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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Wednesday, June 29, 2016.

Met at six minutes past one o'clock P.M.

The Senator from Essex and Middlesex, Mr. Tarr, and students from the South Middle School in Holbrook, led the President, members, guests and staff in the recitation in the pledge of allegiance to the flag.

Distinguished Guests.

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Mr. Timilty for the purpose of an introduction. Mr. Timilty then introduced, in the rear of the Chamber, the Dighton Rehoboth Baseball Team. The team was recognized for winning the Division 2 State Championship by defeating Danvers 1-0 with a squeeze play in the bottom of the 8th inning. The Senate applauded their accomplishments and they withdrew from the Chamber. They were accompanied by League MVP Joey Rogers and Head Coach Bill Cuthbertson, celebrating 37 years as coach. They were also guests of Senator Pacheco.

PAPERS FROM THE HOUSE

Engrossed Bills.

The following engrossed bills (both of which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the President and laid before the Governor for his approbation, to wit:

Authorizing the town of Lincoln to grant a license for the sale of alcoholic beverages to be drunk on the premises (see House, No. 3711, amended); and

Authorizing the town of Montague to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises (see House, No. 3783, amended).

Report of a Committee.

Mr. Montigny, for the committee on Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The Senate Bill establishing Peace Day in the Commonwealth (Senate, No. 2181).

There being no objection, the rules were suspended, on motion of Mr. Keenan, and the bill was read a second time.

Pending the question on ordering the bill to a third reading, Mr. Keenan moved that the bill be amended by inserting before the enacting clause the following emergency preamble:-

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith Peace Day, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”

The amendment was **adopted**.

The bill (Senate, No. 2181, amended) was then ordered to a third reading and read a third time.

**After remarks, the question on passing the bill to be engrossed was determined by a standing vote, on motion of Mr. Tarr, and it was passed to be engrossed by a vote of 21 to 0.
Sent to the House for concurrence.**

Matter Taken Out of the Notice Section of the Calendar.

There being no objection, the following matter was taken out of the Notice Section of the Calendar and considered, as follows:
The Senate Bill relative to the city of Chelsea's residential tax exemption (Senate, No. 2268),-- **was read a third time and passed to be engrossed.
Sent to the House for concurrence.**

Orders of the Day.

The Orders of the Day were considered as follows:

Bills

Authorizing the town of Wenham to grant an additional license for the sale of alcoholic beverages not to be drunk on the premises (Senate, No. 2291);
Authorizing the town of Spencer to issue certain bonds for terms of 30 years (Senate, No. 2300);
Authorizing the town of Warren to continue the employment of Dennis Desrosiers (Senate, No. 2319);
Relative to the composition of the Salem Board of Health (House, No. 3344);
Authorizing the city of Salem to grant one additional license for the sale of wine and malt beverages to be drunk on the premises and establishing and economic development fund (House, No. 3891, amended);
Relative to the Robin Reyes Capital Stabilization Fund in the town of Dedham (House, No. 4217, amended);
Authorizing the town of Foxborough to grant 2 additional licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 4238, amended); and
Establishing a certain reserve fund in the town of Middleton (House, No. 4378);
Were severally read a second time and ordered to a third reading.

The Senate Bill clarifying municipal authority regarding cash sureties (Senate, No. 41),-- **was read a second time, and after debate, was ordered to a third reading.**

The Senate Bill to promote personal savings (Senate, No. 495),-- **was read a second time.
After remarks, and pending the question on ordering the bill to a third reading, the pending amendment, previously recommended by the committee on Ways and Means substituting a new draft with the same title (Senate, No. 2374), was considered; and it was adopted.**

The bill (Senate, No. 2374) was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays at three minutes before two o'clock P.M., on motion of Mr. Downing, as follows, to wit (*yeas 39 – nays 0*) **[Yeas and Nays No. 373]:**

YEAS.

Barrett, Michael J.

Keenan, John F.

Boncore, Joseph A.

Lesser, Eric P.

Brady, Michael D.

Lewis, Jason M.

Brownsberger, William N.

L'Italien, Barbara A.

Chandler, Harriette L.

Lovely, Joan B.

Chang-Diaz, Sonia

McGee, Thomas M.

Creem, Cynthia Stone	Montigny, Mark C.
deMacedo, Viriato M.	Moore, Michael O.
DiDomenico, Sal N.	OConnor, Patrick M.
Donnelly, Kenneth J.	O'Connor Ives, Kathleen
Donoghue, Eileen M.	Pacheco, Marc R.
Downing, Benjamin B.	Rodrigues, Michael J.
Eldridge, James B.	Ross, Richard J.
Fattman, Ryan C.	Rush, Michael F.
Flanagan, Jennifer L.	Spilka, Karen E.
Forry, Linda Dorcena	Tarr, Bruce E.
Gobi, Anne M.	Timilty, James E.
Humason, Donald F., Jr.	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. – 39.
Joyce Brian A.	

NAYS – 0.

The yeas and nays having been completed at two o'clock P.M., the bill was passed to be engrossed. Sent to the House for concurrence.

