

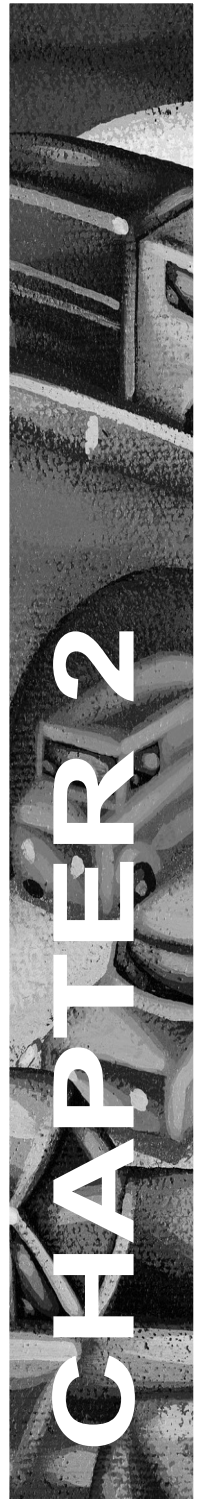
Keeping Your License

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

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

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

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



The RMV must sometimes suspend or revoke your driver's license. These situations are described in this chapter. A suspension or revocation means that your driving privileges are taken away. It can be for a specific amount of time or it can be indefinite. (See the *License Suspension or Revocation* section later in this chapter.)

You cannot renew an expired license if you have unpaid parking violations, unpaid excise taxes, outstanding court warrants, outstanding E-ZPass/Fast Lane violations, or Tobin Bridge violations. (See the *Reasons for License Nonrenewal* section later in this chapter.)

Motor Vehicle Violations and Penalties

When you break a motor vehicle law, you may receive a citation. A citation may require you to pay a fine, lose your driving privileges, appear in court, or go to jail. Major traffic law violations are criminal offenses. Examples are driving while intoxicated or leaving the scene of a crash. They carry strong penalties and could cause you to lose your license. You can also lose your license by getting several traffic violations. These include driving above the speed limit or failing to obey traffic signals.

Motor vehicle violations can be civil or criminal. The following sections explain the differences between the two types. For many violations, the penalties may be stronger if you have a Junior Operator's License, you are under 21, you are a repeat offender, or you are driving with a Commercial Driver's License (CDL).

Depending on the violation, you may get more than one penalty. These may include a fine, loss of license, and/or a prison sentence.

Civil Motor Vehicle Infractions

Civil violations, such as not obeying traffic signals or speeding, are noncriminal. They can usually be settled by paying fines. If you get a citation from a police officer for a civil motor vehicle infraction (CMVI), you must pay the required fine or request a hearing to dispute it. You have 20 days to do this. Every fine for a CMVI that comes from Chapter 89 or 90 of the Massachusetts General Laws will have an added \$5 public safety surcharge.

If you request a hearing, you must pay a \$25 filing fee to the RMV. You can either send your payment with the citation when you request a hearing, or you can pay online or by mail when you receive a letter from the RMV indicating that you owe the fee. If the citation was issued after September 22, 2017 and you are found NOT RESPONSIBLE by the court for ALL violations on the civil citation, the \$25 filing fee will be refunded.

If you do not respond to a citation within 20 days, you will be found responsible and charged a large late fee. Failure to pay the citation and late fee will cause your license to be suspended. When you pay a fine, you accept responsibility for that violation. Your driving record will show responsibility if you pay the citation by mail, request a hearing and are ordered by a court to pay the fine, or fail to respond to the citation within 20 days.

The RMV records all moving violations in Massachusetts on your driving record. Moving violations can increase your motor vehicle insurance rate (see *Chapter Six*). They may also cause your license to be suspended.

Parking violations are not CMVIs. They are handled by the city or town that issued the citations or tickets. If you do not pay the violation, you will not be able to renew your driver's license or vehicle registration.

You can pay for moving violations using a credit card. Call the RMV Contact Center or visit the RMV website at www.mass.gov/rmv. Or you can mail the payment to: RMV Citations - Processing Center, PO Box 55890, Boston, MA, 02205-5890

Speeding Violations

The beginning of *Chapter Four* explains the speed-limit laws in Massachusetts. The lowest penalty for driving above the speed limit is a \$105 fine. If you drive more than ten miles per hour (mph) over the speed limit, you must pay an extra \$10 for each mph you were traveling above the first ten. For example, if you drive 73 mph on a highway with a posted speed limit of 55 mph, you would get a \$185 dollar fine. By law, all fines for speeding violations include a \$50 surcharge. The entire surcharge goes to the Head Injury

Treatment Services Trust Fund.

