

SENATE No. 2227

The Commonwealth of Massachusetts

PRESENTED BY:

Julian Cyr

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 adoption of the accompanying bill:

An Act to end debt-based driving restrictions and remove economic roadblocks.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Julian Cyr</i>	<i>Cape and Islands</i>	
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>2/7/2023</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/7/2023</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/7/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/7/2023</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Norfolk</i>	<i>2/7/2023</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>2/7/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>2/7/2023</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>2/7/2023</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/22/2023</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/22/2023</i>
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	<i>2/22/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/22/2023</i>
<i>Adam Gomez</i>	<i>Hampden</i>	<i>2/22/2023</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>3/7/2023</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>3/7/2023</i>

SENATE No. 2227

By Mr. Cyr, a petition (accompanied by bill, Senate, No. 2227) of Julian Cyr, Joanne M. Comerford, Jack Patrick Lewis, Sean Garballey and other members of the General Court for legislation to end debt-based driving restrictions and remove economic roadblocks. Transportation.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act to end debt-based driving restrictions and remove economic roadblocks.

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 2A of chapter 60A of the General Laws, is hereby amended in the
2 second paragraph after the word “renew”, in lines 31-32, by striking out the words “the license to
3 operate a motor vehicle of the registered owner of said vehicle or”.

4 SECTION 2. Section 47B of chapter 62C of the General Laws is hereby repealed.

5 SECTION 3. Section 20A of chapter 90, of the General Laws, is hereby further amended
6 by adding after the fifth paragraph following paragraphs:-

7 To facilitate efficient payment of violations under this section, the Parking Clerk shall
8 electronically notify any driver who has an unpaid assessment on the following schedule: not less
9 than one week after the citation is issued, seven days before the assessment becomes due, and on
10 the date the assessment is due. The notice shall be sent by text message and electronic mail to
11 any phone number and email address provided by the driver of the vehicle.

12 Said notice shall include the amount of the assessment, the date due for payment,
13 instructions on how to pay the assessment, and information regarding the right to request a
14 noncriminal hearing to contest responsibility or request a reduction or waiver of the assessment
15 based on financial hardship.

16 SECTION 4. Section 20A of chapter 90, of the General Laws, is hereby further amended
17 by striking out the seventh and eighth paragraphs, and inserting the following paragraph:-

18 If any person fails to appear in accordance with said notice, the parking clerk shall notify
19 the registrar of motor vehicles who shall place the matter on record and, upon receipt of two or
20 more such notices, shall not renew the license to operate a motor vehicle of the registered owner
21 of the vehicle or the registration of said vehicle until after notice from the parking clerk that all
22 such matters have been disposed of in accordance with law. No further fees shall be assessed
23 against the registered owner of said vehicle. It shall be the duty of the parking clerk to notify the
24 registrar forthwith that such case has been disposed of in accordance with law, provided
25 however, that a certified receipt of full and final payment from the parking clerk of the city or
26 town in which the violation occurred or a certified copy of a financial hardship fee waiver
27 granted in accordance to section 3 of chapter 90C shall also serve as legal notice to the registrar
28 that said violation has been so disposed of. The notice to appear provided herein shall be printed
29 in such form as the registrar of motor vehicles may approve. The parking clerk shall distribute
30 such notices to the commanding officer of the police department of the city or town upon
31 request, and shall take a receipt therefor. The registrar shall approve such other forms as he
32 deems appropriate to implement this section, and said forms shall be printed and used by the
33 cities and towns.

34 SECTION 5. Section 20A of chapter 90, of the General Laws, is hereby further amended
35 in the eleventh paragraph after the words “violation by mail,”, in line 183, by inserting the
36 words:-

37 and the procedure to request a noncriminal hearing to determine an assessment reduction
38 or waiver based on financial hardship

39 SECTION 6. Section 20A of chapter 90, of the General Laws, is hereby further amended
40 by inserting at the end the following paragraphs:-

41 Any person notified to appear before the parking clerk, as provided herein, may appear
42 before such parking clerk or their designee and request a noncriminal hearing to determine an
43 assessment reduction based on hardship, either personally or through an agent duly authorized in
44 writing or by mailing to such parking clerk a signed request. The parking clerk shall notify the
45 clerk-magistrate of the district court for the judicial district in which the parking violation
46 occurred of such request for a noncriminal hearing, in such manner as the chief justice of the
47 district court department and the parking clerk shall jointly determine. The assessment shall be
48 reduced or waived if the magistrate or justice determines that the assessment will cause
49 substantial financial hardship to the violator or the family or dependents thereof.

