

ii. Have a driving record with no disqualifying convictions under 49 C.F.R. 383.51(b) through (e) or M.G.L. c. 90F, § 9(A), (B) and (D) for the entirety of the disqualification period served;

iii. Were continuously eligible for a driver's license during the most recent ten-year period, excluding statutorily mandated suspensions unrelated to motor vehicle offenses, except as otherwise provided in this 540 CMR 2.06(9)(c)5.

iv. Are not on the federal Drug and Alcohol Clearinghouse (DACH) prohibited list at the time of their application for reinstatement;

v. Submit to a criminal background check, the results of which show no convictions as defined by 49 CFR 383.5 and M.G.L. c. 90F, § 1, involving alcohol, drugs, or controlled substances during the past ten years, including but not limited to refusals to submit to a chemical test, analysis of the person's breath or blood, and dispositions of continued without a finding;

vi. Voluntarily entered and successfully completed a rehabilitation program, as approved by and in the manner required by the registrar, completed no sooner than 60 days prior to their reinstatement eligibility date;

vii. Have an active Massachusetts Class D driver's license; and

viii. Submit a complete application for reinstatement on a form to be prescribed by the registrar, including a certificate of program completion and any supporting documents required by the registrar, including but not limited to recent medical documentation showing that the driver presents a low risk of substance abuse recidivism.

b. No reinstatement shall be approved unless, after submitting an initial eligibility review application, having a registry hearing within 30 days of submission of an initial eligibility review application, and subsequently submitting a complete application for reinstatement inclusive of any necessary supporting documents, the registrar or their authorized agent is satisfied that the applicant is a proper person to operate a commercial motor vehicle. As part of the determination of whether a driver is a proper person to operate, the registrar or their authorized agent shall consider the driver's history, if any, of convictions, as defined by 49 CFR 383.5 and M.G.L. c. 90F, § 1, for moving violations and/or surchargeable events while operating a motor vehicle. A driver not federally required to complete Entry Level Driver Training must complete a course in commercial motor vehicle operation as approved by the registrar. A response will be issued no later than ten business days after the submission of a complete application for reinstatement. Such response may include an approval, denial, or request for additional information or hearing(s). Upon approval or, for drivers who receive approval prior to their reinstatement eligibility date pursuant to 540 CMR 2.06(9)(c)5.c., upon the driver's reinstatement eligibility date, a driver must apply as a new commercial driver's license applicant within 90 days and is required to complete all testing and licensing standards required for CLP and CDL applicants.

2.06: continued

c. A driver seeking reinstatement pursuant to 540 CMR 2.06(9)(c)5. may submit their initial eligibility review application to the registrar prior to completion of their ten-year disqualification requirement under 540 CMR 2.06(9)(c)5.a.i., but no sooner than six months prior. The final, complete application for reinstatement, inclusive of all supporting documents, may be submitted no sooner than 60 days prior to their eligibility under 540 CMR 2.06(9)(c)5.a.i. Irrespective of the foregoing, reinstatement shall not be effective until ten years of disqualification has been served in full.

d. A driver is subject to ongoing review of eligibility under 540 CMR 2.06(9)(c)5.a. until the time of reinstatement and final review of all application materials, including updated driving record, background check, and other documents.

e. Any driver who has been reinstated in accordance with 540 CMR 2.06(9)(c)5. and who is subsequently convicted of any disqualifying offense described in M.G.L. c. 90F, § 9(A) and (B) or (D), or under Table 1 of 49 CFR 383.51, is subject to an immediate, permanent lifetime disqualification and shall not subsequently be reinstated.

(d) Special CDL Exemptions.

1. Intrastate Commerce. With respect to CDL qualifications, a driver engaged only in intrastate commerce may utilize the younger than 21 years old exemption provided in 540 CMR 14.04(1)(a).

2. Operators of Emergency and Firefighting Equipment. A driver with a Class D license may operate emergency or fire equipment necessary to the preservation of life or property, or the execution of emergency governmental functions if the vehicle is equipped with audible and visual signals and is not subject to normal traffic regulation. Such emergency and fire-fighting equipment shall include fire trucks, hook and ladder trucks, foam or water transport trucks, police Swat Team vehicles, ambulances or other vehicles that are used in response to emergencies. Unless federal guidelines expressly provide otherwise, such exempt drivers shall include:

a. a civilian mechanic operating emergency or firefighting apparatus in the employ of a volunteer or paid fire organization, provided the civilian mechanic is subject to the direction and control of a fire department official regarding the means used to accomplish particular objectives;

b. a member of a volunteer or paid fire organization, when responding to an emergency or otherwise performing official duties;

c. an agent of Federal, State or local government operating such equipment in a search and rescue function or as part of disaster relief activities, provided the equipment is government owned or controlled; and

d. the operator of an antique fire engine.