Speeding is often a factor in motor vehicle crashes that cause serious head injuries. The Legislature created this trust fund to treat people with head injuries. An additional \$5 public safety surcharge is also added to all speeding violations.

Your Speed	73 mph
Speed Limit	55 mph
	18 mph over the limit
First 10 mph	\$105
Next 8 mph (8 x 10) =	\$80
	\$185 total fine

Work Zones

If you are caught speeding in a posted work zone, the speeding fine is **doubled**.

Your license will be suspended for 30 days if you are found guilty for three speeding violations in a 12-month period. If you have a Junior Operator's License, a 1st offense will cause a 90-day license suspension. Further offenses will cause a one-year license suspension.

Criminal Violations

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

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

A police officer may arrest you and you may face criminal charges if you refuse to...

- Give your name and address
- Give the name and address of the person who owns the vehicle
- Show your driver's license
- Show a valid registration certificate for the vehicle
- Sign your name in front of the officer

Out-of-State Violations

Massachusetts shares driving-record and criminal-violation information with other states.

Some traffic offenses from other states will be on your driving record. They will be treated by the RMV like they happened in Massachusetts.

Out-of-state violations can cause your license to be suspended. They can also cause your automobile insurance cost to go up. If you are suspended or revoked in another state, your Massachusetts license will be suspended automatically.

At-Fault Accidents

Your driving record is also affected if you are at fault in a motor vehicle accident. You are more than 50 percent at fault for an accident if your insurance company...

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

All at-fault accidents you are charged with are listed on your driving record. At-fault accidents and motor vehicle violations count toward possible license suspension.

Surchargeable Events

Motor vehicle violations and at-fault accidents are called surchargeable events. Each surchargeable event counts toward a possible license suspension. Most out-of-state traffic convictions count as if they took place in Massachusetts.

If you are found guilty for three speeding violations within a 12-month period, your license will be suspended automatically for 30 days. The 12-month period starts when you either pay or are found guilty for the first citation.

A Junior Operator license (for drivers under age 18) will be suspended for 90 days for a first speeding citation and one year for any later citation. For a first drag racing citation, a Junior Operator license will be suspended for one year. A later drag racing citation will cause a three year suspension.

If you have three surchargeable events within a two-year period, your license may be suspended. The RMV will send you a letter telling you to complete a Driver Retraining course (see the next section). You must complete the retraining course within 90 days or your license will be suspended until you complete the course.

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

Surchargeable events also affect your motor vehicle insurance. The Merit Rating Board runs the Safe Driver Insurance Plan (SDIP). Under SDIP, your insurance premium is

determined by your driving record. If you are a safe driver, your rate may go down. Your rate will increase if you are convicted of moving violations, or if you are more than 50 percent at fault in an accident (see *Chapter Six* for more information).

Driver Retraining Course

If you get three or more surchargeable events on your driving record within a two-year period, you *must* complete the Massachusetts Driver Retraining Course. If you do not, your license will be suspended. This course does not teach driving skills. It helps you learn to change your driving behavior.

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

After you are told by the RMV that you have three or more surchargeable events, you will be sent a driver retraining information packet. This packet has information about the course, the fees, and how to enroll. The eight-hour retraining program is held at many locations throughout the state. It is two four-hour sessions. However, one eight-hour Saturday session may be available in your area.

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

Driving Records

An attested copy of a Massachusetts Public Driving Record is suitable for official purposes and is stamped to indicate it is an authentic RMV document. An attested copy of a driving record can be issued in all RMV Service Centers, by phone, by mail, or by the Court Records Department at 136 Blackstone Street, Boston MA. The cost of an attested driving record is \$20. You can pay this by check, money order, or cash in a service center, or by VISA, MasterCard, Discover, or American Express over the Internet or by phone. To order by phone, call the RMV Contact Center. To order by mail, send a written request with your name, date of birth, driver's license number, Massachusetts address, and check or money order to the address below. If you do not need the driving record to be attested, you can order an unattested driving record for \$6 (this option is only available over the Internet).