50 If the violator is a recipient of any needs-based public assistance or meets the definition
51 of “indigency” under section 2 of chapter 211D, or earns no more than 400% of the U.S.
52 Department of Housing and Urban Development (HUD) very low income limit, all fees,
53 including but not limited to administrative and late fees, shall be waived and the remaining
54 assessment shall be reduced according to the schedule set forth in subsection (A)(4) of section 3
55 of chapter 90C of the General Laws.

56 SECTION 7. Section 22 of chapter 90, of the General Laws, is hereby amended by
57 striking out paragraph (h).

58 SECTION 8. Section 22G of chapter 90 of the General Laws of the General Laws is
59 hereby repealed.

60 SECTION 9. Section 23 of chapter 90, of the General Laws, is hereby amended by
61 striking the first two paragraphs and inserting in place thereof the following paragraphs:-

62 Any person convicted of operating a motor vehicle after their license to operate has been
63 suspended or revoked, or after notice of the suspension or revocation of their right to operate a
64 motor vehicle without a license has been issued by the registrar and received by such person or
65 by their agent or employer, and prior to the restoration of such license or right to operate or to the
66 issuance to their of a new license to operate, and any person convicted of operating or causing or
67 permitting any other person to operate a motor vehicle after the certificate of registration for such
68 vehicle has been suspended or revoked and prior to the restoration of such registration or to the
69 issuance of a new certificate of registration for such vehicle , or whoever exhibits to an officer
70 authorized to make arrests, when requested by said officer to show their license, a license issued
71 to another person with intent to conceal their identity, shall, except as provided by section
72 twenty-eight of chapter two hundred and sixty-six, be punished by a fine of not more than five
73 hundred dollars, and any person who attaches or permits to be attached to a motor vehicle or
74 trailer a number plate assigned to another motor vehicle or trailer, or who obscures or permits to
75 be obscured the figures on any number plate attached to any motor vehicle or trailer, or who fails
76 to display on a motor vehicle or trailer the number plate and the register number duly issued
77 therefor, with intent to conceal the identity of such motor vehicle or trailer, shall be punished by

78 a fine of not more than one hundred dollars. Any person convicted of operating a motor vehicle
79 after their license to operate has been revoked by reason of their having been found to be an
80 habitual traffic offender, as provided in section twenty-two F, or after notice of such revocation
81 of their right to operate a motor vehicle without a license has been issued by the registrar and
82 received by such person or by their agent or employer, and prior to the restoration of such license
83 or right to operate or the issuance to their of a new license to operate shall be punished by a fine
84 of not less than five hundred nor more than five thousand dollars or by imprisonment for not
85 more than two years, or both. In no case shall a person be prosecuted for operating after
86 suspension or revocation of a license upon a failure to pay an administrative reinstatement fee.

87 Notwithstanding the preceding paragraph or any other general or special law to the
88 contrary, whoever has been found responsible for or convicted of, or against whom a finding of
89 delinquency or a finding of sufficient facts to support a conviction has been rendered on, a
90 complaint charging a violation of operating a motor vehicle after their license to operate has been
91 suspended or revoked, or after notice of the suspension or revocation of their right to operate a
92 motor vehicle without a license has been issued by the registrar and received by such person or
93 by their agent or employer, and prior to the restoration of such license or right to operate or to the
94 issuance to their of a new license to operate shall be punished by a fine of not more than \$500.
95 This paragraph shall not apply to any person who is charged with operating a motor vehicle after
96 their license to operate has been suspended or revoked pursuant to a violation of paragraph (a) of
97 subdivision (1) of section 24, or section 24D, 24E, 24G, 24L or 24N, of this chapter, subsection
98 (a) of section 8 or section 8A or 8B of chapter 90B, section 8, 9 or 11 of chapter 90F or after
99 notice of such suspension or revocation of their right to operate a motor vehicle without a license
100 has been issued and received by such person or by their agent or employer, and prior to the

101 restoration of such license or right to operate or the issuance to their of a new license or right to
102 operate because of any such violation.

