

**SENATE . . . . . No. 01789**

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The Commonwealth of Massachusetts

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PRESENTED BY:

*Karen E. Spilka*

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*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..

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PETITION OF:

NAME:

*Karen E. Spilka*

DISTRICT/ADDRESS:

*Second Middlesex and Norfolk*

# SENATE . . . . . No. 01789

By Ms. Spilka, petition (accompanied by bill, Senate, No. 1789) of Spilka for legislation to provide greater protection in registry of motor vehicle hearings [Joint Committee on Transportation].

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE  
□ SENATE  
□ , NO. 1958 OF 2009-2010.]

## The Commonwealth of Massachusetts

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**In the Year Two Thousand Eleven**  
\_\_\_\_\_

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. Subsection (a) of section 22 of chapter 90 of the General Laws, as  
2 appearing in the 2008 Official Edition, is hereby amended by inserting at the end thereof the  
3 following paragraph:-

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

10           SECTION 2. Said subsection (b) section 22 of chapter 90 of the General Laws, as  
11 appearing in the 2008 Official Edition, is hereby amended by adding at the end thereof the  
12 following new paragraph:

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