3. Farmers. Class D license holders may operate farm vehicles which are controlled by a farmer and operated by that farmer, his or her employees, or his or her family; used to transport agricultural products, farm machinery, and/or farm supplies to or from the farmer's farm; not used in the operation of a common or contract carrier; and used within 150 air miles of the farmer's farm. Drivers of vehicles used in lumber operations or nursery operations are considered part of a "tree farm" operation if the tree farm operation is substantially engaged in the growing and harvesting of forest products or incidental lumbering operations, including the preparation and transportation of the products prior to commercial sale in the ordinary course of business. Farmer also includes one in the business of raising horses, poultry, hogs, or bees. This exemption applies to a farm vehicle of any weight rating, and to a farm vehicle designed to transport 16 or more persons including the driver, but it does not apply to a farm vehicle driver who is carrying "hazardous materials" (HM) required to be placarded.

2.06: continued

4. Military. Military personnel may operate any Commercial Motor Vehicle (CMV) for military purposes without any license under 540 CMR 2.06. Such personnel include any active duty military personnel, and members of the reserves and National Guard on active duty, including personnel on full time National Guard duty, personnel on part time National Guard training, and National Guard technicians (civilians who are required to wear military uniforms and are subject to the code of military justice) and active U.S. Coast Guard personnel. Unless federal guidelines expressly provide otherwise, such personnel shall also include civilian technicians who are either military reservists or members of the National Guard and who operate a National Guard vehicle in a National Guard military uniform. Such civilian technician need not be subject to the code of military justice when operating the National Guard vehicle in order to operate lawfully.

5. Recreational Vehicle Operators. Any vehicle operated solely as a personal or family conveyance for recreational purposes may be operated with a Class D license. To be exempt from CDL requirements, the vehicle must be used exclusively to transport family members or personal friends and/or their effects.

6. Off-road Construction Equipment Operators. A CDL is not required of a skilled mechanic at a construction site operating off-road motorized construction equipment which by its design, appearance, and function is not intended for use on a public way. Such equipment may also be operated and driven without a CDL:

a. to and from a construction site, on public ways under the immediate direction of a police officer; and

b. on a part of the public way which is under construction or reconstruction and which is lawfully marked off so as to detour the general public. Otherwise, such equipment on the public way may only be operated and driven by the holder of a driver's license in the appropriate class for such equipment. Off-road motorized construction equipment includes, but not exclusively, motorscrapers, backhoes, motorgraders, compactors, excavators, tractors, trenchers, and bulldozers.

2.06: continued

7. Waivers. Unless otherwise provided by statute or regulation, all CDL waivers hereafter granted by the FHWA (Federal Highway Administration) or FMCSA (Federal Motor Carrier Safety Administration) Administrator are, to the same extent, granted by the Registrar.

8. Effect. Any written opinion or regulation of the Registrar, to the effect that a certain person or certain category of persons is exempt from CDL requirements, shall have effect in another state provided the other state honors the exemption, unless federal guidelines require otherwise.

(e) Other CDL Provisions.

1. The Registrar is the official to receive notice of convictions for driver violations under 49 CFR § 383.31(a).

2. Alcohol or Other Drugs.

a. Each holder of a CDL or CDL learner's permit including, but not exclusively, anyone engaged in operations described in either 49 CFR § 390.3(f) or 49 CFR § 391.2, is subject to the provisions of M.G.L. c. 90F, § 10 and 49 CFR § 392.5.

b. Any test or tests of blood, breath, or urine, administered to the operator of a commercial motor vehicle as required by a law enforcement officer and aimed at determining that person's alcohol concentration or the presence of other drugs, shall be administered both in the enforcement of state laws and in the enforcement of 49 CFR § 383.51(b)(2)(i)(A), § 383.51(b)(2)(i)(B), and § 392.5(a)(2).

c. Each holder of a CDL containing an "intrastate only" restriction consents, by exercising said CDL, to a motor carrier's testing for the presence of alcohol or other controlled substances if so required by 540 CMR 14.03: *Adoption and Incorporation of Federal Regulations as State Regulations*.