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

In fall of 2016, sections of Chapter 64 of the Acts of 2016 took effect limiting the public release of certain drug offense information, as well as expired warrant and child support information, that previously displayed on Public Driving Records. For information on accessing an RMV document containing these offenses, call Court Records at 857-368-8195 or visit Court Records in-person at the Haymarket RMV Service Center, 136 Blackstone Street, Boston MA.

All fees are subject to change at any time.

**Driver Control/ Court Records, Registry of Motor Vehicles, P.O. Box 55896 Boston, MA 02205-5896
If you order a driving record by mail or phone, it may take ten business days to get it.**

Mandatory License Suspensions (18 Years and Older)

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

License Suspension or Revocation

The Registrar of Motor Vehicles can suspend or revoke your driver's license. This can be done by Massachusetts law or when you are seen as a threat to public safety. Some motor vehicle violations require your license to be suspended or revoked immediately. Your license can also be suspended or revoked if you commit a number of moving violations or if you are at fault in a number of accidents.

Reasons for License Suspension

The Registrar **must** sometimes suspend or revoke a driver's license. The charts in this section show when a suspension is mandatory. The Registrar can also choose to suspend or revoke a license in the following cases:

- Immediate threat — If the Registrar believes that your driving is an immediate threat to public safety, he/she can suspend your learner's permit or driver's license immediately.
- Improper operation — If you have operated a motor vehicle improperly, the Registrar can suspend your driving privileges.
- Fake ID — Even if you are not convicted, the Registrar can suspend your driving privileges for six months (or one year after a conviction) for the following offenses:
 - Transferring, altering, or defacing a license/ID
 - Making, using, carrying, selling, or distributing a false license/ID
 - Using somebody else's license/ID
 - Furnishing false information to obtain a license/ID

Other Reasons for License Suspensions

Since a driver's license is a privilege and not a right, the Registrar is also required by law to suspend a driver's license for some reasons not related to driving. For example, your license will be suspended if you:

- Have failed to pay required child support
- Have an outstanding arrest or default warrant
- Have failed to register as a sex offender
- Have been convicted of certain drug trafficking offenses
- Have failed to pay Massachusetts income tax
- Have made a bad payment to the RMV (for example, you paid with a check that was later rejected or you paid with a credit card and later canceled the payment with the bank)

If your license was suspended for a bad payment, you must pay the original fee, a license reinstatement fee, and a \$15 fee to clear your bad payment. You can pay at any RMV Full Service Center. You must either use cash or a certified bank check payable to MassDOT.

If you have questions about...

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

Out-of-State Suspensions

Out-of-state suspensions or revocations affect your Massachusetts license. Your license **will be suspended** in Massachusetts until any out-of-state suspension or revocation is cleared. When your license is reinstated in the other state, you must bring either a reinstatement letter or a current driving record from that state to any RMV Full Service Center. You may also need to give additional information. Your reinstatement letter or driving record cannot be over 30 days old.

Each U.S. state must tell the Massachusetts RMV about any traffic offenses you commit there. **These offenses will be treated as if they happened in Massachusetts if they are a "like" offense.**

To determine a "like" offense, the RMV will look at what the other state's law prohibits. It does not matter if the other state chose to assess a higher or lower penalty, or treat the offense as a civil or criminal infraction.

The RMV must apply Massachusetts suspension rules to out-of-state violations, even if the offense did not cause a suspension in the other state.

When Your License Is Suspended or Revoked. . .

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

Driving Without a License

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

Driving With a Suspended License

If your license or permit has been suspended or revoked for any reason, it is *not* valid. You are *not* allowed to drive in Massachusetts or anywhere else. **Driving with a suspended or revoked license is a criminal motor vehicle violation. You may face a large fine and/or jail sentence, as well as additional penalties.**

Mandatory PERMIT Suspensions

Junior Operators Only (16 1/2 to 18 years)

