

# MISC. RULES OF THE ROAD

The following are motor vehicle traffic laws that have not been covered in a specific section. It is illegal to:

- Drive on a bet or wager
- Engage in drag racing
- Throw garbage or glass onto a roadway or onto public or private land
- Throw lighted cigarettes or anything else from a motor vehicle that can cause a fire near a forest or open field
- Bypass or cut out a motor vehicle's muffler system
- Send or read an electronic message

You must return used motor oil, transmission fluid, and other hazardous materials to the place you bought the materials. The garage or store that sold you the goods is responsible for disposing of the goods.

## BEING IN SHAPE TO RIDE

Whether it be in the form of beer, wine, or hard liquor, alcohol is a depressant that slows your reflexes, increases your reaction time, and distorts your vision and judgment. At the same time, alcohol often makes you feel more confident about your riding ability, causing you to take chances while riding that you normally would not take. This is a dangerous combination that often leads to serious motor vehicle accidents and tragic deaths.

Even one alcoholic drink can affect your ability to ride safely. The effects of alcohol can increase significantly if you are tired, emotionally upset, or have not eaten. No one is immune from the effects of alcohol consumption. Despite the rider's efforts to concentrate, one's ability to operate any vehicle safely is impaired after drinking. Alcohol is a drug that reduces the mental faculties and motor skills of all operators.

## BLOOD ALCOHOL CONTENT (BAC)

When you drink an alcoholic beverage, your body works hard to eliminate the alcohol from your system. You do not digest alcohol as you do food. Alcohol is processed by your liver and kidneys, and this process takes time. There is no quick way to remove the alcohol from your system. Drinking black coffee, taking a cold shower, exercising, or eating might make you feel more alert after drinking alcohol, but none of these actions has any effect on how quickly alcohol leaves the body.

Ideally, if you have had any alcoholic beverage, you should not ride or operate any motor vehicle. Determining exactly what is "too much" alcohol can be difficult. The amount of unprocessed alcohol in your body is measured as blood alcohol content (BAC), which can be determined by blood or breath test analysis. Your BAC depends on several factors:

- Your body weight
- How much alcohol you have had to drink
- The amount of food consumed prior to drinking alcohol
- The length of time you have been drinking alcohol
- The speed at which your body processes alcohol (every person processes alcohol differently)

Regardless of the type of alcoholic beverage consumed, the critical factor is the amount of alcohol consumed in a certain time period. Each of the following drinks contain about the same amount of alcohol (about ½ oz.):

- 12 ounce Beer
- 4 ounce Glass of Wine
- 1 ounce Serving of 80-Proof Liquor

Any one of these drinks can increase the average person's BAC by 0.02%. If you consume more than one drink per hour, your BAC starts to rise, and only the passage of time will rid you of the effects of alcohol.

## **ALCOHOL TESTS**

According to the Massachusetts Implied Consent Law, every licensed operator in the state agrees to consent to a breathalyzer or blood test under certain circumstances. If you are stopped by a police officer who believes you are operating a motor vehicle or motorcycle under the influence of alcohol or drugs, the officer has the right to ask you to:

- Perform a field sobriety test
- Submit to a breathalyzer or blood test to calculate your BAC (If Placed Under Arrest)

If you take a breathalyzer test and register a 0.08% BAC or higher, you are operating above the legal limit in Massachusetts. For operators under 21 years of age, Massachusetts has a "zero tolerance" law. This means a BAC of 0.02% is above the legal limit if you are under 21 years of age. Police officers are required to immediately seize your operator's license if you register an illegal BAC or if you refuse a breathalyzer or blood test. The officer will issue you a notice of suspension or revocation, which will become effective immediately. Upon receiving this notice, you may exercise your right to a license suspension or revocation hearing.

Massachusetts enforces very strict penalties for OUI offenses. In October 2005, Massachusetts passed Melanie's Law (Chapter 122 of the Acts of 2005). This new law substantially increases the penalties and administrative sanctions for OUI offenses. Please contact the RMV at 857-368-8000 or visit the website [www.massrmv.com](http://www.massrmv.com) for further information regarding these OUI license suspensions and revocations.

