

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Spilka, Karen (SEN)

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 to provide greater protection in registry of motor vehicle hearings.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Spilka, Karen (SEN)	Second Middlesex and Norfolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S02089 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

**AN ACT TO PROVIDE GREATER PROTECTION IN REGISTRY OF MOTOR VEHICLE
HEARINGS.**

*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 22(a) of Chapter 90 of the General Laws, as appearing in the 2006 Official
2 Edition, is hereby amended by adding at the end thereof the following:

3 The registrar may not suspend or revoke the license of any operator on suspicion of that person
4 having a mental or physical handicap, unless a qualified medical doctor or emergency medical
5 technician petitions the registrar in writing with medical evidence that the operator is unsafe to
6 drive. Any operator whose license is suspended or revoked on suspicion of mental or physical
7 handicap is entitled to a hearing within three business days, but may postpone said hearing for up
8 to thirty days at the operator's discretion.

9 SECTION 2: Section 22(b) of Chapter 90 of the General Laws, as appearing in the 2006 Official
10 Edition, is hereby amended by adding at the end thereof the following:

11 In any hearing where a licensee's potential suspension or revocation is due in whole or in part to
12 the operator's physical or mental handicap, the hearing shall be held within 14 days of the event
13 which prompted the registrar to initiate said hearing, unless otherwise agreed upon by the
14 involved parties. The registrar will consider all written and oral submissions by any interested
15 parties at said hearing, and any and all medical evidence offered shall be made public for
16 purposes of said hearing only. Any public record of said hearing shall have any and all medical
17 evidence redacted, and any person, entity or agency present at said hearing that later
18 disseminates said medical evidence without permission from the operator shall be liable to the
19 operator for a sum of not less than \$1,000 and not more than \$5,000 for each violation under this
20 section. For purposes of said hearing, medical evidence shall only be accepted if reported or
21 recorded by a qualified, licensed medical professional. The registrar shall notify the involved
22 parties in writing of his decision whether or not to revoke the operator's license no later than 7
23 days after the hearing.