

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Harold P. Naughton, 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 relative to road rage.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Harold P. Naughton, Jr.	12th Worcester

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3585 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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 appearing in the 2002 Official Edition, is
2 hereby amended by inserting after the word “person”, in line 34, the following words:— , or any person
3 who operates a motor vehicle on any way or in any place to which the public has a right of access, or
4 upon any way or in any place to which members of the public have access as invitees or licensees,
5 aggressively, maliciously or recklessly so that the safety of at least one other person might be
6 endangered.
- 7 SECTION 2. Section 22F of said chapter 90, as so appearing, is hereby amended by inserting after the
8 word “ten”, in line 23, the following words:— operating a motor vehicle aggressively, maliciously or
9 recklessly so that the safety of at least one other person might be endangered, in violation of section
10 24Q.
- 11 SECTION 3. Said chapter 90 is hereby further amended by inserting after section 24P the following
12 section:—
- 13 Section 24Q. Whenever a police officer receives a report of a road rage incident, he shall investigate the
14 incident as soon as possible. If the report is substantiated, or the incident occurs in the officer’s
15 presence, the officer shall issue a citation to any violator, and if such citation is issued, the officer shall
16 notify the registrar of motor vehicles of the incident and the violator by filing RMV form Request for
17 Immediate Threat License Suspension/Revocation. The registrar, upon receipt of the immediate threat
18 form shall immediately suspend the license of the violator and follow the procedures set forth under
19 section 22 and the rules of regulations of the registry of motor vehicles regarding the administrative
20 suspension of licenses.
- 21 An incident of road rage shall be deemed to have occurred when an individual operates a motor vehicle
22 on any way or in any place to which the public has a right of access, or upon any way or in any place to
23 which members of the public have access as invitees or licensees, aggressively, maliciously or recklessly
24 so that the safety of at least one other person might be endangered. Such operation may include but

25 shall not be limited to some or all of the following acts: speeding, following too closely, failure to give
26 way to a passing vehicle, unsafe lane changes, purposely braking to endanger or annoy the operator of a
27 following vehicle, threatening to commit bodily injury or another crime, menacing or obscene gesturing
28 and unnecessary sounding of the horn.

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

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

45 A police officer of any jurisdiction through which part of an incident of road rage occurs shall have the
46 authority to investigate and seek charges through his district court for the entire incident even though
47 some of the incident may have taken place within other jurisdictions. This section shall not be construed
48 as extending police power of arrest, outside the jurisdiction in which such officers are sworn. Any district
49 court having jurisdiction over any area through which the road rage incident occurred shall have
50 jurisdiction regarding all charges stemming from the same incident.

51 The registrar of motor vehicles shall make rules and regulations pertaining to the length of suspension
52 or revocation of license or right to operate of those convicted under this section who hold a commercial
53 driver license, for second and subsequent offenders, or those convicted under this section coupled with
54 convictions for other crimes during the same incident such as, but not limited to: operating after
55 suspension of license or operating under the influence and any felony.

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