

HOUSE No. 4530

House bill No. 4508, as changed by the House committee on Bills in the Third Reading and as amended and passed to be engrossed by the House. March 4, 2020.

The Commonwealth of Massachusetts

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

An Act relative to transportation finance.

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. Section 2ZZZ of chapter 29 of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by striking out subsections (d) and (e) and inserting in place
3 thereof the following 2 subsections:-

4 (d) Not less than the following amounts shall annually be distributed from the fund:

5 (1) \$160,000,000 to the Massachusetts Bay Transportation Authority or any fund
6 controlled by the authority in each fiscal year;

7 (2) \$15,000,000 to regional transit authorities organized under chapter 161B or
8 predecessor statutes in each fiscal year; and

9 (3) \$12,000,000 for rural transit assistance; provided, that such funds shall be expended
10 for capital, planning and operating costs in support of transportation services in rural areas; and
11 provided further, that organizations receiving such funding shall be those eligible for funding
12 under 49 U.S.C. section 5310 or 49 U.S.C. section 5311 grant programs.

13 (e) In addition to those revenues credited to the fund under subsections (a) and
14 (c), the comptroller shall annually transfer \$150,000,000 from the monies received by the
15 commonwealth from the tax imposed under section 39 of chapter 63 as excises upon business
16 corporations.

17 SECTION 2. Said chapter 29, as so appearing, is hereby further amended by inserting
18 after section 2HHHHH the following section:-

19 Section 2IIIII. (a) There shall be established and set up on the books of the
20 commonwealth a fund to be known as the Transit Authority Fund. The fund shall be credited any
21 monies transferred under section 12 of chapter 159A½ and all monies credited to or transferred
22 to the fund from any other fund or source. Expenditures from the fund shall be subject to
23 appropriation; provided, that 50 per cent of the funds received shall be appropriated for the
24 Massachusetts Bay Transportation Authority; and provided further, that 50 per cent of the funds
25 received shall be appropriated for the regional transit authorities organized under chapter 161B
26 or predecessor statutes.

27 SECTION 3. Section 1 of chapter 60A, as so appearing, is hereby amended by striking
28 out the first paragraph and inserting in place thereof the following 2 paragraphs:-

29 Except as hereinafter provided, there shall be assessed and levied in each calendar year:

30 (1) on every motor vehicle and trailer registered pursuant to chapter 90, for the privilege of such
31 registration, and (2) notwithstanding section 10 of chapter 159A½, on every transportation
32 network vehicle as defined in section 1 of said chapter 159A½ that is operated by a
33 transportation network driver, but is not otherwise assessed pursuant to clause (1), for the
34 privilege of use of such vehicle for transportation network services, an excise measured by the

35 value thereof, as hereinafter defined and determined, at the rate of \$25 per \$1,000 of valuation;
 36 provided, however, that the total excise due pursuant to clause (2) shall not exceed the lesser of:
 37 (a) the amount of tax due for a motor vehicle of the same make, type, model and year of
 38 manufacture assessed pursuant to clause (1), or (b) the number of pre-arranged rides, as defined
 39 in said section 1 of said chapter 159A½, originating in the commonwealth in the calendar year
 40 multiplied by the per-ride assessment rate established in the second paragraph. For the purpose
 41 of this excise the value of each such transportation network vehicle, motor vehicle or trailer shall
 42 be deemed to be the value, as determined by the commissioner, of transportation network
 43 vehicles, motor vehicles or trailers of the same make, type, model, and year of manufacture as
 44 designated by the manufacturer, but not in excess of the following percentages of the list price
 45 established by the manufacturer for the year of manufacture, namely:-

- 46 In the year preceding the designated year of manufacture
- 4750%
- 48 In the year of
- 49 manufacture.....90%
- 50 In the second
- 51 year.....60%
- 52 In the third
- 53 year.....40%
- 54 In the fourth
- 55 year.....25%

56 In the fifth and succeeding
57 years.....10%

58 The excise assessed on a transportation network vehicle pursuant to clause (2) of the first
59 sentence of the first paragraph shall be apportioned on a per-ride basis for pre-arranged rides, as
60 defined in said section 1 of said chapter 159A½, originating in the commonwealth. Such
61 assessment shall not be greater than the amount of tax due for a motor vehicle of the same make,
62 type, model and year of manufacture assessed pursuant to clause (1) of the first sentence of the
63 first paragraph. The per-ride assessment rate shall be 50 cents per pre-arranged ride, as defined in
64 said section 1 of said chapter 159A½, adjusted by the commissioner at the beginning of each
65 calendar year, by the percentage, if any, by which the Consumer Price Index for the preceding
66 year exceeds the Consumer Price Index for the calendar year that ends before such preceding
67 year; provided, that the Consumer Price Index for any calendar year shall be as defined in section
68 1 of the Internal Revenue Code, pursuant to 26 U.S.C. section 1. A transportation network
69 company or transportation network driver, as defined in said section 1 of said chapter 159A½,
70 shall not charge a rider for the cost of the excise assessed pursuant to this section.

71 SECTION 4. Section 2 of said chapter 60A, as so appearing, is hereby amended by
72 inserting after the word “commissioner”, in line 12, the following words:- , including, but not
73 limited to, the excise assessed on transportation network vehicles pursuant to clause (2) of the
74 first sentence of the first paragraph of section 1.

75 SECTION 5. Said section 2 of said chapter 60A, as so appearing, is hereby further
76 amended by adding the following paragraph:-

77 Transportation network companies, as defined in section 1 of chapter 159A½, shall
78 collect and remit the excise assessed on transportation network vehicles pursuant to clause (2) of
79 the first sentence of the first paragraph of section 1 to the commissioner.

80 SECTION 6. Section 39 of chapter 63, as so appearing, is hereby amended by striking out
81 subsection (b) and inserting in place thereof the following subsection:-

82 (b) A minimum tax as follows:

83 (1) If the total sales of the corporation in the commonwealth during the taxable year, as
84 determined pursuant to subsection (f) of section 38, are less than \$1,000,000, the minimum tax
85 shall be \$456.

86 (2) If the total sales of the corporation in the commonwealth during the taxable year, as
87 determined pursuant to subsection (f) of section 38, are equal to or greater than \$1,000,000 and
88 less than \$5,000,000, the minimum tax shall be \$1,500.

89 (3) If the total sales of the corporation in the commonwealth during the taxable year, as
90 determined pursuant to subsection (f) of section 38, are equal to or greater than \$5,000,000 and
91 less than \$10,000,000, the minimum tax shall be \$2,500.

92 (4) If the total sales of the corporation in the commonwealth during the taxable year, as
93 determined pursuant to subsection (f) of section 38, are equal to or greater than \$10,000,000 and
94 less than \$25,000,000, the minimum tax shall be \$3,500.

95 (5) If the total sales of the corporation in the commonwealth during the taxable year, as
96 determined pursuant to subsection (f) of section 38, are equal to or greater than \$25,000,000 and
97 less than \$50,000,000, the minimum tax shall be \$5,000.

98 (6) If the total sales of the corporation in the commonwealth during the taxable year, as
99 determined pursuant to subsection (f) of section 38, are equal to or greater than \$50,000,000 and
100 less than \$100,000,000, the minimum tax shall be \$10,000.

101 (7) If the total sales of the corporation in the commonwealth during the taxable year, as
102 determined pursuant to subsection (f) of section 38, are equal to or greater than \$100,000,000
103 and less than \$500,000,000, the minimum tax shall be \$25,000.

104 (8) If the total sales of the corporation in the commonwealth during the taxable year, as
105 determined pursuant to subsection (f) of section 38, are equal to or greater than \$500,000,000
106 and less than \$1,000,000,000, the minimum tax shall be \$75,000.

107 (9) If the total sales of the corporation in the commonwealth during the taxable year, as
108 determined pursuant to subsection (f) of section 38, are equal to or greater than \$1,000,000,000
109 the minimum tax shall be \$150,000.

