

HOUSE No. 3120

The Commonwealth of Massachusetts

PRESENTED BY:

Chris Walsh

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 relative to suspension for medical reasons.

PETITION OF:

NAME:

Chris Walsh

DISTRICT/ADDRESS:

6th Middlesex

HOUSE No. 3120

By Mr. Walsh of Framingham, a petition (accompanied by bill, House, No. 3120) of Chris Walsh relative to the suspension of licenses to operate a motor vehicle for medical reasons. Transportation.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to suspension for medical reasons.

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 of Massachusetts is
2 hereby amended by inserting the following paragraph: --

3 The registrar may not suspend or revoke the license in aforesaid fashion of any operator
4 where no accident has occurred on suspicion the operator is physically or mentally incapable of
5 operating a motor vehicle, unless a qualified medical professional, physician or emergency
6 medical technician petitions the registrar in writing with medical evidence that the operator is not
7 able to drive safely. Any operator whose license is suspended or revoked on suspicion of being
8 physically or mentally incapable of operating a motor vehicle is entitled to a hearing within three
9 business days, but may postpone said hearing for up to thirty days at the operator’s discretion.

10 SECTION 2: Section 22(b) of Chapter 90 of the General Laws of Massachusetts is
11 hereby amended by inserting after the first paragraph ending “...the date originally specified” the
12 following paragraph: --

13 In any hearing where a potential suspension of revocation is due in whole or part to the
14 operator's purported physical or mental disability, the hearing shall be held within 14 days of the
15 event which prompted the registrar to initiate said hearing, unless otherwise agreed upon by all
16 of the parties. The registrar shall consider all written and oral submissions of any interested
17 parties at the hearing. Any and all medical evidence offered for or against the operator shall be
18 made public for the purposes of the hearing only. Any public record of the hearing shall have the
19 medical evidence redacted and any person, entity or agency present at the hearing who later
20 disseminates the medical evidence without permission from the operator shall be liable to the
21 operator for a sum of \$1,000 for each violation under this section. For purposes of the hearing,
22 medical evidence shall only be accepted if reported or recorded by a qualified, licensed medical
23 professional. The registrar shall notify the parties to the hearing in writing of his decision
24 whether or not to revoke or suspend the operator's license within seven days of the hearing.

25 If the registrar determines that the operator was physically or mentally capable of
26 operating a motor vehicle at the time of the suspension or revocation, any fees for reinstatement
27 of the operator's license shall be waived.