
The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



WEDNESDAY, MARCH 4, 2020.

[22]*

JOURNAL OF THE HOUSE.

Wednesday, March 4, 2020.

Met prior to the hour of adjournment, at three minutes before twelve o'clock noon with Mr. Mariano of Quincy in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

At the request of the Chair (Mr. Mariano), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Silent Tributes.

During the session, Ms. Cronin of Easton took the Chair, declared a brief recess, and, at the request of Representatives Cronin, Sullivan of Abington and Cutler of Pembroke, the members, guests and employees stood in a moment of silent tribute to the memory of the Honorable John R. "Jack" Buckley who was a resident of the town of Abington. John was educated at Abington Elementary School, Boston Public Latin School and received a Bachelor's Degree from Harvard College in 1954. He served in the United States Military during the Korean conflict from 1954 to 1956 at both Fort Dix and the Pentagon.

Former
Representative
John R. "Jack"
Buckley.

John was elected town treasurer for the town of Abington in 1960. In 1964, he was elected to the Massachusetts House of Representatives, where he served as the Chairman of the committee on Public service and later as the Chairman of the committee on Taxation. In 1975, he was appointed by Governor Michael Dukakis to serve as the Secretary for Administration and Finance. He went on to become the Executive Vice-President and interim President of the Community College system.

John was heavily involved with many activities and organizations around the town of Abington and Plymouth County.

John leaves behind his three sons John, Thomas, and Michael, his daughter, Pamela, and many grandchildren, as well as several nieces and nephews.

On behalf of the entire Plymouth County delegation, Ms. Cronin introduced John's son, Plymouth County Register of Deeds John Buckley, who was standing on the rostrum.

Ms. Decker of Cambridge took the Chair, declared a brief recess, and, at her request, the members, guests and employees stood in a moment of silent tribute in respect to the memory of her former legislative aide and member of the House staff, Nancy Pomerance McMillian Gaines. In the late 1960's and early 1970's, Nancy worked as a brilliant editor of newspapers and magazines. Nancy was a liver of life; a free spirit with a quick and cutting wit. She possessed a wicked infectious laugh. She was a good friend to all; a reader of books; and a keeper of secrets. She was the bearer of tales – some sad, but many filled with the humor and fire that still burned inside her. Nancy understood that nothing came easy, yet nothing was so hard that it couldn't be accomplished. To say that she will be missed by many of us is far too short a legacy for Nancy. It is more accurate to say, she'll never be forgotten.

Nancy
Gaines.

Statement Concerning Representative Ayers of Quincy.

A statement of Mr. Wagner of Chicopee concerning Mr. Ayers of Quincy was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Ayers of Quincy, is unable to be present in the House Chamber for this week's sittings due to official business outside of the country. His missing of roll calls this week will be due entirely to the reason stated.

Statement concerning Mr. Ayers of Quincy.

Statement Concerning Representative Mom of Lowell.

A statement of Mrs. Haddad of Somerset concerning Mom of Lowell was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Mom of Lowell, is unable to be present in the House Chamber for today's sitting due to business outside of the country. His missing of roll calls today is due entirely to the reason stated.

Statement concerning Mr. Mom of Lowell.

Statement of Representative Rogers of Norwood.

A statement of Mr. Rogers of Norwood was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was unable to be present in the House Chamber for the sitting of Wednesday, February 26, due to official business. Had I been present for Yea and Nay Nos. 148, 149, 151 and 152, I would have voted, in each instance, in the affirmative. Had I been present for Yea and Nay No. 150, I would have voted in the negative. My missing of roll calls that day was due entirely to the reason stated.

Statement of Mr. Rogers of Norwood.

Reports of Committees.

By Mr. Murphy of Weymouth, for the committee on Financial Services, on a petition, a Bill providing for non-opioid pain management (House, No. 1083).

Pain management.

By the same member, for the same committee, on a petition, a Bill to help patients and reduce health care costs by ensuring patient adherence to medications (House, No. 1099).

Patients,—medications.

By the same member, for the same committee, on a petition, a Bill relative [sic] providing insurance coverage for biennial echocardiogram and concussion analysis for persons under the age of 18/JJ's bill (House, No. 1110).

Echocardiograms and concussions.

By the same member, for the same committee, on House, No. 3556, a Bill promoting continuity of care for Multiple Sclerosis treatment (House, No. 4518).

Multiple Sclerosis.

Severally referred, under Joint Rule 1E, to the committee on Health Care Financing.

By Mr. Murphy of Weymouth, for the committee on Financial Services, on a petition, a Bill to prohibit housing discrimination against responsible dog owners (House, No. 1038) [Representative Barrows of Mansfield dissenting].

Housing,—discrimination.