110 SECTION 7. The General Laws are hereby amended by striking out chapter 64A and
111 inserting in place thereof the following chapter:-

112 Chapter 64A

113 TAXATION OF SALES OF GASOLINE

114 Section 1. As used in this chapter, the following words shall, unless the context otherwise
115 requires, have the following meanings:-

116 “Appellate tax board”, the board established by section 1 of chapter 58A.

117 “Average price”, the weighted average selling price per gallon of fuel exclusive of federal
118 and state motor fuel taxes imposed thereon sold by licensees, as determined by the commissioner
119 on a consistent basis from information furnished by distributors, unclassified exporters and
120 unclassified importers with their monthly returns and from other statistical data reflecting the
121 average level of such prices at the time such determination is made.

122 “Commissioner”, the commissioner of revenue.

123 “Distributor”, shall include: (1) any person qualified to do business in the commonwealth
124 who produces, refines, manufactures or compounds fuel, as herein defined, or any person who
125 operates a port or pipe line terminal within the commonwealth for the receipt of fuel, as herein
126 defined; and (2) any person who elects to qualify as a distributor by importing into the
127 commonwealth or by receiving within the commonwealth fuel, as herein defined, by pipe line,
128 vessel, tank car or tank truck lots, for resale in pipe line, vessel, tank car or tank truck lots;
129 provided, that no person shall qualify as a distributor pursuant to clause (2) unless their facilities
130 are regularly used for the receipt and storage of fuel, as herein defined, are such that not less than
131 25,000 gallons may be stored in the aggregate, at 1 location within the commonwealth; and
132 provided, further, that at least 75 per cent of the fuel imported or received by them is sold to
133 others for resale exclusive of sales to government instrumentalities.

134 “Fuel”, all products commonly or commercially known or sold as gasoline,
135 including casing-head and absorption or natural gasoline, regardless of their classification or
136 uses; and any liquid prepared, for American Society Testing Materials Method D-86, not more
137 than 9 per cent at 176° Fahrenheit, and which have a distillation range of 150° Fahrenheit, or
138 less, or liquefied gases which would not exist as advertised, offered for sale, or sold for use as or

139 commonly and commercially used as a fuel in internal combustion engines, which when
140 subjected to distillation in accordance with the standard method of test for distillation of
141 gasoline, naphtha, kerosene and similar petroleum products (American Society for Testing
142 Materials Designation D-86) show not less than 10 per cent distilled (recovered) below 347°
143 Fahrenheit (175° Centigrade) and not less than 95 per cent distilled (recovered) below 464°
144 Fahrenheit (240° Centigrade); provided, that the term fuel shall not include industrial solvents or
145 naphthas which distill, by said American Society liquids at a temperature of 60° Fahrenheit and a
146 pressure of 14.7 pounds per square inch absolute. For the purposes of this chapter, fuel shall
147 include products sold or used as fuel for aircraft, except aircraft fuel as defined in section 1 of
148 chapter 64J.

149 “Motor vehicle”, shall include any vehicle propelled by any power other than muscular,
150 except boats, tractors used exclusively for agricultural purposes and such vehicles as run only on
151 rails or tracks.

152 “Purchaser”, shall include, in addition to its usual meaning, a distributor and unclassified
153 importer in the case of a transfer of fuel by a distributor or an unclassified importer into a motor
154 vehicle, or into a receptacle from which fuel is supplied by the distributor or unclassified
155 importer to their own or other motor vehicles.

156 “Sale”, shall include, in addition to its usual meaning, the transfer of fuel by a
157 distributor or an unclassified importer into a motor vehicle or into a receptacle from which fuel is
158 supplied by the distributor or an unclassified importer to their own or other motor vehicles.

159 “Tax per gallon”, shall be 29 cents per gallon. For aviation fuel, tax per gallon shall mean
160 7 ½ per cent of the average price, as determined by the commissioner, for each calendar quarter,

161 computed to the nearest tenth of a cent per gallon; provided, however, that such tax shall not be
162 less than 10 cents per gallon.

163 “To sell”, in all of its moods and tenses, shall refer to a sale as herein defined.

164 “Unclassified importer”, any person who imports or causes to be imported fuel, as herein
165 defined, for use, distribution or sale in the commonwealth, but who does not qualify as a
166 distributor.

167 “Unclassified exporter”, any person licensed as a distributor in another state who exports
168 or causes to be exported fuel, as herein defined, for use, distribution or sale outside the
169 commonwealth, but who does not qualify as a distributor.

170 Section 2. Any person who qualifies as a distributor, unclassified importer or unclassified
171 exporter may apply to the commissioner, in accordance with section 67 of chapter 62C, for a
172 license as a distributor, as an unclassified importer or as an unclassified exporter, as the case may
173 be. No distributor or unclassified importer shall make any sale of fuel in the commonwealth,
174 except a sale which is exempt under the constitution and laws of the United States, without such
175 a license.

176 Section 3. Every distributor, unclassified importer and unclassified exporter shall keep a
177 complete and accurate record of all sales of fuel, including the name and address of the
178 purchaser, the place and date of delivery, the gross receipts and number of gallons for each type
179 of fuel sold and a complete and accurate record of the number of gallons imported, produced,
180 refined, manufactured, compounded or exported and the date of importation, production,
181 refining, manufacturing, compounding or exporting. Every distributor, unclassified importer and
182 unclassified exporter shall also deliver with every consignment of fuel to a purchaser within the

183 commonwealth a written statement containing the date of purchase, the names of the purchaser
184 and seller, and the number of gallons delivered, and shall retain a duplicate of each statement.
185 Said records and said written statements shall be in such form as the commissioner shall
186 prescribe and shall be preserved by said distributors, said unclassified importers, said
187 unclassified exporters and said purchasers respectively, for a period of 3 years and shall be
188 offered for inspection at any time upon oral or written demand by the commissioner or the
189 commissioner's duly authorized agents.

190 Section 3A. The commissioner shall, before the commencement of each calendar quarter,
191 determine the average price of fuel and the tax per gallon to be applicable for each of the 3
192 months in the ensuing calendar quarter; and shall notify every distributor, unclassified importer
193 and unclassified exporter of the tax per gallon that shall apply for such calendar quarter.

194 Section 4. At the time of filing a return required by subsection (a) of section 16 of chapter
195 62C, every distributor and unclassified exporter shall pay to the commissioner an excise at the
196 tax per gallon determined by the commissioner upon each gallon of fuel sold by said distributor
197 or unclassified exporter in the commonwealth during the calendar month covered by the return.

198 At the time of filing a return required by subsection (a) of section 16 of chapter 62C,
199 every unclassified importer shall pay to the commissioner an excise at the tax per gallon
200 determined by the commissioner upon each gallon of fuel imported or caused to be imported
201 during the calendar month covered by the return.

202 Notwithstanding the foregoing, the tax per gallon payable upon each gallon of fuel sold,
203 imported or caused to be imported as aviation fuel shall be separately determined by the
204 commissioner utilizing the same procedures as those used for other fuel and such tax per gallon

205 as so determined shall apply to each gallon of fuel sold, imported or caused to be imported as
206 aviation fuel by a licensee in the commonwealth during the calendar month covered by the
207 return.