3. Entry-Level Driver Training (ELDT).

a. Effective February 7, 2022, unless the person is exempted by 49 CFR 380.603, no person shall be issued an original (first time issuance) Class A or B CDL, an upgraded Class A or B CDL, or a school bus (S), passenger (P), or Hazardous Materials (H) endorsement, unless the person has successfully completed entry-level driver training (ELDT) taught by a training provider listed on the Federal Training Provider Registry.

b. Persons who obtain a CLP before February 7, 2022 are not required to complete ELDT if the person obtains a CDL before the CLP or renewed CLP expires.

c. Except for persons seeking the H endorsement, persons must complete the theory and behind-the-wheel (range and public road) portions of ELDT within one year of completing the first portion.

(10) Waiver. The Registrar reserves the right to waive any requirement of 540 CMR 2.06 in the public interest, except to the extent that such waiver would violate any state or federal regulation or statute.

(11) Voter Registration. The Registrar shall transmit records, in a format that the Registrar shall determine in consultation with the Secretary of the Commonwealth, pertaining to each person who, in the course of applying for a driver's license, learner's permit, or identification card, has provided reliable information that he or she is a citizen of the United States.

2.07: Year of Manufacture Registration Plates

(1) Authority, Purpose and Scope. 540 CMR 2.07 is issued by the Registrar of Motor Vehicles pursuant to M.G.L. c. 6C, § 56 and c. 90, §§ 6A and 31, to allow the display of Year of Manufacture registration plates on antique motor cars under certain circumstances and conditions, as determined by the Registrar.

2.07: continued

(2) Definitions. In 540 CMR 2.07, the following definitions apply:

Antique Motor Car. A motor vehicle that meets the definition of antique motor car in M.G.L. c. 90, § 1.

Year of Manufacture Registration Plate. A registration plate originally issued by the Commonwealth in the exact year as the model year designated by the manufacture of the antique motor car to which it is proposed to be attached under 540 CMR 2.07. If no registration plates were issued in a particular year, Year of Manufacture Registration Plate shall mean a registration plate originally issued in a prior year and originally approved by the Commonwealth for use in the model year of the antique motor car to which it is proposed to be attached under 540 CMR 2.07.

(3) Use of Year of Manufacture Registration Plates. In the discretion of the Registrar, a Year of Manufacture registration plate may be issued for display on an antique motor car in place of an Antique registration plate, in the following circumstances:

(a) The owner of the antique motor car shall submit to the Registry a request for issuance of a Year of Manufacture registration plate on a form prescribed by the Registrar.

(b) The owner shall physically present the Year of Manufacture registration plate to the Registrar or his or her designee for approval, and, the Registrar or the designee shall find, in his or her judgment, that the plate:

1. contains a combination of alphanumeric characters that is compatible with the data system in use by the Registry during the specific year or period as applicable; and;

2. is recognizable by the Registrar as being consistent with the format and style originally issued during that specific year or period as a Massachusetts registration plate and is in good condition, reasonable wear and tear excepted, with its numbers and markings clearly legible; and except further, that the Registrar may refuse to authorize the use of a plate as a current registration plate if it has been repaired, refurbished, repainted, refinished or otherwise altered; and

3. is of sufficiently distinctive appearance that it would not likely be confused with any currently issued registration plate. A plate bearing a combination of alphanumeric characters that has already been approved as a Year of Manufacture registration plate shall not be deemed to be sufficiently distinctive in appearance.

(c) The Registrar may, but need not, approve a Year of Manufacture registration plate for display on an antique motor car of a different type than that for which the registration plate was originally issued (*e.g.*, a truck plate approved for display on an automobile).

(d) Notwithstanding the fact that during a particular year of manufacture it was the practice to issue two registration plates, the Registrar may in his or her discretion authorize the display of only one Year of Manufacture registration plate, if only one such plate is available and found to meet the standards set forth in 540 CMR 2.07(3)(b). Such plate or plates, as the case may be, shall be displayed in accordance with the provisions of M.G.L. c. 90, § 6.

(4) Registration Number and Decal.