By the same member, for the same committee, on a petition, a Bill relative to the supplemental application requirement for dwelling fire insurance policies (House, No. 1056).	Fire insurance.
By the same member, for the same committee, on a petition, a Bill relative to the board of directors of the Massachusetts Credit Union Share Insurance Corporation (House, No. 1077).	Credit union share insurance.
By the same member, for the same committee, on a petition, a Bill providing protections to victims of domestic violence in connection with property insurance claims (House, No. 1079) [Representative Barrows of Mansfield dissenting].	Domestic violence insurance.
By the same member, for the same committee, on a petition, a Bill requiring licensed auto insurance damage appraisers to provide safety notices to the owners of damaged motor vehicles (House, No. 3555).	Damage appraisals.
By the same member, for the same committee, on House, No. 3832, a Bill relative to the Transportation Infrastructure Enhancement Trust Fund municipal reporting requirements (House, No. 4519).	Transportation trust fund,— reporting.
By Mr. Cusack of Braintree, for the committee on Revenue, on Senate, No. 1725 and House, Nos. 2512 and 2598, a Bill relative to DOR interest rate parity (House, No. 2512).	Interest rate parity.
By the same member, for the same committee, on Senate, No. 1759 and House, No. 2517, a Bill relative to the taxation of rolling stock (House, No. 2517).	Rolling stock.
By the same member, for the same committee, on Senate, No. 1610 and House, No. 2544, a Bill protecting the interests of housing cooperative shareholders (House, No. 2544).	Housing shareholders.
By the same member, for the same committee, on Senate, Nos. 1639 and 1719 and House, No. 2550, a Bill relieving mortgage debt (House, No. 2550).	Mortgage debt.
By the same member, for the same committee, on a petition, a Bill promoting Massachusetts film production (House, No. 2566).	Film production.
By the same member, for the same committee, on a petition, a Bill relative to small town residential neighborhood revitalization (House, No. 2582).	Neighborhood revitalization.
By the same member, for the same committee, on a petition, a Bill to continue tax basis rules for property acquired from decedents (House, No. 2590).	Decedents,— property.
By the same member, for the same committee, on a petition, a Bill relative to the sales tax of motor vehicles (House, No. 2591).	Motor vehicle sales tax.
By the same member, for the same committee, on a petition, a Bill providing for prisoners of war (House, No. 2594).	Prisoners of war.
By the same member, for the same committee, on a petition, a Bill allowing for the deduction of business interest (House, No. 2606).	Business interest.
By the same member, for the same committee, on Senate, No. 1687 and House, No. 2618, a Bill relative to commuter transit benefits (House, No. 2618).	Commuter transit benefits.
By the same member, for the same committee, on a petition, a Bill to promote adoption (House, No. 2638).	Adoption.
By the same member, for the same committee, on Senate, No. 1783 and House, Nos. 2536 and 2608, a Bill to establish the family caregiver tax credit (House, No. 4466).	Caregivers,— tax credit.
By the same member, for the same committee, on Senate, No. 1761 and House, No. 2647, a Bill relative to a cranberry bog renovation tax credit (House, No. 4467).	Cranberry bogs,— tax credit.
Severally read; and referred, under Rule 33, to the committee on Ways and Means.	
By Mr. Murphy of Weymouth, for the committee on Financial Services, on a petition, a Bill concerning the use of certain insurance underwriting guidelines	Insurance,— dogs.

pertaining to dogs harbored upon the insured property (House, No. 1037) [Representative Barrows of Mansfield dissenting].

By the same member, for the same committee, on a petition, a Bill relative to investments by fraternal benefit societies (House, No. 1070).

By the same member, for the same committee, on a petition, a Bill to eliminate penalty charges when cancelling auto insurance policies (House, No. 1071) [Representative Barrows of Mansfield dissenting].

By the same member, for the same committee, on a petition, a Bill to add a compulsory death benefit to automobile liability insurance (House, No. 1080).

By Mr. Cusack of Braintree, for the committee on Revenue, on Senate, No. 1691 and House, No. 2551, a Bill promoting urban agriculture and horticulture (House, No. 2551).

By the same member, for the same committee, on a petition, a Bill relative to condominiums (House, No. 2569).

By the same member, for the same committee, on a petition, a Bill relative to charges associated with condominiums in tax title (House, No. 2580).

By the same member, for the same committee, on a petition, a Bill relative to the taxation of public land used for commercial purposes on Massachusetts Port Authority property (House, No. 2621).

By the same member, for the same committee, on a petition, a Bill relative to the establishment of a home improvement local property tax exemption for seniors (House, No. 2640).

By the same member, for the same committee, on a petition, a Bill relative to property tax exemptions for rental properties in the town of Lincoln deed restricted as affordable housing (House, No. 2645) [Local Approval Received].

