

SENATE No. 3013

The Commonwealth of Massachusetts

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

1 by inserting the following new sections:-

2 SECTION XX. Section 2A of chapter 60A, as appearing in the 2018 Official Edition, is
3 hereby amended in the second paragraph after the word “renew”, in lines 31-32, by striking out
4 the words “the license to operate a motor vehicle of the registered owner of said vehicle or”.

5 SECTION XX. Section 47B of chapter 62C is hereby repealed.

6 SECTION XX. Section 20A of chapter 90, as appearing in the 2018 Official Edition, is
7 hereby amended by striking out at the end of the third paragraph the words:-

8 “Failure to obey this notice within twenty-one days after the date of violation may result
9 in the non-renewal of the license to drive and the certificate of registration of the registered
10 owner.”

11 SECTION XX. Said section 20A, of said chapter 90, as so appearing, is hereby further
12 amended by striking out the seventh and eighth paragraphs.

13 SECTION XX. Said section 20A, of said chapter 90, as so appearing, is hereby further
14 amended in the eleventh paragraph after the words “violation by mail,” in line 183, by inserting
15 the words:-

16 and the procedure to request a noncriminal hearing to determine an assessment reduction
17 or waiver based on financial hardship

18 SECTION XX. Said section 20A, of said chapter 90, as so appearing, is hereby further
19 amended by inserting at the end the following paragraphs:-

20 Any person notified to appear before the parking clerk, as provided herein, may appear
21 before such parking clerk or his designee and request a noncriminal hearing to determine an
22 assessment reduction based on hardship, either personally or through an agent duly authorized in
23 writing or by mailing to such parking clerk a signed request. The parking clerk shall notify the
24 clerk-magistrate of the district court for the judicial district in which the parking violation
25 occurred of such request for a noncriminal hearing, in such manner as the chief justice of the
26 district court department and the parking clerk shall jointly determine. The assessment shall be
27 reduced or waived if the magistrate or justice determines that the assessment will cause
28 substantial financial hardship to the violator or the family or dependents thereof.

29 If the violator is a recipient of any needs-based public assistance or meets the definition
30 of “indigency” under section 2 of chapter 211D, or earns no more than 400% of the U.S.
31 Department of Housing and Urban Development (HUD) very low income limit, all fees,
32 including but not limited to administrative and late fees, shall be waived and the remaining
33 assessment shall be reduced according to the schedule set forth in subsection (A)(4) of section 3
34 of chapter 90C of the General Laws.

35 SECTION XX. Section 22 of said chapter 90, as so appearing, is hereby amended by
36 striking out paragraph (h).

37 SECTION XX. Section 22G of said chapter 90, as so appearing, is hereby repealed.

38 SECTION XX. Section 23 of said chapter 90, as so appearing, is hereby amended by
39 striking the first paragraph and inserting in place thereof the following paragraphs:-

40 Any person convicted of operating a motor vehicle after his license to operate has been
41 suspended or revoked, or after notice of the suspension or revocation of his right to operate a
42 motor vehicle without a license has been issued by the registrar and received by such person or
43 by his agent or employer, and prior to the restoration of such license or right to operate or to the
44 issuance to him of a new license to operate, and any person convicted of operating or causing or
45 permitting any other person to operate a motor vehicle after the certificate of registration for such
46 vehicle has been suspended or revoked and prior to the restoration of such registration or to the
47 issuance of a new certificate of registration for such vehicle , or whoever exhibits to an officer
48 authorized to make arrests, when requested by said officer to show his license, a license issued to
49 another person with intent to conceal his identity, shall, except as provided by section twenty-
50 eight of chapter two hundred and sixty-six, be punished by a fine of not more than five hundred
51 dollars, and any person who attaches or permits to be attached to a motor vehicle or trailer a
52 number plate assigned to another motor vehicle or trailer, or who obscures or permits to be
53 obscured the figures on any number plate attached to any motor vehicle or trailer, or who fails to
54 display on a motor vehicle or trailer the number plate and the register number duly issued
55 therefor, with intent to conceal the identity of such motor vehicle or trailer, shall be punished by
56 a fine of not more than one hundred dollars. Any person convicted of operating a motor vehicle
57 after his license to operate has been revoked by reason of his having been found to be an habitual
58 traffic offender, as provided in section twenty-two F, or after notice of such revocation of his
59 right to operate a motor vehicle without a license has been issued by the registrar and received by
60 such person or by his agent or employer, and prior to the restoration of such license or right to

