

By Mr. McCarthy, a petition (accompanied by bill, Senate, No. 1090) of Robert E. McCarthy for legislation to further define the procedure whereby motor vehicle licenses may be suspended or revoked. Public Safety.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-nine.

AN ACT FURTHER DEFINING THE PROCEDURE WHEREBY MOTOR VEHICLE LICENSES MAY BE SUSPENDED OR REVOKED.

Whereas, the deferred operation of this act would tend to defeat its purpose, which is to protect the rights of holders of motor vehicle licenses, therefore, it is declared to be an emergency law necessary for the immediate preservation of the public convenience.

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 29 of Chapter 90 of the General Laws, as most re-
2 cently amended by Chapter 702 of the Acts of 1973, is hereby
3 further amended by striking the last two sentences of said
4 section, and inserting in place thereof the following: — When-
5 ever the death of any person results from any such accident,
6 the registrar may revoke the license and suspend the right to
7 operate of the person operating the motor vehicle in said acci-
8 dent, if, after a preliminary investigation and opportunity for
9 a hearing, the registrar determines the operator to have been
10 at serious fault. Where the registrar orders such suspension
11 and revocation he shall order said license to be delivered to
12 him. At least ten days prior to any such suspension and re-
13 vocation the registrar shall notify the operator in writing of
14 his intention to suspend and revoke as of a specified date.
15 Said notice shall specify the reasons for the intended suspen-
16 sion and revocation and shall inform the operator of his right
17 to request in writing a hearing within ten days after the date
18 of such notice on the question of whether there is just cause
19 for such suspension and revocation. Said notice shall specify
20 the time and place of the accident, and shall specify the name

21 and address of known witnesses thereto, if any. If the oper-
22 ator requests opportunity for a hearing, he shall have the
23 right to subpoena and cross-examine any adverse witnesses.
24 If, after such hearing, the registrar determines the operator
25 to have been at serious fault, there shall be just cause for
26 suspension of the right to operate and revocation of the li-
27 cense, and he shall make such order forthwith. Failure on the
28 part of the operator to request a hearing pursuant to this sec-
29 tion shall constitute a waiver of his right to a hearing, and the
30 registrar shall thereafter revoke said license and suspend the
31 right to operate on the date originally specified; except that
32 there shall be no waiver of the right to a hearing and no re-
33 vocation or suspension upon a showing of good cause for fail-
34 ure to request a hearing within the specified time. No oper-
35 ator whose license is revoked or whose right to operate is sus-
36 pended under this section shall be licensed again nor shall his
37 right to operate be reinstated within six months after the date
38 of said action, nor thereafter except in the discretion of the
39 registrar, provided that the foregoing shall be construed
40 to authorize the exercise of such discretion contrary to any
41 provision of section twenty-four of this chapter.