208 Section 7. Any person who shall buy any fuel other than aviation fuel on which an excise
209 has been paid or is chargeable pursuant to this chapter, and shall consume the same in any
210 manner except on a farm for farming purposes or in the operation of motor vehicles upon or over
211 highways, whether or not such vehicles are registered pursuant to section 5 of chapter 90, and
212 any person who transfers into another state fuel on which the excise has been paid or is
213 chargeable pursuant to this chapter, and pays an additional excise or other tax which is properly
214 due to such other state on such fuel so transferred, shall be reimbursed the amount of said excise
215 in the manner and subject to the conditions hereinafter set forth; provided, however, that any
216 turnpike constructed by the Massachusetts Department of Transportation in accordance with
217 chapter 354 of the acts of 1952, as amended, shall not be considered a highway for the purposes
218 of this chapter until such turnpike shall have become a part of the state highway system as
219 provided in section 17 of said chapter 354. All claims for reimbursement shall be for not less
220 than \$1, shall be made by affidavit in such form and containing such information as the
221 commissioner of revenue shall prescribe, shall be accompanied by original invoices or sales
222 receipts of fuel and in the case of claims for reimbursement for tax on fuel consumed on said
223 turnpike, shall be made with respect to a calendar half year and shall be accompanied by the toll
224 receipts given to users of said turnpike or invoices rendered to such users by said Department.
225 All claims for reimbursement shall be filed with the commissioner within 2 years from the date
226 of purchase or invoice of fuel; except claims for reimbursement of the excise paid for fuel used
227 in producing or generating power for the operation of watercraft of every description, other than

228 a seaplane, which shall be filed within 6 months from the date of purchase or invoice of such
229 fuel. Such toll receipts given to users of said turnpike or invoices rendered to such users by said
230 Department shall be accepted by the commissioner as evidence of the use on said turnpike of fuel
231 in the proportion of 1 gallon for each 15 miles of indicated travel by passenger cars, ambulances,
232 hearses, motorcycles and light trucks, and in the proportion of 1 gallon for each 5 miles of
233 indicated travel by all other trucks and buses. No claims for reimbursement for tax on fuel
234 consumed on said turnpike shall be allowed unless it shall appear from said toll receipts or
235 invoices and from said invoices or sales receipts of fuel that the purchase of the fuel which is the
236 basis for the claim of reimbursement took place on the same or any one of the 3 preceding
237 calendar days as the travel on said turnpike or unless evidence satisfactory to the commissioner
238 is furnished that such fuel was transferred from bulk to the vehicle tank within the same period.
239 The commissioner may require such further information as the commissioner shall deem
240 necessary for the determination of such claims, and shall transmit all claims approved by the
241 commissioner to the comptroller for certification; and the amount approved by the commissioner
242 and certified as aforesaid shall be paid forthwith from the proceeds of the excise tax levied
243 pursuant to this chapter, without specific appropriation.

244 Section 7A. Any person engaged in the business of farming who shall buy any fuel on
245 which an excise has been paid or is chargeable pursuant to this chapter and who, having
246 consumed the same for farm purposes and is entitled to a refund of the federal gasoline tax paid
247 on account of such fuel pursuant to section 6420 of the Internal Revenue Code shall be
248 reimbursed the amount of said excise in the manner and subject to the conditions herein
249 provided. Claim for reimbursement of said excise with respect to fuel used during the taxable
250 year for which such refund of the federal gasoline tax is due shall be filed on or before the

251 fifteenth day of the fourth month following the close of such taxable year. Such claim shall be on
252 a form prescribed by the commissioner. The commissioner shall transmit all claims approved by
253 the commissioner to the comptroller for certification, and the amount approved by the
254 commissioner and certified as aforesaid shall be paid forthwith from the proceeds of the excise
255 tax levied pursuant to this chapter without specific appropriation.

256 Section 8. No provision of this chapter shall apply or be construed to apply to foreign or
257 interstate commerce, except in so far as the same may be permitted pursuant to the constitution
258 and laws of the United States.

259 Section 8A. A distributor duly licensed in this commonwealth may sell fuel tax-free to
260 another person who is licensed as a distributor in this commonwealth. A distributor duly licensed
261 may sell fuel tax-free to any person who is a licensed distributor in another state; provided, that
262 the entire quantity purchased is to be exported forthwith from this commonwealth prior to use or
263 resale; and provided, further, that such person is licensed by the commissioner as an unclassified
264 exporter.

265 Section 9. Except as otherwise provided in section 7, the tax in every instance shall be
266 borne by the purchaser, and no person offering fuel for sale shall sell, advertise or offer for sale
267 said fuel separately from the tax imposed by this chapter. For any violation of this section, the
268 license to keep and sell crude petroleum or any of its products, issued by the local licensing
269 authority pursuant to chapter 148, shall be suspended by said authority on request of the
270 commissioner for such time as the commissioner deems proper.

271 Section 11. Any distributor, unclassified exporter, unclassified importer, or purchaser of
272 fuel who violates any provision of this chapter shall be punished by a fine of not more than
273 \$1,000 or by imprisonment for not more than 1 year, or both.

274 Section 12. The supreme judicial court or the superior court shall have jurisdiction in
275 equity to restrain the collection, upon any sale exempted by the constitution and laws of the
276 United States, of the excise imposed by this chapter. The bill shall be brought against the
277 commissioner, whether the question of the collection of the excise is in the hands of the attorney
278 general or pending before the appellate tax board or is still in the hands of the commissioner.

279 Section 13. All sums received from the excise imposed on aviation fuel, and related
280 penalties, forfeitures, interest, costs of suits and fines, less all amounts for reimbursement
281 pursuant to sections 7 and 7A, shall be credited to the Commonwealth Transportation Fund and
282 may be used for airport development projects approved and carried out at airports and landing
283 facilities pursuant to 49 U.S.C. section 47105 or 47107. All other sums received from the excise
284 imposed in section 4, and related penalties, forfeitures, interest, costs of suits and fines, less all
285 amounts for reimbursement pursuant to said sections 7 and 7A, shall be credited as follows: (i)
286 99.85 per cent shall be credited to the Commonwealth Transportation Fund to be used for
287 transportation-related purposes; and (ii) 0.15 per cent shall be credited to the George L. Darey
288 Inland Fisheries and Game Fund established in section 2C of chapter 131.

289 SECTION 8. Section 1 of chapter 64E, as so appearing, is hereby amended by adding the
290 following paragraph:-

291 (l) "Diesel fuel", all products intended for use or offered for sale as fuel for a motor
292 vehicle registered for use on the public highways in which the fuel is injected into the

293 combustion chamber of an engine and ignited by pressure without electric spark, and shall
294 include any liquid that is commonly or commercially known or sold as a fuel that is suitable for
295 use in a diesel-powered motor vehicle. Diesel fuel shall not include kerosene, fuel as defined in
296 section 1 of chapter 64A, natural gas or liquified gas.

297 SECTION 9. Section 4 of said chapter 64E, as so appearing, is hereby amended by
298 inserting after the first sentence the following sentence:- Notwithstanding the foregoing, the tax
299 per gallon payable upon each gallon of diesel fuel shall be separately determined by the
300 commissioner, utilizing the same procedures as those used for fuel under chapter 64A, at a rate
301 of 33 cents per gallon sold or used by a licensee in the commonwealth during the calendar month
302 covered by the return.

303 SECTION 10. Section 1 of chapter 64H is hereby amended by inserting after the
304 definition of “Retail establishment”, as so appearing, the following definition:-

305 “Rolling stock”, trucks, tractors and trailers.

306 SECTION 11. Section 6 of said chapter 64H, as so appearing, is hereby amended by
307 adding the following paragraph:-

308 (yy) Sales of rolling stock used by common carriers to transport goods in interstate
309 commerce.

310 SECTION 12. Subsection (a) of section 8 of said chapter 64H, as so appearing, is hereby
311 amended by adding the following sentence:- Notwithstanding the foregoing, the purchase of a
312 motor vehicle or trailer, as defined in section 1 of chapter 90, or other vehicle by a rental

313 company, as defined in section 32E½ of chapter 90, shall not be considered a purchase for resale
314 under this chapter, and a vendor shall not accept an exempt use certificate for such purchase.

315 SECTION 13. Section 1 of chapter 64I is hereby amended by inserting after the words
316 ““retail establishment””, in line 5, as so appearing, the following words:- , “rolling stock”.

317 SECTION 14. Section 7 of said chapter 64I, as so appearing, is hereby amended by
318 adding the following subsection:-

319 (f) Storage, use or other consumption of rolling stock, used by common carriers to
320 transport goods in interstate commerce.

