

SENATE No. 2137

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to strengthening public safety through interlock devices.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | |
|--------------------------------|--|------------------|
| <i>Bruce E. Tarr</i> | <i>First Essex and Middlesex</i> | |
| <i>Viriato M. deMacedo</i> | <i>Plymouth and Barnstable</i> | <i>1/31/2019</i> |
| <i>Timothy R. Whelan</i> | <i>1st Barnstable</i> | <i>2/4/2019</i> |
| <i>Joanne M. Comerford</i> | <i>Hampshire, Franklin and Worcester</i> | <i>2/8/2019</i> |
| <i>William L. Crocker, Jr.</i> | <i>2nd Barnstable</i> | <i>2/8/2019</i> |
| <i>Patrick M. O'Connor</i> | <i>Plymouth and Norfolk</i> | <i>2/14/2019</i> |
| <i>Brian W. Murray</i> | <i>10th Worcester</i> | <i>2/14/2019</i> |

SENATE No. 2137

By Mr. Tarr, a petition (accompanied by bill, Senate, No. 2137) of Bruce E. Tarr, Viriato M. deMacedo, Timothy R. Whelan, Joanne M. Comerford and other members of the General Court for legislation relative to strengthening public safety through interlock devices. Transportation.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to strengthening public safety through interlock devices.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 24 of Chapter 90 of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by striking out, in line 319, the words “or twenty-four E,”.

3 SECTION 2. Said Section 24 of said Chapter 90, as so appearing, is hereby further
4 amended by inserting after the figure “(b)”, in line 320, the following words:- for being under the
5 influence of a controlled substance or the vapors of glue.

6 SECTION 3. Subparagraph (1) of paragraph (c) of subdivision (1) of said Section 24 of
7 said Chapter 90, as so appearing, is hereby amended by adding the following paragraph:- Where
8 the license or right to operate has been revoked pursuant to sections 24D or 24E or pursuant to
9 paragraph (b), for operating a motor vehicle with a percentage, by weight, of alcohol in the
10 operator’s blood of .08 or greater, and such person has not been convicted of a like offense or has
11 not been assigned to an alcohol or controlled substance education, treatment or rehabilitation
12 program because of a like offense by a court of the commonwealth or any other jurisdiction

13 preceding the date of the commission of the offense for which the operator was convicted, the
14 registrar shall not restore the license or reinstate the right to operate to that person unless the
15 prosecution of that person has been terminated in favor of the defendant, until 1 year after the
16 date of conviction; provided, however, that such person may, after receiving notice of the
17 revocation from the registrar, apply for the issuance of an ignition interlock license. Mandatory
18 restrictions on an ignition interlock license granted by the registrar pursuant to this subparagraph
19 shall include, but not be limited to: (i) proof in a format determined by the registrar that a
20 functioning certified ignition interlock device is installed on vehicles that will be operated by the
21 person during the term of the ignition interlock license; and (ii) an attestation that ignition
22 interlock devices will be maintained on all vehicles to be operated by the person. A person with
23 an ignition interlock license shall be prohibited from operating vehicles without an ignition
24 interlock device for the duration of the license. Failure of the operator to remain in compliance
25 with court probation shall be cause for immediate revocation of the ignition interlock license.
26 The registrar shall provide notice of a revocation to the person issued the ignition interlock
27 license at the address of record at the registry.

28 SECTION 4. Said Section 24 of said Chapter 90, as so appearing, is hereby further
29 amended by inserting after the figure “(b)”, in line 347, the following words:- for being under the
30 influence of a controlled substance or the vapors of glue.

31 SECTION 5. Subparagraph (2) of said paragraph (c) of said subdivision (1) of said
32 Section 24 of said Chapter 90, as so appearing, is hereby amended by striking out the last
33 sentence.