Violation	Suspension Period	Reinstatement Requirements	Fee to Reinstatement
Conviction for Driving Without a Licensed Driver (c. 90, §8B)	60 days— first offense 180 days— second offense One year— subsequent offenses	All offenses require you to retake the learner's permit exam. Second offense requires a Driver Attitudinal Retraining course.	\$100
Conviction for Driving During the Night Restriction (c. 90, §10) (c. 90, §8B)	60 days— first offense 180 days— second offense One year— subsequent offenses	All offenses require you to retake the learner's permit exam. Second offense requires a Driver Attitudinal Retraining course.	\$100
Conviction for Speeding (c. 90, §17) (c. 90, §17A) (c. 90, §18)	90 days— first offense One year— second or subsequent offense	All offenses require a new learner's permit exam.	\$100
Conviction for Drag Racing (c. 90, §17B)	One year— first offense Three years— second or subsequent offense	All offenses require a new learner's permit exam and a Driver Attitudinal Retraining course. In addition, you may be required to take a State Courts Against Road Rage (SCARR) course.*	\$500-first offense \$1000-second or subsequent offense
Conviction for the Use of a Mobile Electronic Device (text or phone) (c. 90, §8M)	60 days— first offense 180 days— second offense One year— subsequent offenses	First offense requires a \$100 fine, a new learner's permit exam, and a Driver Attitudinal Retraining Course. The fine is \$250 for a second offense and \$500 for a third offense.	\$100
Conviction for Negligent Operation and Injury from Mobile Phone Use (c. 90, §24)	180 days— first offense One year— second or subsequent offense	Second and subsequent offenses require a new learner's permit exam.	\$500

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

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

Mandatory LICENSE Suspensions

Junior Operators Only (16 1/2 to 18 years)

Violation	Suspension Period	Reinstatement Requirements	Fee to Reinstatement
Conviction for Violating the Passenger or Night Restriction (c. 90, §8) (c. 90, §10)	60 days— first offense 180 days— second offense One year— subsequent offenses	Second and subsequent offenses require a Driver Attitudinal Retraining course. Third and subsequent offenses require a new learner's permit exam and road test.	\$100
Conviction for Speeding (c. 90, §17) (c. 90, §17A) (c. 90, §18)	90 days— first offense One year— second or subsequent offense	All offenses require a new learner's permit exam, a Driver Attitudinal Retraining course, and a new road test. In addition, you may be required to take a State Courts Against Road Rage (SCARR) course.*	\$500
Conviction for Drag Racing (c. 90, §17B)	One year— first offense Three years— second or subsequent offense	All offenses require a new learner's permit exam, a Driver Attitudinal Retraining course, and a new road test. In addition, you may be required to take a State Courts Against Road Rage (SCARR) course.*	\$500—first offense \$1000—second or subsequent offense
Conviction for Driving Negligently or Recklessly/ Operating to Endanger (c. 90, §24)	180 days— first offense One year— second or subsequent offense (within a three year period)	Second and subsequent offenses require a new learner's permit exam and a new road test.	\$500
Conviction for the Use of a Mobile Electronic Device (text or phone) (c. 90, §8M)	60 days— first offense 180 days— second offense One year— subsequent offenses	First offense requires a \$100 fine, a new learner's permit exam, a Driver Attitudinal Retraining Course, and a new road test. The fine is \$250 for a second offense and \$500 for a third offense.	\$100
Conviction for Negligent Operation and Injury from Mobile Phone Use (c. 90, §24)	180 days— first offense One year— second or subsequent offense	Second and subsequent offenses require a new learner's permit exam and a new road test.	\$500

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

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

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

Criminal Offenses and Suspensions

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

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

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

Customers serving a mandatory suspension for certain drug trafficking offenses may seek a hardship license at any time during their suspension period.

License Reinstatement

To reinstate your driver's license or right to operate a motor vehicle, you may need a hearing. You have the right to a hearing with a Hearings Officer. Hearings are held on a walk-in basis, unless your notice lists a certain date, time, and place. Walk-in hearing hours are 9:00 a.m. to 4:30 p.m.

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

Part Time Hearings Locations (selected days): Pittsfield (Wed) and South Yarmouth (Mon/Tues).

Note: Hearings days or locations are subject to change without notice. Please check www.mass.gov/rmv to see if hearings are currently available at the RMV Service Center you wish to visit. If a hearing cannot be held there, the service center staff can tell you where to go for a hearing.

At your hearing, the Hearings Officer will review your case. This will include your driving record and all laws and regulations that apply. Most suspensions are mandatory, and the hearing is only about whether the law is being applied correctly.