321 SECTION 15. Subsection (a) of section 8 of said chapter 64I, as so appearing, is hereby
322 amended by adding the following sentence:- Notwithstanding the foregoing, any purchase of a
323 motor vehicle or trailer, as defined in section 1 of chapter 90, or other vehicle by a rental
324 company, as defined in section 32E½ of chapter 90, for storage, use or other consumption in the
325 commonwealth, shall not be considered a purchase for resale under this chapter, and a vendor
326 shall not accept an exempt use certificate for such purchase.

327 SECTION 16. The General Laws are hereby amended by inserting after chapter 90J the
328 following chapter:-

329 CHAPTER 90K

330 PERSONAL VEHICLE SHARING COMPANIES

331 Section 1. As used in this chapter, the following words shall, unless the context clearly
332 requires otherwise, have the following meanings:-

333 “Personal vehicle sharing”, the use and operation of a motor vehicle by a person other
334 than the vehicle’s registered owner for consideration, facilitated by a personal vehicle sharing
335 company.

336 “Personal vehicle sharing company” or “company”, a corporation, partnership, sole
337 proprietorship or other entity qualified to do business in the commonwealth that is engaged in
338 facilitating personal vehicle sharing through a personal vehicle sharing platform.

339 “Personal vehicle sharing platform” or “platform”, any online-enabled application,
340 software, website or system offered or utilized by a personal vehicle sharing company that
341 facilitates personal vehicle sharing between an owner and a driver.

342 “Registry”, the registry of motor vehicles established pursuant to section 56 of chapter
343 6C.

344 “Shared motor vehicle” or “shared vehicle”, a private passenger motor vehicle designed
345 primarily for the transport of persons, which is made available on a personal vehicle sharing
346 platform.

347 “Shared vehicle agreement” or “agreement”, the written terms and conditions applicable
348 to a shared vehicle owner and driver that govern the use of the shared motor vehicle during the
349 vehicle sharing period. For the purposes of this chapter, shared vehicle agreements shall not be
350 considered agreements to rent or lease a motor vehicle pursuant to sections 32C to 32F,
351 inclusive, of chapter 90.

352 “Shared vehicle driver” or “driver”, an individual who is authorized to drive a shared
353 vehicle by a personal vehicle sharing company.

354 “Shared vehicle owner” or “owner”, the registered owner of a private motor vehicle who
355 makes such vehicle available through a personal vehicle sharing platform.

356 “Vehicle sharing period”, the period of time during which the motor vehicle is being
357 shared through the personal vehicle sharing platform; provided, that the vehicle sharing period
358 shall start at the time, pursuant to the agreement, the motor vehicle becomes subject to the
359 control of the driver and end when the motor vehicle is returned to the location designated by the
360 owner.

361 Section 2. (a) Prior to offering a motor vehicle for personal vehicle sharing on a personal
362 vehicle sharing platform, the personal vehicle sharing company shall verify that the motor
363 vehicle is in compliance with annual safety and emissions inspections pursuant to section 7A of
364 chapter 90 and regulations promulgated pursuant to said section 7A of said chapter 90; or, if a
365 motor vehicle is registered in another state, that the motor vehicle complies with the inspection
366 requirement of the state where the motor vehicle is registered.

367 (b) A personal vehicle sharing company shall not authorize an individual to drive a
368 shared vehicle unless the individual is at least 18 years of age and has a license to operate a
369 motor vehicle.

370 (c) Prior to offering a motor vehicle on a personal vehicle sharing platform, the owner
371 shall certify to the company that the motor vehicle is not subject to any unresolved safety recalls
372 from the manufacturer. If a motor vehicle is subject to an unresolved safety recall, the owner
373 shall not offer the motor vehicle for personal vehicle sharing on a platform until all safety recall
374 repairs have been made.

375 If the shared vehicle owner receives notice of a safety recall while the shared vehicle is
376 offered on a platform, the owner shall cause the vehicle to be unavailable for personal vehicle
377 sharing on the platform not later than 72 hours after receiving notice of the safety recall. If the
378 owner receives notice of a safety recall during a vehicle sharing period, as soon as possible, but
379 not later than 72 hours after receiving notice of the safety recall, the owner shall notify both the
380 company and the driver about the safety recall so the owner may address the safety recall repair.

381 Section 3. (a) Each personal vehicle sharing company shall carry adequate insurance, as
382 required by section 231 of chapter 175, for each shared vehicle during the vehicle sharing period.

383 (b) A personal vehicle sharing company that provides insurance coverage to its drivers
384 shall provide policies to the division of insurance to be placed on file.

385 (c) An owner shall provide notice to all insurers of the motor vehicle of their intent to
386 make the motor vehicle available for personal vehicle sharing on a personal vehicle sharing
387 platform prior to offering said vehicle on a personal vehicle sharing platform.

388 Section 4. A personal vehicle sharing company shall issue removable decals, in a form
389 and manner prescribed by the registry, to a shared vehicle owner to designate the motor vehicle
390 as a shared motor vehicle. The decals shall be applied to both the front and back panels of a
391 motor vehicle at all times during a vehicle sharing period.

392 Section 5. A personal vehicle sharing company shall provide clear and conspicuous cost
393 estimates to consumers for all transportation costs and any additional costs, which shall include,
394 but not be limited to: the rate, either hourly, daily or by mileage, fees, insurance costs and any
395 protection package costs that are charged to the shared vehicle owner or driver. If a rate is

396 advertised by the personal vehicle sharing company, all fees must be clearly disclosed on the
397 personal vehicle sharing platform.

398 A personal vehicle sharing company may charge a shared vehicle driver a separately
399 stated fee to recover specified costs paid to a government entity that are incurred by the
400 company.

401 Section 6. (a) Prior to offering a motor vehicle for personal vehicle sharing on a platform,
402 the company shall notify the owner that, if the motor vehicle has a lien against it, the use of the
403 motor vehicle through a personal vehicle sharing platform, including the use without physical
404 damage coverage, may violate the terms of the contract with the lienholder.

405 (b) Each company shall disclose to the owner and the driver in the shared vehicle
406 agreement:

407 (i) any right of the personal vehicle sharing company to seek indemnification from the
408 shared vehicle owner or the shared vehicle driver for economic loss sustained by the personal
409 vehicle sharing company resulting from a breach of the terms and conditions of the shared
410 vehicle agreement;

411 (ii) that an automobile insurance policy issued to the shared vehicle owner for the shared
412 vehicle or an automobile insurance policy issued to the shared vehicle driver does not provide a
413 defense or indemnification for any claim asserted by the personal vehicle sharing company;

414 (iii) the automobile insurance requirements under section 231 of chapter 175, and any
415 conditions under which a driver must maintain a personal automobile insurance policy with

416 certain applicable coverage limits on a primary basis in order to use or operate a shared motor
417 vehicle;

418 (iv) that an owner's automobile insurance policy may not provide coverage for a shared
419 vehicle;

420 (v) that the personal vehicle sharing company's insurance coverage for the shared vehicle
421 owner and the shared vehicle driver is in effect only during each vehicle sharing period and that,
422 for any use of the motor vehicle by the driver outside of the vehicle sharing period, the driver
423 and the owner may not be covered; and

424 (vi) an emergency telephone number to personnel capable of fielding roadside assistance
425 and other customer service inquiries.

426 Section 7. A personal vehicle sharing company and a shared vehicle owner shall be
427 exempt from vicarious liability in accordance with 49 U.S.C. section 30106 and under any state
428 or local law that imposes liability solely based on vehicle ownership.

429 Section 8. A personal vehicle sharing company shall maintain records that shall include,
430 but shall not be limited to: (i) the number of motor vehicles listed on the personal vehicle sharing
431 platform; (ii) the number of owners who use the personal vehicle sharing platform; (iii) the
432 average length of a vehicle sharing period; (iv) the percentage of drivers with a license to operate
433 a motor vehicle from a state other than the commonwealth; (v) the breakdown of the cities or
434 towns that serve as the designated location where a vehicle sharing period originates; (vi) the
435 total mileage driven by a shared vehicle driver during each vehicle sharing period; (vii) the
436 make, model and year of each shared vehicle; (viii) for each accident or crash involving a shared

437 motor vehicle, the date and the time of the accident and the license plate of the motor vehicle;
438 and (ix) the total cost paid by each shared vehicle driver for the vehicle sharing period.