(a) If the Registrar approves a request for issuance of a Year of Manufacture registration plate, then the registration number assigned to the subject antique motor car shall comprise the combination of numbers and letters shown on the Year of Manufacture registration plate, together with a unique identifier, to be determined by the Registrar, which will distinguish the letter and number combination as a Year of Manufacture registration number. The issued registration plate for the antique motor car shall be the Year of Manufacture registration plate.

(b) The registration decal issued in connection with an approved Year of Manufacture registration plate need not be affixed to the Year of Manufacture registration plate for which it is issued, provided the decal is at all times carried in the antique motor car in a readily accessible place, for display upon request.

2.07: continued

(5) Surrender of Registration Plate. Pursuant to the provisions of M.G.L. c. 90 and 540 CMR 2.05(4)(q), in the event of revocation or suspension of the registration assigned to an antique motor car bearing a Year of Manufacture registration plate, the Year of Manufacture registration plate shall be surrendered to the Registrar in like manner as any other issued registration plate. If the registration is terminated under circumstances other than suspension or revocation, the Registrar in his or her discretion may elect not to require the return of the Year of Manufacture registration plate.

(6) Procedures. The Registrar may adopt such further policies and procedures as in the Registrar's judgment are necessary or desirable to implement 540 CMR 2.07.

2.15: Licensing of Operators of School Buses and Operators of School Pupil Transport Vehicles

(1) Purpose, Scope and Applicability. 540 CMR 2.15 establishes uniform standards and requirements for the issuance of a Registry of Motor Vehicles license to operate a school bus pursuant to M.G.L. c. 6C, § 56 and c. 90, § 8A. Such license to operate a school bus is also referred to as a school bus operator's certificate.

(2A) General Qualifications for School Bus Operators. A person seeking a school bus operator's certificate shall submit such application and additional information as may be required by the Registrar of Motor Vehicles. In addition to satisfying all requirements established by M.G.L. c. 90, § 8A, in order to obtain and retain a school bus operator's certificate, a person must:

(a) be the holder of a valid driver's license;

(b) be competent by reason of driving performance and experience or training, to operate properly and safely the type of school bus which the person will be required to operate;

(c) be familiar with the law, rules and regulations pertaining to the operation of motor vehicles as well as the laws, rules, regulations, policies and procedures for the type of bus they are driving;

(d) be able to read, write and speak the English Language;

(e) pass a skills test in which the person operates a school bus, equipped as provided in M.G.L. c. 90, § 7B and 540 CMR 7.00: *Minimum Standards for Construction and Equipment of School Buses*, over a definite course or courses designated by the Registrar of Motor Vehicles, or his or her designee. As part of the test, the operator shall be required to demonstrate his or her ability to operate the school bus and the safety equipment and devices with which said bus is equipped; and the ability to start, stop, back, park the bus and to turn the bus around in a safe and proper manner, or perform any other movement as required by the Registrar of Motor Vehicles, or his or her designee;

(f) satisfy the medical qualifications in 540 CMR 2.15(3A) and (3B); and

(g) establish lawful presence in the United States, as defined in M.G.L. c. 90, § 1, for the entire period covered by the certificate.

(2B) General Qualifications for School Pupil Transport Operators.

(a) A person seeking a school pupil operator's certificate pursuant to M.G.L. c. 90, § 8A½ shall submit such application and additional information as may be required by the Registrar of Motor Vehicles, and shall:

1. be the holder of a valid driver's license issued under authority of M.G.L. c. 90, § 8.
2. be competent by reason of driving performance and experience or training, to operate properly and safely the type of vehicle which the person will be required to operate;
3. be familiar with the law, rules and regulations pertaining to the operation of motor vehicles;
4. satisfy the medical qualifications in 540 CMR 2.15(3A) and (3B);
5. complete a minimum of two hours of pre-service training prior to receiving the certificate, which pre service training must be given by a Trainer or Certified School Bus Instructor and records relating thereto must be prepared and maintained by the company; and
6. establish lawful presence in the United States, as defined in M.G.L. c. 90, § 1, for the entire period covered by the certificate.

(b) The holder of a school pupil transport operator's certificate must also complete a minimum of eight hours of in service training per year (ten hours in the first year).