103 SECTION 10. Section 23 of chapter 90, of the General Laws, is hereby further amended
104 by striking out the sixth and seventh paragraphs.

105 SECTION 11. Section 26A of chapter 90, of the General Laws, is hereby amended by
106 striking out the last sentence of paragraph (a).

107 SECTION 12. Section 27 of chapter 90, of the General Laws, is hereby amended by
108 inserting at the end the following paragraphs:

109 In any case where a violator owes an assessment, such violator may request a waiver or
110 reduction of the assessment. The assessment shall be reduced or waived if the magistrate or
111 justice determines that the assessment will cause substantial financial hardship to the violator or
112 the family or dependents thereof.

113 If the violator is a recipient of any needs-based public assistance or meets the definition
114 of “indigency” under section 2 of chapter 211D, or earns no more than 400% of the U.S.
115 Department of Housing and Urban Development (HUD) very low income limit, all fees,
116 including but not limited to administrative and late fees, shall be waived and the remaining
117 assessment shall be reduced according to the schedule set forth in subsection (A)(4) of section 3
118 of chapter 90C of the General Laws.

119 SECTION 13. Section 33 of said chapter 90, of the General Laws, is hereby amended by
120 inserting at the end of paragraph thirty-six, the following sentence:-

121 An applicant for license reinstatement may request a fee reduction or waiver based on
122 financial hardship as determined by section 3 of chapter 90C.

123 SECTION 14. Section 34J of chapter 90, of the General Laws, is hereby amended by
124 striking out the third paragraph and inserting in place thereof the following paragraph:-

125 Any person who is convicted of, or who enters a plea of guilty to a violation of this
126 section shall be liable to the plan organized pursuant to section one hundred and thirteen H of
127 chapter one hundred and seventy-five in the amount of the greater of five hundred dollars or one
128 year's premium for compulsory motor vehicle insurance for the highest rated territory and class
129 or risk in effect at the time of the commission of the offense. Said liability shall be in addition to
130 all other liabilities imposed on the person so convicted or so pleading whether civil or criminal.
131 The said plan shall apply any sums collected hereunder, to defray its costs of collection and to
132 defray in whole or in part its expenses for preventing fraud and arson. Furthermore, any person
133 who is convicted of, or enters a plea of guilty to a violation of this section shall have their motor
134 vehicle registration suspended upon the registrar's receipt of notification from the clerk of any
135 court which enters any conviction hereunder or which accepts such plea of guilty until said
136 person provides the registrar with proof of a motor vehicle liability policy in accordance with the
137 provisions of this chapter. The clerk of any court which enters any conviction hereunder or
138 which accepts such plea shall promptly notify the registrar of motor vehicles and the
139 Commonwealth Auto Reinsurers pursuant to section one hundred and thirteen of chapter one
140 hundred and seventy-five or any successor thereto of such entry of acceptance of such plea.

141 SECTION 15. Section 3 of chapter 90C, of the General Laws is hereby amended by
142 inserting in the second paragraph after the words “contest responsibility for the infraction,”, in
143 lines 11-12, the following words:-

144 or request an assessment reduction or waiver based on financial hardship

145 SECTION 16. Section 3 of chapter 90C, of the General Laws, is hereby further amended
146 by adding after paragraph (A)(3) the following paragraphs:-

147 To facilitate efficient payment of citations under this section, the Registry of Motor
148 Vehicles shall electronically notify any driver who has an unpaid assessment on the following
149 schedule: not less than one week after the citation is issued, seven days before the assessment
150 becomes due, and on the date the assessment is due. The notice shall be sent by text message and
151 electronic mail to any phone number and email address provided by the driver of the vehicle.