34 SECTION 6. Said subparagraph (2) of said paragraph (c) of said subdivision (1) of said
35 Section 24 of said Chapter 90, as so appearing, is hereby further amended by adding the
36 following paragraph:- Where the license or the right to operate of a person has been revoked
37 pursuant to paragraph (b) for operating a motor vehicle with a percentage, by weight, of alcohol
38 in the operator's blood of .08 or greater and that person has been previously convicted of a like
39 offense or assigned to an alcohol or controlled substance education, treatment or rehabilitation
40 program by a court of the commonwealth or any other jurisdiction because of a like offense
41 preceding the date of the commission of the offense for which that person has been convicted,
42 the registrar shall not restore the license or reinstate the right to operate of that person unless the
43 prosecution from the registrar, apply for the issuance of an ignition interlock license. That person
44 shall provide proof in a format acceptable to the registrar that the person has enrolled in and is
45 successfully completing the residential treatment program in subparagraph (4) of paragraph (a)
46 of subdivision (1) or a treatment program mandated by section 24D or has completed the
47 incarcerated portion of the sentence. Mandatory restrictions on an ignition interlock license
48 granted by the registrar pursuant to this subparagraph shall include but not be limited to: (i) proof
49 in a format determined by the registrar that a functioning certified ignition interlock device is
50 installed on vehicles that will be operated by the person during the term of the ignition interlock
51 license; and (ii) an attestation that ignition interlock devices will be maintained on all vehicles to
52 be operated by the person. A person with an ignition interlock license shall be prohibited from
53 operating vehicles without an ignition interlock device for the duration of the license. Failure of
54 the operator to remain in compliance with court probation shall be cause for immediate
55 revocation of the ignition interlock license. The registrar shall provide notice of a revocation to
56 the person issued the ignition interlock license at the address of record at the registry.

57 SECTION 7. Said Section 24 of said Chapter 90, as so appearing, is hereby amended by
58 inserting after the figure “(b)”, in line 382, the following words:- for being under the influence of
59 a controlled substance or the vapors of glue.

60 SECTION 8. Subparagraph (3) of said paragraph (c) of said subdivision (1) of said
61 Section 24 of said Chapter 90, as so appearing, is hereby amended by striking out the last
62 sentence.

63 SECTION 9. Said subparagraph (3) of said paragraph (c) of said subdivision (1) of said
64 Section 24 of said Chapter 90, as so appearing, is hereby further amended by adding the
65 following paragraph:- Where the license or right to operate of a person has been revoked
66 pursuant to paragraph (b) for operating a motor vehicle with a percentage, by weight, of alcohol
67 in the operator’s blood of .08 or greater and that person has been previously convicted of a like
68 offense or assigned to an alcohol or controlled substance education, treatment or rehabilitation
69 program because of a like offense by a court of the commonwealth or any other jurisdiction 2
70 times preceding the date of the commission of the offense for which that person has been
71 convicted or where the license or right to operate has been revoked due to a violation section 23
72 and such revocation was made pursuant to paragraph (b) or section 24D or 24E, the registrar
73 shall not restore the license or reinstate the right to operate to that person, unless the prosecution
74 of that person has terminated in favor of the defendant, until 8 years after the date of conviction;
75 provided, however, that such person may, after completion of the incarcerated portion of the
76 sentence, apply for an ignition interlock license for the balance of the 8 year revocation period.
77 Such person shall provide proof in a format acceptable to the registrar that the person has
78 enrolled in and is successfully completing the residential treatment program in subparagraph (4)
79 of paragraph (a) of subdivision (1) or such treatment program mandated by section 24D.

80 Mandatory restrictions on an ignition interlock license granted by the registrar pursuant to this
81 subparagraph shall include but not be limited to: (i) proof in a format determined by the registrar
82 that a functioning certified ignition interlock device is installed on vehicles that will be operated
83 by the person during the term of the ignition interlock license; and (ii) an attestation that ignition
84 interlock devices will be maintained on all vehicles to be operated by the person. A person with
85 an ignition interlock license shall be prohibited from operating vehicles without an ignition
86 interlock device for the duration of the license. Failure of the operator to remain in compliance
87 with court probation shall be cause for immediate revocation of the ignition interlock license.
88 The registrar shall provide notice of a revocation to the person issued the ignition interlock
89 license at the address of record at the registry.

90 SECTION 10. Said Section 24 of said Chapter 90, as so appearing, is hereby further
91 amended by inserting after the figure “(b)”, in line 417, the following words:- for being under the
92 influence of a controlled substance or the vapors of glue.

93 SECTION 11. Subparagraph (3½) of said paragraph (c) of said subdivision (1) of said
94 Section 24 of said Chapter 90, as so appearing, is hereby amended by striking out the last
95 sentence.