61 operate or the issuance to him of a new license to operate shall be punished by a fine of not less
62 than five hundred nor more than five thousand dollars or by imprisonment for not more than two
63 years, or both. In no case shall a person be prosecuted for operating after suspension or
64 revocation of a license upon a failure to pay an administrative reinstatement fee.

65 SECTION XX. Said section 23, of said section 90, as so appearing, is hereby further
66 amended by striking the second paragraph and inserting in place thereof the following
67 paragraph:-

68 Notwithstanding the preceding paragraph or any other general or special law to the
69 contrary, whoever has been found responsible for or convicted of, or against whom a finding of
70 delinquency or a finding of sufficient facts to support a conviction has been rendered on, a
71 complaint charging a violation of operating a motor vehicle after his license to operate has been
72 suspended or revoked, or after notice of the suspension or revocation of his right to operate a
73 motor vehicle without a license has been issued by the registrar and received by such person or
74 by his agent or employer, and prior to the restoration of such license or right to operate or to the
75 issuance to him of a new license to operate shall be punished by a fine of not more than \$500.
76 This paragraph shall not apply to any person who is charged with operating a motor vehicle after
77 his license to operate has been suspended or revoked pursuant to a violation of paragraph (a) of
78 subdivision (1) of section 24, or section 24D, 24E, 24G, 24L or 24N, of this chapter, subsection
79 (a) of section 8 or section 8A or 8B of chapter 90B, section 8, 9 or 11 of chapter 90F or after
80 notice of such suspension or revocation of his right to operate a motor vehicle without a license
81 has been issued and received by such person or by his agent or employer, and prior to the
82 restoration of such license or right to operate or the issuance to him of a new license or right to
83 operate because of any such violation.

84 SECTION XX. Said section 23, of said section 90, as so appearing, is hereby further
85 amended by striking out the sixth paragraph.

86 SECTION XX. Said section 23, of said section 90, as so appearing, is hereby further
87 amended by striking out the seventh paragraph.

88 SECTION XX. Section 26A of said chapter 90, as so appearing, is hereby amended by
89 striking out the last sentence of paragraph (a).

90 SECTION XX. Section 27 of said chapter 90, as so appearing, is hereby amended by
91 inserting at the end the following paragraphs:

92 In any case where a violator owes an assessment, such violator may request a waiver or
93 reduction of the assessment. The assessment shall be reduced or waived if the magistrate or
94 justice determines that the assessment will cause substantial financial hardship to the violator or
95 the family or dependents thereof.

96 If the violator is a recipient of any needs-based public assistance or meets the definition
97 of “indigency” under section 2 of chapter 211D, or earns no more than 400% of the U.S.
98 Department of Housing and Urban Development (HUD) very low income limit, all fees,
99 including but not limited to administrative and late fees, shall be waived and the remaining
100 assessment shall be reduced according to the schedule set forth in subsection (A)(4) of section 3
101 of chapter 90C of the General Laws.

102 SECTION XX. Section 33 of said chapter 90, as so appearing, is hereby amended by
103 striking out paragraph thirty-six.

104 SECTION XX. Section 34J of said chapter 90, as so appearing, is hereby amended by
105 striking out the third paragraph and inserting in place thereof the following paragraph:-