152 Said notice shall include the amount of the assessment, the date due for payment,
153 instructions on how to pay the assessment, and information regarding the right to request a
154 noncriminal hearing to contest responsibility or request a reduction or waiver of the assessment
155 based on financial hardship.

156 SECTION 17. Section 3 of chapter 90C, of the General Laws, is hereby further amended
157 by striking out the first paragraph of (A)(4) and inserting in place thereof the following
158 paragraph:

159 (4) A violator may request an assessment reduction or waiver or contest responsibility for
160 the infraction by making a signed request for a noncriminal hearing on the citation and mailing
161 such citation, together with a \$25 court filing fee, to the registrar at the address indicated on the

162 citation within 20 days of the citation. The court filing fee shall be waived if the violator is
163 requesting an assessment reduction. Notwithstanding any general or special law to the contrary,
164 the registrar, in cooperation with the state comptroller, upon receipt of the \$25 court filing fee,
165 shall immediately cause the court filing fee to be transferred to the trial court department to be
166 held as retained revenue; provided, however, that the registrar may retain from the court filing
167 fees an amount not greater than \$200,000 for fiscal year 2011 for information technology
168 associated with the implementation of this section; and provided, further that the registrar may
169 retain an amount not greater than \$100,000 annually for personnel costs associated with the
170 processing of those filing fees.

171 SECTION 18. Section 3 of chapter 90C, of the General Laws, is hereby further amended
172 by inserting at the end of the second paragraph of (A)(4) the following sentence:-

173 This paragraph shall not apply to a violator requesting an assessment reduction or waiver.

174 SECTION 19. Section 3 of chapter 90C, of the General Laws, is hereby further amended
175 by inserting in the eighth paragraph of (A)(4) after the words "imposed assessment" the
176 following words:-

177 or the violator requests an assessment reduction or waiver

178 SECTION 20. Section 3 of chapter 90C, of the General Laws, is hereby further amended
179 by inserting at the end of (A)(4) the following paragraphs:-

180 In any case where a violator owes an assessment, such violator may request a
181 noncriminal hearing to determine a reduction or waiver of the assessment. In any such hearing,

182 the magistrate or justice shall reduce or waive the assessment if the assessment will cause
183 substantial financial hardship to the violator or the family or dependents thereof.

184 If the violator is a recipient of any needs-based public assistance or meets the definition
185 of “indigency” under section 2 of chapter 211D, or earns no more than 400% of the U.S.
186 Department of Housing and Urban Development (HUD) very low income limit, all fees,
187 including but not limited to administrative and late fees, shall be waived and the remaining
188 assessment shall be reduced according to the following schedule:

189 (a) If the violator is currently in receipt of any needs-based public assistance or benefit or
190 meets the definition of “indigency” under section 2 of chapter 211D, the remaining assessment
191 shall be reduced to no more than 1% of said violator’s monthly income or \$5, whichever is
192 lower.

193 (b) If the violator earns 101-200% of the HUD very low income limit, the remaining
194 assessment shall be reduced by 75%.

195 (c) If the violator earns 201-300% of the HUD very low income limit, the remaining
196 assessment shall be reduced by 50%.

197 (d) If the violator earns 301-400% of the HUD very low income limit, the remaining
198 assessment shall be reduced by 25%.

199 If the violator earns over 400% of the HUD very low income limit and the magistrate or
200 justice finds that imposing the original assessment would cause financial hardship to the violator
201 or the family or dependents thereof, all fees, including but not limited to administrative and late

202 fees, shall be waived or reduced and the remaining assessment may be reduced by an amount
203 determined by the magistrate or justice.

204 In determining the violator's earnings, the magistrate or justice shall calculate the
205 violator's current total monthly income, including wages and excluding any child support or
206 Supplemental Security Income (SSI), and determine the number of persons in the family. In
207 making these determinations, the magistrate or justice shall use the information provided by the
208 violator.