96 SECTION 12. Said subparagraph (3½) of said paragraph (c) of said subdivision (1) of
97 said Section 24 of said Chapter 90, as so appearing, is hereby further amended by adding the
98 following paragraph:- Where the license or the right to operate of a person has been revoked
99 pursuant to subsection (b) for operating a motor vehicle with a percentage, by weight, of alcohol
100 in the operator’s blood of .08 or greater and that person has been previously convicted of a like
101 offense or assigned to an alcohol or controlled substance education, treatment or rehabilitation

102 program by a court of the commonwealth or any other jurisdiction because of a like offense 3
103 times preceding the date of the commission of the offense for which the person has been
104 convicted, the registrar shall not restore the license or reinstate the right to operate of that person
105 unless the prosecution of that person has been terminated in favor of the defendant, until 10 years
106 after the date of the conviction; provided, however, that such person may, after the completion of
107 the incarcerated portion of the sentence, apply for the issuance of an ignition interlock license.
108 Such person shall provide proof in a format acceptable to the registrar that the person has
109 enrolled in and is successfully completing the residential treatment program in subparagraph (4)
110 of paragraph (a) of subdivision (1) or a treatment program mandated by section 24D. The
111 ignition interlock license shall not be removed for the life of the person; provided, however, that
112 the person may petition the registrar for removal not less than 10 years after the issuance of the
113 ignition interlock license and not less than every 5 years thereafter. Mandatory restrictions on an
114 ignition interlock license granted by the registrar pursuant to this subparagraph shall include, but
115 not be limited to: (i) proof in a format determined by the registrar that a functioning certified
116 ignition interlock device is installed on vehicles that will be operated by the person during the
117 term of the ignition interlock license; and (ii) an attestation that ignition interlock devices will be
118 maintained on all vehicles to be operated by the person. A person with an ignition interlock
119 license shall be prohibited from operating vehicles without an ignition interlock device for the
120 duration of the license. Failure of the operator to remain in compliance with probation shall be
121 cause for immediate revocation of the ignition interlock license. The registrar shall provide
122 notice of a revocation to the person issued the ignition interlock license at the address of record
123 at the registry. An aggrieved party may appeal, in accordance with chapter 30A, from an order of
124 the registrar of motor vehicles pursuant to this subparagraph.

125 SECTION 13. Said paragraph (c) of said subdivision (1) of said Section 24 of said
126 Chapter 90, as so appearing, is hereby further amended by striking out subparagraph (3³/₄) and
127 inserting in place thereof the following subparagraph:- (3³/₄) Where the license or the right to
128 operate of a person has been revoked pursuant to paragraph (b) and that person was previously
129 convicted of a like offense or assigned to an alcohol or controlled substance education, treatment
130 or rehabilitation program by a court of the commonwealth or any other jurisdiction because of a
131 like offense not less than 4 times preceding the date of the commission of the offense for which
132 the person has been convicted, that person's license or right to operate a motor vehicle shall be
133 revoked for the life of that person; provided, however, that such person may, after completion of
134 the incarcerated portion of the sentence, apply for an ignition interlock license. Such person shall
135 provide proof in a format acceptable to the registrar that the person has enrolled in and has
136 successfully completed or is successfully completing the residential treatment program in
137 subparagraph (4) of paragraph (a) of subdivision (1) or a treatment program mandated by section
138 24D and has completed the incarcerated portion of the sentence. The ignition interlock license
139 shall not be removed for the life of the person; provided, however, that the person may petition
140 the registrar for removal not less than 10 years after the issuance of the ignition interlock license
141 and not less than every 5 years thereafter. Mandatory restrictions on an ignition interlock license
142 granted by the registrar pursuant to this subparagraph shall include, but not be limited to: (i)
143 proof in a format determined by the registrar that a functioning certified ignition interlock device
144 is installed on vehicles that will be operated by the person during the term of the ignition
145 interlock license; and (ii) an attestation that ignition interlock devices will be maintained on all
146 vehicles to be operated by the person. A person with an ignition interlock license shall be
147 prohibited from operating vehicles without an ignition interlock device for the duration of the

148 license. Failure of the operator to remain in compliance with probation shall be cause for
149 immediate revocation of the ignition interlock license. An aggrieved party may appeal, in
150 accordance with chapter 30A, from an order of the registrar of motor vehicles pursuant to this
151 subparagraph.