2.15: continued

(3A) Medical Qualifications for Licensing of Operators of School Buses and Operators of 7D School Pupil Transport Vehicles. The provisions of 540 CMR 2.15(3A) shall apply to all applicants for a school bus operator certificate or 7D school pupil transport vehicle certificate. The terms used in 540 CMR 2.15(3A) shall have the same meaning as defined in 540 CMR 24.00. In order to be eligible for a school bus operator's certificate and school pupil transport vehicle 7D certificate, a person shall:

(a) have a distant visual acuity of at least 20/40 (Snellen) in each eye, with or without corrective lenses (excluding bioptic telescopic lenses); a combined horizontal peripheral field of vision of not less than 120; and the ability to distinguish the colors red, green, and amber. Persons requiring corrective lenses shall wear properly prescribed lenses at all times when operating a school bus or school pupil transport vehicle;

(b) first perceive a forced whispered voice in the better ear at not less than five feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1000 Hz, and 2000 Hz, with or without a hearing aid, when the audiometric device is calibrated to American National Standard (formerly ASA standard);

(c) have an O_2 saturation rate of greater than 88%, at rest or with minimal exertion, with or without supplemental oxygen;

(d) have no current diagnosis of epilepsy subject to the following exception;

Exceptions: Licensees or applicants who have had a diagnosis of epilepsy or seizure disorder may be eligible to receive a school bus operator certificate or class 7D or 7D½ school pupil transport vehicle learner's permit, or license upon meeting the following conditions:

1. the individual possesses a current valid operator's driver license;
2. the individual has been off of all anti-seizure medication for five years;
3. the individual has not had a seizure for five years as certified by a board certified neurologist;
4. the individual provides a board certified neurologist licensed to practice in Massachusetts with a complete written medical history including, but not limited to, all hospitalization reports, consultation notes for diagnostic examinations, all results of Electroencephalograms (EEGs) performed;
5. the individual is examined annually by a board certified neurologist licensed to practice in Massachusetts and a complete School Pupil Transport Epilepsy Medical Evaluation Form, issued by the Registry of Motor Vehicles, is:
   a. certified by the examining neurologist;
   b. signed by the license applicant; and
   c. submitted to the RMV annually.
6. the individual has an Electroencephalogram (EEG) performed, with no epileptiform discharges, after anti-seizure medications have been stopped;

(e) not be classified according to the American Heart Association (AHA) functional classification system as an AHA functional Class III or IV heart patient or shall not have had an implanted cardiac defibrillator (AICD) placed for a "sudden death event". Such applicants shall not be eligible for an active school bus operator's certificate or a 7D school pupil transport vehicle learner's permit or license until a six-month period has elapsed during which there is documentation of no episodes of appropriate device firing. Individuals for whom the AICD is placed purely for prophylactic reason will not be subject to this "waiting" period. However, if such individuals are determined to have an AICD that appropriately "fires", they will be considered the same as an individual who has had a "sudden death event" and be subject to the six-month period during which there is documentation of no episodes of appropriate device firing;

(f) have no loss of foot, leg, hand, or arm likely to interfere with safe driving; have no impairment of use of foot, leg, fingers, hand, or arm likely to interfere with safe driving; or have no other physical condition or limitation likely to interfere with safe driving;

(g) have no mental, nervous, organic, or functional disease likely to interfere with safe driving;

(h) have no contagious or communicable disease;

(i) not be addicted to the use of narcotics or habit forming drugs or tranquilizers or stimulants or the excessive use of alcoholic beverages or liquors;

(j) if currently diagnosed as having diabetes mellitus, have never had a hypoglycemic episode or spell, as certified by a physician, and not be insulin dependent, subject to the specific exceptions identified in 540 CMR 2.15(3A)(j): Exceptions.

2.15: continued

Exceptions: Diabetic licensees or applicants who use insulin to control their diabetes or who have had a serious hypoglycemic event are eligible to receive a school bus operator certificate or class 7D school pupil transport vehicle learner's permit or license upon meeting the following conditions:

