

SENATE No. 2224

The Commonwealth of Massachusetts

PRESENTED BY:

Julian Cyr

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to improve RMV fee payment, equity, and road safety.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Julian Cyr</i>	<i>Cape and Islands</i>	
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/7/2023</i>

SENATE No. 2224

By Mr. Cyr, a petition (accompanied by bill, Senate, No. 2224) of Julian Cyr and Sal N. DiDomenico for legislation to improve RMV fee payment, equity, and road safety. Transportation.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2304 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act to improve RMV fee payment, equity, and road safety.

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 2A of chapter 60A, as appearing in the 2020 Official Edition, is
2 hereby amended in the second paragraph after the word “renew”, in lines 31-32, by striking out
3 the words “the license to operate a motor vehicle of the registered owner of said vehicle or”.

4 SECTION 2. Section 47B of chapter 62C is hereby repealed.

5 SECTION 3. Section 20A of chapter 90, as appearing in the 2020 Official Edition, is
6 hereby amended by striking out at the end of the third paragraph the words:-

7 “Failure to obey this notice within twenty-one days after the date of violation may result
8 in the non-renewal of the license to drive and the certificate of registration of the registered
9 owner.”

10 SECTION 4. Said section 20A of said chapter 90, as so appearing, is hereby further
11 amended by adding after the fifth paragraph following paragraph:-

12 To facilitate efficient payment of violations under this section, the Parking Clerk shall
13 electronically notify any driver who has an unpaid assessment on the following schedule: not less
14 than one week after the citation is issued, seven days before the assessment becomes due, and on
15 the date the assessment is due. The notice shall be sent by text message and electronic mail to
16 any phone number and email address provided by the driver of the vehicle.

17 Said notice shall include the amount of the assessment, the date due for payment,
18 instructions on how to pay the assessment, and information regarding the right to request a
19 noncriminal hearing to contest responsibility or request a reduction or waiver of the assessment
20 based on financial hardship.

21 SECTION 5. Said section 20A, of said chapter 90, as so appearing, is hereby further
22 amended by striking out the seventh and eighth paragraphs.

23 SECTION 6. Said section 20A, of said chapter 90, as so appearing, is hereby further
24 amended in the eleventh paragraph after the words “violation by mail,” in line 183, by inserting
25 the words:-

26 and the procedure to request a noncriminal hearing to determine an assessment reduction
27 or waiver based on financial hardship

28 SECTION 7. Said section 20A, of said chapter 90, as so appearing, is hereby further
29 amended by inserting at the end the following paragraphs:-

30 Any person notified to appear before the parking clerk, as provided herein, may appear
31 before such parking clerk or his designee and request a noncriminal hearing to determine an
32 assessment reduction based on hardship, either personally or through an agent duly authorized in
33 writing or by mailing to such parking clerk a signed request. The parking clerk shall notify the
34 clerk-magistrate of the district court for the judicial district in which the parking violation
35 occurred of such request for a noncriminal hearing, in such manner as the chief justice of the
36 district court department and the parking clerk shall jointly determine. The assessment shall be
37 reduced or waived if the magistrate or justice determines that the assessment will cause
38 substantial financial hardship to the violator or the family or dependents thereof.

39 If the violator is a recipient of any needs-based public assistance or meets the definition
40 of “indigency” under section 2 of chapter 211D, or earns no more than 400% of the U.S.
41 Department of Housing and Urban Development (HUD) very low income limit, all fees,
42 including but not limited to administrative and late fees, shall be waived and the remaining
43 assessment shall be reduced according to the schedule set forth in subsection (A)(4) of section 3
44 of chapter 90C of the General Laws.

45 SECTION 8. Section 22 of said chapter 90, as so appearing, is hereby amended by
46 striking out paragraph (h).

47 SECTION 9. Section 22G of said chapter 90, as so appearing, is hereby repealed.

48 SECTION 10. Section 23 of said chapter 90, as so appearing, is hereby amended by
49 striking the first paragraph and inserting in place thereof the following paragraphs:-

50 Any person convicted of operating a motor vehicle after his license to operate has been
51 suspended or revoked, or after notice of the suspension or revocation of his right to operate a