209 SECTION 21. Section 3 of chapter 90C, of the General Laws, is hereby further amended
210 by striking (A)(6)(a)(ii) and inserting in place thereof the following paragraphs:-

211 (ii) fails to appear for a noncriminal hearing before a magistrate or a justice at the time
212 required after having been given notice of such hearing either personally or by first class mail
213 directed to such violator's mail address as reported to the registrar and after notice of such failure
214 has been given to the registrar by the clerk-magistrate, the registrar shall notify such violator by
215 first class mail directed to such violator's mail address that unless and until the violator appears
216 for a noncriminal hearing before a magistrate or justice or pays to the registrar the full amount of
217 the scheduled or imposed assessments for such civil motor vehicle infractions, plus any late fees
218 or other administrative fees provided for by law or regulation:

219 (AA) in the case of an operator violation, any license to operate a motor vehicle issued to
220 such violator by the registrar will not be renewed upon or after the expiration date of such
221 license; or

222 (BB) in the case of an owner violation, any registration of a motor vehicle issued to such
223 violator by the registrar will not be renewed upon or after the expiration date of such registration.

224 Unless such notice is sooner cancelled by the registrar, in the case of an operator
225 violation, such violator's operators license, learners permit or right to operate, or in the case of an
226 owner violation any registration of a motor vehicle issued to such violator by the registrar, shall
227 be renewed by the registrar upon payment of the scheduled or imposed assessments for such civil
228 motor vehicle infractions, plus any late fees or other administrative fees which the registrar is
229 required or authorized by law or regulation to impose, unless such fees are waived in whole or in
230 part by the registrar or a magistrate or justice.

231 The registrar shall waive all late fees and administrative fees, including reinstatement
232 fees, for any violator who is a recipient of any needs-based public assistance or meets the
233 definition of "indigency" under section 2 of chapter 211D, or earns no more than 400% of the
234 U.S. Department of Housing and Urban Development (HUD) very low income limit.

235 SECTION 22. Section 3 of chapter 90C, of the General Laws, is hereby further amended
236 by striking out paragraph (A)(6)(b).

237 SECTION 23. Section 3 of chapter 90C, of the General Laws, is hereby further amended
238 by striking out the paragraph after (B)(3)(c) and inserting in place thereof the following
239 paragraph:-

240 Upon receipt of such notice, the registrar shall send a notice to the violator's mail address
241 or last known address notifying the violator that said violator may not renew, apply for or receive
242 any operators license, learners permit, certificate of registration or title, number plate, sticker,
243 decal or other item issued by the registrar unless and until the violator presents the registrar with
244 a certificate of the clerk-magistrate of the court that the matter has been fully disposed of in
245 accordance with law or, in the case of a matter still pending before the court, that the violator is

246 attending to the matter to the satisfaction of the court. The court shall not unreasonably withhold
247 such certificate. The registrar shall cancel such revocation, and so notify the court, if satisfied
248 that it resulted through error of the registrar or the court.

249 SECTION 24. Section 2A of chapter 211D, of the General Laws, is hereby amended by
250 striking out paragraph (h) and inserting in place thereof the following paragraph:-

251 (h) The clerk of the court shall, within 60 days of appointment of counsel, report to the
252 department of revenue and the department of transitional assistance the amount of any legal
253 counsel fee owed by the person for whom counsel was appointed under this chapter. The
254 department of revenue shall intercept payment of such fee from tax refunds due to persons who
255 owe all or a portion of such fee.

256 SECTION 25. Notwithstanding any general or special law to the contrary, within three
257 months of the effective date of this act the registrar of motor vehicles shall reinstate all licenses,
258 privileges to operate a motor vehicle and registrations suspended or revoked based upon
259 penalties pursuant to: section 2A of chapter 60A; section 47B of chapter 62C; sections 20A,
260 22G, 26A, and 34J of chapter 90; section 3 of chapter 90C; or section 2A of chapter 211D.

261 The registrar shall notify such persons by first class mail directed to such person's mail
262 address of the reinstatement of their license, privileges to operate a motor vehicle and
263 registration, along with an account of any unpaid assessments, instructions on how to pay such
264 assessments, and information regarding the right to request a noncriminal hearing to contest
265 responsibility or request a reduction or waiver of assessments based on financial hardship.