

**SENATE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Robert A. O'Leary (BY REQUEST)**

*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 driver's education in public high schools.

PETITION OF:

NAME:

Tom and Barbara

DISTRICT/ADDRESS:

48 Martha's Road  
Edgartown, MA 02539

# The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine  
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## AN ACT RELATIVE TO DRIVER'S EDUCATION IN PUBLIC HIGH SCHOOLS.

*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 10 of the general laws is hereby amended by adding the following  
2 section:-

3           Section 75. There is hereby established on the books of the commonwealth a separate  
4 fund known as the Young Driver Education Trust Fund. Said trust fund shall consist of monies  
5 paid to the commonwealth pursuant to section 20 of chapter 90 requiring a 5 per cent surcharge  
6 on all assessments for moving violations and any interest or investment earnings on such monies.  
7 The state treasurer, ex officio, shall be the custodian of said trust fund and shall receive, deposit  
8 and invest all monies transmitted to him under this section and shall credit interest and earnings  
9 on the trust fund to the fund. Funds collected pursuant to said section 20 shall be expended  
10 without further appropriation for the purpose of maintaining driver education courses in public  
11 schools for high school students, as required by section 13D of chapter 71. In order to ensure  
12 that such courses are continued without interruption, the comptroller may certify for payment

13 amounts in anticipation of revenues collected for the corresponding quarter during the previous  
14 fiscal year.

15 SECTION 2. Section 13D of chapter 71 of the general laws, as appearing in the 2006  
16 Official Edition, is hereby amended by striking out, in line 1, the word “may” and inserting in  
17 place thereof the following word:-- shall.

18 SECTION 3. The first paragraph of section 20 of chapter 90 of the General Laws, as  
19 amended by section 44 of chapter 182 of the acts of 2008, is hereby further amended by striking  
20 out, in line 34, the words “and, provided further” and inserting in place thereof the following  
21 words:- provided further.

22 SECTION 4. Said section 20 of said chapter 90, as so appearing, is hereby further  
23 amended by striking out the word “dollars” and inserting in place thereof the following words:--  
24 dollars; provided further, that there shall be a surcharge of 5 per cent of the fine assessed against  
25 a person who is convicted of or found responsible of any violation of this chapter which is a  
26 moving violation for the purpose of determining surcharges on motor vehicle premiums pursuant  
27 to section 113B of chapter 175, unless the court reduces or waives such surcharge upon a written  
28 finding of fact that such surcharge would cause the person against whom the surcharge is  
29 imposed severe financial hardship and such finding was made independently of a finding of  
30 indigence for purposes of appointing counsel; and provided further, that monies accrued from  
31 such 5 per cent surcharge shall be transferred by the registrar of motor vehicles to the state  
32 treasurer for deposit into the Young Driver Education Trust Fund.

33 SECTION 5. This act shall be known as and may be cited as “David’s Law.”