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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:

SECTION 1. Section 2ZZZ of chapter 29 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out subsections (d) and (e) and inserting in place thereof the following 2 subsections:-

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

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

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

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

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

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

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

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

Except as hereinafter provided, there shall be assessed and levied in each calendar year: (1) on every motor vehicle and trailer registered pursuant to chapter 90, for the privilege of such registration, and (2) notwithstanding section 10 of chapter 159A½, on every transportation network vehicle as defined in section 1 of said chapter 159A½ that is operated by a transportation network driver, but is not otherwise assessed pursuant to clause (1), for the privilege of use of such vehicle for transportation network services, an excise measured by the

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

In the year preceding the designated year of manufacture ……..……..50%

In the year of manufacture……..…..……...……90%

In the second year……..……..……...……60%

In the third year……..…….……40%

In the fourth year……25%

In the fifth and succeeding

years……..…….…….……10%

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

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

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

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

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

(b) A minimum tax as follows:

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

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

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

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

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

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

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

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

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

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

Chapter 64A

TAXATION OF SALES OF GASOLINE

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

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

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

"Commissioner", the commissioner of revenue.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Rolling stock", trucks, tractors and trailers.

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

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

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

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

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

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

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

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

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

CHAPTER 90K

PERSONAL VEHICLE SHARING COMPANIES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 21. Subsection (c) of section 12 of said chapter 159A½, as appearing in section 20, is hereby amended by striking out the words "; provided, that the division shall annually distribute $6,000,000 from the Fund to the Massachusetts Development Finance Agency, established in section 2 of chapter 23G, to provide financial assistance to small businesses operating in the taxicab, livery or hackney industries to encourage the adoption of new technologies and advanced services, safety and operational capabilities and support workforce development".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

interchange with Interstate 95 in the town of Lexington, that portion of Interstate 93 and its related ramps, access roads and frontage roads extending from the southerly terminus of the central artery to and including the interchange of Interstate 93 and Interstate 95 in the town of Canton, that portion of Interstate 93 and its related ramps, access roads and frontage roads extending from the northerly terminus of the central artery to and including the interchange of Interstate 93 and Interstate 95 in the town of Reading, town of Stoneham and city of Woburn, that portion of Interstate 95 and its related ramps, access roads extending from and including the interchange of Interstate 95 and Interstate 93 in town of Canton to and including the interchange of Interstate 95 and Interstate 93 in town of Reading, town of Stoneham and city of Woburn, that portion of state highway route 1 and its related ramps, access roads and frontage roads from the northerly terminus of the central artery north area to and including the interchange of Interstate 95 and state highway route 1 in the city of Peabody, that portion of state highway route 3 and its related ramps, access roads and frontage roads from the interchange of Interstate 95 and route 3 in the town of Burlington to the Alewife Brook parkway interchange in the city of Cambridge, that portion of state highway route 9 and its related ramps, access roads and frontage roads from the interchange of Interstate 95 and route 9 in the city of Newton to Massachusetts avenue in the city of Boston, that portion of state highway route 20 and its related ramps, access roads and frontage roads from the interchange of Interstate 95 and Route 20 in the town of Weston to the intersection of Soldiers Field road in the city of Boston and any additional highway, tunnel and bridge components as the general court may from time to time determine.

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

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

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

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

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

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

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

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

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

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