439 Annually, not later than April 30, the personal vehicle sharing company shall compile
440 these records and distribute said records to the Massachusetts Department of Transportation. Not
441 later than June 30, the Massachusetts Department of Transportation shall publicly post the
442 aggregate number of vehicle sharing periods from the previous calendar year originating within
443 each city or town.

444 Section 9. An assessment shall be imposed on each personal vehicle sharing company at
445 the rate of \$1 per vehicle sharing period; provided, however, that for each vehicle sharing period
446 that exceeds 24 hours, the assessment shall be at the rate of \$1 per day. Annually, not later than
447 February 1, each personal vehicle sharing company shall submit to the commissioner of revenue
448 the assessment from the previous calendar year. The assessment collected pursuant to this section
449 shall be credited to the Commonwealth Transportation Fund, established pursuant to section
450 2ZZZ of chapter 29.

451 SECTION 17. Section 1 of chapter 159A½ of the General Laws, as appearing in the 2018
452 Official Edition, is hereby amended by inserting after the definition of “Division” the following
453 2 definitions:-

454 “Luxury ride”, a non-shared pre-arranged ride in a vehicle that is registered as a livery
455 vehicle.

456 “Non-shared ride”, a pre-arranged ride that is not a shared ride.

457 SECTION 18. Said section 1 of said chapter 159A½, as so appearing, is hereby further
458 amended by inserting after the definition of “Pre-arranged ride” the following definition:-

459 “Shared ride”, a pre-arranged ride requested or selected by a rider, which may be shared
460 with 1 or more riders, who each independently use transportation network services to select the
461 pre-arranged ride, regardless of whether the rider actually shares all or part of the ride with 1 or
462 more riders; provided, that each rider is charged a fare that is calculated, in part, based on the
463 rider’s request or acceptance of the request to share all or part of the pre-arranged ride.

464 SECTION 19. Section 2 of said chapter 159A½, as so appearing, is hereby amended by
465 striking out subsection (e) and inserting in place thereof the following subsection:-

466 (e) A transportation network company and driver shall not, unless approved to do so by
467 the division, raise base fares, impose additional charges or otherwise increase the price that a
468 rider is charged for transportation network services, including by imposing surge pricing or other
469 formulas based on increased demand, during a federal or governor-declared state of emergency.

470 SECTION 20. Said chapter 159A½, as so appearing, is hereby further amended by
471 adding the following 2 sections:-

472 Section 12. (a) There shall be a Transportation Infrastructure Enhancement Trust Fund.
473 The director of the division shall be the trustee of the Fund and shall expend money in the fund
474 to address the impact of transportation network services. There shall be credited to the Fund: (i)
475 any per-ride assessment collected pursuant to subsection (b); and (ii) any interest earned on
476 money in the Fund. Amounts credited to the Fund shall be expended by the director pursuant to
477 subsections (c) and (d) without further appropriation. Money remaining in the fund at the end of
478 a fiscal year shall not revert to the General Fund.

479 (b) Annually, not later than February 1, each transportation network company shall
480 submit to the director of the division the number of rides, broken down by shared rides and non-
481 shared rides, including the number of luxury rides, from the previous calendar year that
482 originated within each city or town and a per-ride assessment. The per-ride assessment shall be
483 as follows: (i) a shared ride shall have a per-ride assessment of \$0.20; and (ii) a non-shared ride
484 shall have a per-ride assessment of \$1.20; provided, that a luxury ride shall have an additional
485 per-ride assessment of \$1.00; and provided further, that the per-ride assessment shall be based
486 upon the pre-arranged ride, as offered by the transportation network company and selected by
487 the rider; provided however, the per-ride assessment shall not apply to a pre-arranged ride
488 requested or selected by a rider who has requested or selected the pre-arranged ride through a
489 program established to provide transportation network services to individuals who are eligible
490 for paratransit services. A transportation network company shall not charge a transportation
491 network rider or a transportation network driver for the cost of the per-ride assessment.

492 (c) From the funds received from the per-ride assessment of shared and non-shared rides,
493 the division shall: (i) proportionately distribute 25 per cent to a city or town based on the number
494 of shared and non-shared rides from the previous calendar year that originated within that city or
495 town to address the impact of transportation network services on municipal roads, bridges and
496 other transportation infrastructure or any other public purpose substantially related to the
497 operation of transportation network services in the city or town including, but not limited to, the
498 complete streets program established in section 1 of chapter 90I and other programs that support
499 alternative modes of transportation; (ii) distribute 25 per cent to the Commonwealth
500 Transportation Fund established in section 2ZZZ of chapter 29; provided, that the division shall
501 annually distribute \$6,000,000 from the Fund to the Massachusetts Development Finance

502 Agency, established in section 2 of chapter 23G, to provide financial assistance to small
503 businesses operating in the taxicab, livery or hackney industries to encourage the adoption of
504 new technologies and advanced services, safety and operational capabilities and support
505 workforce development; and (iii) distribute 50 per cent to the Transit Authority Fund, established
506 in section 2IIIII of chapter 29.

507 (d) From the funds received from the additional per-ride assessment for luxury rides,
508 pursuant to subsection (b), the division shall annually: (i) proportionately distribute 50 per cent
509 of the amount received to a city or town based on the number of luxury rides from the previous
510 calendar year that originated within that city or town to address the impact of transportation
511 network services on municipal roads, bridges and other transportation infrastructure or any other
512 public purpose substantially related to the operation of transportation network services in the city
513 or town including, but not limited to, the complete streets program established in section 1 of
514 chapter 90I and other programs that support alternative modes of transportation; and (ii)
515 distribute 50 per cent to the Commonwealth Transportation Fund, established in section 2ZZZ of
516 chapter 29.

517 (e) By December 31 of each year in which a city or town receives a disbursement of more
518 than \$25,000 from the Fund, that city or town shall submit a report to the director of the division
519 that details the projects and the amount used or planned to be used for transportation-related
520 projects as described in subsections (c) and (d).

521 By December 31 of the year in which a city or town receives a cumulative total of more
522 than \$25,000 in disbursements from the Fund since its last report to the director of the division,
523 that city or town shall submit a report to the director of the division that details the projects and

524 the amount used or planned to be used for transportation-related projects as described in
525 subsections (c) and (d) for each disbursement from the Fund since the city or town's last report
526 to the director of the division.

527 For a city or town whose cumulative total disbursements from the Fund have not
528 exceeded \$25,000 in the 5 years since its last report to the director of the division, that city or
529 town shall submit a report to the director of the division by December 31 of the fifth year since
530 its last report to the director of the division. That report shall detail the projects and the amount
531 used or planned to be used for transportation-related projects as described in subsections (c) and
532 (d) for each annual disbursement from the Fund since the city or town's last report to the director
533 of the division.

534 The division shall withhold future disbursements from the Fund from any city or town
535 that does not comply with the reporting requirements of this subsection. The withheld funds shall
536 be disbursed when the city or town complies with the requirements of this subsection.

537 On an annual basis, the director shall compile the reports and post the projects and
538 amounts of money expended on the website of the division.

