

Chapter 428 Law

On January 3, 2007, an Act Further Regulating Driver Education and Junior Operator Licenses was passed into law as Chapter 428 of the Acts of 2006. The law is an important step in strengthening driver's education and Junior Operator License (JOL) requirements, as well as increasing operating restrictions and penalties for junior operators in Massachusetts. The intent of the law is to ensure that every junior operator licensed in Massachusetts has received the proper training and experience to safely and responsibly operate a motor vehicle, as well as provides significant penalties for those individuals who do not.

The law contains sections that require the Registrar to create and develop regulations for the operation of driving schools and to develop and implement a standardized driver education curriculum and final exam by September 1, 2007. The law increases the required hours of behind-the-wheel instruction provided in driver education to 12 hours and requires parents/guardians to attend two hours of instruction in the content of driver education.

The implementation date for the above requirements is September 1, 2007. Please note that:

- Students who obtain a learner's permit on or after September 1, 2007 will be required to meet the new standards.
- Students who obtain a learner's permit prior to September 1, 2007 will be subject to the present requirements.
- Students who have completed the classroom portion of driver's education prior to September 1, 2007, but obtain a learners permit on or after September 1, 2007, will not be required to meet the new classroom requirements but will be required to complete 12 hours of behind-the-wheel instruction (Note: Students can not begin classroom instruction prior to 15 years 9 months of age).

Applicants for a JOL license will also be required to complete not less than 40 hours of supervised driving (increased from the current 12 hours) from a parent or guardian, or 30 hours of supervised driving if the applicant has successfully completed a driver skills development program (advanced driver training). All applicants scheduled to take a road exam who obtain their learner's permit on or after September 1, 2007 must meet this requirement.

The law also significantly increases penalties, suspensions and reinstatement requirements for violation of the passenger and time restrictions, speeding and negligent or reckless operation while holding a learner's permit or JOL license. In addition to increased suspensions, penalties and fees, violators may be required to participate in a program selected by the Registrar that encourages attitudinal changes in young drivers and the SCARR (State Courts Against Road Rage) program sponsored by the Massachusetts Trial Court and Massachusetts State Police.

What are the JOL restrictions?

The JOL passenger restriction and penalties which are effective March 31, 2007, are:

- For the first 6 months of licensure, a teen driver may not have any passengers under the age of 18 in his/her vehicle, unless someone at least 21-years-old is seated next to him or her. The 21-year-old needs to be a licensed driver and have been licensed for at least one year. The only exception is immediate family members.
- The penalties for violating the passenger restriction are:
 - 1st offense: 60-day license suspension (increased from 30 day)
 - 2nd offense: 180 day license suspension and required attitudinal retraining (increased from 60 day)
 - Subsequent offenses: 1 year license suspension and required attitudinal retraining

The JOL nighttime driving restriction and penalties, which are effective March 31, 2007, are:

- A junior operator, until he/she turns 18-years-old, is restricted from driving between 12:30 am and 5:00 am, unless accompanied by a parent/guardian.
- The penalties for violating the night driving restriction are:
 - 1st offense: 60 day license suspension
 - 2nd offense: 180 day license suspension and required attitudinal retraining
 - Subsequent offenses: 1 year license suspension and required attitudinal retraining
 - Fine for unlicensed operation: between \$100 and \$1,000

What are the new JOL and permit penalties for speeding, drag racing, and driving recklessly or negligently? These penalties are effective immediately.

JOL Speeding Penalties

1. 1st offense: 90 day license suspension, \$50 fine, plus additional \$10 fine for each mph exceeding 10 mph over the speed limit, plus \$50 surcharge, completion of SCARR program, completion of an attitudinal retraining course, second road test and a \$500 reinstatement fee.
2. 2nd and subsequent offenses: 1 year license suspension, \$50 fine, plus additional \$10 for each mph exceeding 10 mph over speed limit, plus \$50 surcharge, completion of SCARR program, completion of an attitudinal retraining course, second road test and a \$500 reinstatement fee.

JOL Learner's Permit Penalties

1. 1st offense: 90 day permit suspension, \$50 fine, plus additional \$10 fine for each mph exceeding 10 mph over the speed limit, plus \$50 surcharge, and reapplication for a learner's permit.

2. 2nd and subsequent offenses: 1 year permit suspension, \$50 fine, plus additional \$10 for each mph exceeding 10 mph over speed limit, plus \$50 surcharge and reapplication for a learner's permit.

JOL Drag Racing

1. 1st offense: 1 year license or permit suspension, \$250 fine, and \$500 license or learner's permit reinstatement fee.
2. 2nd and subsequent offenses: 3 year license or learner's permit suspension, \$500 fine, a \$1,000 license or permit reinstatement fee and completion of SCARR program, completion of an attitudinal retraining course, and reapplication for learner's permit or 2nd road test.

JOL Negligent or Reckless Driving

1. 1st offense: 180 day license suspension.
2. 2nd conviction within 3 years: 1 year suspension.

In addition to the above-mentioned restrictions and penalties, the law also requires notification of license suspension for any offense under chapter 90 to the Junior Operator's parent or guardian.

Other significant requirements of the law that directly affect your program are:

- All driver education schools including public high schools, vocational schools, municipal or regional school committees and private high schools teaching driver education will be required to be licensed by the RMV.
- All driver education schools are required to post a bond to ensure enrolled students shall have their tuition reimbursed if the program is closed due to suspension, revocation or any other reason prior to the students' completion of the program.
- All driver education program administrators must be able to communicate with the RMV by electronic mail to send and receive official records and other communications as the Registrar may require. The Registrar may impose civil administrative penalties for failure to comply with the law or regulations governing driver education programs.
- Students are limited to 1 behind-the-wheel session per day with no session exceeding 2 hours in length.
- The Registrar is given oversight of driver skills development programs (advanced driver training schools).
- All instructional vehicles to be equipped with driver's side air bags.