

a harsh, objectionable or unreasonable noise, nor permit to escape from such vehicle smoke or pollutants in such amounts or at such levels as may violate motor vehicle air pollution control regulations adopted under the provisions of chapter one hundred and eleven.

*Approved November 9, 1971.*

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**Chap. 1033.** AN ACT DESIGNATING CERTAIN PERSONS WHO OPERATE MOTOR VEHICLES ON THE WAYS OF THE COMMONWEALTH AS HABITUAL TRAFFIC OFFENDERS AND PROVIDING FOR THE REVOCATION OR SUSPENSION OF LICENSES OR RIGHTS TO OPERATE MOTOR VEHICLES OF SUCH PERSONS.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is, in part, to provide maximum safety for the traveling public by authorizing the registrar of motor vehicles to suspend or revoke the license or right to operate motor vehicles of certain persons who are designated as habitual traffic offenders on and after January the first, nineteen hundred and seventy-two, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter 90 of the General Laws is hereby amended by inserting after section 22E the following section:—

*Section 22F.* A person shall be deemed an habitual traffic offender when records maintained by the registrar show that such person has accumulated the following convictions within a ten-year period; provided, however, that when a person who has no prior record of an automobile law violation, as defined in section one of chapter ninety C, is convicted of more than one of the violations referred to in this section, if such offenses all occurred within a six-hour period, such convictions shall for the purposes of this section be treated as a single conviction:—(1) three or more convictions, singularly or in combination, of operating a motor vehicle while under the influence of intoxicating liquor or narcotic drugs in violation of paragraph (a) of subdivision (1) of section twenty-four; operating a motor vehicle recklessly or negligently so that the lives and safety of the public might be endangered; making a false statement in an application for a learner's permit or motor vehicle operator's license or in an application for registration of a motor vehicle; going away without making known his name, residence and the registration number of his vehicle after knowingly colliding with or otherwise causing injury to any person, other vehicle or property, all in violation of paragraph (a) of subdivision (2) of section twenty-four; operating a motor vehicle after suspension or revocation of the person's motor vehicle operator's license or his right to operate motor vehicles in violation of section twenty-three; operating a motor vehicle without a license in violation of section ten; or the commission of any felony in the commission of which a motor vehicle is used; or twelve or more convictions of offenses which are required by any provision of law to be reported to the registrar and for which the registrar is authorized or required to suspend or revoke the person's license or right to operate motor

vehicles for a period of thirty days or more, including convictions of the offenses listed above.

When the records of the registrar on any person contain reports of such convictions as will constitute such person an habitual traffic offender, the registrar shall give notice to such person that a hearing will be held to show cause why such person should not be designated as an habitual traffic offender. Such notice shall be sent not less than twenty-one days prior to the date for such hearing, shall contain a list of the person's convictions and shall otherwise be in such form as the registrar shall prescribe. If the person named in such notice is a nonresident, such notice shall be sent to his last known address of which the registrar has a record; or, if none, to the motor vehicle department of any state in which such person resides or which has issued a motor vehicle operator's license or permit to such person. If such person denies he was convicted of any offense necessary for a determination that he is an habitual offender, and if the registrar cannot, on the evidence available to him, make such determination, the registrar may refer the decision of such issue to the court in which such conviction was made. Said court shall forthwith conduct a hearing to determine such issue and send a certified copy of its final order determining such issue to the registrar.

If the registrar finds that such person is not the same person named in the records of conviction or that he is otherwise not an habitual offender under this section, no action shall be taken; but if the registrar finds that such person is the same person named in the record of conviction and that such person is an habitual offender, the registrar shall immediately revoke such person's license or right to operate. The registrar, after having revoked the license or right to operate of any person under this section, shall not issue a new license or reinstate the right to operate to such person for a period of four years from the date of revocation, nor until such person has satisfactorily completed a driver improvement course approved by the registrar and has passed such examination as to his competence to operate motor vehicles as the registrar may require; provided, however, that such person may, after the expiration of one year, apply for and shall be granted a hearing before the registrar for the purpose of requesting the issuance of a new license on a limited basis on the sole grounds of hardship, and the registrar may, in his discretion, issue such a license under such terms and conditions as he deems appropriate and necessary. An appeal to the superior court may be had, in accordance with the provisions of chapter thirty A, from any order of the registrar of motor vehicles made under the provisions of this section.

**SECTION 2.** The first paragraph of section 23 of said chapter 90 is hereby amended by adding the following sentence:—Any person convicted of operating a motor vehicle after his license to operate has been revoked by reason of his having been found to be an habitual traffic offender, as provided in section twenty-two F, or after notice of such revocation of his right to operate a motor vehicle without a license has been issued by the registrar and received by such person or by his agent or employer and prior to the restoration of such license or right to operate or the issuance to him of a new license to operate

shall be punished by a fine of not less than two hundred dollars nor more than one thousand dollars or by imprisonment for not more than two years, or both.

SECTION 3. Nothing in this act shall be construed as amending, modifying or repealing any existing law of the commonwealth or any existing ordinance of any political subdivision thereof relating to the operation of motor vehicles, the licensing of persons to operate motor vehicles or providing penalties for the violation thereof; nor shall it be construed so as to preclude the exercise of the regulatory powers of any division, agency, department or political subdivision of the commonwealth having the statutory authority to regulate such operation and licensing.

SECTION 4. This act shall take effect on January the first, nineteen hundred and seventy-two and shall apply only to offenses occurring on or after said effective date. *Approved November 10, 1971.*

**Chap. 1034.** AN ACT AUTHORIZING THE TOWN OF WEYMOUTH TO APPROPRIATE MONEY FOR AND PAY CERTAIN SALARY INCREASES GRANTED TO CUSTODIANS OF THE SCHOOL DEPARTMENT OF SAID TOWN.

*Be it enacted, etc., as follows:*

SECTION 1. Notwithstanding any provision of law to the contrary, the town of Weymouth may appropriate money for and pay to the custodians of the school department of said town the amount of money to which they were entitled for the period from September the first to December the thirty-first, nineteen hundred and seventy under a salary increase granted to them which was retroactive to said September the first.

SECTION 2. This act shall take effect upon its passage.

*Approved November 10, 1971.*

**Chap. 1035.** AN ACT FURTHER DEFINING THE SOUTHWESTERN MARINE BOUNDARY OF THE COMMONWEALTH.

*Whereas*, The deferred operation of this act would tend to defeat its purpose which is, in part, to establish on January the first, nineteen hundred and seventy-two a definite ocean lateral boundary between the state of Rhode Island and the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.

*Be it enacted, etc., as follows:*

SECTION 1. Section 3 of chapter 1 of the General Laws, as most recently amended by section 1 of chapter 810 of the acts of 1970, is hereby further amended by adding the following paragraph: —

The marine boundary of the commonwealth in the area of Rhode Island Sound south and west of the towns of Westport, Gosnold and Gay Head shall be and hereby is fixed as follows: from a coastal baseline beginning at the westernmost point of land, at mean low tide, in the town of Gay Head and running westerly to the easternmost point on the contour representing sixty feet of ocean depth above the formation