By the same member, for the same committee, on House, Nos. 2403, 2558 and 2619, a Bill clarifying property tax exemptions for solar and wind systems (House, No. 2619).

By the same member, for the same committee, on House, Nos. 2390 and 2631, a Bill relative to expanding agricultural land (House, No. 2631).

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Engrossed Bill.

The engrossed Bill designating a certain pavilion shelter on the Esplanade in the city of Boston as the Priebsch Pavilion (see House, No. 4124) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Engrossed Bill – Land Taking.

The engrossed Bill authorizing the conveyance of an interest in a certain parcel of park land in the town of Fairhaven (see House, No. 4009, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the

Societies,—
investments.

Auto
insurance.

Death
benefits.

Agriculture and
horticulture.

Condominiums.

Id.

MassPort,—
land.

Seniors,—
tax exemption.

Lincoln,—
tax exemptions.

Solar and wind
tax exemptions.

Agriculture,—
expansion.

Bill
enacted.

Fairhaven,—
land.

Bill enacted
(land taking),—
yea and nay
No. 153.

Amendments to the Constitution); and on the roll call 154 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 153 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Motion to Discharge a Certain Matter in the Orders of the Day.

The House Bill relative to transportation finance (House, No. 4508), reported by the committee on Bills in the Third Reading to be correctly drawn, was discharged from its position in the Orders of the Day, and read a third time forthwith, under suspension of Rule 47, on motion of Mr. Straus of Mattapoissett.

Transportation,—
finance.

After remarks on the question on passing the bill to be engrossed (the Speaker having taken the Chair), Mr. Jones of North Reading and other members of the House moved to amend it by adding the following section:

“SECTION 31. Except as otherwise specified, sections 6 to 9, inclusive, 12 and 15 of this act are hereby repealed if an additional tax on incomes in excess of one million dollars, as certified by a majority vote of the general referendum on the November 8, 2022 ballot, takes effect to the Massachusetts constitution.”

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones; and on the roll call 36 members voted in the affirmative and 118 in the negative.

Amendment
rejected,—
yea and nay
No. 154.

[See Yea and Nay No. 154 in Supplement.]

Therefore the amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the bill by adding the following new section:

“SECTION 31. Notwithstanding any special or general law to the contrary, the provisions of sections 6 to 9, inclusive, 12 and 15, shall not take effect until such time as the executive office of administration and finance and the department of revenue has furnished a study of its impact on the state’s economy and revenue cost to the commonwealth and its cities and towns, including, but not limited to, a distributional analysis showing the impact on taxpayers of varying income levels, the current practice of other states, any anticipated change in employment and ancillary economic activity to the joint committee on revenue.”

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Hill of Ipswich; and on the roll call (Mr. Mariano of Quincy being in the Chair) 35 members voted in the affirmative and 119 in the negative.

Amendment
rejected,—
yea and nay
No. 155.

[See Yea and Nay No. 155 in Supplement.]

Therefore the amendment was rejected.

Subsequently a statement of Ms. Domb of Amherst was spread upon the records as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that on the previous roll call it was my intention to vote in the negative. I now find, however, that due to some inexplicable reason I was recorded as voting in the affirmative.

Statement of
Ms. Domb
of Amherst.

The same member moved that this vote be reconsidered; and the motion to reconsider prevailed.

On the recurring question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Ms. Domb; and on the roll call 35 members voted in the affirmative and 119 in the negative.

Amendment
rejected,—
yea and nay
No. 156.

[See Yea and Nay No. 156 in Supplement.]

Therefore the amendment was rejected.

Subsequently a statement of Mr. Hecht of Watertown was spread upon the records as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that on the previous roll call it was my intention to vote in the negative. I now find, however, that due to some inexplicable reason I was recorded as voting in the affirmative.

Statement of
Mr. Hecht of
Watertown.

Mr. Jones of North Reading moved to amend the bill by striking out sections 12 and 15; and the amendment was rejected.

Mrs. Poirier of North Attleborough moved to amend the bill by striking out section 6.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Hill of Ipswich; and on the roll call 35 members voted in the affirmative and 119 in the negative.

Amendment
rejected,—
yea and nay
No. 157.

[See Yea and Nay No. 157 in Supplement.]

Therefore the amendment was rejected.

Mr. Jones of North Reading then moved to amend the bill in section 20, in lines 449 to 512, inclusive, by striking out the nine paragraphs contained in those lines and inserting in place thereof the following nine paragraphs:

“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 \$0.40; and (ii) a non-shared ride shall have a per-ride assessment of \$0.80; (iii) a luxury ride shall have an additional per-ride assessment of \$1.70. 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 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 2ZZZZ 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.”.

The amendment was rejected.

