

By Messrs. Segal of Danvers, Harrington of Salem and Healy of Charlemont, petition of Jerome A. Segal, Michael J. Harrington and Winston Healy for legislation to define the duties of the Division of State Police, the Registry of Motor Vehicles and the Metropolitan District Commission police. Public Service.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Eight.

AN ACT DEFINING THE DUTIES OF THE DIVISION OF STATE POLICE, THE REGISTRY OF MOTOR VEHICLES AND THE METROPOLITAN DISTRICT COMMISSION POLICE.

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. Chapter 16 of the General Laws is hereby
2 amended by inserting after section 9 the following section:—
3 *Section 9A.* The division of motor vehicles shall have the
4 following powers and duties:—
5 (a) it shall issue and keep a proper record of all applica-
6 tions, certificates, licenses and permits provided for under
7 chapter ninety;
8 (b) it shall administer the suspension or revocation of any
9 certificate, license or permit issued under said chapter;
10 (c) it shall keep motor vehicle accident records;
11 (d) it shall administer and supervise the periodic inspec-
12 tion of all motor vehicles and trailers;
13 (e) it shall conduct motor vehicle safety education pro-
14 grams;
15 (f) It shall supervise and regulate driver training pro-
16 grams;
17 (g) it may provide for the inspection of motor vehicles
18 used for the transportation of property with reference to all
19 police requirements, including equipment and weight of
20 loads;

21 (h) it may conduct special investigations of fraudulent
22 application for or illegal use, manufacture or theft of any
23 certificate, license permit, number plate or sticker issued
24 under said chapter.

1 SECTION 2. Chapter 22 of the General Laws is hereby
2 amended by striking out section 3 and inserting in place
3 thereof the following section:—

4 *Section 3.* The commissioner shall be the executive and
5 administrative head of the department. There shall be in the
6 department a division of state police, under his own charge, a
7 division of inspection under the charge of a director to be
8 known as chief of inspections, a division of fire prevention
9 under the charge of a director to be known as the state fire
10 marshal, and a division of subversive activities.

11 It shall be the duty of the division of state police and its
12 officers to enforce the laws of the commonwealth, to police
13 the ways of the commonwealth, except those maintained by
14 the metropolitan district commission, and any other places to
15 which the public has a right of access, to regulate the
16 movement of traffic on such ways and enforce thereon the
17 laws relating to the operation and use of motor vehicles, and
18 to investigate motor vehicle accidents.

19 It shall be the duty of the division of subversive activities
20 to receive reports of subversive activities within the common-
21 wealth, to investigate such reports, to maintain records, to
22 cooperate with the law enforcement agencies of the common-
23 wealth, and to report annually and from time to time as it
24 may deem necessary to the commissioner and to the gov-
25 ernor. The commissioner may assign to duty in such division
26 officers of the uniformed branch of the division of state police
27 who, during such assignment, may hold such rank as the
28 commissioner shall determine.

1 SECTION 3. Chapter 90 of the General Laws is hereby
2 amended by striking out section 29 and inserting in place
3 thereof the following section:—

4 *Section 29.* The registrar shall appoint competent persons
5 to act as investigators, examiners and safety instructors, may
6 remove them for cause, and may define their duties. He may

7 also appoint, and for cause remove, a deputy registrar, an
8 assistant to the registrar, hearing officers, supervising inspec-
9 tors with power to hold hearings, supervisors of special
10 services, and assistant supervisors of special services, and may
11 delegate to such deputy, assistant, hearings officers, super-
12 vising inspectors, supervisors and assistant supervisors the
13 performance of any duty imposed upon the registrar relative
14 to the administration or enforcement of laws relating to
15 motor vehicles. He may establish a section for the inspection
16 of motor vehicles used for the transportation of property with
17 reference to all police requirements, including equipment and
18 weight of loads. Said supervising inspectors with power to
19 hold hearings, supervisors of special services and assistant
20 supervisors of special services, investigators, examiners and
21 safety instructors, with respect to the enforcement of the laws
22 relating to motor vehicles, shall have and exercise throughout
23 the commonwealth all the powers of constables, except the
24 service of civil process, and of police officers, including the
25 power to arrest any person who violates any provision of this
26 chapter, and they may serve all processes lawfully issued by
27 the courts, the department in the exercise of its functions
28 under this chapter or the registrar. The registrar may desig-
29 nate a supervising inspector as supervising inspector of spe-
30 cial investigation and may assign examiners or investiga-
31 tors, not to exceed fifteen in number, to act as special
32 investigators under said supervising inspector; provided, that
33 no person shall be so designated or assigned to such work
34 unless he consents thereto. Said supervising inspector of spe-
35 cial investigations and said special investigators shall have
36 and exercise throughout the commonwealth all the powers of
37 police officers and constables under any provision of law,
38 except the power of serving and executing civil process, and
39 may carry within the commonwealth such weapons as the
40 registrar shall determine. The selectmen of any town and the
41 mayor of any city of less than one hundred inhabitants where
42 there is no police commission or police commissioner, and the
43 police commission or police commissioner, when such exist, of
44 any such city, may appoint special constables, who shall serve
45 without cost to such city or town and who shall have all the
46 powers of police officers and constables in relation to the

