

## Legal Update

April 3, 2007

### Detailed Summary of the New Junior Operator's Law

#### **EFFECTIVE DATE:**

The Junior Operator's Law took effect on **March 31, 2007**, except for the changes made to Chapter 90, § 8 – *minimum requirements to obtain a junior operator's license* - which take effect **September 1, 2007**.

#### **Chapter 71, § 13D:    *High Schools; required subjects; driver training***

The new law gives the Registry of Motor Vehicles (RMV) exclusive control over the content of driver education courses. Additionally, anyone conducting a driver education course must be certified by the registrar as a driving instructor.

#### *Old Law*

#### *New Law*

<i>The content of the driver education courses shall be established by the commissioner of education in collaboration with the registrar of motor vehicles.</i>	<i>The content of driver education courses shall be established by the registrar of motor vehicles. No school committee and no high school, public or private, shall employ a person to conduct a driver education course unless the person is certified by the registrar as a driving instructor.</i>
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#### **Chapter 90, §8:    *Operator's licenses; applications; examinations***

The new law increases the minimum requirements for an individual to obtain a junior operator's license.

#### *Old Law*

#### *New Law*

Successfully complete a driver education and training course.	Successfully complete a driver education and training course.
No less than <b>12</b> hours of supervised driving.	No less than <b>40</b> hours of supervised driving, or <b>30</b> hours if the applicant has successfully completed a driver skills development program pursuant to c.90, §32G ½.

The current law restricts driving with a junior operator's license unless accompanied by a licensed driver 21 years or older with 1 year or more driving experience. The new law increases the duration of license suspensions for any violation of a passenger restriction.

*Old Law*

*New Law*

First offense – 30 day loss of license.	First offense – 60 day loss of license.
Second offense – 60 day loss of license.	Second offense – 180 day loss of license and completion of the attitudinal retraining course.*
Third or subsequent offense – 90 day loss of license.	Third or subsequent offense – 1 year loss of license and completion of the attitudinal retraining course.
	Allows exemption for emancipated minors.

The new law changes the night driving restrictions and creates license suspensions for any violation of a night driving restriction.

*Old Law*

*New Law*

Restricts driving from 12:00am – 5:00am for duration of junior operator licensure, unless accompanied by parent/guardian. Primary enforcement (only enforceable when stopped for another violation or offense) 1:00am – 4:00am.	Restricts driving from 12:30am – 5:00am.
No loss of license indicated.	First offense – 60 day loss of license.
No loss of license indicated.	Second offense – 180 day loss of license and completion of the attitudinal retraining course.
No loss of license indicated.	Third or subsequent offense – 1 year loss of license and completion of the attitudinal retraining course.
	Allows exemption for emancipated minors.

The new law creates a requirement that the RMV send notice of suspension to a junior operator's licensee and parent or guardian.

*Old Law*

*New Law*

No notice required.	RMV to send notice of suspension to licensee and parent or guardian.
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**Chapter 90, §8B:      *Learner's Permits***

The current law restricts driving on a learner's permit unless accompanied by a licensed driver 21 years or older with 1 year or more driving experience. The new law creates permit suspensions for a violation of the passenger restrictions.

<i>Old Law</i>	<i>New Law</i>
No loss of permit indicated.	First offense – 60 day loss of permit.
No loss of permit indicated.	Second offense – 180 day loss of permit and completion of the attitudinal retraining course.
No loss of permit indicated.	Third or subsequent offense – 1 year loss of permit and completion of the attitudinal retraining course.

The current law restricts driving on a learner's permit between the hours of 12:00am – 5:00am unless accompanied by a parent or legal guardian (exceptions made for emancipated minors) with primary enforcement (only enforceable when stopped for another violation or offense) from 1:00am – 4:00am. The new law creates permit suspensions for a violation of the night driving restrictions.

<i>Old Law</i>	<i>New Law</i>
No loss of permit indicated.	First offense – 60 day loss of permit.
No loss of permit indicated.	Second offense – 180 day loss of permit and completion of the attitudinal retraining course.
No loss of permit indicated.	Third or subsequent offense – 1 year loss of permit and completion of the attitudinal retraining course.

**Chapter 90, § 17B:      *Drag Racing; penalties***

The new law increases penalties for a violation of the drag racing statute while operating on a junior operator's license or learner's permit.

<i>Old Law</i>	<i>New Law</i>
First offense – a fine of not less than \$100 nor more than \$500 and a 30 day loss of license or permit.	<b>First offense</b> while operating on a junior operator's license or learner's permit – a fine of not less than \$250 fine, a 1 year loss of license or permit, completion of the SCARR program*, attitudinal retraining course, second road test for junior operator's license/reapplication for learner's permit, and a \$500 reinstatement fee.
Second offense – a fine of not less than	<b>Subsequent offense</b> while operating on

\$200 nor more than \$1,000 and a 180 day loss of license or permit.	a junior operator's license or learner's permit – not less than \$500 fine, a 3 year loss of license or permit, completion of the SCARR program, attitudinal retraining course, second road test for junior operator's license/reapplication for learner's permit, and a \$1,000 reinstatement fee.
Third – a fine of not less than \$200 nor more than \$1,000 with a 1 year loss of license or permit.	

**Chapter 90, §20: Penalties and punishments**

The new law increases the maximum fine allowable for operating without a license.

*Old Law*

*New Law*

<i>Fine of not less than \$100 nor more than \$200.</i>	<i>Fine of not less than \$100 nor more than \$1,000.</i>
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The new law increases the suspension periods for a speeding violation while operating with a junior operator's license or a learner's permit.

*Old Law*

*New Law*

First offense – no loss of license or permit.	First offense – 90 day loss of license or permit.  *Additional penalties apply for junior operator's including completion of the SCARR program, attitudinal retraining course, a second road test, and a \$500 reinstatement fee.
Second offense – 180 day loss of license.  * Junior operator's license only.	Subsequent offense – 1 year loss of license or permit.  *Additional penalties apply for junior operator's including completion of the SCARR program, attitudinal retraining course, a second road test, and a \$500 reinstatement fee.
Third or subsequent offense within a 12 month period – 30 day permit suspension.  * Learner's permit only.	

**Chapter 90, § 24(2) (c): *Driving while under the influence of intoxicating liquor, etc.;***

The new law increases the license suspensions for operating a motor vehicle recklessly or negligently on a junior operator's license.

*Old Law*

*New Law*

First offense – 60 day loss of license.	First offense – 180 loss of license.
Subsequent offense within 3 years – up to 1 year loss of license.	Subsequent offense within 3 years – 1 year loss of license.

**Note:** There are other provisions in this new law including licensing of driver's education courses and instructors, etc. that are not included in this summary. Please refer to the law for details.

\* The Attitudinal Retraining Course is sponsored by the National Safety Council.

\*\* The SCARR Program is conducted by Sergeant Richard W. Eubanks of the Massachusetts State Police.