

By Mr. Ruane of Salem, petition of J. Michael Ruane relative to increasing the penalty for the unauthorized use of a motor vehicle from a misdemeanor to a felony. Criminal Justice.

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**The Commonwealth of Massachusetts**

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In the Year One Thousand Nine Hundred and Ninety-Seven.

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AN ACT INCREASING THE PENALTY FOR THE UNAUTHORIZED USE OF A MOTOR VEHICLE FROM A MISDEMEANOR TO A FELONY.

*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. Subdivision (2) of section 24 of chapter 90 of the  
2 General Laws, as most recently amended by section 1 of chapter 156  
3 of the acts of 1975, is hereby further amended by striking  
4 out paragraph (a) and inserting in place thereof the following  
5 paragraph:—

6 (2)(a) Whoever upon any way or in any place to which the  
7 public has a right of access, or any place to which members of the  
8 public have access as invitees or licensees, operates a motor  
9 vehicle recklessly, or operates such a vehicle negligently so that  
10 the lives or safety of the public might be endangered, or upon a  
11 bet or wager or in a race, or whoever operates a motor vehicle for  
12 the purpose of making a record and thereby violates any provision  
13 of section seventeen or any regulation under section eighteen, or  
14 whoever without stopping and making known his name, residence  
15 and the register number of his motor vehicle goes away after  
16 knowingly colliding with or otherwise causing injury to any other  
17 vehicle or property, or whoever loans or knowingly permits his  
18 license or learner's permit to operate motor vehicles to be used by  
19 any person, or whoever makes false statements in an application  
20 for such a license or learner's permit, or whoever knowingly  
21 makes any false statement in an application for registration of a  
22 motor vehicle, shall be punished by a fine of not less than twenty  
23 dollars nor more than two hundred dollars or by imprisonment for

24 not less than two weeks nor more than two years, or both; and  
25 whoever uses a motor vehicle without authority knowing that such  
26 use is unauthorized shall, for the first offense be punished by a  
27 fine of not less than one hundred dollars, nor more than one thou-  
28 sand dollars or by imprisonment in the state prison for not more  
29 than five years, or both, and for a second offense by imprisonment  
30 in the state prison for not more than five years or in a house of  
31 correction for not less than thirty days nor more than two and one-  
32 half years, or by a fine of not more than one thousand dollars, or  
33 by both such fine and imprisonment; and whoever is found guilty  
34 of a third or subsequent offense of such use without authority  
35 committed within five years of the earliest of his two most recent  
36 prior offenses shall be punished by a fine of not less than two hun-  
37 dred dollars nor more than one thousand dollars or by imprison-  
38 ment for not less than six months nor more than two and one-half  
39 years in a house of correction or for not less than two and one-half  
40 years nor more than five years in the state prison or by both fine  
41 and imprisonment; and whoever operates a motor vehicle upon  
42 any way or in any place to which the public has a right of access,  
43 or upon any way or in any place to which members of the public  
44 have access as invitees or licensees, and without stopping and  
45 making known his name, residence and the register number of his  
46 motor vehicle, goes away after knowingly colliding with or other-  
47 wise causing injury to any person shall be punished by imprison-  
48 ment for not less than two months nor more than two years. A  
49 summons may be issued instead of a warrant for arrest upon a  
50 complaint for a violation of any provision of this paragraph if in  
51 the judgment of the court or justice receiving the complaint there  
52 is reason to believe that the defendant will appear upon a  
53 summons.

1 SECTION 2. Paragraph (s) of subdivision (2) of section 24 of  
2 chapter 90 of the General Laws is hereby amended by striking out  
3 the first sentence, as most recently amended by chapter 227 of the  
4 acts of 1973, and inserting in place thereof the following sen-  
5 tence:—

6 The registrar, after having revoked the license or right to  
7 operate of any person under the preceding paragraph of this  
8 section, in his discretion may issue a new license or reinstate the

9 right to operate to him, if the prosecution of such person in the  
10 superior court has terminated in favor of the defendant, or after an  
11 investigation or upon hearing, may issue a new license or reinstate  
12 the right to operate to a person convicted in any court of the viola-  
13 tion of any provision of paragraph (a) of subdivision (2) of this  
14 section; provided, that no new license or right to operate shall be  
15 issued by the registrar to any person convicted of going away  
16 without stopping and making known his name, residence and the  
17 register number of his motor vehicle after having, while operating  
18 such vehicle upon any way or in any place to which the public has  
19 a right of access, or any place to which members of the public  
20 have access as invitees or licensees, knowingly collided with or  
21 otherwise caused injury to any person, or to any person adjudged  
22 a delinquent child by reason thereof under the provisions of  
23 section fifty-eight B of chapter one hundred and nineteen, until  
24 one year after the date of revocation following his original convic-  
25 tion or adjudication if for a first offense or until two years after  
26 the date of revocation following any subsequent conviction or  
27 adjudication, or to any person convicted of using a motor vehicle  
28 knowing that such use is unauthorized, until one year after the  
29 date of revocation following his original conviction or adjudica-  
30 tion if for a first offense or until three years after the date of revo-  
31 cation following any subsequent conviction or adjudication, or to  
32 any person convicted of violating any other provision of para-  
33 graph (a) of subdivision (2) of this section until six days after the  
34 date of revocation following his original conviction if for a first  
35 offense, or one year after the date of revocation following any  
36 subsequent conviction within a period of three years; and pro-  
37 vided further that no new license or right to operate shall be  
38 issued by the registrar to any person under the age of eighteen  
39 years convicted of using a motor vehicle without authority  
40 knowing that such use is unauthorized until such person reaches  
41 the age of nineteen years if for a first offense or until five years  
42 after the date of revocation following a second subsequent convic-  
43 tion, or until ten years after the date of revocation following a  
44 third subsequent conviction.

