

**SENATE . . . . . No. 2369**

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**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 adoption of the accompanying bill:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>	
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>4/2/2021</i>

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By Mr. Pacheco, a petition (accompanied by bill, Senate, No. 2369) of Marc R. Pacheco and Michael D. Brady for legislation relative to the transportation of individuals seated in wheelchairs. Transportation.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 2129 OF 2019-2020.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
\_\_\_\_\_

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

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to ensure the safe transit of wheelchair-seated passengers, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.

*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:-

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  
6 for persons with 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  
8 to provide support and mobility for persons with physical disabilities and thereby increase  
9 independent mobility during activities of daily living for an individual who has limited or no  
10 ambulatory abilities.

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

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

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

26           Section 4. The executive office of health and human services and the executive office of  
27 transportation shall work together to establish and offer a training course in proper transportation  
28 of wheelchair-seated passengers. Any owner, operator, company, or other entity, be it for profit

29 or not for profit, state or privately owned, that provides paratransit services for wheelchair users  
30 who do not transfer out of their wheelchair upon entering the vehicle, shall ensure that each  
31 employee or volunteer who transports or aids in the transportation of a person in a wheelchair  
32 will complete the training course offered by the executive office of health and human services  
33 and the executive office of transportation prior to operation of, or assisting in, a paratransit  
34 vehicle.

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