52 motor vehicle without a license has been issued by the registrar and received by such person or
53 by his agent or employer, and prior to the restoration of such license or right to operate or to the
54 issuance to him of a new license to operate, and any person convicted of operating or causing or
55 permitting any other person to operate a motor vehicle after the certificate of registration for such
56 vehicle has been suspended or revoked and prior to the restoration of such registration or to the
57 issuance of a new certificate of registration for such vehicle , or whoever exhibits to an officer
58 authorized to make arrests, when requested by said officer to show his license, a license issued to
59 another person with intent to conceal his identity, shall, except as provided by section twenty-
60 eight of chapter two hundred and sixty-six, be punished by a fine of not more than five hundred
61 dollars, and any person who attaches or permits to be attached to a motor vehicle or trailer a
62 number plate assigned to another motor vehicle or trailer, or who obscures or permits to be
63 obscured the figures on any number plate attached to any motor vehicle or trailer, or who fails to
64 display on a motor vehicle or trailer the number plate and the register number duly issued
65 therefor, with intent to conceal the identity of such motor vehicle or trailer, shall be punished by
66 a fine of not more than one hundred dollars. Any person convicted of operating a motor vehicle
67 after his license to operate has been revoked by reason of his having been found to be an habitual
68 traffic offender, as provided in section twenty-two F, or after notice of such revocation of his
69 right to operate a motor vehicle without a license has been issued by the registrar and received by
70 such person or by his agent or employer, and prior to the restoration of such license or right to
71 operate or the issuance to him of a new license to operate shall be punished by a fine of not less
72 than five hundred nor more than five thousand dollars or by imprisonment for not more than two
73 years, or both. In no case shall a person be prosecuted for operating after suspension or
74 revocation of a license upon a failure to pay an administrative reinstatement fee.

75 SECTION 11. Said section 23, of said section 90, as so appearing, is hereby further
76 amended by striking the second paragraph and inserting in place thereof the following
77 paragraph:-

78 Notwithstanding the preceding paragraph or any other general or special law to the
79 contrary, whoever has been found responsible for or convicted of, or against whom a finding of
80 delinquency or a finding of sufficient facts to support a conviction has been rendered on, a
81 complaint charging a violation of operating a motor vehicle after his license to operate has been
82 suspended or revoked, or after notice of the suspension or revocation of his right to operate a
83 motor vehicle without a license has been issued by the registrar and received by such person or
84 by his agent or employer, and prior to the restoration of such license or right to operate or to the
85 issuance to him of a new license to operate shall be punished by a fine of not more than \$500.
86 This paragraph shall not apply to any person who is charged with operating a motor vehicle after
87 his license to operate has been suspended or revoked pursuant to a violation of paragraph (a) of
88 subdivision (1) of section 24, or section 24D, 24E, 24G, 24L or 24N, of this chapter, subsection
89 (a) of section 8 or section 8A or 8B of chapter 90B, section 8, 9 or 11 of chapter 90F or after
90 notice of such suspension or revocation of his right to operate a motor vehicle without a license
91 has been issued and received by such person or by his agent or employer, and prior to the
92 restoration of such license or right to operate or the issuance to him of a new license or right to
93 operate because of any such violation.

94 SECTION 12. Said section 23, of said section 90, as so appearing, is hereby further
95 amended by striking out the sixth paragraph.

96 SECTION 13. Said section 23, of said section 90, as so appearing, is hereby further
97 amended by striking out the seventh paragraph.

98 SECTION 14. Section 26A of said chapter 90, as so appearing, is hereby amended by
99 striking out the last sentence of paragraph (a).

100 SECTION 15. Section 27 of said chapter 90, as so appearing, is hereby amended by
101 inserting at the end the following paragraphs:

102 In any case where a violator owes an assessment, such violator may request a waiver or
103 reduction of the assessment. The assessment shall be reduced or waived if the magistrate or
104 justice determines that the assessment will cause substantial financial hardship to the violator or
105 the family or dependents thereof.

106 If the violator is a recipient of any needs-based public assistance or meets the definition
107 of “indigency” under section 2 of chapter 211D, or earns no more than 400% of the U.S.
108 Department of Housing and Urban Development (HUD) very low income limit, all fees,
109 including but not limited to administrative and late fees, shall be waived and the remaining
110 assessment shall be reduced according to the schedule set forth in subsection (A)(4) of section 3
111 of chapter 90C of the General Laws.

112 SECTION 16. Section 33 of said chapter 90, as so appearing, is hereby amended by
113 striking out paragraph thirty-six.

