

HOUSE No. 1783

Mr. Allen of Newton moves to substitute this bill for the bill printed as House, No. 593.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Sixteen.

AN ACT

Relative to Punishment for Reckless Driving of Motor Vehicles and the Operation thereof by Persons under the Influence of Intoxicating Liquors.

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 twenty-two of chapter five hundred and thirty-
2 four of the acts of the year nineteen hundred and nine, as
3 amended by chapter one hundred and twenty-three of the
4 acts of the year nineteen hundred and thirteen, is hereby
5 further amended by striking out the said section, and in-
6 serting in place thereof the following:—*Section 22.*
7 Whoever upon any way operates an automobile or motor
8 cycle, recklessly, or while under the influence of intoxicat-
9 ing liquor, or so that the lives or safety of the public
10 might be endangered, or upon a bet, wager or race, or
11 whoever operates a motor vehicle for the purpose of mak-
12 ing a record and thereby violates any provision of sections

13 sixteen and seventeen of this act, or whoever without
14 stopping and making known his name, residence, and the
15 number of his motor vehicle goes away after colliding
16 with or otherwise causing injury to any other vehicle or
17 property, or whoever uses a motor vehicle without author-
18 ity, shall be punished by a fine of not less than twenty
19 dollars or more than two hundred dollars, or by imprison-
20 ment for a term of not less than two weeks or more than
21 two years, or by both such fine and imprisonment; ex-
22 cept that for a second offence of operating an automobile
23 or motor cycle recklessly a person shall be punished by
24 imprisonment for a term of not less than thirty days or
25 more than two years, and for a second offence of operat-
26 ing an automobile or motor cycle while under the in-
27 fluence of intoxicating liquor, by imprisonment for a term
28 of not less than one year or more than two years. Any
29 person who operates an automobile or motor cycle upon
30 any way in this commonwealth and who, without stop-
31 ping and making known his name, residence, and the
32 number of his motor vehicle, goes away after colliding
33 with or otherwise causing injury to any person, shall be
34 punished by imprisonment for a term of not less than
35 thirty days or more than two years. A conviction of a
36 violation of this section shall be reported forthwith by the
37 court or magistrate to the commission which shall revoke
38 immediately the license of the person so convicted, and no
39 appeal from the judgment shall operate to stay the re-
40 vocation of such license. If it appears by the records of
41 the commission that the person so convicted is the owner
42 of a motor vehicle or vehicles or has exclusive control of
43 any motor vehicle or vehicles as a manufacturer or
44 dealer, the commission may revoke the certificate of regis-
45 tration of any or all motor vehicles so owned or exclu-
46 sively controlled. The commission in its discretion may

47 issue a new license to any person acquitted in the ap-
48 pellate court, or after an investigation or upon hearing
49 may issue a new license to a person convicted in any
50 court: *provided*, that no new license shall be issued by the
51 commission to any person convicted of operating a motor
52 vehicle while under the influence of intoxicating liquor
53 until two years after the date of final conviction, if for a
54 first offence, or five years after any subsequent conviction,
55 and to any person convicted of violating any other provi-
56 sion of this section until sixty days after the date of final
57 conviction if for a first offence, or one year after the date
58 of any subsequent conviction. The prosecution for the
59 violation of any of the provisions of this section if a
60 second offence, shall not, unless the interests of justice
61 require such disposition, be placed on file or otherwise
62 disposed of except by trial, judgment and sentence ac-
63 cording to the regular course of criminal proceedings. It
64 shall be otherwise disposed of only on motion in writing,
65 stating specifically the reasons therefor, and verified by
66 affidavit if facts are relied on. If the court or magistrate
67 certifies in writing that he is satisfied that the reasons
68 relied upon are sufficient and the interests of justice re-
69 quire the allowance of the motion, such motion shall be
70 allowed and such certificate shall be filed in the case. A
71 copy of such motion and certificate shall be sent by the
72 court or magistrate forthwith to the Massachusetts high-
73 way commission.

