

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

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Karyn E. Polito**

*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 blood alcohol testing.

PETITION OF:

NAME:

Karyn E. Polito

DISTRICT/ADDRESS:

11th Worcester

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1894 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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### AN ACT RELATIVE TO BLOOD ALCOHOL TESTING.

*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. Subsection (e) of Section 24 of Chapter 90 of the General Laws, is hereby amended  
2 by striking the words “at the time of the alleged offense” in lines 463-464, and inserting in place thereof  
3 the following:— “within 2 hours of the alleged offense”.

4           SECTION 2. Subparagraph (iii) of paragraph (1) of subsection (f) of Section 24 of said Chapter  
5 90 is further amended by striking the following words in lines 571-580 of paragraph 2:— “provided,  
6 however, that the defendant may immediately, upon the entry of a not guilty finding or dismissal of all  
7 charges under this section, section twenty-four G or twenty-four L, and in the absence of any other  
8 alcohol related charges pending against said defendant, apply for and be immediately granted a hearing  
9 before the court which took final action on the charges for the purpose of requesting the restoration of  
10 said license. At said hearing, there shall be a rebuttable presumption that said license be restored, unless  
11 the commonwealth shall establish, by a fair preponderance of the evidence, that restoration of said license  
12 would likely endanger the public safety”.

13           SECTION 3. Paragraph 1 of subsection F of Section 24 of said Chapter 90 is further amended in  
14 line 515 by inserting after the words “under the influence of intoxicating liquor.”, the following words:--  
15 “In the event that a person operating a motor vehicle on a public way causes or is involved in a collision  
16 with another motor vehicle or another person that results in the death of one or more persons, that person  
17 shall be subject to a chemical analysis of his breath or a blood test.”.