106 Any person who is convicted of, or who enters a plea of guilty to a violation of this
107 section shall be liable to the plan organized pursuant to section one hundred and thirteen H of
108 chapter one hundred and seventy-five in the amount of the greater of five hundred dollars or one
109 year's premium for compulsory motor vehicle insurance for the highest rated territory and class
110 or risk in effect at the time of the commission of the offense. Said liability shall be in addition to
111 all other liabilities imposed on the person so convicted or so pleading whether civil or criminal.
112 The said plan shall apply any sums collected hereunder, to defray its costs of collection and to
113 defray in whole or in part its expenses for preventing fraud and arson. Furthermore, any person
114 who is convicted of, or enters a plea of guilty to a violation of this section shall have his or her
115 motor vehicle registration suspended upon the registrar's receipt of notification from the clerk of
116 any court which enters any conviction hereunder or which accepts such plea of guilty until said
117 person provides the registrar with proof of a motor vehicle liability policy in accordance with the
118 provisions of this chapter. The clerk of any court which enters any conviction hereunder or
119 which accepts such plea shall promptly notify the registrar of motor vehicles and the
120 Commonwealth Auto Reinsurers pursuant to section one hundred and thirteen of chapter one
121 hundred and seventy-five or any successor thereto of such entry of acceptance of such plea.

122 SECTION XX. Section 3 of chapter 90C, as appearing in the 2018 Official Edition, is
123 hereby amended by inserting in the second paragraph after the words "contest responsibility for
124 the infraction," in lines 11-12, the following words:-

125 or request an assessment reduction or waiver based on financial hardship

126 SECTION XX. Said section 3 of said chapter 90C , as so appearing, is hereby further
127 amended by striking out the first paragraph of (A)(4) and inserting in place thereof the following
128 paragraph:

129 (4) A violator may request an assessment reduction or waiver or contest responsibility for
130 the infraction by making a signed request for a noncriminal hearing on the citation and mailing
131 such citation, together with a \$25 court filing fee, to the registrar at the address indicated on the
132 citation within 20 days of the citation. The court filing fee shall be waived if the violator is
133 requesting an assessment reduction. Notwithstanding any general or special law to the contrary,
134 the registrar, in cooperation with the state comptroller, upon receipt of the \$25 court filing fee,
135 shall immediately cause the court filing fee to be transferred to the trial court department to be
136 held as retained revenue; provided, however, that the registrar may retain from the court filing
137 fees an amount not greater than \$200,000 for fiscal year 2011 for information technology
138 associated with the implementation of this section; and provided, further that the registrar may
139 retain an amount not greater than \$100,000 annually for personnel costs associated with the
140 processing of those filing fees.

141 SECTION XX. Said section 3 of said chapter 90C, as so appearing, is hereby further
142 amended by inserting at the end of the second paragraph of (A)(4) after the sentence “The
143 registrar’s determination of such issue shall be final” the following sentence:-

144 This paragraph shall not apply to a violator requesting an assessment reduction or waiver.

145 SECTION XX. Said section 3 of said chapter 90C, as so appearing, is hereby further
146 amended by inserting at in the eighth paragraph of (A)(4) after the words “imposed assessment”,
147 in line 1010, the following words:-

148 or the violator requests an assessment reduction or waiver.

149 SECTION XX. Said section 3 of said chapter 90C , as so appearing, is hereby further
150 amended by inserting at the end of (A)(4) the following paragraphs:-

151 In any case where a violator owes an assessment, such violator may request a
152 noncriminal hearing to determine a reduction or waiver of the assessment. In any such hearing,
153 the magistrate or justice shall reduce or waive the assessment if the assessment will cause
154 substantial financial hardship to the violator or the family or dependents thereof.

155 If the violator is a recipient of any needs-based public assistance or meets the definition
156 of “indigency” under section 2 of chapter 211D, or earns no more than 400% of the U.S.
157 Department of Housing and Urban Development (HUD) very low income limit, all fees,
158 including but not limited to administrative and late fees, shall be waived and the remaining
159 assessment shall be reduced according to the following schedule:

160 (a) If the violator is currently in receipt of any needs-based public assistance or benefit or
161 meets the definition of “indigency” under section 2 of chapter 211D, the remaining assessment
162 shall be reduced to no more than 1% of said violator’s monthly income or \$5, whichever is
163 lower.

164 (b) If the violator earns 101-200% of the HUD very low income limit, the remaining
165 assessment shall be reduced by 75%.

166 (c) If the violator earns 201-300% of the HUD very low income limit, the remaining
167 assessment shall be reduced by 50%.