152 SECTION 14. Said Section 24 of said Chapter 90, as so appearing, is hereby amended by
153 striking out, in line 575, the word “restistrar” and inserting in place thereof the following word:-
154 registrar.

155 SECTION 15. The fifth paragraph of subparagraph (1) of paragraph (f) of said
156 subdivision (1) of said Section 24 of said Chapter 90, as so appearing, is hereby further amended
157 by striking out the first sentence and inserting in place thereof the following 4 sentences:- A
158 person who refuses to submit to a chemical test or analysis of breath or blood may apply for the
159 issuance of an ignition interlock license, on or after the effective date of the suspension, for the
160 balance of the suspension period imposed by this paragraph. A mandatory restriction on an
161 ignition interlock license granted by the registrar pursuant to this subparagraph shall include, but
162 not be limited to: (i) proof in a format determined by the registrar that a functioning certified
163 ignition interlock device is installed on vehicles that will be operated by the person during the
164 term of the ignition interlock license; and (ii) an attestation that ignition interlock devices will be
165 maintained on all vehicles to be operated by the person. A person with an ignition interlock
166 license shall be prohibited from operating vehicles without an ignition interlock device for the
167 duration of the license. A person issued an ignition interlock license pursuant to this
168 subparagraph shall not receive credit against an additional ignition interlock requirement arising
169 from the same incident or from another incident. A defendant, during the suspension period
170 imposed by this paragraph, may immediately, upon the entry of a not guilty finding or dismissal

171 of all charges under this section, section 24G, section 24L or section 13½ of chapter 265, and in
172 the absence of any other alcohol related charges pending against the defendant, apply for and be
173 immediately granted a hearing before the court which took final action on the charges for the
174 purpose of requesting the restoration of the person's license.

175 SECTION 16. Subparagraph (2) of said paragraph (f) of said subdivision (1) of said
176 Section 24 of said Chapter 90, as so appearing, is hereby amended by inserting after the second
177 paragraph the following paragraph:- A person may apply in advance of or after the effective date
178 of a suspension under this subparagraph, for the issuance of an ignition interlock license for the
179 balance of the suspension period listed in this paragraph. Mandatory restrictions on an ignition
180 interlock license granted by the registrar pursuant to this subparagraph shall include, but not be
181 limited to: (i) proof in a format determined by the registrar that a functioning certified ignition
182 interlock device is installed on vehicles that will be operated by the person during the term of the
183 ignition interlock license; and (ii) an attestation that ignition interlock devices will be maintained
184 on all vehicles to be operated by the person. A person with an ignition interlock license shall be
185 prohibited from operating vehicles without an ignition interlock device for the duration of the
186 license. A suspension for failure of a chemical test or analysis of breath or blood shall run
187 consecutively, both as to any additional suspension periods arising from the same incident, and
188 as to each other. A person issued an ignition interlock license pursuant to this subparagraph shall
189 receive day for day credit against an additional ignition interlock requirement arising from the
190 same incident.

191 SECTION 17. Paragraph (g) of said subdivision (1) of said Section 24 of said Chapter 90,
192 as so appearing, is hereby amended by inserting after the first paragraph the following
193 paragraph:- The application for the issuance of an ignition interlock license for the period during

194 which a person's license, permit or right to operate is suspended pursuant to subparagraph (1) of
195 paragraph (f) shall waive the person's right to a hearing pursuant to this subparagraph.