Once you have been found guilty or responsible, the facts of the case are not important. The Hearings Officer will not be able to prevent a valid suspension. The Hearings Officer may take up to ten business days before making a decision.

You must pay a fee to reinstate a suspended or revoked license. Most fees are \$100. Fees for suspensions caused by serious offenses may be as high as \$1,200.

For license suspensions of two years or more, you must also pass a learner's permit exam and road test to reinstate your license. You must provide identification documents to take a learner's permit exam and road test (see *Identification Requirements* section of Chapter One).

All fees are subject to change at any time.

Alcohol, Drugs, and Driving

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

Safety must always be your first responsibility. If you take any substance that affects your awareness and your reflexes, you are no longer safe to drive.

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

Because driving under the influence is so dangerous, Massachusetts has very strong penalties for OUI violations. The chart on the next page shows the penalties for each OUI conviction.

Alcohol

Whether it's beer, wine, or hard liquor, alcohol is a depressant. **It slows your reflexes,**

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

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

increases the time you need to react, and distorts your vision and judgment. Alcohol also often makes you *feel* more confident. This can cause you to take chances while driving that you normally wouldn't take. This is a dangerous combination that often leads to serious motor vehicle crashes and tragic deaths.

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

Even one alcoholic drink in an hour can affect your driving. It can be much worse if you are tired, emotionally upset, or haven't eaten. No one is immune to alcohol. After drinking, your ability to drive safely is impaired. It does not matter how much you try to be careful or concentrate. There is still a drug inside your body affecting you physically and mentally.

Blood Alcohol Content

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

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

License Suspension Periods for Failed Chemical Tests

All drivers will fail a chemical test if they have a Blood Alcohol Content (BAC) of 0.08 or greater. Drivers under 21 have the same standard for criminal purposes, but will face administrative sanctions for tests with a BAC as low as 0.02.

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

Note: The additional 180-day or one-year suspension for drivers under age 21 is designed to get youths charged with operating under the influence, or with having a BAC of 0.02 or higher, to undergo alcohol education. **It does not matter what happens with your court case. Even if you win the case, it will not change the requirement for you to take the alcohol education course.**

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

The *kind* of beverage you drink does not matter. What is important is the amount of alcohol you drink over a period of time. **Each of the following drinks contain about the same amount of alcohol** (about 1/2 ounce) (source: National Institutes of Health):

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

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

Alcohol Tests

Massachusetts has an Implied Consent Law. Every licensed driver in the state must agree to consent to a breathalyzer or blood test in certain cases. If a police officer believes you are operating under the influence of alcohol, he/she has the right to ask you to...

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

You are operating above the legal limit if you have a BAC of 0.08 or higher. Massachusetts has a “zero-tolerance” law for drivers under 21. Any driver under 21 will face penalties for having a BAC of 0.02 or higher.

If your BAC is above the legal limit OR if you refuse a breathalyzer or blood test, the police officer must take away your license. You will be given a notice of suspension, which is effective immediately. See the charts on pages 57 and 59 for the suspension periods.

Under-21 Alcohol Offenses

Drivers under age 21 are twice as likely as other drivers to be involved in alcohol-related crashes. This is one reason why laws are stronger for under-21 drivers.

Massachusetts has a “zero-tolerance” law. If you are under 21 and are caught with a BAC as low as 0.02 while driving, you will lose your license.

Ignition Interlock Devices

If you had **two or more operating under the influence offenses** and are eligible for a hardship license or for license reinstatement, you must have an Ignition Interlock Device. It must be attached to your motor vehicle at your expense.

If you get a hardship license, you must use the device the **entire time you have the hardship license**. You must keep using the device **for two more years after your license has been reinstated**.

If your license is eligible for reinstatement, **the device is required for two years**. This two-year period is mandatory (even if you used the device with a hardship license). If you don't have the device installed, your license will not be reinstated. If you do not obey the Ignition Interlock Law, your license will be revoked and suspended for ten years to life.

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

The RMV provides a list of vendors who install the device. Once it is installed, you must pass a breath test before starting the vehicle. A blood alcohol reading greater than 0.02 will prevent the vehicle from starting. Every 30 days, you must return to the vendor for a service visit. The vendor will upload and transfer data from the device to the RMV. This law protects both the public and the driver. Most states now use this technology.