Ms. Gouveia of Acton then moved to amend the bill by striking out sections 10, 11, 13 and 14; and in section 30, in line 704, by striking out the figures: “10, 11, 13, 14”.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 13 members voted in the affirmative and 141 in the negative.

[See Yea and Nay No. 158 in Supplement.]

Therefore the amendments were rejected.

Amendments
rejected,—
yea and nay
No. 158.

Mr. LeBoeuf of Worcester then moved to amend the bill in section 1, in line 159, by inserting after the word “gallon” the following: “1 cent per gallon sold or used of diesel fuel shall be allocated for fare free RTA service.”. The amendment was rejected.

The same member then moved to amend the bill in section 1, in line 6, by inserting after the word “year” the words “; providing that Worcester, Barnstable, Berkshire, Bristol, Essex, Franklin, Hampden, Hampshire, Norfolk, Dukes, Nantucket and Plymouth Counties shall continue to foot the bill of public transportation costs of two counties, Suffolk and Middlesex Counties, the former counties shall be subject to a lower gas tax per gallon, while the later shall be taxed at a higher tier.”; and the amendment was rejected.

Mr. Rogers of Cambridge then moved to amend the bill by adding the following three sections:

“SECTION 31. Chapter 64H of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out section 26

SECTION 32. Chapter 64I of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out section 27

SECTION 33. Chapter 29 section 2ZZZ of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by adding in line six after the words ‘general court.’— The Department of Revenue shall certify each year by December 1, the amounts generated as a result of the elimination of section 27 or Chapter 64I and the elimination of section 26 of Chapter 64H, and this amount shall be credited to the fund.”.

The amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the bill in section 7, in line 255, by adding the following: “Section 7B. The sale of fuel to a city or town which having consumed the same for any municipal purpose shall be exempt from the excise established by this chapter.”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Jones; and on the roll call 36 members voted in the affirmative and 118 in the negative.

[See Yea and Nay No. 159 in Supplement.]

Therefore the amendment was rejected.

Mr. Fernandes of Falmouth then moved to amend the bill by adding the following section:

“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.”.

The amendment was adopted.

Mr. Cullinane of Boston then moved to amend the bill by inserting after section 27 the following section:

“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

Amendment rejected,—
yea and nay
No. 159.

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.”.

The amendment was adopted.

Mr. Livingstone of Boston then moved to amend the bill by inserting after section 21 the following section:

“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.”.

The amendment was adopted.

Representatives Cutler of Pembroke and other members of the House then moved to amend the bill in section 20, in line 464, by inserting after the word “rider”, the first time it appears, the words “; 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.”; and after remarks the amendment was adopted.

Mr. Madaro of Boston then moved to amend the bill by adding the following section:

“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.”.

The amendment was adopted.

Mr. Honan of Boston then moved to amend the bill by inserting after section 21A (inserted by amendment) the following section:

“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. 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.”.

The amendment was adopted.

Mr. Murphy of Weymouth then moved to amend the bill by striking out section 16 and inserting in place thereof the following section:

“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."; and

By inserting after section 21B (inserted by amendment) the following two sections:

"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.”

The amendments were adopted.

Ms. Peisch of Wellesley and other members of the House then moved to amend the bill in section 25, in lines 639 to 684, inclusive, by striking out the three paragraphs contained in those lines and inserting in place thereof the following four paragraphs:

“(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.”.

The amendment was adopted.

Mrs. Ciccolo of Lexington then moved to amend the bill in section 25, in line 630, by striking out the figure: “9” and inserting in place thereof the figures: “11”; in line 631 by striking out the figure: “8” and inserting in place thereof the figures: “10”; in line 637 by inserting after the word “community” the following: “; 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”. The amendments were adopted.

Mr. Michlewitz of Boston then moved to amend the bill in section 1, in line 9, by striking out the figures: “10,000,000” and inserting in place thereof the figures: “12,000,000”; and

In section 21B (inserted by amendment) by inserting after the word “Boston”, the first time it appears, the words “, with the approval of the city council, by a majority vote”.

The amendments were adopted.

The Speaker being in the Chair,—

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Michlewitz of Boston; and on the roll call 113 members voted in the affirmative and 40 in the negative.

[See Yea and Nay No. 160 in Supplement.]

Therefore the bill (House, No. 4530, published as amended) was passed to be engrossed. Sent to the Senate for concurrence.

Bill passed to
be engrossed,—
yea and nay
No. 160.

Recess.

At twenty-nine minutes after eight o’clock P.M. (Wednesday, March 4, 2020), on motion of Mr. Mariano of Quincy (the Speaker being in the Chair), the House recessed until the following day at twelve o’clock noon; and at four minutes after twelve o’clock P.M. (Thursday, March 5, 2020), the House was called to order with the Speaker in the Chair.

Recess.