

By Mr. Naughton of Clinton, petition of Harold P. Naughton, Jr. and Thomas P. Kennedy relative to operating a motor vehicle in an aggressive, malicious or reckless manner. Public Safety.

The Commonwealth of Massachusetts

In the Year Two Thousand and Three.

AN ACT RELATIVE TO ROAD RAGE.

*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. Section 21 of chapter 90 of the General Laws, as  
2 appearing in the 1998 Official Edition, is hereby amended by  
3 inserting after the word "person", in line 34, the following  
4 words:— , or any person who operates a motor vehicle on any  
5 way or in any place to which the public has a right of access, or  
6 upon any way or in any place to which members of the public  
7 have access as invitees or licensees, aggressively, maliciously or  
8 recklessly so that the safety of at least one other person might be  
9 endangered.

1 SECTION 2. Section 22F of said chapter 90, as so appearing, is  
2 hereby amended by inserting after the word "ten", in line 23, the  
3 following words:— operating a motor vehicle aggressively, mali-  
4 ciously or recklessly so that the safety of at least one other person  
5 might be endangered, in violation of section 24Q.

1 SECTION 3. Said chapter 90 is hereby further amended by  
2 inserting after section 24P the following section:—

3 Section 24Q. Whenever a police officer receives a report of a  
4 road rage incident, he shall investigate the incident as soon as pos-  
5 sible. If the report is substantiated, or the incident occurs in the  
6 officer's presence, the officer shall issue a citation to any violator,  
7 and if such citation is issued, the officer shall notify the registrar

8 of motor vehicles of the incident and the violator by filing RMV  
9 form Request for Immediate Threat License Suspension/Revoca-  
10 tion. The registrar, upon receipt of the immediate threat form shall  
11 immediately suspend the license of the violator and follow the  
12 procedures set forth under section 22 and the rules of regulations  
13 of the registry of motor vehicles regarding the administrative sus-  
14 pension of licenses.

15 An incident of road rage shall be deemed to have occurred  
16 when an individual operates a motor vehicle on any way or in any  
17 place to which the public has a right of access, or upon any way or  
18 in any place to which members of the public have access as invi-  
19 tees or licensees, aggressively, maliciously or recklessly so that  
20 the safety of at least one other person might be endangered. Such  
21 operation may include but shall not be limited to some or all of  
22 the following acts: speeding, following too closely, failure to give  
23 way to a passing vehicle, unsafe lane changes, purposely braking  
24 to endanger or annoy the operator of a following vehicle, threat-  
25 ening to commit bodily injury or another crime, menacing or  
26 obscene gesturing and unnecessary sounding of the horn.

27 If a police officer observes a person operating a motor vehicle  
28 on any way or in any place to which the public has a right of  
29 access, or upon any way or in any place to which members of the  
30 public have access as invitees or licensees, in an erratic manner  
31 fitting the definition of road rage, he may arrest without a warrant  
32 the person responsible for such operation.

33 Any person found guilty of committing an incident of road rage  
34 shall be punished by a fine of not less than \$200 nor more than  
35 \$1,000, or by imprisonment for not more than two and one-half  
36 years in a house of correction, or by both such fine and imprison-  
37 ment. A sentence imposed under this section shall not run concu-  
38 rrent with any sentence imposed under any other chapter and  
39 section for the same incident. Any person found guilty of road  
40 rage shall be required to attend anger management classes or an  
41 anger management program. The frequency of mandatory atten-  
42 dance at such classes or length of program to be recommended by  
43 probation shall be based on a probation officer's assessment of the  
44 individual including prior criminal record and driver history.  
45 Upon conviction of this section, the registrar shall revoke the  
46 license or right to operate of such convicted person for not less

47 than one year nor more than five years, unless the person con-  
48 victed has been issued a commercial driver license, in which case  
49 the registrar shall revoke the commercial driver license for not  
50 less than two years nor more than five years.

51 A police officer of any jurisdiction through which part of an  
52 incident of road rage occurs shall have the authority to investigate  
53 and seek charges through his district court for the entire incident  
54 even though some of the incident may have taken place within  
55 other jurisdictions. This section shall not be construed as  
56 extending police power of arrest, outside the jurisdiction in which  
57 such officers are sworn. Any district court having jurisdiction over  
58 any area through which the road rage incident occurred shall have  
59 jurisdiction regarding all charges stemming from the same inci-  
60 dent.

61 The registrar of motor vehicles shall make rules and regulations  
62 pertaining to the length of suspension or revocation of license or  
63 right to operate of those convicted under this section who hold a  
64 commercial driver license, for second and subsequent offenders,  
65 or those convicted under this section coupled with convictions for  
66 other crimes during the same incident such as, but not limited to:  
67 operating after suspension of license or operating under the influ-  
69 ence and any felony.