539 Section 13. (a) By the first of each month, each transportation network company shall
540 submit to the division, in a format approved by the division, data related to each pre-arranged
541 ride provided in the previous month including:

542 (i) for each non-shared ride: (1) the latitude and longitude for the points of origination
543 and termination, calculated to 3 decimal degrees; (2) the date and time, calculated to the nearest
544 minute, of the origination and termination; (3) the total cost paid by the rider for the ride; (4) the
545 universally unique identifier associated with the transportation network driver; (5) the

546 transportation network driver's city or town of residence; (6) the transportation network driver's
547 state of licensure; (7) whether the transportation network driver is a professional driver, as
548 advertised by the transportation network company; (8) whether the pre-arranged ride
549 accommodated a rider with special needs and, if so, whether the ride was provided by a
550 wheelchair accessible vehicle; (9) the total time that the transportation network driver spent en
551 route to pick up the rider; (10) the total time the transportation network driver spent providing
552 the pre-arranged ride; (11) the total mileage driven by the transportation network driver while en
553 route to pick up the rider; (12) the total mileage driven by the transportation network driver while
554 providing the pre-arranged ride; (13) the total number of riders in the vehicle; (14) the
555 transportation network vehicle's license plate; (15) whether the transportation network vehicle
556 was a livery vehicle; and (16) whether the pre-arranged ride was advertised by the transportation
557 network company as a luxury or premium ride, regardless of whether the transportation network
558 vehicle was registered as a livery vehicle; provided, that if the pre-arranged ride was advertised
559 by the transportation network company as a luxury or premium ride the factors that were
560 considered in that designation, including, but not limited to, vehicle make, model, year, and, if
561 available, trim, whether the transportation network driver was a professional driver, as advertised
562 by the transportation network company and whether the ride was available by an exclusive
563 membership option;

564 (ii) for each shared ride: (1) the latitude and longitude for the points of the origination and
565 termination of the entire shared ride, calculated to 3 decimal degrees; (2) the total number of
566 riders in the vehicle; and (3) for each pre-arranged ride that was part of a shared ride:

567 (A) the latitude and longitude for the points of each respective pre-arranged ride's
568 origination and termination, calculated to 3 decimal degrees; (B) the date and time, calculated to

569 the nearest minute, of each respective pre-arranged ride's origination and termination; (C) the
570 total time that the transportation network driver spent en route to pick up each rider; (D) the total
571 time that the transportation network driver spent providing each pre-arranged ride; (E) the total
572 mileage driven by the transportation network driver while en route to pick up each rider; (F) the
573 total mileage driven by the transportation network driver while providing each pre-arranged ride;
574 (G) the total cost paid by each rider for each pre-arranged ride; (H) the universally unique
575 identifier associated with the transportation network driver; (I) the transportation network
576 driver's city or town of residence; (J) the transportation network driver's state of licensure; and
577 (K) the transportation network vehicle license plate; and (L) whether the rider requested a shared
578 ride but was not successfully matched with another rider;

579 (iii) for each transportation network vehicle that provided at least 1 pre-arranged ride: (1)
580 the vehicle license plate; (2) whether the transportation network vehicle was a livery vehicle; (3)
581 the vehicle make, model, year and, if available, trim; (4) the vehicle identification number; (5)
582 the total number of minutes and miles the vehicle was en route to pick up transportation network
583 riders; (6) total number of minutes and miles the vehicle was engaged in prearranged rides,
584 whether shared or non-shared; (7) the total number of minutes and miles while the vehicle was
585 logged into the transportation network vehicle's digital network for purposes of accepting a pre-
586 arranged ride, but not en route to pick up a rider engaged in a pre-arranged ride; and (8) whether
587 the pre-arranged ride was advertised by the transportation network company as a luxury or
588 premium ride, regardless of whether the transportation network vehicle was registered as a livery
589 vehicle;

590 (iv) for each accident or crash involving a transportation network driver while logged into
591 the transportation network company's digital network: (1) the latitude and longitude of the

592 location of the accident or crash, calculated to 4 decimal degrees; (2) the date and time of the
593 accident or crash, calculated to the nearest minute; (3) the license plate of the transportation
594 network vehicle; and (4) the universally unique identifier associated with the transportation
595 network driver.

596 (b) The division may obtain additional ride data from a transportation network company
597 for purposes of congestion management, including, but not limited to:

598 (i) the total number of transportation network drivers that utilized the transportation
599 network vehicle's digital network within specified geographic areas and time periods as
600 determined by the division;

601 (ii) the total time spent and total miles driven by transportation network drivers in such
602 geographic areas or time periods as determined by the division: (1) while en route to pick up a
603 rider; (2) while engaged in a pre-arranged ride; and (3) while logged into a digital network for
604 purposes of accepting a pre-arranged ride, but not en route to pick up a rider or engaged in a pre-
605 arranged ride.

606 The division shall promulgate regulations prior to obtaining data pursuant to this
607 subsection.

608 (c) On an annual basis not later than June 30, the division shall post on its website in
609 aggregate form, the total number of rides provided by all transportation network companies that
610 originated in each city or town, the cities or towns where said rides originating in each city or
611 town terminated, and the average miles and minutes of the rides that originated in each city or
612 town and terminated in each other respective city or town.

613 (d) The division may, for purposes of congestion management, transportation planning or
614 emissions tracking, enter into confidential data sharing agreements to share anonymized and
615 aggregated data received by the division pursuant to this section with the executive office of
616 technology services and security, executive office of energy and environmental affairs,
617 Massachusetts Department of Transportation, the Massachusetts Port Authority, the
618 Massachusetts Bay Transportation Authority, the department of environmental protection, a city
619 or town that receives a disbursement from the Transportation Infrastructure Enhancement Trust
620 Fund established in section 12, a Massachusetts regional transit authority formed pursuant to
621 section 3 of chapter 161B or predecessor statutes, a Massachusetts regional planning agency and
622 a Massachusetts metropolitan planning organization.

623 The division shall prescribe the form and content of a confidential data sharing
624 agreement, and the manner of transmitting the information. Any confidential data sharing
625 agreement shall specify that the information provided by the division shall be aggregated and
626 anonymized and may be used only for the purposes set forth in said agreement. Any data
627 received by an entity from the division through a confidential data sharing agreement as
628 described in this subsection shall not be considered a public record as defined in clause Twenty-
629 sixth of section 7 of chapter 4 and section 10 of chapter 66, and shall not be disclosed to any
630 person or entity other than those listed or described in the confidential data sharing agreement.

631 (e) Notwithstanding subsection (d), a state or municipal government agency or
632 transportation planning entity may disclose conclusions and analysis derived from the
633 information received pursuant to a confidential data sharing agreement.

634 (f) Any violation of the terms of a confidential data sharing agreement by any of the
635 entities listed in subsection (d) may result in the division declining to enter into future
636 confidential data sharing agreements with the violating entity.

637 SECTION 21. Subsection (c) of section 12 of said chapter 159A^{1/2}, as appearing in
638 section 20, is hereby amended by striking out the words “; provided, that the division shall
639 annually distribute \$6,000,000 from the Fund to the Massachusetts Development Finance
640 Agency, established in section 2 of chapter 23G, to provide financial assistance to small
641 businesses operating in the taxicab, livery or hackney industries to encourage the adoption of
642 new technologies and advanced services, safety and operational capabilities and support
643 workforce development”.

644 SECTION 21A. Subsection (e) of section 9 of chapter 152 of the acts of 1997 is hereby
645 amended by inserting after the word “Fund” the following words:- ;provided further, that said
646 surcharge shall apply to the use of a vehicle through a car-sharing organization under section 32J
647 of chapter 90 of the General Laws at the rate of \$1 for each use of a vehicle through a car-sharing
648 organization, not to exceed \$10 per calendar year.

649 SECTION 21B. Subsection (b) of section 200 of chapter 46 of the acts of 2015 is hereby
650 amended by striking out the first 2 sentences and inserting in place thereof the following 2
651 sentences:

652 (b) The control board shall consist of 7 members: 6 persons to be appointed by the
653 governor, 3 of whom shall be members of the board, 1 of whom shall have experience in
654 transportation finance, 1 of whom shall have experience in mass transit operation and 1 of whom
655 shall be a municipal official representing a city or town located in the area constituting the

656 authority, as defined in section 1 of chapter 161A; and 1 person to be appointed by the mayor of
657 the city of Boston, with the approval of the city council, by a majority vote. Each member shall
658 serve for the entire time that the control board exists unless removed with or without cause by
659 the governor, except in the case of the member appointed by the mayor of the city of Boston,
660 who shall serve for the entire time that the control board exists unless removed with or without
661 cause by the mayor of the city of Boston.