## **ILLEGAL DRUGS, MEDICINE, AND OTHER CONTROLLED SUBSTANCES**

Massachusetts laws that define violations and penalties for operating under the influence of alcohol also apply to drugs. Almost any drug can affect your ability to safely operate a motor vehicle. Illegal drugs, prescription medications, and over-the-counter (OTC) remedies all decrease the operator's reaction time, vision, and motor skills. If you are convicted of any drug offense, whether in Massachusetts or in another state, your operator's license will be suspended. Even if no motor vehicle was involved in the offense, Massachusetts law requires operators to lose operating privileges for a period of one (1) to five (5) years, depending on the conviction.

# Penalties for Operating a Motor Vehicle Under the Influence Alcohol or Drugs

Conviction	Fine	Prison Term	License Suspension
<b>First Offense</b>	\$500–\$5,000	Maximum 2 1/2 years	1 year
For your first offense, the court may allow you to complete an alcohol education course to reduce your license suspension period.			Over Age 21, 45–90 days Under Age 21, 210 days
<b>Second Offense</b>	\$600–\$10,000	Minimum 30 days Maximum 2 1/2 years	2 years
<b>Third Offense (Felony)</b>	\$1,000–\$15,000	Minimum 150 days Maximum 5 years	8 years
<b>Fourth Offense (Felony)</b>	\$1,500–\$25,000	Minimum 1 year Maximum 5 years	10 years
<b>Fifth Offense (Felony)</b>	\$2,000–\$50,000	Minimum 2 years Maximum 5 years	Lifetime

# Mandatory LICENSE Suspensions

(18 YEARS OF AGE AND OLDER)

Situation	Explanation	Suspension Period	Fee to Reinstate
<b>Three Speeding Violations</b>	Three speeding violations/ responsible findings within any 1-year period.	30 days	\$100
<b>Three Surchargeable Events</b>	Any combination of moving violations and surchargeable accidents that total three surchargeable events within a 2-year period.	Must complete driver retraining program within 90 days or license will be suspended indefinitely until course is completed	\$100
<b>Seven Surchargeable Events</b>	Any combination of moving violations and surchargeable accidents that total seven surchargeable events within a 3-year period.	60 days	\$100
<b>Habitual Traffic Offender</b>	A total of three major moving violations or any combination of twelve major or minor moving violations within a 5-year period.	4 years	\$500
<b>Out-of-State Suspension</b>	License has been suspended or revoked in another state.	Until the out-of-state suspension is resolved	\$100

# Mandatory PERMIT Suspensions

## Junior Operators Only (16 to 18 Years)

Violation	Suspension Period	Reinstatement Requirements	Fee to Reinstale
<b>Conviction for Driving Without a Licensed Driver (c. 90, §8B)</b>	60 days— first offense 180 days— second offense One year— subsequent offenses	All offenses require you to retake the learner's permit exam. Second offense requires a Driver Attitudinal Retraining course.	\$100
<b>Conviction for Driving During the Night Restriction (c. 90, §10) (c. 90, §8B)</b>	60 days— first offense 180 days— second offense One year— subsequent offenses	All offenses require you to retake the learner's permit exam. Second offense requires a Driver Attitudinal Retraining course.	\$100
<b>Conviction for Speeding (c. 90, §17) (c. 90, §17A) (c. 90, §18)</b>	90 days— first offense One year— second or subsequent offense	All offenses require a new learner's permit exam.	\$100
<b>Conviction for Drag Racing (c. 90, §17B)</b>	One year— first offense Three years— second or subsequent offense	All offenses require a new learner's permit exam and a Driver Attitudinal Retraining course. In addition, you may be required to take a State Courts Against Road Rage (SCARR) course.*	\$500-first offense \$1000-second or subsequent offense
<b>Conviction for the Use of a Mobile Electronic Device (text or phone) (c. 90, §8M)</b>	60 days— first offense 180 days— second offense One year— subsequent offenses	First offense requires a \$100 fine, a new learner's permit exam, and a Driver Attitudinal Retraining Course.	\$100
<b>Conviction for Negligent Operation and Injury from Mobile Phone Use (c. 90, §24)</b>	180 days— first offense One year— second or subsequent offense	Second and subsequent offenses require a new learner's permit exam.	\$500

**Note:** In addition to any other penalty required by law, Massachusetts General Laws chapter 90, section 24p requires that any Junior Operator who is convicted of Operating Under the Influence (OUI), Operating to Endanger, Leaving the Scene of an Accident, Drinking from an Open Alcohol Container, OUI with Serious Bodily Injury, Unauthorized Use of a Motor Vehicle, Reckless/Negligent Operation, Loaning/Allowing Another to Use Your License or Learner's Permit, or Motor Vehicle Homicide will face a 180 day suspension (in addition to any other suspension required by law) for a first offense, or a one year suspension for any subsequent offense. This additional suspension only applies to Junior Operators, and only in cases in which they did not already receive an additional suspension for failing or refusing a breath test.