196 SECTION 18. Said Chapter 90 is hereby further amended by striking out Section 24½, as
197 so appearing, and inserting in place thereof the following section:- Section 24½. (a) No person
198 whose license has been suspended in the commonwealth or any other jurisdiction by reason of an
199 assignment to an alcohol education, treatment or rehabilitation program or because of a
200 conviction for a violation of subsection (a) of section 24G, or operating a motor vehicle with a
201 percentage by weight of blood alcohol of .08 or greater or while under the influence of
202 intoxicating liquor in violation of paragraph (a) of subdivision (1) of section 24, subsection (b) of
203 said section 24G, section 24L, section 131/2 of chapter 265, subsection (a) of section 8 of
204 chapter 90B, section 8A or 8B of said chapter 90B or, in the case of another jurisdiction, for any
205 like offense, shall be issued a new license or right to operate or have such license or right to
206 operate restored if that person has previously been so assigned or convicted unless such person
207 provides proof in a format acceptable to the registrar that the person has a functioning certified
208 ignition interlock device installed on all vehicles to be operated by that person as a precondition
209 for the issuance, reissuance or restoration of a license or right to operate. A functioning certified
210 ignition interlock device shall be installed and maintained on all vehicles operated by any such
211 person for a period of 2 years. (b) Any person whose license or right to operate is restricted to
212 operating vehicles equipped with a functioning certified ignition interlock device shall have such
213 device inspected, maintained and monitored in accordance with regulations which shall be
214 promulgated by the registrar. The ignition interlock device shall be calibrated to prevent the
215 motor vehicle from being started with the breath sample provided has an alcohol concentration of
216 0.025 or more. The ignition interlock device shall remain in place until the registrar receives a

217 declaration from the person's ignition interlock device vendor, in a form provided or approved by
218 the registry, certifying that there have been none of the following incidents in the six consecutive
219 months prior to the date the person seeks removal of the device: (a) any attempt to start the
220 vehicle with a breath alcohol concentration of 0.04 or more unless a subsequent test performed
221 within ten minutes registers a breath alcohol concentration lower than 0.04; (b) failure to take
222 any random test; (c) failure to pass any random retest with a breath alcohol concentration of
223 0.025 or lower; (d) any attempt to remove, tamper or circumvent the proper operation of the
224 device; or (e) failure of the person to appear at the ignition interlock device vendor when
225 required for maintenance, repair, calibration, monitoring, inspection, or replacement of the
226 device.

227 SECTION 19. Section 24D of said Chapter 90, as so appearing, is hereby amended by
228 inserting after the word “defendant”, in line 65, the following words:- whose disposition resulted
229 from the use of a controlled substance or the vapors of glue.

230 SECTION 20. The fourth paragraph of said Section 24D of said Chapter 90, as so
231 appearing, is hereby amended by inserting after the fifth sentence the following sentence:-
232 Notwithstanding subparagraph (1) of paragraph (c) of subdivision (2) of section 24,
233 subparagraph (1) of paragraph (f) of subdivision (1) of section 24 and section 24P, a defendant
234 whose disposition resulted from a conviction or charge of alcohol in their blood of .08 or greater
235 or while under the influence of intoxicating liquor may immediately upon entering a program
236 pursuant to this section apply to the registrar for issuance of an ignition interlock license for the
237 probation period. A mandatory restriction on an ignition interlock license granted by the registrar
238 pursuant to this paragraph shall include, but not be limited to:(i) proof in a format determined by
239 the registrar that a functioning certified ignition interlock device is installed on vehicles that will

240 be operated by the person during the term of the ignition interlock license; and (ii) an attestation
241 that ignition interlock devices will be maintained on all vehicles to be operated by the person. A
242 person with an ignition interlock license shall be prohibited from operating vehicles without an
243 ignition interlock device for the duration of the license.

244 SECTION 21. Said Section 24D of said Chapter 90, as so appearing, is hereby further
245 amended by inserting after the word “hardship”, in lines 76 and 81, each time it appears, the
246 following words:- or ignition interlock.

247 SECTION 22. Section 24E of said Chapter 90, as so appearing, is hereby amended by
248 inserting after the word “program”, in line 38, the following words:- and may include a written
249 statement by the supervisor of the ignition interlock provider used by such person detailing the
250 person’s compliance with the ignition interlock requirement.

251 SECTION 23. Said Section 24E of said Chapter 90, as so appearing, is hereby further
252 amended by inserting after the word “operate”, in lines 66 and 67, each time it appears, the
253 following words:- or an ignition interlock license.

