

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Stephen R. Canessa**

*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 passage of the accompanying bill:

An Act relative to the transportation of individuals seated in wheelchairs.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Stephen R. Canessa

12th Bristol

Marc R. Pacheco

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT RELATIVE TO THE TRANSPORTATION OF INDIVIDUALS SEATED IN WHEELCHAIRS.

*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. The General Laws are hereby amended by inserting after chapter 90F the  
2 following chapter:-

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4 Chapter 90 F ½

5

6 Section 1. As used in this chapter the following terms shall have the following meanings:

7 “paratransit service” - a pre-arranged curb-to-curb motor-vehicle transportation service for  
8 persons with disabilities as defined in section 9 of Chapter 161A.

9 “wheelchair” - a seating system comprised of a frame, a seat, and wheels that is designed to  
10 provide support and mobility for persons with physical disabilities and thereby increase  
11 independent mobility during activities of daily living for an individual who has limited or no  
12 ambulatory abilities.

13 “Wheelchair tiedown and Occupant Restraint System (WTORS)” - a complete set of equipment  
14 for use in transporting wheelchair-seated occupants of motor vehicles, comprised of components  
15 for independently securing the wheelchair to the vehicle and a lap/shoulder belt-type restraint  
16 system designed to limit occupant movement and keep the occupant in their wheelchair during  
17 emergency vehicle maneuvers and crash situations.

18

19 Section 2. Any motor vehicle offering paratransit services transporting persons in wheelchairs,  
20 each wheelchair station shall be equipped with a properly installed and maintained wheelchair  
21 tiedown and occupant restraint system (WTORS) that complies with Society of Automotive  
22 Engineers Recommended Practice J2249, Wheelchair Tiedown and Occupant Restraint Systems  
23 for Use in Motor Vehicles. Each WTORS shall be installed for use by forward-facing  
24 wheelchair-seated passengers.

25

26 Section 3. Drivers and/or attendants of paratransit vehicles shall make every reasonable effort to  
27 effectively secure each wheelchair facing forward in the vehicle's wheelchair station, and  
28 provide restraint for the wheelchair user by following procedures established in the training  
29 course referenced in Section 4 to properly position the lap/shoulder belt restraint system.

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31 Section 4. The executive office of health and human services and the executive office of  
32 transportation shall work together to establish and offer a training course in proper transportation  
33 of wheelchair-seated passengers. Any owner, operator, company, or other entity, be it for profit  
34 or not for profit, state or privately owned, that provides paratransit services for wheelchair users  
35 who do not transfer out of their wheelchair upon entering the vehicle, shall ensure that each  
36 employee or volunteer who transports or aids in the transportation of a person in a wheelchair  
37 will complete the training course offered by the executive office of health and human services  
38 and the executive office of transportation prior to operation of, or assisting in, a paratransit  
39 vehicle.

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41 Section 5. This act shall take effect on the first day of the sixth month after enactment, but the  
42 executive office of health and human services, the executive office of transportation and the  
43 administrative office of the courts may take such anticipatory administrative action in advance as  
44 shall be necessary for the implementation of this act.