1. The individual possesses a current valid operator's driver license;
2. The individual is not diagnosed with "hypoglycemic unawareness", defined as the inability to recognize the early symptoms of hypoglycemia such as sweating, anxiety, forceful heartbeat, light-headedness, and/or confusion;
3. The individual has not had within the last three years a "serious hypoglycemic event", defined as a hypoglycemic episode or event so severe that it interfered with on-going activities or it required the assistance or aid of another person, as certified by a Massachusetts board certified or board eligible endocrinologist.
4. The individual provides a Massachusetts certified or board eligible endocrinologist with a complete written medical history including, but not limited to, the date insulin use began, all hospitalization reports, consultation notes for diagnostic examinations, all results of studies conducted for diabetes, and follow-up reports and reports of any hypoglycemic insulin reactions within the last three years.
5. The individual is examined by a Massachusetts board certified or board eligible endocrinologist every six months and a complete School Pupil Transport Diabetes Medical Evaluation Form, issued by the Registry of Motor Vehicles, is:
    a. certified by the examining endocrinologist;
    b. signed by the license applicant; and
    c. submitted to the RMV every six months.
6. The endocrinologist signed statement on the School Pupil Transport Diabetes Medical Evaluation Form certifies the following medical determinations:
    a. The endocrinologist is familiar with the applicant's medical history for the past three years either through actual treatment over that time or through consultation with a physician, physician's assistant, or nurse practitioner who has treated the applicant during that time. Review of a complete written medical history for the past three years may be substituted for actual consultation with the other physician;
    b. If applicable, the applicant has been on a stable insulin regimen to control his or her diabetes on the date of application;
    c. The applicant does not have severe hypoglycemic episodes, events or altered consciousness that interfered with on-going activities or required assistance of another person to regain control;
    d. The applicant does not have hypoglycemic unawareness or the inability to recognize the early symptoms of hypoglycemia such as sweating, anxiety, forceful heartbeat, and light-headedness and/or confusion;
    e. Within the past three years, the applicant has not had an hypoglycemic reaction, at any time, that resulted in any change in mental status that would have been, in the examining endocrinologist's opinion, detrimental to the safe operation of a school bus or school pupil transport vehicle;
    f. Complications of the applicant's diabetic condition, such as neuropathy, visual impairment or cognitive impairment will not adversely affect his or her ability to operate a school bus or school pupil transport vehicle;
    g. The applicant has been educated in diabetes and its management, thoroughly informed of and understands the procedures which must be followed to monitor and manage his or her diabetes and the procedures that should be followed if complications arise by a National Standard for Diabetes Self-Management Education Program; and
    h. The applicant has the ability and has demonstrated willingness to properly monitor and manage his or her diabetes including signing the School Pupil Transport Diabetes Medical Evaluation Form, as witnessed by the treating endocrinologist, that the applicant understands his or her medical regime and agrees to comply with all criteria concerning eligibility for the 7D license or School Bus Certificate.
7. The following special conditions are required for the issuance of a 7D license or School Bus Certificate to any driver who uses insulin to control their diabetes. Each driver must:

2.15: continued

a. Carry, use, and record, in a log, the readings from a portable self-monitoring blood-glucose device (SMBG) that is equipped with a computerized memory, including date and time of test. Blood glucose monitoring must be performed immediately prior to driving and every four hours thereafter while on duty. Paper tapes generated by SMBGs having a printing capability may be used in *lieu* of a log prepared by the driver. Log records of blood glucose values (with time and date) must be available to law enforcement or authorized registry personnel upon request. Log records must also be submitted to the certifying endocrinologist for each renewal application;

b. Carry upon your person at all times and use, as necessary, a source of rapidly absorbable glucose;

c. Not operate a school bus or a school pupil transport vehicle, unless blood glucose measures within the target parameters of 80 and 350;

i. If blood glucose measures between 60 and 79 then operator cannot operate a school bus or school pupil transport vehicle until blood glucose measure is within the target parameters defined in 540 CMR 2.15(3A)(j)7.c.;

ii. If blood glucose measures below 60 then the operator cannot operate a school bus or school pupil transport vehicle until certified as "safe to operate" by a Massachusetts board certified or board eligible endocrinologist;

iii. If blood glucose measures 350 or more then the operator cannot operate a school bus or school pupil transport vehicle until certified as "safe to operate" by a Massachusetts board certified or board eligible endocrinologist;

d. Report and surrender his or her 7D license, permit or School Bus Certificate immediately to the Registry of Motor Vehicles if a serious hypoglycemic event should occur;

e. Submit a glucose log within 15 days of a serious hypoglycemic event to the treating endocrinologist;

f. Acknowledge every six months through signature and in the presence of their treating endocrinologist that he or she understands and will adhere to the special conditions of his or her 7D license, permit or School Bus Operator Certificate.

