SENATE DOCKET, NO. 141 FILED ON: 1/18/2011

SENATE . . . . . No. 1733

The Commonwealth of Massachusetts

PRESENTED BY:

Sal N. DiDomenico

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 protection of motorists and residential neighborhoods.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Sal N. DiDomenico	*Middlesex, Suffolk, and Essex*
Stephen Stat Smith	*28th Middlesex*

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SENATE . . . . . No. 1733

By Mr. DiDomenico, a petition (accompanied by bill, Senate, No. 1733) of Sal N. DiDomenico and Stephen Stat Smith for legislation to protect motorists and residential neighborhoods. Transportation.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to the protection of motorists and residential neighborhoods.

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. Section 35 of chapter 85 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out, in lines 28 and 29, the words "two hundred dollars" and inserting in place thereof the following figure:- $500.

SECTION 2. Chapter 10 of the General Laws is hereby amended by adding the following section:--

Section 75. There shall be established and set up on the books of the commonwealth a separate fund to be known as the HazMat Response Fund. There shall be credited to the fund all penalties and fines due the commonwealth collected under the second paragraph in section 35 of chapter 85 and the fourth paragraph in section 20 of chapter 90 and any income derived from investment of amounts credited to the fund. Amounts credited to the fund shall be received and held in trust solely for hazardous materials training and equipment procurement. The state treasurer shall be the custodian of the fund and shall receive, deposit and invest all monies

13 transmitted to him under this section in accordance with sections 34, 34A and 38 of chapter 29,
14 and all other applicable statues, in such a manner as to secure the highest rate of return available
15 consistent with the safety of the fund, and shall credit interest and earnings on the trust fund
16 corpus to the trust fund. The secretary of the executive office of public safety shall award and
17 administer grants from the fund, without further appropriation, to municipalities in the
18 commonwealth. The secretary of the executive office of public safety shall develop written
19 criteria for awarding grants, which shall be evaluated and, if necessary, revised on an annual
20 basis. The secretary of the executive office of public safety shall file a report detailing the
21 amount of funds collected and expended from the fund along with a copy of the written criteria
22 used to expend the funds to the house and senate committees on ways and means not later than
23 August 15 of each calendar year. Any unexpended balance of monies in the fund at the end of
24 the fiscal year shall not revert to the General Fund but shall remain available for expenditure
25 from such fund in subsequent fiscal years. No expenditure made from the fund shall cause the
26 fund to become deficient at any point during a fiscal year.

27 SECTION 3. Said section 35 of said chapter 85, as so appearing, is hereby amended by
28 adding the following 2 paragraphs:-

29 Any person that operates a vehicle carrying any article or material identified in section 9
30 of chapter 148, the weight of which, with its load, exceeds the maximum weight authorized
31 under this section or section 34, unless such vehicle is being operated in accordance with the
32 terms of a special permit issued under section 30 or 30A, shall be punished by a fine of not more
33 than $1000.

34 Any person that violates this section or section 34 shall be deemed to have committed a
35 moving violation for the purposes of determining surcharges on motor vehicle premiums under
36 section 113B of chapter 175.

37 SECTION 4. Section 20 of chapter 90 of the General Laws, as so appearing, is hereby
38 amended by inserting, after the third paragraph, the following paragraph:-

39 Any person who violates section 17 while operating a commercial motor vehicle, as
40 defined in section 1 of chapter 90F, while such vehicle is transporting any article or material
41 identified in section 9 of chapter 148, shall be punished by a fine of not more than $1,000 for the
42 first offense, not less than $1,000 nor more than $2,000 for a second offense committed in any 12
43 month period, and not less than $2,000 nor more than $3,000 for a third or subsequent offense
44 committed in any 12 month period. Prosecutions commenced under this paragraph shall not be
45 placed on file nor continued without a finding.

46 SECTION 5. Chapter 6C of the General Laws is hereby amended by adding the
47 following section:--

48 Section 74. Not later than December 31, 2011, the Massachusetts Department of
49 Transportation shall maintain on the Department of Transportation's Internet Web site a database
50 of all reportable incidents involving gas or hazardous liquid pipelines and allow the public to
51 search the database for incidents by owner or operator of a pipeline facility.