

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Marc R. Pacheco

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:

Marc R. Pacheco

First Plymouth and Bristol

Stephen R. Canessa

12th Bristol

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 following
2 chapter:-

3 Chapter 90 F ½

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

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

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

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

15 Section 2. Any motor vehicle offering paratransit services transporting persons in wheelchairs, each
16 wheelchair station shall be equipped with a properly installed and maintained wheelchair tiedown and

17 occupant restraint system (WTORS) that complies with Society of Automotive Engineers Recommended
18 Practice J2249, Wheelchair Tiedown and Occupant Restraint Systems for Use in Motor Vehicles. Each
19 WTORS shall be installed for use by forward-facing wheelchair-seated passengers.

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

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

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