

**HOUSE . . . . . No.**

**The Commonwealth of Massachusetts**

PRESENTED BY:

**Bradley H. Jones, Jr.**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act increasing the liability for permitting an intoxicated arrestee to operate a motor vehicle.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Viriato Manuel deMacedo	1st Plymouth
Bradley H. Jones, Jr.	20th Middlesex
George N. Peterson, Jr.	9th Worcester
Elizabeth Poirier	14th Bristol

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1502 OF 2007-2008.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand and Nine**

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AN ACT INCREASING THE LIABILITY FOR PERMITTING AN INTOXICATED ARRESTEE TO  
OPERATE A MOTOR VEHICLE.

*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 90 of the General Laws, as most recently amended by chapter 303 of the  
2 acts of 2008, is hereby amended by inserting after section 24X, the following new section:—

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4 Section 24Y. (a) Any vehicle operated by a person arrested for a violation of subparagraph (1)  
5 of paragraph (a) of section 24 or section 24L shall be removed and impounded as provided by  
6 the provisions of this section, section 69L of chapter 111 and section 2C of chapter 85 and any  
7 rule or regulation adopted thereunder, for a period not less than 12 hours from the time of such  
8 arrest.

9 (b) Whenever a person is summoned by or on behalf of a person who has been arrested for a  
10 violation of subparagraph (1) of paragraph (a) of section 24 or section 24L, in order to transport  
11 or accompany the arrestee from the premises of a law enforcement agency, the law enforcement  
12 agency shall provide that person with a written statement advising that person of the potential  
13 criminal and civil liability for permitting or facilitating the arrestee's operation of a motor  
14 vehicle while the arrestee remains under the influence or impaired by alcohol, drugs, drugs and  
15 alcohol, a controlled dangerous substance, or any combination thereof.

16 (1) The person to whom the statement is issued shall acknowledge, in writing, receipt of the  
17 statement, or the law enforcement agency shall record the fact that the written statement was  
18 provided, but the person refused to sign an acknowledgment.

19 (2) The attorney general shall establish the content and form of the written statement and  
20 acknowledgment to be used by law enforcement agencies throughout the commonwealth.

21 (3) Nothing in this section shall impose any obligation on a physician or other health care  
22 provider involved in the treatment or evaluation of the arrestee.

23 (c) A motor vehicle impounded under this section may not be released unless the person  
24 claiming the motor vehicle:

25 Presents a valid driver's license, proof of ownership of or lawful authority to operate the motor  
26 vehicle, and proof of valid motor vehicle insurance for that motor vehicle, or

27 Subject to review of the district court, meets any other reasonable condition for release that is  
28 established by the law enforcement agency.

29 (d) A law enforcement agency that impounds a motor vehicle under this section may charge a  
30 reasonable fee for towing and storage of the motor vehicle and may retain the motor vehicle until  
31 the fee is paid.

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