662 SECTION 21C. Subsection (b) of section 168 of chapter 175, as so appearing, is hereby
663 amended by inserting, in line 25, after the word “vehicles” the following words:- and shared
664 motor vehicles.

665 SECTION 21D. Chapter 175 of the General Laws is hereby amended by adding the
666 following new section:-

667 Section 231. (a) As used in this section, the words “personal vehicle sharing”, “personal
668 vehicle sharing company”, “personal vehicle sharing platform”, “shared motor vehicle”, “shared
669 vehicle agreement”, “shared vehicle driver”, “shared vehicle owner” and “vehicle sharing
670 period” shall have the same definitions as set forth in section 1 of chapter 90K unless the context
671 clearly requires otherwise.

672 (b) The insurance requirements in this section shall constitute adequate insurance for
673 shared vehicles and shall satisfy the financial responsibility requirement for a motor vehicle
674 established by section 34A of chapter 90 and section 113L; provided, however, that the insurance
675 requirements in this section shall only satisfy the financial responsibility requirements for a
676 motor vehicle established by said section 34A of said chapter 90 and said section 113L with
677 respect to personal vehicle sharing through a personal vehicle sharing platform.

678 (c) A personal vehicle sharing company shall assume liability, except as provided in
679 subsection (d), of a shared vehicle owner for bodily injury or property damage to third parties or
680 uninsured and underinsured motorist or personal vehicle injury protection losses during the
681 vehicle sharing period consistent with a motor vehicle liability policy, as defined in section 34A
682 of chapter 90, and is in compliance with section 113L.

683 (d) Notwithstanding the foregoing, the assumption of liability under subsection (c) does
684 not apply to any shared vehicle owner when:

685 (i) a shared vehicle owner makes an intentional or fraudulent material misrepresentation
686 or omission to the personal vehicle sharing company before the vehicle sharing period in which
687 the loss occurred; or

688 (ii) a shared vehicle owner acts in concert with a shared vehicle driver who fails to return
689 the shared motor vehicle pursuant to the shared vehicle agreement.

690 (e) A personal vehicle sharing company shall ensure that:

691 (i) for the duration of each vehicle sharing period each shared motor vehicle that is
692 offered on a personal vehicle sharing platform has an automobile liability policy for property
693 damage, uninsured motorist coverage, to the extent required by section 113L and personal injury
694 protection to the extent required by section 34A of chapter 90; and

695 (ii) the insurer of the required automobile liability policy recognizes that the shared
696 vehicle insured under said policy is being offered for personal vehicle sharing or the automobile
697 insurance policy does not exclude coverage of the motor vehicles used in personal vehicle
698 sharing.

699 (f) The automobile insurance may be held by the shared vehicle owner, the personal
700 vehicle sharing company, the shared vehicle driver, or a combination thereof.

701 (g) In every instance where the automobile insurance maintained by a shared vehicle
702 owner or shared vehicle driver to fulfill insurance requirements in subsection (b) has lapsed,
703 failed to provide the required coverage, denied a claim for the required coverage or otherwise
704 ceased to exist, insurance maintained by a personal vehicle sharing company shall provide the
705 coverage required by said subsection (b), beginning with the first dollar of a claim, and shall
706 have the duty to investigate and defend the claim.

707 (h) Coverage under an automobile insurance policy maintained by a personal vehicle
708 sharing company shall not be dependent on a personal automobile insurer first denying a claim
709 nor shall a personal automobile insurer be required to first deny a claim.

710 (i) Insurance required by this section shall be placed within an insurer authorized to do
711 business in the commonwealth or, if such coverage is not available, from any admitted carrier,
712 then with a surplus lines insurer eligible pursuant to section 168.

713 (j) Insurers that write automobile insurance policies may exclude any and all coverage
714 afforded under the policy issued by an owner or driver of a shared vehicle used for personal
715 vehicle sharing for any loss or injury that occurs during the personal vehicle sharing period. The
716 right to exclude all coverage may apply to any coverage included in an automobile insurance
717 policy, including but not limited to: (i) liability coverage for bodily injury and property damage;
718 (ii) personal injury protection coverage as defined in section 34A of chapter 90; (iii) uninsured
719 and underinsured motorist coverage; (iv) medical payments coverage; (v) comprehensive
720 physical damage coverage; and (vi) collision physical damage coverage.

721 Such exclusions shall apply notwithstanding any requirement of said section 34A of
722 chapter 90 and section 113L. Nothing shall preclude an insurer from providing coverage for the
723 shared motor vehicle if the insurer so chooses to do so by contract or endorsement.

724 Automobile insurers that exclude the coverage described in this section shall not have a
725 duty to defend or indemnify any claim expressly excluded by a policy.

726 Nothing in this section shall invalidate or limit an exclusion contained in a policy,
727 including any policy in use or approved for use in the commonwealth before the enactment of
728 this section that excludes coverage for vehicles used for vehicle sharing. An automobile insurer
729 that defends or indemnifies a claim against a shared driver that is offered on a personal vehicle
730 sharing platform that is excluded under the terms of its policy shall have a right of contribution
731 against other insurers that provide automobile insurance to the same shared motor vehicle in
732 satisfaction of the coverage requirements of this section at the time of loss.

733 (k) The insurance policy maintained by a personal vehicle sharing company shall assume
734 primary coverage for a claim when it is providing the insurance required under subsection (c)
735 and when:

736 (i) a dispute exists as to who was in control of the shared vehicle at the time of the loss;
737 and

738 (ii) the personal vehicle sharing company does not have available, did not retain or fails
739 to provide the information required by subsection (l).

740 (l) A personal vehicle sharing company shall collect and verify records pertaining to the
741 use of a shared vehicle, including, but not limited to, times used, fees paid by the vehicle driver

742 and revenue received by the shared vehicle owner and provide that information upon request to
743 the shared vehicle owner, the shared vehicle owner’s insurer or the shared vehicle driver’s
744 insurer to facilitate a claims coverage investigation. The personal vehicle sharing company shall
745 retain the records for a time period not less than the applicable personal injury statute of
746 limitations.

747 (m) An automobile insurer for the driver or owner shall have the right to seek
748 contribution against the insurance policy maintained by the personal vehicle sharing company
749 under subsection (c) for defense or indemnification of a claim if the claim was made against the
750 shared vehicle owner or shared vehicle driver for loss or injury that occurred during the vehicle
751 sharing period.

752 SECTION 22. Subsection (f) of section 200 of chapter 46 of the acts of 2015 is hereby
753 amended by striking out, in each instance, the words “June 30, 2018” and inserting in place
754 thereof the following words:- June 30, 2023.

755 SECTION 23. Said subsection (f) of said section 200 of said chapter 46 is hereby
756 amended by striking out the words “June 30, 2020” and inserting in place thereof the following
757 words:- June 30, 2025.

758 SECTION 24. Sections 8 to 10, inclusive, and sections 17 to 18 of chapter 187 of the acts
759 of 2016 are hereby repealed.

760 SECTION 25. (a) There is hereby established a special commission on roadway and
761 congestion pricing to investigate, study and make recommendations on the development and
762 deployment of roadway pricing and congestion pricing mechanisms in the commonwealth, which
763 shall include, without limitation, the Boston metropolitan area roadways, major bridges and

764 interstate highways near state borders. The commission shall consist of 11 members: 1 of whom
765 shall be the secretary of the Massachusetts Department of Transportation or a designee; and 10
766 members to be appointed by the governor: 1 of whom shall be an expert in transportation
767 planning and policy who is not an employee of the commonwealth or any political subdivision,
768 who shall serve as chair; 1 of whom shall be an expert in tolling systems or toll authorities; 1 of
769 whom shall be an expert in transportation financing; 1 of whom shall be an expert in traffic
770 congestion and congestion pricing; 2 of whom shall be members of Massachusetts Municipal
771 Association; 1 of whom shall be a member of the business community; 1 of whom shall be a
772 representative of the metropolitan area planning council; 1 of whom shall be a representative of a
773 Massachusetts regional planning agency that is not the metropolitan area planning council; and 1
774 of whom shall represent the interest of commuters.

