

**An Act Relative to Safe Driving
Transportation Committee Redraft
Section-by-Section Summary**

Section 1. Current Law: Section 8 of Chapter 90 requires that a license or renewal issued to an operator expire on the operator's date of birth 60 months after the effective date of such license.

Section 8C of chapter 90 allows the registrar to refer to the Medical Advisory Board for advisory opinions on standards of fitness for applicants for licenses, and, in addition, for advisory opinions on the applications of persons who apply for licenses to operate motor vehicles or whose right to operate has been suspended or revoked, or whenever the registrar has reason to believe that the operation of a motor vehicle by such persons would be a threat to public safety because of physical or mental disability.

Summary: This section would require that an applicant for renewal of a license who is age 75 or older pass an examination, as developed by the registrar, which would assess the cognitive and physical abilities of the operator. This section would further allow for a process of appeals, including an appeal to the registrar and a further appeal for a road test. Following the road test, the registrar would be required to make a final decision based on the entirety of the operator's record.

Section 2. Current Law: 540 CMR 24.00 regulates the medical qualifications for operators of motor vehicles. This section prohibits any licensee or applicant who is unable to meet the medical qualifications standards from obtaining a learner's permit or license. Upon the Registry's determination that a licensee is unable to meet the medical qualification standards in 540 CMR 42.00 or is otherwise unfit to drive, the Registry shall deny an applicant a license or shall request the licensee voluntarily surrender the license.

540 CMR 2.06 requires that an applicant must pass both a knowledge test and a driving or skills test as prescribed by the Registrar, and must satisfy the Registry's medical qualification standards as set forth in 540 CMR 24.00. This section further requires that if at any time the Registrar has any reason to believe that a person is physically or mentally incapable of operating a motor vehicle, the Registrar may require satisfactory proof of that person's ability to operate a motor vehicle, including, but not limited to, a competency road test.

Summary: This section would allow physicians and law enforcement officers to make a report to the registrar if there is cause to believe that an operator is unable to safely operate a motor vehicle. The operator's license would immediately be suspended, and subject to review by the registrar within thirty days. This section would also allow for the immunity from civil liability for any physician or law enforcement officer making a report.

This section would further require that the registrar inform health care professionals and law enforcement officer about the procedures authorized in the section and develop an informational public outreach campaign about safe driving.

Section 3. Current Law: Section 113B of Chapter 175 of the General Laws allows the commissioner of insurance to adjust premium charges upward for drivers who, in the preceding 5-year period, have accumulated 3 or more unsafe driver points based on 1 or more of the following surchargeable incidents.

It further requires that, if a driver has had 5 surchargeable incidents within the past 3 years, the registrar shall, after a hearing, require the driver to complete a driver education program.

Summary: This section would require that the registrar, upon receiving notification that an operator has had 3 or more surchargeable incidents in the previous year, hold a hearing on those records and then administer an examination to the operator within 30 days.

Section 4. Current Law: N/A

Summary: This section would provide that the registrar implement the provisions of Section 1 no later than ninety days following the effective date of this act.