HOUSE DOCKET, NO. 2961 FILED ON: 1/18/2019

HOUSE . . . . . No. 2969

The Commonwealth of Massachusetts

PRESENTED BY:

Donald R. Berthiaume, Jr.

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 relating to unpaid fines for illegal construction work.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Donald R. Berthiaume, Jr.	*5th Worcester*	*1/18/2019*
Anne M. Gobi	*Worcester, Hampden, Hampshire and Middlesex*	*1/31/2019*
Ryan C. Fattman	*Worcester and Norfolk*	*1/31/2019*
Stephan Hay	*3rd Worcester*	*2/1/2019*
Joseph D. McKenna	*18th Worcester*	*1/31/2019*
Mathew J. Muratore	*1st Plymouth*	*2/1/2019*

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By Mr. Berthiaume of Spencer, a petition (accompanied by bill, House, No. 2969) of Donald R. Berthiaume, Jr., and others for legislation to authorize the Registrar of Motor Vehicles to suspend drivers' licenses due to certain unpaid fines for illegal construction work or other violations. Transportation.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act relating to unpaid fines for illegal construction work.

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

Section 22 of Chapter 90 of the General Laws, as appearing in the 2018 official edition, is hereby amended by inserting the following two paragraphs:

(k) The registrar shall specify procedures for receipt of notice from the division of professional licensure that a fine or civil administrative penalty has been issued and has not been paid after 90 days, against a resident of the commonwealth or an individual licensed to operate a motor vehicle under this chapter, for violation of the regulations of the state building code governing licensing of construction supervisors under section 94 of chapter 143. Provided this notice verifies that a hearing or an opportunity therefor pursuant to sections 10 and 11 of chapter 30A was provided, the registrar, without opportunity for further hearing, shall prohibit issuance, reinstatement or renewal of such license, learner's permit, right to operate a motor vehicle or certificate of motor vehicle registration held by such individual and forward any notice required by paragraph (d) to such individual. Notwithstanding any other provisions of this chapter, the

opportunity for a hearing provided by the division of professional licensure pursuant to sections 10 and 11 of chapter 30A shall constitute the exclusive administrative remedy to contest the existence of an unpaid fine or civil administrative penalty which is the basis for action by the division of professional licensure to effect the non-issuance, non-reinstatement, or non-renewal of a license, learner's permit, right to operate a motor vehicle or certificate of motor vehicle registration. The registrar shall reinstate, issue or renew such license, learner's permit or right to operate a motor vehicle or allow the registration of a motor vehicle if the division of professional licensure provides to the registrar a notice, as specified by the registrar, stating that the resident or other individual is in compliance with the order for payment of the fine or civil administrative penalty, including any agreement governing payment of the penalty or upon order by the reviewing court, if the individual is otherwise entitled thereto. Notices between the division of professional licensure and the registrar under this subsection may be made in any form, including electronic transmission. These provisions shall not be deemed to expand or limit the ability an aggrieved individual from seeking judicial review of the decision of the division of professional licensure assessing a fine or civil administrative penalty, however, a request for judicial review shall be by action exclusively against the division of professional licensure and not the registrar. The provisions of section 28 shall not apply. For purposes of this section, the division of professional licensure shall be deemed to include any board of other entity within said division having the authority to issue a fine or civil administrative penalty.

(l) The registrar shall specify procedures for receipt of notice from the office of consumer affairs and business regulation that a fine or civil administrative penalty has been issued and has not been paid after 90 days, against a resident of the commonwealth or an individual licensed to

operate a motor vehicle under this chapter, for undertaking or bidding for residential contracting work without a certificate of registration pursuant to section 17 of chapter 142A. Provided this notice verifies that a hearing or an opportunity therefor pursuant to sections 10 and 11 of chapter 30A was provided, the registrar, without opportunity for further hearing, shall prohibit issuance, reinstatement or renewal of such license, learner's permit, right to operate a motor vehicle or certificate of motor vehicle registration held by such individual and forward any notice required by paragraph (d) to such individual. Notwithstanding any other provisions of this chapter, the opportunity for a hearing provided by the office of consumer affairs and business regulation pursuant to sections 10 and 11 of chapter 30A shall constitute the exclusive administrative remedy to contest the existence of an unpaid fine or civil administrative penalty which is the basis for action by the office of consumer affairs and business regulation to effect the non-issuance, non-reinstatement, or non-renewal of a license, learner's permit, right to operate a motor vehicle or certificate of motor vehicle registration. The registrar shall reinstate, issue or renew such license, learner's permit or right to operate a motor vehicle or allow the registration of a motor vehicle if the office of consumer affairs and business regulation provides to the registrar a notice, as specified by the registrar, stating that the resident or other individual is in compliance with the order for payment of the fine or civil administrative penalty, including any agreement governing payment of the penalty or upon order by the reviewing court, if the individual is otherwise entitled thereto. Notices between the office of consumer affairs and business regulation and the registrar under this subsection may be made in any form, including electronic transmission. These provisions shall not be deemed to expand or limit the ability an aggrieved individual from seeking judicial review of the decision of the office of consumer affairs and business regulation assessing a fine or civil administrative penalty, however, a request

for judicial review shall be by action exclusively against the office of consumer affairs and business regulation and not the registrar. The provisions of section 28 shall not apply.