168 (d) If the violator earns 301-400% of the HUD very low income limit, the remaining
169 assessment shall be reduced by 25%.

170 If the violator earns over 400% of the HUD very low income limit and the magistrate or
171 justice finds that imposing the original assessment would cause financial hardship to the violator
172 or the family or dependents thereof, all fees, including but not limited to administrative and late
173 fees, shall be waived or reduced and the remaining assessment may be reduced by an amount
174 determined by the magistrate or justice.

175 In determining the violator's earnings, the magistrate or justice shall calculate the
176 violator's current total monthly income, including wages and excluding any child support or
177 Supplemental Security Income (SSI), and determine the number of persons in the family. In
178 making these determinations, the magistrate or justice shall use the information provided by the
179 violator.

180 SECTION XX. Said section 3 of said chapter 90C, as so appearing, is hereby further
181 amended in (A)(6)(a)(ii) after the words "unless and until the violator", in line 129, the following
182 words:-

183 appears for a noncriminal hearing before a magistrate or justice or

184 SECTION XX. Said section 3 of said chapter 90C, as so appearing, is hereby further
185 amended in (A)(6)(a)(ii) by striking out subsection (i) and (ii) and inserting in place thereof the
186 following paragraphs:

187 (AA) in the case of an operator violation, any license to operate a motor vehicle issued to
188 such violator by the registrar will not be renewed upon or after the expiration date of such
189 license; or

190 (BB) in the case of an owner violation, any registration of a motor vehicle issued to such
191 violator by the registrar will not be renewed upon or after the expiration date of such registration.

192 Unless such notice is sooner cancelled by the registrar, in the case of an operator
193 violation, such violator's operators license, learners permit or right to operate, or in the case of an
194 owner violation any registration of a motor vehicle issued to such violator by the registrar, shall
195 be renewed by the registrar upon payment of the scheduled or imposed assessments for such civil
196 motor vehicle infractions, plus any late fees or other administrative fees which the registrar is
197 required or authorized by law or regulation to impose, unless such fees are waived in whole or in
198 part by the registrar or a magistrate or justice.

199 The registrar shall waive all late fees and administrative fees, including reinstatement
200 fees, for any violator who is a recipient of any needs-based public assistance or meets the
201 definition of "indigency" under section 2 of chapter 211D, or earns no more than 400% of the
202 U.S. Department of Housing and Urban Development (HUD) very low income limit.

203 SECTION XX. Said section 3 of said chapter 90C , as so appearing, is hereby further
204 amended by striking out paragraph (A)(6)(b).

205 SECTION XX. Said section 3 of chapter 90C is hereby further amended by striking out
206 the paragraph after (B)(3)(c) and inserting in place thereof the following paragraph:-

207 Upon receipt of such notice, the registrar shall send a notice to the violator’s mail address
208 or last known address notifying the violator that said violator may not renew, apply for or receive
209 any operators license, learners permit, certificate of registration or title, number plate, sticker,
210 decal or other item issued by the registrar unless and until the violator presents the registrar with
211 a certificate of the clerk-magistrate of the court that the matter has been fully disposed of in
212 accordance with law or, in the case of a matter still pending before the court, that the violator is
213 attending to the matter to the satisfaction of the court. The court shall not unreasonably withhold
214 such certificate. The registrar shall cancel such revocation, and so notify the court, if satisfied
215 that it resulted through error of the registrar or the court.

216 SECTION XX. Section 2A of chapter 211D, as appearing in the 2018 Official Edition, is
217 hereby amended by striking out paragraph (h) and inserting in place thereof the following
218 paragraph:-

219 (h) The clerk of the court shall, within 60 days of appointment of counsel, report to the
220 department of revenue and the department of transitional assistance the amount of any legal
221 counsel fee owed by the person for whom counsel was appointed under this chapter. The
222 department of revenue shall intercept payment of such fee from tax refunds due to persons who
223 owe all or a portion of such fee.

224 SECTION XX. Section 23A of chapter 276, as appearing in the 2018 Official Edition, is
225 hereby amended in lines 24-25, by striking out the words “and the registry of motor vehicles”.