114 SECTION 17. Section 34J of said chapter 90, as so appearing, is hereby amended by
115 striking out the third paragraph and inserting in place thereof the following paragraph:-

116 Any person who is convicted of, or who enters a plea of guilty to a violation of this
117 section shall be liable to the plan organized pursuant to section one hundred and thirteen H of
118 chapter one hundred and seventy-five in the amount of the greater of five hundred dollars or one
119 year's premium for compulsory motor vehicle insurance for the highest rated territory and class
120 or risk in effect at the time of the commission of the offense. Said liability shall be in addition to
121 all other liabilities imposed on the person so convicted or so pleading whether civil or criminal.
122 The said plan shall apply any sums collected hereunder, to defray its costs of collection and to
123 defray in whole or in part its expenses for preventing fraud and arson. Furthermore, any person
124 who is convicted of, or enters a plea of guilty to a violation of this section shall have his or her
125 motor vehicle registration suspended upon the registrar's receipt of notification from the clerk of
126 any court which enters any conviction hereunder or which accepts such plea of guilty until said
127 person provides the registrar with proof of a motor vehicle liability policy in accordance with the
128 provisions of this chapter. The clerk of any court which enters any conviction hereunder or
129 which accepts such plea shall promptly notify the registrar of motor vehicles and the
130 Commonwealth Auto Reinsurers pursuant to section one hundred and thirteen of chapter one
131 hundred and seventy-five or any successor thereto of such entry of acceptance of such plea.

132 SECTION 18. Section 3 of chapter 90C, as appearing in the 2020 Official Edition, is
133 hereby amended by inserting in the second paragraph after the words "contest responsibility for
134 the infraction," in lines 11-12, the following words:-

135 or request an assessment reduction or waiver based on financial hardship

136 SECTION 19. Said section 3 of said chapter 90C , as so appearing, is hereby further
137 amended by striking out the first paragraph of (A)(4) and inserting in place thereof the following
138 paragraph:

139 (4) A violator may request an assessment reduction or waiver or contest responsibility for
140 the infraction by making a signed request for a noncriminal hearing on the citation and mailing
141 such citation, together with a \$25 court filing fee, to the registrar at the address indicated on the
142 citation within 20 days of the citation. The court filing fee shall be waived if the violator is
143 requesting an assessment reduction. Notwithstanding any general or special law to the contrary,
144 the registrar, in cooperation with the state comptroller, upon receipt of the \$25 court filing fee,
145 shall immediately cause the court filing fee to be transferred to the trial court department to be
146 held as retained revenue; provided, however, that the registrar may retain from the court filing
147 fees an amount not greater than \$200,000 for fiscal year 2011 for information technology
148 associated with the implementation of this section; and provided, further that the registrar may
149 retain an amount not greater than \$100,000 annually for personnel costs associated with the
150 processing of those filing fees.

151 SECTION 20. Said section 3 of said chapter 90C, as so appearing, is hereby further
152 amended by inserting at the end of the second paragraph of (A)(4) after the sentence “The
153 registrar’s determination of such issue shall be final” the following sentence:-

154 This paragraph shall not apply to a violator requesting an assessment reduction or waiver.

155 SECTION 21. Said section 3 of said chapter 90C, as so appearing, is hereby further
156 amended by inserting at in the eighth paragraph of (A)(4) after the words “imposed assessment”,
157 in line 1010, the following words:-

158 or the violator requests an assessment reduction or waiver.

159 SECTION 22. Said section 3 of said chapter 90C , as so appearing, is hereby further
160 amended by inserting at the end of (A)(4) the following paragraphs:-

161 In any case where a violator owes an assessment, such violator may request a
162 noncriminal hearing to determine a reduction or waiver of the assessment. In any such hearing,
163 the magistrate or justice shall reduce or waive the assessment if the assessment will cause
164 substantial financial hardship to the violator or the family or dependents thereof.

165 If the violator is a recipient of any needs-based public assistance or meets the definition
166 of “indigency” under section 2 of chapter 211D, or earns no more than 400% of the U.S.
167 Department of Housing and Urban Development (HUD) very low income limit, all fees,
168 including but not limited to administrative and late fees, shall be waived and the remaining
169 assessment shall be reduced according to the following schedule:

170 (a) If the violator is currently in receipt of any needs-based public assistance or benefit or
171 meets the definition of “indigency” under section 2 of chapter 211D, the remaining assessment
172 shall be reduced to no more than 1% of said violator’s monthly income or \$5, whichever is
173 lower.

174 (b) If the violator earns 101-200% of the HUD very low income limit, the remaining
175 assessment shall be reduced by 75%.

176 (c) If the violator earns 201-300% of the HUD very low income limit, the remaining
177 assessment shall be reduced by 50%.

178 (d) If the violator earns 301-400% of the HUD very low income limit, the remaining
179 assessment shall be reduced by 25%.