775 (b) The commission shall: (i) identify and analyze physical, technological, legal and other
776 issues or requirements related to roadway pricing in the commonwealth; (ii) propose detailed
777 specifications and locations, including at state borders, for possible toll gantries and other
778 equipment necessary to assess and collect tolls; (iii) propose roadway pricing scenarios that
779 include, without limitation, variable toll rates during peak and off-peak commute periods and
780 their impacts on traffic congestion and revenue collection; (iv) provide estimates of annual
781 operation and maintenance costs; (v) provide estimates of annual revenue and how revenue
782 generated by additional toll locations may be used to improve public transportation, including
783 but not limited to, the commuter rail and rapid transit and the maintenance and improvement of
784 dedicated bus lanes; (vi) provide traffic forecasts including forecasts of traffic diversion impacts;
785 (vii) provide a regional and social equity analysis with specific recommendations related to
786 mitigating adverse impacts; and (viii) provide potential impacts on vehicular emissions

787 reduction. The commission shall also identify all local, state and federal approvals necessary to
788 deploy new tolls and other roadway pricing mechanisms on relevant roadways in the
789 commonwealth.

790 (c) Not later than July 31, 2021, the commission shall file a written report of its findings
791 and recommendations, including legislative recommendations and a date by which the
792 Massachusetts Department of Transportation shall develop a plan to implement the
793 recommendations of the commission, with the clerks of the house of representatives and the
794 senate, the chairs of the house and senate committees on ways and means, and the chairs of the
795 joint committee on transportation.

796 (d) By the date recommended by the commission, the Massachusetts Department of
797 Transportation shall develop a plan to implement the recommendations of the commission for
798 the development and deployment of roadway pricing and congestion pricing mechanisms in the
799 commonwealth.

800 (e) For the purposes of this section, the term “Boston metropolitan area roadways” shall
801 mean the integrated system of roadways, bridges, tunnels, overpasses, interchanges, parking
802 facilities, entrance plazas, approaches, connecting highways, service stations, restaurants, tourist
803 information centers and administration, storage, maintenance and other buildings that the
804 department owns, constructs or operates and maintains pursuant chapter 6C of the General Laws
805 which consists of the Boston extension, the Callahan tunnel, the central artery, the central artery
806 north area, the Maurice J. Tobin memorial bridge, the Sumner tunnel, the Ted Williams tunnel,
807 that portion of state highway route 2 and its related ramps, access roads and frontage roads from
808 the Alewife Brook parkway interchange in the city of Cambridge to and including the

809 interchange with Interstate 95 in the town of Lexington, that portion of Interstate 93 and its
810 related ramps, access roads and frontage roads extending from the southerly terminus of the
811 central artery to and including the interchange of Interstate 93 and Interstate 95 in the town of
812 Canton, that portion of Interstate 93 and its related ramps, access roads and frontage roads
813 extending from the northerly terminus of the central artery to and including the interchange of
814 Interstate 93 and Interstate 95 in the town of Reading, town of Stoneham and city of Woburn,
815 that portion of Interstate 95 and its related ramps, access roads extending from and including the
816 interchange of Interstate 95 and Interstate 93 in town of Canton to and including the interchange
817 of Interstate 95 and Interstate 93 in town of Reading, town of Stoneham and city of Woburn, that
818 portion of state highway route 1 and its related ramps, access roads and frontage roads from the
819 northerly terminus of the central artery north area to and including the interchange of Interstate
820 95 and state highway route 1 in the city of Peabody, that portion of state highway route 3 and its
821 related ramps, access roads and frontage roads from the interchange of Interstate 95 and route 3
822 in the town of Burlington to the Alewife Brook parkway interchange in the city of Cambridge,
823 that portion of state highway route 9 and its related ramps, access roads and frontage roads from
824 the interchange of Interstate 95 and route 9 in the city of Newton to Massachusetts avenue in the
825 city of Boston, that portion of state highway route 20 and its related ramps, access roads and
826 frontage roads from the interchange of Interstate 95 and Route 20 in the town of Weston to the
827 intersection of Soldiers Field road in the city of Boston and any additional highway, tunnel and
828 bridge components as the general court may from time to time determine.

829 SECTION 26. Notwithstanding the definition of tax per gallon in section 1 of chapter
830 64A of the General Laws or any general or special law to the contrary, if on or before December
831 31, 2022 the secretary of energy and environmental affairs enters into a multistate memorandum

832 of understanding or other regional agreement adopting or otherwise utilizing a market-based
833 compliance mechanism as defined in section 1 of chapter 21N of the General Laws that has the
834 effect of increasing the wholesale or retail price of gasoline sold in the commonwealth for use in
835 motor vehicles, the commissioner of revenue shall adopt rules and regulations that reduce the
836 price of each gallon of such gasoline to offset such price increases.

837 SECTION 27. Notwithstanding any general or special law to the contrary, as a matter of
838 public safety and security, the Massachusetts Port Authority, established pursuant to chapter 465
839 of the acts of 1956, shall establish rules for the operation of personal vehicle sharing, as defined
840 in section 1 of chapter 90K of the General Laws, at the General Edward Lawrence Logan
841 Airport.

842 SECTION 27A. Notwithstanding any general or special law to the contrary, the
843 Massachusetts Bay Transportation Authority shall establish an On-Demand Paratransit Pilot
844 Program for individuals eligible for paratransit services to utilize transportation network services,
845 as defined in section 1 of chapter 159A1/2, as users of the authority's door-to-door paratransit
846 service, known as the RIDE. The authority shall establish accessible options for users to schedule
847 a pre-arranged ride, including in a manner other than through a digital network, a subsidy
848 structure for payment of services, driver-training requirements and any other requirements
849 necessary to deliver options for on-demand paratransit services to customers of the authority.
850 The authority shall collect data to gauge the success of the program in increasing mobility and
851 flexibility of travel for individuals eligible for paratransit services including but not limited to,
852 overall utilization of the program, factors that influence users to choose the pilot or the RIDE,
853 and cost-savings to the authority, if any. On or before June 30 annually, the authority shall

854 submit a report on the program’s progress updates and data to the joint committee on
855 transportation and the clerks of the house of representatives and the senate.

856 SECTION 28. Notwithstanding any general or special law to the contrary, the
857 comptroller shall transfer the unexpended balance of the Transportation Infrastructure
858 Enhancement Trust Fund, established in section 8 of chapter 187 of the acts of 2016 to the
859 Transportation Infrastructure Enhancement Trust Fund, established in section 2IIIII of chapter 29
860 of the General Laws.

861 SECTION 29. Sections 16 and 27 shall take effect 6 months after the passage of this act.

862 SECTION 30. Sections 10, 11, 13, 14 and 21 shall take effect on January 1, 2022.

863 SECTION 31. Section 10 of chapter 159A½ of the General Laws, as appearing in the
864 2016 Official Edition, is hereby amended by inserting after the word “Authority”, in line 3, the
865 following words:– and any airport commission established pursuant to sections 39G or 51E of
866 chapter 90.

867 SECTION 32. The MBTA, in coordination with the Secretary of Health and Human
868 Services, shall conduct a study of the impacts, benefits, and costs of a low-income fare program
869 that provides reduced or discounted transit fares to qualifying riders. The study shall include but
870 not be limited to an examination of (i) number of riders who would benefit from the program, (ii)
871 the average reductions of each fare by mode, (iii) overall impact on revenue to the system, and
872 (iv) partnership models for determining eligibility requirements and the verification method.
873 The report shall be filed with the clerks of the senate and house of representatives, the chairs of
874 the senate and house committees on ways and means and the senate and house chairs of the joint
875 committee on transportation no later than July 31, 2021.