The Registrar of Motor Vehicles, or his or her designee, may require such evidence of satisfaction of the medical qualification criteria as he or she deems appropriate, or may modify these standards as an individual case may require.

(3B) Medical Qualifications Applicable to Existing School Bus Operator's and School Pupil Transport Operator's Licenses. Except for those applicants or licensees who are diagnosed as diabetic and who use insulin to control their diabetes and except for those applicants or licensees who have had a serious hypoglycemic event as defined in 540 CMR 2.15(3A)(j), an individual who is unable to meet the medical qualification standards of 540 CMR 2.15(3A), but who held a valid school bus operator certificate or class 7D school pupil transport license as of the effective date of 540 CMR 2.15(3A), shall be eligible to retain or renew such certificate or license, provided:

(a) he or she satisfies the following medical qualification standards:

1. In order to be eligible for a school bus operator's certificate, a person shall:

a. have no loss of foot, leg, hand, or arm or impairment of use of foot, leg, fingers, hand, or arm, or other physical condition or limitation likely to interfere with safe driving;

b. have no mental, nervous, organic, or functional disease nor any heart disease likely to interfere with safe driving;

c. have no contagious or communicable disease;

d. have visual acuity, either without lenses or by correction, of at least 20/40 (Snellen) in one eye and 20/100 in the other eye; form field of vision in the horizontal meridian of not less than a total of 140; reading ability with both eyes together of at least 20/40 corrected; and the ability to distinguish the colors red, green, and yellow. Persons requiring correction by lenses shall wear properly prescribed lenses at all times when operating a school bus.

e. have hearing of not less than 10/20 in the better ear, for conversational tones without a hearing aid; and

2.15: continued

f. not be addicted to the use of narcotics or habit forming drugs, or tranquilizers or stimulants or the excessive use of alcoholic beverages or liquors.

The Registrar of Motor Vehicles, or his or her designee, may require such evidence of satisfaction of the medical qualification criteria as he or she deems appropriate.

2. In order to be eligible to operate a class 7D school pupil transport vehicle, an individual must:

a. have the ability to hear normal conversational sounds;

b. not have a loss of foot, leg, hand, or arm, or other physical defect or limitation likely to interfere with safe driving;

c. be free from any mental, nervous, heart, organic or functional disease likely to interfere with safe driving;

d. be free from addiction to use of narcotics, or habit forming drugs, alcoholic beverages or liquors;

e. not have a "G" restriction (limit to daylight only) on the driver's license.

(b) he or she provides a certification from his or her physician, physician assistant, or nurse practitioner, that, to a reasonable degree of medical certainty, the individual is medically qualified to safely operate a school bus or school pupil transport vehicle, as the case may be, and perform the other functions associated with such operation; and

(c) the Registry has no other cause to believe, based upon the individual's driving history or otherwise, that the individual cannot safely operate such motor vehicle.

(4) Evidence of Certification; Suspension, Revocation of Certificate.

(a) While operating a school bus, operators shall have on their person, or in some easily accessible place, their school bus operator's certificate, in addition to their motor vehicle operator's license. On the request of a police officer or other person authorized by the Registrar of Motor Vehicles, a school bus operator shall permit such officer or person to examine the school bus operator's certificate in hand, and shall sign his or her name if requested to do so by such officer or person.

(b) The Registrar of Motor Vehicles may suspend or revoke a school bus operator's certificate in accordance with the provisions of M.G.L. c. 90, § 8A. He or she may also suspend or revoke a school pupil transport operator's certificate in accordance with the provisions of M.G.L. c. 90, § 8A ½. The suspension or revocation of the motor vehicle operator's license of any holder of a school bus operator's certificate or a school pupil transport certificate shall result in the automatic revocation of the school bus operator's certificate or a school pupil transport certificate, as applicable. Any person whose school bus operator's certificate or school pupil transport certificate is suspended or revoked shall immediately surrender the certificate to the Registrar of Motor Vehicles, or his or her designee.

(c) When the Registrar receives notice that the holder of a school bus operator's certificate or school pupil transport operator's certificate has been criminally charged with an offense involving a threat to the public safety, or has been the subject of a report to the Department of Children and Families pursuant to M.G.L. c. 119, § 51A, the Registrar shall immediately suspend such certificate(s) pending the resolution of said proceedings. The Registrar shall not restore said certificate(s) unless the M.G.L. c. 119, § 51A report is dismissed or any criminal prosecution has terminated in the defendant's favor.