254 SECTION 24. Section 24G of said Chapter 90, as so appearing, is hereby amended
255 adding the following subsection:- (d) Upon completion of the period of imprisonment prescribed
256 in subsection (a) or (b) for an offense involving operating a motor vehicle with a percentage, by
257 weight, of alcohol in the blood of .08 or greater or while under the influence of intoxicating
258 liquor, the person may apply to the registrar for the issuance of an ignition interlock license for
259 the remainder of the revocation period designated in subsection (c). The registrar may issue such
260 license under such terms and conditions as appropriate and necessary for the balance of the
261 revocation period listed in this subsection. Mandatory restrictions on an ignition interlock license

262 granted by the registrar pursuant to this subsection shall include, but not be limited to: (i) proof
263 in a format determined by the registrar that a functioning certified ignition interlock device is
264 installed on vehicles that will be operated by the person during the term of the ignition interlock
265 license; and (ii) an attestation that ignition interlock devices will be maintained on all vehicles to
266 be operated by the person. A person with an ignition interlock license shall be prohibited from
267 operating vehicles without an ignition interlock device for the duration of the license. Failure of
268 the operator to remain in compliance with the sentence or court probation shall be cause for
269 immediate revocation of the ignition interlock license. The registrar shall provide notice a
270 revocation to the person issued the ignition interlock license at the address of record at the
271 registry.

272 SECTION 25. Section 24L of said Chapter 90, as so appearing, is hereby amended by
273 adding the following subdivision:- (5) Upon completion of the period of imprisonment
274 prescribed in subdivision (1) or (2) for an offense involving operating a motor vehicle with a
275 percentage, by weight, of alcohol in the blood of .08 or greater or while under the influence of
276 intoxicating liquor, the person may apply to the registrar for the issuance of an ignition interlock
277 license for the remainder of the revocation period designated in subdivision (4). The registrar
278 may issue such license under such terms and conditions as appropriate and necessary for the
279 balance of the revocation period listed in this subsection. Mandatory restrictions on an ignition
280 interlock license granted by the registrar pursuant to this subdivision shall include, but not be
281 limited to: include: (i) proof in a format determined by the registrar that a functioning certified
282 ignition interlock device is installed on vehicles that will be operated by the person during the
283 term of the ignition interlock license; and (ii) an attestation that ignition interlock devices will be
284 maintained on all vehicles to be operated by the person. A person with an ignition interlock

285 license shall be prohibited from operating vehicles without an ignition interlock device for the
286 duration of the license. Failure of the operator to remain in compliance with the sentence or court
287 probation shall be cause for immediate revocation of the ignition interlock license. The registrar
288 shall provide notice of a revocation to the person issued the ignition interlock license at the
289 address of record at the registry.

290 SECTION 26. Section 24N of said Chapter 90, as so appearing, is hereby amended by
291 inserting after the word “days”, in line 38, the following words:- ; provided, however, that such
292 person may apply, on or after the effective date of the suspension, for the issuance of an ignition
293 interlock license for the balance of the suspension period listed in this subsection; provided
294 further, that mandatory restrictions on an ignition interlock license granted by the registrar
295 pursuant to this section shall include, but not be limited to: (i) proof in a format determined by
296 the registrar that a functioning certified ignition interlock device is installed on vehicles that will
297 be operated by the person during the term of the ignition interlock license; and (ii) an attestation
298 that ignition interlock devices will be maintained on all vehicles to be operated by the person. A
299 person with an ignition interlock license shall be prohibited from operating vehicles without an
300 ignition interlock device for the duration of the license. A suspension for failure of a chemical
301 test or analysis of breath or blood shall run consecutively, both as to any additional suspension
302 periods arising from the same incident and as to each other. A person issued an ignition interlock
303 license pursuant to this section shall receive day-for-day credit against any additional ignition
304 interlock requirement arising from the same incident.

305 SECTION 27. Said Section 24N of said Chapter 90, as so appearing, is hereby further
306 amended by striking out, in lines 58 to 61, inclusive, the words “refusal. No license shall be
307 restored under any circumstances and no restricted or hardship permits shall be issued during the

