

Motor Vehicle Law

2026 EDITION



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About the Author



Attorney A. Kevin Kennedy

Attorney Kennedy is married to his wife Joanne and they are the proud parents of their four children: Samantha, Kyle, Torrie, and Andrew.

Attorney Kennedy retired after a distinguished career of more than thirty-three years in law enforcement, dedicating thirty-one of those years to the Lincoln, MA Police Department. Throughout his tenure, Attorney Kennedy held various positions, including Patrol Officer, Juvenile Officer, Inspector/Prosecutor, Lieutenant, and most notably, Chief of Police for more than nine years. His career involved direct participation in hundreds of investigations, addressing both violent and non-violent crimes committed by adults and juveniles. His extensive experiences have provided Attorney Kennedy with a deep and comprehensive understanding of all aspects of law enforcement.

Attorney Kennedy holds a B.S. in Criminal Justice from Western New England College, a Juris Doctor from the Massachusetts School of Law, and a Certificate in Public Safety Leadership and Management from Suffolk University. Admitted to the Massachusetts Bar in 2005, Attorney Kennedy now imparts his vast knowledge by instructing recruit and veteran police officers across the Commonwealth of Massachusetts on various legal topics.

Chapter 1

Definitions

The following are selected definitions according to G.L. c. 90, § 1, that have the following meanings, unless a different meaning is clearly apparent from the language or context, or unless such construction is inconsistent with the manifest intention of the legislature:

Alternative fuel, an energy source used to power a vehicle that does not meet the definition of fuel in section 1 of chapter 64A and is not diesel motor fuel.

Alternative fuel vehicle, a vehicle powered by alternative fuel with the following attributes:

- (a) the capability of operating only on alternative fuel;
- (b) its original use was commenced with the taxpayer;
- (c) acquired by the taxpayer for use or lease, but not for resale;
- (d) is designed to use and uses alternative fuel for a significant portion of the total fuel used for propulsion energy for the vehicle; and
- (e) when operating on petroleum fuel, the vehicle model's miles per gallon rating from the United States Environmental Protection Agency exceeds the agency's corporate average fuel economy requirement for the class of vehicles, whether cars or light trucks, in which the vehicle model is classified. The model specification shall include characteristics that affect fuel economy and for which the United States Environmental Protection Agency issues distinct miles per gallon ratings, such as transmission type and engine size.

Ambulance, a motor vehicle equipped and used exclusively for the transportation of sick, injured or wounded persons, or a motor vehicle operated by a society incorporated under the laws of the commonwealth for the prevention of cruelty to animals, or for the care and protection of harmless or suffering animals and used exclusively for the transportation of stray and neglected, sick, injured or wounded animals.

Application an application by mail or otherwise to the registrar or any agent designated by him for the purpose, upon a blank provided by the registrar, and with which is deposited the fee provided in section thirty-three.

Articulated bus, a bus consisting of two units, connected in such a way as to permit the safe and convenient passage of passengers while allowing the bus to bend and have some vertical movement at the pivot point, with the design capability of being locked at the pivot point.

Auto home, any motor vehicle originally designed or permanently altered and equipped for human habitation which is not used to transport property other than that property used for human habitation or camping purposes. A motor vehicle designed primarily to transport property which has been temporarily altered or equipped for human habitation shall not be deemed to be an auto home.

Automobile, any motor vehicle except a motorcycle.

Automobile transporter, any vehicle combination, including a stinger-steered automobile transporter and a low-boy automobile transporter, designed and used specifically for the transport of assembled, capable of being driven, highway vehicles. The highway vehicles being transported may be carried on the power unit on an over-cab rack and behind the cab and on the semi-trailer or low-boy.

Back-up camera, a device that provides a visual image of the area directly behind a vehicle to the vehicle operator when the vehicle is in reverse gear, meeting the requirements of Federal Motor Vehicle Safety Standard No. 111, 49 CFR 571.111.

Boat transporter, any vehicle combination including a stinger-steered boat transporter and a low-boy boat transporter, designed and used specifically for the transport of assembled boats and boat hulls. The boats may be partially disassembled to facilitate transportation. Boats may be carried on the tractor so long as the length and width restrictions of the vehicle and load are not exceeded.

Bus or motor bus, any motor vehicle operated upon a public way in any city or town for the carriage of passengers for hire in such a manner as to afford a means of transportation similar to that afforded by a railway company by indiscriminately receiving and discharging

Chapter 2

General Information

The vast majority of motor vehicle law enforcement by officers, are from the following sources:

- Chapter 85: Regulations and By-Laws Relative to Ways and Bridges
- Chapter 89: Law of the Road
- Chapter 90: Motor Vehicles and Aircraft
- Chapter 90B: Motorboats, Other Vessels, and Recreational Vehicles
- Chapter 90C: Procedure for Motor Vehicle Offenses
- Code of Massachusetts Regulations

Traffic Enforcement

Traffic enforcement is an important aspect of community policing and serves several purposes such as:

- 1) Public Safety,
- 2) Compliance with traffic laws,
- 3) Reduction of the number and severity of motor vehicle collisions, and
- 4) Efficient flow of traffic.

Violations

Traffic enforcement action should be taken without regard for such factors as the operator's attitude, intent, or frivolous excuse. MV 2-2 Also may want to include other factors that should not be taken into account in addition to rudeness: sex, race, religion etc.

A traffic stop for a violation of a motor vehicle law, will often result in the officer taking one of the following enforcement actions:

Verbal Warnings

A verbal warning is typically appropriate when the violator commits an act which may be due to ignorance of a particular law. Examples of this type could be where the operator approaches a stop sign and, instead of coming to a complete stop, slows to a speed slower than walking. If such movement is made with reasonable safety and the driver is accustomed to driving in those jurisdictions where this action is permissible, a verbal warning may be feasible. Similarly, a verbal warning is appropriate for equipment failure (i.e., license plates not illuminated) of which the driver was unaware.

Written Warning

A written warning is a proper alternative for officers in response to a minor traffic infraction. It is also appropriate for those violations which occur within the tolerances generally allowed by the Courts. These tolerances would include speeds in excess of the legal limit, but less than a speed for which a citation or arrest would result. If used properly, warnings can effectively be used as a means of educating the public because they involve less emotional stress and are also considered to be an effective public relations tool.

Citations

An officer's discretion plays a big part in the decision to take punitive action against a violator. However, this discretion should be based on a combination of experience, training, and common sense. The traffic citation should be issued to all violators who jeopardize the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations, multiple violations (multiple violations consist of infractions listed on the same citation), and operating unsafe and/or improperly equipped vehicles.