

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Mr. Brewer

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 increasing the civil fines and financial responsibilities and criminal penalties of motorists who violate the right of way of other motorists, motorcyclists, bicyclists and/or pedestrians, resulting in serious bodily injury and/or death.

PETITION OF:

NAME:

Mr. Brewer

DISTRICT/ADDRESS:

Worcester, Hampden, Hampshire and Franklin

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO INCREASING THE CIVIL FINES AND FINANCIAL RESPONSIBILITIES AND CRIMINAL PENALTIES OF MOTORISTS WHO VIOLATE THE RIGHT OF WAY OF OTHER MOTORISTS, MOTORCYCLISTS, BICYCLISTS AND/OR PEDESTRIANS, RESULTING IN SERIOUS BODILY INJURY AND/OR DEATH.

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 8 of chapter 89, as appearing in the 1998 Official Edition, is hereby
2 amended by striking out in the last sentence the words "thirty-five" and replacing it with "two
3 hundred."

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5 SECTION 2. Section 8 of Chapter 89 of the General Laws, as so appearing, is hereby amended
6 by adding at the end of said section the following new paragraph:

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8 Any person who is found guilty of or pleads guilty or nolo contendere to a violation of the
9 provisions of this Section shall be subject to the following penalties:

10
11 (a) If the violation results in the injury of another person, the offender shall, in addition to any
12 other penalties, be fined two hundred dollars and have their driver's or commercial driver's
13 license or permit or nonresident operating privilege suspended for a period of not less than thirty
14 days, or both.

15 (b) If the violation results in the serious bodily injury of another person, the offender shall, in
16 addition to any other penalties, be fined five hundred dollars and have their driver's or
17 commercial driver's license or permit or nonresident operating privilege suspended for a period
18 of not less than ninety days, or both.

19 (c) If the violation results in the death of another person, the offender shall, in addition to any
20 other penalties, be fined one thousand dollars and have their driver's or commercial driver's
21 license or permit or nonresident operating privilege suspended for a period of not less than one
22 hundred eighty days, or both.

23 (d) For purposes of this Section, "serious bodily injury" shall mean a bodily injury which

24 involves unconsciousness, extreme physical pain, or protracted and obvious disfigurement,
25 protracted loss or impairment of the function of a bodily member, organ, or mental faculty, or a
26 substantial risk of death.

27

28 SECTION 3. This bill shall take effect July 1, 2009.