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SENATE . . . . . No. 1948

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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.

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

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

Section 4. The executive office of health and human services and the executive office of transportation shall work together to establish and offer a training course in proper transportation of wheelchair-seated passengers. Any owner, operator, company, or other entity, be it for profit or not for profit, state or privately owned, that provides paratransit services for wheelchair users who do not transfer out of their wheelchair upon entering the vehicle, shall ensure that each employee or volunteer who transports or aids in the transportation of a person in a wheelchair will complete the training course offered by the executive office of health and human services and the executive office of transportation prior to operation of, or assisting in, a paratransit vehicle.

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