

**OUI Loss of License in Massachusetts**

**I. BREATH TESTS**

**A. Failure (blows .08 or greater)**

- 30 days loss of license
- Terminates on plea/trial/dismissal.
- NO 15-day temporary license

**B. Refusals –**

- Length of suspension is based on the number of prior convictions. See amended paragraph (f) of subdivision of (1) of §24 of c. 90 (see below)
- **No hardship licenses** available for period of suspension as result of refusal to take breath unless receive a 24D disposition
- Refusal suspension shall run *consecutively* with any other suspensions related to conviction, or assignment to program (unclear which suspension should run first)
- Judge may reinstate license after acquittal, dismissal or nolle prosequi
- NO 15- day temporary license after refusal;
- After refusal shall impound vehicle being driving for 12-hours.

<b>Refusal #</b>	<b>Loss of License</b>
0 prior or prior CWOFF	<b>180 day</b> (CWOFF of priors do not count as prior conviction when calculating the length of the suspension for a refusal)
Under 21 or 1 prior conviction	<b>3 years</b> when there is 1 prior conviction (CWOFF of priors do not count as prior conviction) <i>or</i> if defendant is under 21 years old
2 prior convictions	<b>5 years</b>
3 prior convictions	<b>Lifetime</b>
Prior conviction OUI w. SBI (90:24L)	<b>10 years</b> (note: there is an internal inconsistency as to the length of this suspension, though it is assumed the Registry will apply the harsher suspension. See paragraph (f) of subdivision of (1) of §24 of c. 90.)
Prior conviction of OUI motor vehicle homicide or manslaughter by mv (90:24G(A) or (B); 265:13 ½)	<b>Lifetime</b> (note: there is an internal inconsistency as to the length of this suspension, though it is assumed the Registry will apply the harsher suspension. See paragraph (f) of subdivision of (1) of §24 of c. 90.)

**PENALTIES** (Note: other than hardship license issues, all penalties are unchanged except as to < 21 yrs.old)

**A. 1<sup>st</sup> Offense or Prior OUI > 10 Years- Alternative Program-Misdemeanor**

**24D Program (unchanged except if <21-years-old and blows >.20)**

- Probation not more than 2-years
- Assigned treatment program
- LOL 45 – 90 days
- If under 21-years-old: LOL 210-days and specified designed program
- If under 21-years-old: LOL 210-days and specified designed program. IF B.T. >.20 assigned to special 14-day in-home (sic) program (new section)
- Available after trial conviction
- Available to those with one prior conviction/assignment greater than 10-years from date of event
- Not available in cases of death/serious injury
- Hardship available after 3 business days
- NO inter locking device required unless prior OUI, then must have interlocking device for at least 2 years (see GL. c. 90 sec. 24 ½)

**B. 1<sup>st</sup> Offense- NO Alternative Program- Misdemeanor**

<b>Fine</b>	<b>Prison Terms</b>	<b>Hardship License</b>
\$500.00 - \$5,000.00	Up to 2.5 years HoC May serve weekends/evenings/holidays. 1 year loss of license	3 months – 6 months Eligible for 24D

**C. 2<sup>nd</sup> Offense ( 1 Prior Conviction or Assignment) – Misdemeanor**

<b>Fine</b>	<b>Prison Terms</b>	<b>Hardship License</b>
\$600.00 - \$10,000.00	Not less than 60-days nor more than 2.5 years HoC. Mandatory 30-days. May serve at designated facility for alcohol issues.  If not 2 convictions or assignments eligible for 2 years probation & 14-day in patient residential alcohol treatment.  2 Year LOL	1 year – 18 months Interlocking Device  Eligible for 90:24D if prior over 10-years-old, but will need interlocking device during hardship

**D. 3<sup>rd</sup> Offense (2 Prior Conviction(s) or Assignment(s)) Felony**

<b>Fine</b>	<b>Prison Terms</b>	<b>Hardship License</b>
\$1,000.00 - \$15,000.00	180-days – 2.5 years HoC or 2.5 years – 5 years State Prison.  Mandatory 150-days. May serve at designated facility for alcohol issues  8-year LOL	2-years – 4-years, Interlocking device.

<b>E. 4<sup>th</sup> Offense – (3 Prior Conviction(s) or Assignment(s)) - Felony</b>		
<b>Fine</b>	<b>Prison Terms</b>	<b>Hardship License</b>
\$1,500.00 - \$2,500.00	Not less than 2-years – nor more than 2.5 years  Or  Not less than 2.5 years – 5 years State Prison Mandatory 1-year.  10-year LOL	5 years – 8 years Interlocking device

<b>F. 5<sup>th</sup> Offense (4 Prior Conviction(s) or Assignment(s)) -Felony</b>		
<b>Fine</b>	<b>Prison Terms</b>	<b>Hardship License</b>
\$2,000.00 - \$50,000.00	2.5 years – 5 years State Prison Mandatory 2 years Lifetime LOL	NO hardship

## New Offenses

90:24 ½	All persons whose license has been suspended because of prior assignment/conviction (offenses) shall be reissued: <ul style="list-style-type: none"> <li>• Only if uses ignition interlock on each vehicle owned, leased or operated by</li> <li>• Installed 2 years (unclear when 2 years begins to run)</li> <li>• May revoke license → up to life if removes, fails to maintain or manipulate or exceeds .02 twice during assigned period</li> </ul>
90:24G	LOL 15-years for motor vehicle homicide (all forms)
90:24R	If convicted of 90:24 G (A) (B-OUI); 24L; 8A-8B 90B and prior conviction/assignment Lifetime/loss of license [vague language]
90:24Q	If BT is over .20 and prior conviction/assignment – special alcohol/drug assessment required
90:24S	Operating/Public Way/No Locking device when required \$1,000.00 - \$15,000.00 180 days – 2.5 or 2.5 – 5-years state prison Mandatory 150 days – may serve special facility
90:24T	Tampering locking device with intent to disable 6 months – 2.5 years or 3-5 years state prison
90:24U	Breathing into Locking device for party whose lic. rest. \$1,000.00 - \$5,000.00 6 months – 2.5 years 2 <sup>nd</sup> offense: state prison 3-5 years

90:24V	<p>Operating under with child &lt;14  \$1,000.00 - \$5,000.00  90 days – 2.5 years HoC</p> <p>If 2<sup>nd</sup> offense of this subsection:  \$5,000.00 - \$10,000.00  6 months – 2.5 years HoC  3 – 5 years state prison  Mandatory 6 months  Consecutive to underlying offense  LOL 1 year 1<sup>st</sup> offense; 3 years 2<sup>nd</sup> offense</p>
90:24W	Forfeiture of motor vehicle if 3 prior convictions/assignments
90:24X	Registration/plates of a motor vehicle <u>owned</u> by a person who has been convicted/assigned 2 prior times. NO new registration until license renewed.
265:13 ½	<p>Manslaughter while operating a motor vehicle in violation of 1) (A) of (1) of 90:24, (2) 8A of 90B  20 years – 5 year mandatory minimum</p>