2.22: Markings on Commercial Vehicles

(1) Marking.

(a) Effective until August 31, 2018. The owner of every motor truck used for the transportation of goods, wares or merchandise for hire, gain or reward, shall have the owner's name marked on the truck, to be plainly visible from each side or from the front and rear of the vehicle, provided that motor trucks operated under a lease of more than 30 days shall display either the name of the owner or the lessee, and may display both. For the purpose of 540 CMR 2.22(1), motor truck shall mean any motor vehicle specially designed or equipped to transport personal property over the ways of the Commonwealth and which has a maximum load carrying capacity of over 2,000 lbs., and which is not a Private Passenger Motor Vehicle under 540 CMR 2.05. To the extent there is any conflict between 540 CMR 2.22 and any federal regulation pertaining to markings on commercial motor vehicles, the federal regulation shall control.

2.22: continued

(b) Effective September 1, 2018. The owner of every motor truck used for the transportation of goods, wares or merchandise for hire, gain or reward, shall have the owner's name marked on the truck, to be plainly visible from each side, be in permanent letters that contrast sharply in color with the background on which the letters are placed; be readily legible during daylight hours from a distance of 50 feet while the motor truck is stationary; and be kept and maintained in a manner that retains the legibility required by 540 CMR 2.22(1)(b), provided that motor trucks owned or controlled by a farmer and used to transport agricultural products, farm machinery, and/or farm supplies to or from the farmer's farm; not used in the operation of a common or contract carrier, and used within 150 air miles of the farmer's farm need not be so marked; and motor trucks operated under a lease of more than 30 days shall display either the name of the owner or the lessee, and may display both. For the purpose of 540 CMR 2.22(1), Motor Truck shall mean any motor vehicle specially designed or equipped to transport personal property over the ways of the Commonwealth and which has a maximum load carrying capacity of between 2,000 lbs. and 10,000 lbs. and which is not a Private Passenger Motor Vehicle under 540 CMR 2.05. To the extent there is any conflict between 540 CMR 2.22 and any federal regulation pertaining to markings on commercial motor vehicles, the federal regulation shall control.

(2) U.S. DOT Number Assignment for Intrastate Carriers.

(a) Effective September 1, 2018, every motor vehicle engaged in intrastate commerce in Massachusetts having a gross vehicle weight rating or gross combination weight rating of 10,001 or more lbs.; and every motor vehicle, regardless of weight, engaged in intrastate commerce in Massachusetts and used in the transportation of hazardous materials in a quantity requiring placarding; and every motor vehicle designed to transport more than 15 passengers, including the driver, used in intrastate commerce in Massachusetts must be permanently marked with a USDOT number assigned in a manner conforming to the provisions of 49 CFR 390.21.

(b) For purposes of 540 CMR 2.22(2), the following vehicles with a gross combination vehicle weight rating of 10,001 or more lbs., or designed to transport more than 15 passengers, including the driver, which are operated solely within Massachusetts are exempted from the vehicle marking and DOT number requirements of 540 CMR 2.22(a):

1. vehicles owned and operated by the Commonwealth or a political subdivision thereof;
2. vehicles carrying 'hazardous materials' that are owned and operated by a city, town or agency of the Commonwealth, but this exemption shall not apply to a private contractor transporting hazardous materials on behalf of a city, town or an agency of the Commonwealth;
3. Transit-type buses operated by cities or towns that are used to transport persons locally and which are marked with the name of the municipal bus company or its logo;
4. Buses operated by the Massachusetts Bay Transit Authority (MBTA), including the vehicles operated under the name 'The Ride', or buses operated by Regional Transit Authorities (RTAs) that are used to transport persons locally and which are already marked with the name of the bus authority or bus company or its logo;
5. School buses and school pupil transport vehicles that transport students and or pupils locally; and
6. Vehicles of professional driving schools that are used to provide driving skills training for Class A, B, or C commercial driver licenses.

(3) Penalty. The penalty for a violation of 540 CMR 2.22 is set forth in M.G.L. c. 90, § 20.

REGULATORY AUTHORITY

540 CMR 2.00: M.G.L. c. 90.