A \$30 RMV fee (in addition to the device distributor fees) must be paid at each service visit for the entire time a driver is required to have the Ignition Interlock Device. This fee is per driver, not per vehicle.

License Suspension Periods for Refusing a Chemical Test

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

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

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

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

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

Buying, Possessing, or Transporting Alcohol

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

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

Your license will be suspended for 90 days to one year for breaking either of these laws. There are also fines and other penalties. **If you are under 21 and you buy, or try to buy, alcohol, your license will be suspended for 180 days.**

Open Container Law

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

False or Altered Licenses/Identification Cards

It is illegal to use a false license or ID, to alter a license or ID, or to use another person's license or ID. It is also illegal to use false information to obtain a license or ID. In most cases, these are felonies with serious penalties. You can face penalties even if you do not attempt to purchase alcohol. *M.G.L.c.90, §22(e) allows the RMV to suspend your license or right to operate in Massachusetts for up to six months. A conviction is not required. If you are convicted, your license will be suspended for one year.*

Please be aware that purchasing false licenses or IDs through the Internet is dangerous and often results in identity theft.

Illegal Drugs, Medicine, and Other Controlled Substances

Laws for operating under the influence of alcohol also apply to drugs. Almost any drug can affect your driving skills. Illegal drugs, prescription medicines, and over-the-counter medicines can all make it dangerous to drive.

Marijuana

Smoking or eating marijuana makes it more difficult to respond to sights and sounds. This makes you dangerous as a driver. It lowers your ability to handle a quick series of tasks. The most serious problem is facing an unexpected event, such as a car coming from a side street or a child running out from between parked cars. These problems get worse after dark, because marijuana also causes a bad loss of night vision.

Massachusetts law has decriminalized certain aspects of possession and/or use of marijuana. However, operating a motor vehicle while under the influence of marijuana is still illegal!

It is very important for all drivers of any age to note that operating a motor vehicle while under the influence of marijuana remains a criminal offense.

The chart “Penalties for Operating a Motor Vehicle Under the Influence of Alcohol or Drugs” in this chapter **STILL APPLIES TO MARIJUANA** and should be reviewed carefully.

Other Drugs

Many other drugs and controlled substances can decrease your ability to drive:

- Illegal hard drugs, like lysergic acid diethylamide (LSD), heroin, and opium, make you feel unaware of where you are. You also feel like you don’t care.
- Prescription sedatives and tranquilizers make you drowsy. This makes you a dangerous driver.
- Most medicines taken for colds, hay fever, or headaches can make you drowsy. Pain killers and medicines with codeine can be very dangerous.

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

- Stimulants like pep pills, speed, cocaine, and diet pills make you feel more awake and aware for a short time. However, this is always followed by fatigue, nervousness, dizziness, and a lack of concentration. They can also affect your vision.
- Inhaling substances like solvents or glue vapors is a serious health risk. It can leave you unable to operate a motor vehicle properly.

Make sure you read labels carefully and know the side effects of prescription or over-the-counter medicines. Ask your doctor or pharmacist if you’re not sure.

Combining alcohol with other drugs dramatically increases the negative effects. Do not mix alcohol, drugs, and driving. It’s a fatal mistake.

Reasons for License Nonrenewal

The RMV will refuse to renew your license if you have...

- Unpaid fines for parking violations
- Citations for abandoned vehicles
- Unpaid excise tax due to your local community
- Outstanding court warrants
- Unpaid Massachusetts, Maine, or New Hampshire E-ZPass/Fast Lane toll violations
- Unpaid Tobin Bridge violations

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

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

The RMV can only collect E-ZPass/Fast Lane violations that are 60 or more days delinquent. This means that at least 60 days have passed since the date the violation was issued.

For more information, call the E-ZPass Violation Processing Center at 1-877-627-7745.

Tobin Bridge violations issued by MassDOT can be paid by calling 617-561-6180 or at:

MassDOT Tobin Bridge Violations
145 Havre Street
East Boston, MA 02128

Tobin Bridge violations issued by MassPORT can be paid in-person at:

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

Tobin Bridge violations can be paid by mail to:

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

License Suspension

You cannot renew your license if it is suspended or revoked. See the *License Suspension or Revocation* section of this chapter for more information.

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