**In addition to the penalties listed, your parent or guardian will be notified of the suspension.**

**All fees are subject to change at any time.**

# Mandatory LICENSE Suspensions

## Junior Operators Only (16½ to 18 Years)

Violation	Suspension Period	Reinstatement Requirements	Fee to Reinstatement
<b>Conviction for Violating Passenger or Night Restriction</b> (c. 90, §8, c. 90, §10)	60 days— first offense 180 days— second offense One year— subsequent offenses	Second and subsequent offenses require a Driver Attitudinal Retraining course. Third and subsequent offenses require a new learner's permit and road exam.	\$100
<b>Conviction for Speeding</b> (c. 90, §17, c. 90, §17A, c. 90, §18)	90 days— first offense One year— second or subsequent offense	All offenses require a new learner's permit exam, a Driver Attitudinal Retraining course, and a new road test. In addition, you may be required to take a State Courts Against Road Rage (SCARR) course.*	\$500
<b>Conviction for Drag Racing</b> (c. 90, §17B)	One year— first offense Three years— second or subsequent offense	All offenses require a new learner's permit exam, a Driver Attitudinal Retraining course, and a new road test. In addition, you may be required to take a State Courts Against Road Rage (SCARR) course.*	\$500—first offense \$1000—second or subsequent offense
<b>Conviction for Driving Negligently or Recklessly/ Operating to Endanger</b> (c. 90, §24)	180 days— first offense One year— second or subsequent offense (within a three year period)	Second and subsequent offenses require a new learner's permit exam and a new road test.	\$500
<b>Conviction for the Use of a Mobile Electronic Device (text or phone)</b> (c. 90, §8M)	60 day— first offense 180 days— second offense One year— subsequent offenses	First offense requires a \$100 fine, a new learner's permit exam, a Driver Attitudinal Retraining Course, and a new road test.	\$100
<b>Conviction for Negligent Operation and Injury from Mobile Phone Use</b> (c. 90, §24)	180 days— first offense One year— second or subsequent offense	Second and subsequent offenses require a new learner's permit exam and a new road test.	\$500

**Note:** In addition to any other penalty required by law, Massachusetts General Laws chapter 90, section 24p requires that any Junior Operator who is convicted of Operating Under the Influence (OUI), Operating to Endanger, Leaving the Scene of an Accident, Drinking from an Open Alcohol Container, OUI with Serious Bodily Injury, Unauthorized Use of a Motor Vehicle, Reckless/Negligent Operation, Loaning/Allowing Another to Use Your License or Learner's Permit, or Motor Vehicle Homicide will face a 180 day suspension (in addition to any other suspension required by law) for a first offense, or a one year suspension for any subsequent offense. This additional suspension only applies to Junior Operators, and only in cases in which they did not already receive an additional suspension for failing or refusing a breath test.

\*A Junior Operator will only be required to take the SCARR course one time.

## Registry of Motor Vehicles

P.O. Box 55889  
Boston, MA 02205-5889

Deval L. Patrick, Governor

Richard A. Davey, Secretary and CEO of Transportation

Celia J. Blue, Registrar

For comprehensive RMV information,  
visit our website at [www.massrmv.com](http://www.massrmv.com)

We provide personalized responses to your RMV questions via E-mail.

Contact the RMV Phone Center for

- Registry information
- Moving violation citation payments
- Registration renewals

To reach the \*Phone Center, call

**857-368-8000**

(from the 339/617/781/857 MA area codes or from outside of MA)

or

**800-858-3926**

(from all other MA area codes)

The Phone Center is open from 9 a.m. to 5 p.m.  
Visa, MasterCard, and Discover are accepted.



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