

HOUSE No. 1812

The Commonwealth of Massachusetts

PRESENTED BY:

Brendan P. Crighton, (BY REQUEST)

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 establishing a medical delay for the payment of civil motor vehicle fines and municipal parking tickets for persons suffering from a serious illness.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Charles J. Lawless Jr.</i>		<i>1/18/2017</i>

HOUSE No. 1812

By Mr. Crighton of Lynn (by request), a petition (accompanied by bill, House, No. 1812) of Charles J. Lawless, Jr., relative to medical delays for the payment of civil motor vehicle fines and municipal parking tickets for persons suffering from a serious illness. Transportation.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act establishing a medical delay for the payment of civil motor vehicle fines and municipal parking tickets for persons suffering from a serious illness.

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. Chapter 90C of the General Laws, as appearing in the 2014 Official
2 Edition, is hereby amended by inserting after section 3 the following section:-

3 Section 3A. (a) A violator subject to a scheduled or imposed assessment for a civil motor
4 vehicle infraction under section 3 who has a serious illness shall be granted a medical necessity
5 grace period by the registrar if: (i) a registered physician certifies in writing to the registrar that
6 such serious illness exists; and (ii) upon submission by the violator of a statement of financial
7 hardship, the register determines that a financial hardship exists. During such grace period, the
8 registrar shall not, due to nonpayment of such assessment: (i) assess any late fees or fines; (ii)
9 suspend or revoke the violator’s license to operate, permit or right to operate; or (iii) place an
10 activity hold on the violator’s record that would prevent a license or registration renewal at the
11 registrar.

12 A medical necessity grace period granted by the registrar shall expire upon a
13 determination by the registrar that a financial hardship no longer exists or 365 days after being
14 granted; provided, however, the registrar shall grant extensions to the grace period if: (i) a
15 registered physician certifies in writing to the registrar that such serious illness continues to exist;
16 and (ii) upon submission by the violator of a new statement of financial hardship, the registrar
17 determines that the violator has demonstrated that his or her financial hardship continues to exist.
18 Any such extension shall expire upon a determination by the registrar that a financial hardship no
19 longer exists or 365 days after being granted.

20 (b) Upon the expiration of a medical necessity grace period or an extension to such grace
21 period granted under subsection (a), the registrar shall immediately notify the violator by
22 certified mail that the full amount of the assessment shall be due within 40 days of such
23 expiration, and that if the violator fails to pay the full amount by such date, the violator shall be
24 subject to late fees, fines and punishments due to nonpayment of a scheduled or imposed
25 assessment pursuant to section 3. Said notice shall also include a list of any previous payments
26 made towards such assessment and shall specify the remaining balance due. For such period of
27 40 days after the expiration of the grace period, the registrar shall not, due to nonpayment of
28 such assessment: (i) assess any late fees or fines; (ii) suspend or revoke the violator's license to
29 operate, permit or right to operate; or (iii) place an activity hold on the violator's record that
30 would prevent a license or registration renewal at the registrar.

31 (c) A person subject to a scheduled or imposed assessment or fine for a violation of any
32 rule, regulation, order, ordinance or by-law regulating the parking of motor vehicles by any city
33 or town, who has a serious illness shall be granted a medical necessity grace period by the city or
34 town if: (i) a registered physician certifies in writing to the city or town that such serious illness

35 exists; and (ii) upon submission by the person subject to such assessment or fine of a statement
36 of financial hardship, the city or town determines, based on the criteria established by the
37 registrar, that a financial hardship exists. During such grace period, the city or town shall not,
38 due to nonpayment of such assessment: (i) assess any late fees or fines; (ii) cause the suspension
39 or revocation of the person's license to operate, permit or right to operate; or (iii) cause an
40 activity hold to be placed on the person's record that would prevent a license or registration
41 renewal at the registrar.

42 A medical necessity grace period granted by the city or town shall expire upon a
43 determination by the city or town, based on the criteria established by the registrar, that a
44 financial hardship no longer exists or 365 days after being granted; provided, however, the city
45 or town shall grant extensions to the grace period if: (i) a registered physician certifies in writing
46 to the city or town that such serious illness continues to exist; and (ii) upon submission by the
47 person subject to the assessment or fine of a new statement of financial hardship, the city or
48 town, based on the criteria established by the registrar, determines that the person has
49 demonstrated that his or her financial hardship continues to exist. Any such extension shall
50 expire upon a determination by the city or town, based on criteria established by the registrar,
51 that a financial hardship no longer exists or 365 days after being granted.

52 (d) Upon the expiration of a medical necessity grace period or an extension to such grace
53 period granted under subsection (c), the city or town shall immediately notify the person by
54 certified mail that the full amount of the assessment shall be due within 40 days of such
55 expiration, and that if the person fails to pay the full amount by such date, the person shall be
56 subject to late fees, fines and punishments due to nonpayment of a scheduled or imposed
57 assessment or fine for a municipal parking violation. Said notice shall also include a list of any

58 previous payments made towards such assessment and shall specify the remaining balance due.
59 For such period of 40 days after the expiration of the grace period, the city or town shall not, due
60 to nonpayment of such assessment: (i) assess any late fees or fines; (ii) cause the suspension or
61 revocation of the person's license to operate, permit or right to operate; or (iii) place an activity
62 hold on the person's record that would prevent a license or registration renewal at the registrar.

63 (e) The registrar of motor vehicles shall promulgate rules and regulations as is
64 reasonable and necessary to carry out the provisions of this section, including regulations
65 establishing criteria for determining whether a violator has demonstrated a financial hardship for
66 purposes of granting or extending a medical necessity grace period.

67 SECTION 2. Said Chapter 90C is hereby further amended by inserting after section 7A
68 the following section:-

69 Section 7B. (a) Upon receipt of payment from a person for a citation, the nonpayment of
70 which could result in an activity hold on said person's record that could prevent transactions with
71 the registrar of motor vehicles, a city or town shall immediately notify the registrar of motor
72 vehicles electronically that such payment has been made.

73 (b) The registrar of motor vehicles may promulgate rules and regulations to carry out the
74 provisions of this act.