

# HOUSE . . . . No. 308

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Bill accompanying the recommendations of the Massachusetts Highway Commission (House, No. 299). Roads and Bridges. January 8.

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## The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Seventeen.

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### AN ACT

Relative to Punishment for the Operation of Motor Vehicles Recklessly and by Persons under the Influence of Intoxicating Liquor.

*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,  
3 as amended by section one of chapter one hundred and  
4 twenty-three of the acts of the year nineteen hundred  
5 and thirteen, and by chapter two hundred and ninety of  
6 the acts of the year nineteen hundred and sixteen, is  
7 hereby further amended by striking out said section and  
8 inserting in place thereof the following:— *Section 22.*  
9 Whoever upon any way operates a motor vehicle while  
10 in an intoxicated condition or while incapable of operating

11 such a vehicle with safety to himself or the public because  
12 of the use of any intoxicating liquor or drug, or whoever  
13 operates a motor vehicle recklessly or so that the lives or  
14 safety of the public might be endangered, or upon a bet,  
15 wager or race, or whoever operates a motor vehicle for  
16 the purpose of making a record and thereby violates any  
17 provision of sections sixteen and seventeen of this act,  
18 or whoever without stopping and making known his  
19 name, residence, and the number of his motor vehicle  
20 goes away after knowingly colliding with or otherwise  
21 causing injury to any other vehicle or property, or who-  
22 ever uses a motor vehicle without authority, shall be  
23 punished by a fine of not less than twenty nor more than  
24 two hundred dollars, or by imprisonment for a term of  
25 not less than two weeks nor more than two years, or by  
26 both such fine and imprisonment; except that for a  
27 second offence of operating a motor vehicle while in an  
28 intoxicated condition or while incapable of operating  
29 such a vehicle with safety to himself or the public be-  
30 cause of the use of any intoxicating liquor or drug, a  
31 person shall be punished by imprisonment for a term of  
32 not less than thirty days nor more than two years. Any  
33 person who operates a motor vehicle upon any way in  
34 this commonwealth and who, without stopping and  
35 making known his name, residence, and the number of  
36 his motor vehicle, goes away after knowingly colliding  
37 with or otherwise causing injury to any person, shall be  
38 punished by imprisonment for a term of not less than  
39 thirty days nor more than two years. A conviction of a  
40 violation of this section shall be reported forthwith by the  
41 court or magistrate to the commission, which may in any  
42 event and shall, unless the court or magistrate recom-  
43 mends otherwise, revoke immediately the license of the  
44 person so convicted, and an appeal from the judgment

45 shall not operate to stay the revocation of the license:  
46 *provided, however,* that the commission may rescind such  
47 a revocation upon the recommendation of the court or  
48 magistrate. If it appears by the records of the commis-  
49 sion that the person so convicted is the owner of a motor  
50 vehicle or vehicles or has exclusive control of any motor  
51 vehicle or vehicles as a manufacturer or dealer, the com-  
52 mission may revoke the certificate of registration of any  
53 or all motor vehicles so owned or exclusively controlled.  
54 The commission in its discretion may issue a new license  
55 to any person acquitted in the appellate court, or to any  
56 person whose case is nol prossed in the appellate court,  
57 or after an investigation or upon hearing may issue a  
58 new license to a person convicted in any court: *provided,*  
59 that in the case of a person whose license stands revoked,  
60 no new license shall be issued by the commission to any  
61 such person convicted of operating a motor vehicle while  
62 in an intoxicated condition or while incapable of operating  
63 such a vehicle with safety to himself or the public because  
64 of the use of intoxicating liquor until one year after the  
65 date of final conviction, if for a first offence, or five years  
66 after any subsequent conviction, and to any such person  
67 convicted of violating any other provision of this section  
68 until sixty days after the date of final conviction if for a  
69 first offence, or one year after the date of any subsequent  
70 conviction. The prosecution for the violation of any of  
71 the provisions of this section if a second offence, shall not,  
72 unless the interests of justice require such disposition, be  
73 placed on file or otherwise disposed of except by trial,  
74 judgment and sentence according to the regular course of  
75 criminal proceedings. It shall be otherwise disposed of  
76 only on motion in writing, stating specifically the reasons  
77 therefor, and verified by affidavit if facts are relied on.  
78 If the court or magistrate certifies in writing that he is

79 satisfied that the reasons relied upon are sufficient and  
80 that the interests of justice require the allowance of the  
81 motion, the motion shall be allowed, and the certificate  
82 shall be filed in the case. A copy of the motion and cer-  
83 tificate shall be sent by the court or magistrate forthwith  
84 to the Massachusetts highway commission.