308 suspension period imposed by this paragraph; provided, however, that the” and inserting in place
309 thereof the following words:- refusal; provided further, that a person who refused to submit to
310 such test or analysis may apply, on or after the effective date of the suspension, for the issuance
311 of an ignition interlock license for the balance of the suspension period listed in this
312 section; provided further, that mandatory restrictions on an ignition interlock license granted by
313 the registrar pursuant to this paragraph shall include, but not be limited to: (i) proof in a format
314 determined by the registrar that a functioning certified ignition interlock device is installed on
315 vehicles that will be operated by the person during the term of the ignition interlock license; and
316 (ii) an attestation that ignition interlock devices will be maintained on all vehicles to be operated
317 by the person. A person with an ignition interlock license shall be prohibited from operating
318 vehicles without an ignition interlock device for the duration of the license; provided however,
319 that a suspension for a refusal of either a chemical test or analysis of breath or blood shall run
320 consecutively, both as to any additional suspension periods arising from the same incident and as
321 to each other; provided further, that a person issued an ignition interlock license pursuant to this
322 section shall not receive credit against any additional ignition interlock requirement arising from
323 the same incident; and provided further, that a.

324 SECTION 28. Said Section 24N of said Chapter 90, as so appearing, is hereby further
325 amended by adding the following paragraph:- The application for the issuance of an ignition
326 interlock license for the period during which a person’s license, permit or right to operate is
327 suspended pursuant to this section shall waive the person’s right to a hearing pursuant to this
328 section.

329 SECTION 29. Section 19 of Chapter 122 of the Acts of 2005 is hereby amended by
330 inserting after the word “registry”, in line 7, the following words:- ; provided, however, that

331 approval procedures for ignition interlock device servicing and monitoring entities shall require
332 any entity seeking certification to agree to provide all program costs, including installation,
333 maintenance and removal, at fifty percent cost to a person who presents documentation issued by
334 the registrar that such cost would cause a substantial financial hardship on the offender or the
335 offender's family; provided further, that documentation of substantial financial hardship on the
336 offender or the offender's family shall include, but not be limited to, evidence of a valid
337 electronic benefit transfer card or evidence of a valid MassHealth benefits card; and provided
338 further, that the registrar shall provide notice to a person seeking application for a certified
339 ignition interlock device that the person may obtain a certified ignition interlock device, services
340 and monitoring at fifty percent cost if such cost would cause a substantial financial hardship on
341 the offender or the offender's family.

342 SECTION 30. Said Section 19 of said Chapter 122 of the Acts of 2005 is hereby further
343 amended by inserting after the word "vehicles", in line 10, the following words:- ; provided,
344 however, that reporting shall ensure compliance with an entity's responsibly pursuant to clause
345 (2) including, but not limited to, standard charges for installation, service, maintenance and
346 removal of a device and percentages of the entity's standard program costs waived pursuant to
347 said clause (2).

348 SECTION 31. Clause (6) of said Section 19 of said Chapter 122 of the Acts of 2005 is
349 hereby amended by striking out clauses (a) to (c), inclusive, and inserting in place thereof the
350 following 3 clauses:- (i) of inspection of the certified ignition interlock device for accurate
351 operation by an entity approved by the registrar not less than once every 30 days, as promulgated
352 by the registrar, for the duration of any license ignition interlock device restriction; (ii) that the
353 ignition interlock device shall be monitored, maintained and serviced not less than every 30 days,

354 as promulgated by the registrar, by an entity approved by the registrar; and (iii) that the costs to
355 install and maintain the certified ignition interlock device shall be borne by the operator unless
356 the operator presents valid evidence of a substantial financial hardship on the individual.

357 SECTION 32. Said Section 19 of said Chapter 122 of the Acts of 2005 is hereby further
358 amended by striking out clause (8) and inserting in place thereof the following clause:- violation
359 of the required inspection, monitoring or reporting requirements may result, after hearing, in up
360 to a 2 year extension of the ignition interlock license or a permanent revocation of an ignition
361 interlock license and up to an additional 10-year license suspension during which such person
362 may not be eligible for an ignition interlock license.

363 SECTION 33. Said Section 19 of Chapter 122 of the Acts of 2005 is hereby further
364 amended by striking out clause (9) and inserting in place thereof the following clause:- (9) a
365 schedule for phasing in requirements that ignition interlock devices be equip with cameras or
366 other means of positively identifying the person providing the ignition interlock breath alcohol
367 concentration test.

368 SECTION 34. Said Section 19 of said Chapter 122 of the Acts of 2005 is hereby
369 amended by adding the following clause at the end thereof:-

370 SECTION 35. This act shall take effect on August 1, 2019.