180 If the violator earns over 400% of the HUD very low income limit and the magistrate or
181 justice finds that imposing the original assessment would cause financial hardship to the violator
182 or the family or dependents thereof, all fees, including but not limited to administrative and late
183 fees, shall be waived or reduced and the remaining assessment may be reduced by an amount
184 determined by the magistrate or justice.

185 In determining the violator's earnings, the magistrate or justice shall calculate the
186 violator's current total monthly income, including wages and excluding any child support or
187 Supplemental Security Income (SSI), and determine the number of persons in the family. In
188 making these determinations, the magistrate or justice shall use the information provided by the
189 violator.

190 SECTION 23. Said section 3 of said chapter 90C, as so appearing, is hereby further
191 amended in (A)(6)(a)(ii) after the words "unless and until the violator", in line 129, the following
192 words:-

193 appears for a noncriminal hearing before a magistrate or justice or

194 SECTION 24. Said section 3 of said chapter 90C, as so appearing, is hereby further
195 amended in (A)(6)(a)(ii) by striking out subsection (i) and (ii) and inserting in place thereof the
196 following paragraphs:

197 (AA) in the case of an operator violation, any license to operate a motor vehicle issued to
198 such violator by the registrar will not be renewed upon or after the expiration date of such
199 license; or

200 (BB) in the case of an owner violation, any registration of a motor vehicle issued to such
201 violator by the registrar will not be renewed upon or after the expiration date of such registration.

202 Unless such notice is sooner cancelled by the registrar, in the case of an operator
203 violation, such violator's operators license, learners permit or right to operate, or in the case of an
204 owner violation any registration of a motor vehicle issued to such violator by the registrar, shall
205 be renewed by the registrar upon payment of the scheduled or imposed assessments for such civil
206 motor vehicle infractions, plus any late fees or other administrative fees which the registrar is
207 required or authorized by law or regulation to impose, unless such fees are waived in whole or in
208 part by the registrar or a magistrate or justice.

209 The registrar shall waive all late fees and administrative fees, including reinstatement
210 fees, for any violator who is a recipient of any needs-based public assistance or meets the
211 definition of "indigency" under section 2 of chapter 211D, or earns no more than 400% of the
212 U.S. Department of Housing and Urban Development (HUD) very low income limit.

213 SECTION 25. Said section 3 of said chapter 90C, as so appearing, is hereby further
214 amended by adding after paragraph (A)(3) the following paragraph:-

215 To facilitate efficient payment of citations under this section, the Registry of Motor
216 Vehicles shall electronically notify any driver who has an unpaid assessment on the following
217 schedule: not less than one week after the citation is issued, seven days before the assessment

218 becomes due, and on the date the assessment is due. The notice shall be sent by text message and
219 electronic mail to any phone number and email address provided by the driver of the vehicle.

220 Said notice shall include the amount of the assessment, the date due for payment,
221 instructions on how to pay the assessment, and information regarding the right to request a
222 noncriminal hearing to contest responsibility or request a reduction or waiver of the assessment
223 based on financial hardship.

224 SECTION 26. Said section 3 of said chapter 90C , as so appearing, is hereby further
225 amended by striking out paragraph (A)(6)(b).

226 SECTION 27. Said section 3 of chapter 90C is hereby further amended by striking out
227 the paragraph after (B)(3)(c) and inserting in place thereof the following paragraph:-

228 Upon receipt of such notice, the registrar shall send a notice to the violator's mail address
229 or last known address notifying the violator that said violator may not renew, apply for or receive
230 any operators license, learners permit, certificate of registration or title, number plate, sticker,
231 decal or other item issued by the registrar unless and until the violator presents the registrar with
232 a certificate of the clerk-magistrate of the court that the matter has been fully disposed of in
233 accordance with law or, in the case of a matter still pending before the court, that the violator is
234 attending to the matter to the satisfaction of the court. The court shall not unreasonably withhold
235 such certificate. The registrar shall cancel such revocation, and so notify the court, if satisfied
236 that it resulted through error of the registrar or the court.

237 SECTION 28. Section 2A of chapter 211D, as appearing in the 2020 Official Edition, is
238 hereby amended by striking out paragraph (h) and inserting in place thereof the following
239 paragraph:-

240 (h) The clerk of the court shall, within 60 days of appointment of counsel, report to the
241 department of revenue and the department of transitional assistance the amount of any legal
242 counsel fee owed by the person for whom counsel was appointed under this chapter. The
243 department of revenue shall intercept payment of such fee from tax refunds due to persons who
244 owe all or a portion of such fee.