47 enforcement of all laws and regulations concerning motor
48 vehicles; provided, however, that no constable or special
49 constable shall stop or arrest any person for violation of a
50 motor vehicle law unless such constable or special constable is
51 in uniform or displays his badge conspicuously on the outside
52 of his outer coat or garment. The chief officer of the police
53 department of every city and town, the chairman of the
54 board of selectmen of such towns as have no regular police
55 department, the commanding officer of metropolitan district
56 commission police stations, or, in the case of toll roads and
57 toll bridges, the chief officer of the police force having
58 jurisdiction to enforce laws relating to motor vehicles
59 thereon, shall notify the registrar within fifteen days, upon
60 blanks furnished by him, of the particulars of every accident
61 referred to in section twenty-six which happens within the
62 limits of his city, town or jurisdiction, or on such toll road or
63 bridge, in which a motor vehicle is involved, together with
64 such further information relative to such accident as the
65 registrar may require, and shall also, if possible, ascertain the
66 name of the person operating such vehicle and notify the
67 registrar of the same. Every such officer, upon the request of
68 the registrar shall demand forthwith the license of any
69 operator and the certificate of registration and number plates
70 of any motor vehicle situated within the city or town where
71 such officer resides when said license or certificate has been
72 suspended or revoked by the registrar, and shall forward the
73 same to the registrar. Whenever the death of any person
74 results from any such accident, the registrar shall suspend
75 forthwith the license of the person operating the motor
76 vehicle involved in said accident and shall order the said
77 license to be delivered to him, unless a preliminary inves-
78 tigation indicates that the operator may not have been at
79 fault; and the registrar shall revoke the same unless, upon
80 investigation and after a hearing, he determines that the
81 accident occurred without serious fault upon the part of the
82 operator of such motor vehicle, and shall order the said
83 license to be delivered to him if not already delivered as
84 aforesaid. No operator whose license revoked under this
85 section shall be licensed again within six months after the
86 date of the suspension, or the date of the revocation if it was

87 not suspended prior to the revocation, nor thereafter except
88 in the discretion of the registrar; provided, that the foregoing
89 shall not be construed to authorize the exercise of such
90 discretion contrary to any provision of section twenty-four.

1 SECTION 4. Chapter 92 of the General Laws is hereby
2 amended by striking out section 61 and inserting in place
3 thereof the following section:—

4 *Section 61.* The police appointed or employed by the
5 commission, except special women police officers, shall have
6 within the metropolitan parks district, and within the towns
7 the duties imposed upon him by law; and the said commission
8 metropolitan water and sewerage districts is situated, all the
9 powers of police officers and constables of towns of this
10 commonwealth, except the power of serving and executing
11 civil process, and may carry within the commonwealth such
12 weapons as the said commission shall authorize. Said police
13 shall be primarily responsible for the protection of property
14 of the commission and the enforcement of laws applicable to
15 reservations, parkways, boulevards, roadways, beaches and
16 other property of the commission, but may, and at the call of
17 any city or town within the parks district shall render it
18 assistance to the extent agreed upon by the commission and
19 the responsible officials of such city or town. Such special
20 women police officers shall have all said powers, except in
21 relation to the service of civil process and to the carrying of
22 weapons, but only within said parks district.

1 SECTION 5. Chapter 147 of the General Laws is hereby
2 amended by striking out section 4 and inserting in place
3 thereof the following section:—

4 *Section 4.* The commissioner may, when public exigency
5 requires, with the approval of the governor, call upon the
6 metropolitan district commission for assistance in performing
7 the duties imposed upon him by law; and the said commis-
8 sion shall, when so called upon, assign to duty under said com-
9 missioner such of the police force under as it and the com-
10 missioner shall determine.

11 The commissioner may, when in his opinion the need
12 exists, with the approval of the governor, call upon the

13 commissioner of administration for assistance in performing
14 the duties imposed upon him by law; and the said commis-
15 sioner of administration shall, when so called upon, assign to
16 duty under said commissioner of public safety such of the
17 capitol police as the said commissioners shall determine.

18 The commissioner may, when in his opinion the need
19 exists, with the approval of the governor, call upon the
20 registrar of motor vehicles for assistance in performing the
21 duties imposed upon him by law: and the said registrar shall,
22 when so called upon, assign to duty under said commissioner
23 such officers and employees under his control as he and the
24 commissioner shall determine.

25 The members of the metropolitan district commission
26 police, the capitol police and the registry of motor vehicles
27 shall, when assigned under this section, have all the powers of
28 state police officers.

1 SECTION 6. Chapter six hundred and thirty-one of the acts
2 of nineteen hundred and fifty-eight is hereby repealed.

