HOUSE DOCKET, NO. 1825 FILED ON: 1/20/2011

HOUSE . . . . . No. 1783

The Commonwealth of Massachusetts

PRESENTED BY:

Stephen R. Canessa

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:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Stephen R. Canessa	*12th Bristol*
Christine E. Canavan	*10th Plymouth*
Benjamin Swan	*11th Hampden*

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By Mr. Canessa of New Bedford, a petition (accompanied by bill, House, No. 1783) of Stephen R. Canessa, Christine E. Canavan and Benjamin Swan relative to the transportation of individuals seated in wheelchairs. Transportation.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *3785* OF 2009-2010.]

The Commonwealth of Massachusetts

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

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The General Laws are hereby amended by inserting after chapter 90F the following chapter:-

Chapter 90 F ½ Section 1. As used in this chapter the following terms shall have the following meanings:

"paratransit service" - a pre-arranged curb-to-curb motor-vehicle transportation service for persons with disabilities as defined in section 9 of Chapter 161A.

"wheelchair" - a seating system comprised for a frame, a seat, and wheels that is designed to provide support and mobility for persons with physical disabilities and thereby increase independent mobility during activities of daily living for an individual who has limited or no ambulatory abilities.

"Wheelchair tiedown and Occupant Restraint System (WTORS)" - a complete set of equipment for use in transporting wheelchair-seated occupants of motor vehicles, comprised of components for independently securing the wheelchair to the vehicle and a lap/shoulder belt-type restraint system designed to limit occupant movement and keep the occupant in their wheelchair 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 Massachusetts
27 department of transportation shall work together to establish and offer a training course in proper
28 transportation of wheelchair-seated passengers. Any owner, operator, company, or other entity,
29 be it for profit or not for profit, state or privately owned, that provides paratransit services for
30 wheelchair users who do not transfer out of their wheelchair upon entering the vehicle, shall
31 ensure that each employee or volunteer who transports or aids in the transportation of a person in
32 a wheelchair will complete the training course offered by the executive office of health and
33 human services and the Massachusetts department of transportation prior to operation of, or
34 assisting in, a paratransit 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 Massachusetts department of
37 transportation and the administrative office of the courts may take such anticipatory
38 administrative action in advance as shall be necessary for the implementation of this act.