The House Bill relative to the ride for hire industry (House, No. 4064),-- **was read a second time.**

After remarks, and pending the question on adoption of the amendment previously recommended by the committee on Ways and Means (striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2371), and pending the main question on ordering the bill to a third reading, Mr. Tarr moved that the proposed new text be amended by inserting in line 411 after the word "representatives" the following:- "to be appointed by the speaker and 1 member of the house of representatives to be appointed by the minority leader"; and in said line 411, by inserting after the word "senate" the following:- "to be appointed by the senate president and 1 member of the senate to be appointed by the minority leader". After remarks, the amendment was **adopted**.

Mr. Tarr, Ms. L'Italien and Mr. OConnor moved that the proposed new text be amended by inserting after the word "certificate" in line 151, the following words:- "in a form prescribed by the division which shall include the name, picture of the driver and the license plate number of the vehicle in use". The amendment was **adopted**.

Mr. Joyce moved that the proposed new text be amended in line 452, by striking the word "and"; by inserting, in line 453, the following subsection:

"(xi) the sufficiency of current motor vehicle liability policy minimums for licensed hackneys, taxis and livery."; and by striking,

in line 453, the letters “xi” and inserting in place thereof the letters “xii”.
After remarks, the amendment was **adopted**.

Mr. Joyce moved that the proposed new text be amended, in line 86, by adding after the words “demand times.” the following: “Such fare estimate shall include the rate, percentage, multiplier, or amount of price increase due to surge pricing or increased demand.”
The amendment was **adopted**.

Mr. Tarr, Ms. L'Italien and Mr. OConnor moved that the proposed new text be amended in section 3, by inserting after subsection 2(h), in line 97, the following new subsection:- “(i) A transportation network company shall provide a driver's name, picture and the license plate number of the vehicle in use to a rider on any digital network used to facilitate a pre-arranged ride.”
After remarks, the amendment was **adopted**.

Ms. Donoghue moved that the proposed new text be amended in section 3, by inserting after the word “year”, in line 238, the following words:- “; provided further, that a driver who is punished by a fine or by imprisonment in accordance with subsection (b) of said section 7 shall, after notice and a hearing, be suspended from operating as a transportation network driver for a period of not less than 6 months”.
After remarks, the amendment was **adopted**.

Ms. Donoghue moved that the proposed new text be amended in section 6, by adding the following clause:- “(xii) an examination of transportation networks’ policies on fees charged to riders for cancelled rides and occasions when the rider is late to meet a transportation network driver at the pre-arranged pick-up location.”.
After remarks, the amendment was **adopted**.

Mr. Donnelly moved that the proposed new text be amended by striking out sections 9 and 10.
After debate, the amendment was *rejected*.

Messrs. Rodrigues, Tarr and OConnor moved that the proposed new text be amended in section 3, in lines 158-160, inclusive, by striking out the following: “(ii) has access to a vehicle that has been registered in the commonwealth and inspected pursuant to section 7 of chapter 90 and regulations promulgated under that section at a facility licensed by the registry of motor vehicles;” and inserting in place thereof the following new subsection:-
“(ii) has access to a vehicle that has been registered in the commonwealth and inspected pursuant to section 7A of chapter 90 and regulations promulgated under that section at a facility licensed by the registry of motor vehicles; or has access to a vehicle that has been registered in another state, and the vehicle complies with the inspection requirement of the state where the vehicle is registered.”; and
By striking out, in lines 174-176, inclusive, the following: “(viii) has a driving record, as maintained by the merit rating board in accordance with section 57A of chapter 6C, which does not include more than 5 traffic violations or any major traffic violation, as defined by the division of insurance, in the preceding 3-year period.”; and inserting in place thereof the following new subsection:-
“(viii) has a driving record which does not include more than 5 traffic violations or any major traffic violation, as defined by the division of insurance, in the preceding 3-year period.”
After remarks, the amendment was **adopted**.

Mr. Boncore moved that the proposed new text be amended in section 3, by inserting after the word “entity”, in line 303, the following words:- “, except the Massachusetts Port Authority,”.
After remarks, the amendment was **adopted**.

Mr. Keenan and Ms. L'Italien moved that the proposed new text be amended by striking the definition of “Tip” in lines 47 and 48, and inserting in place thereof the following definition:- “‘Tip’, a sum of money designated through a credit card payment given by a rider as acknowledgement for the provision of transportation network services.”; and by inserting after the word “application” in line 139 the words:- “and has a policy specifically prohibiting cash tips or gratuities”.
The amendment was *rejected*.

Ms. Jehlen, Ms. L'Italien and Mr. Barrett moved that the proposed new text be amended in section 3, by striking out clause (v) of proposed subsection (c) of proposed section 3 of proposed chapter 159A1/2, and inserting in place thereof the following clause:-
“(v) that the applicant has an oversight process in place to ensure that the applicant and drivers using the applicant’s digital network accommodate riders with special needs, including riders requiring wheelchair accessible vehicles, in all areas served by transportation network companies, comply with all applicable laws regarding nondiscrimination against riders or potential riders and ensure the accommodation of riders with special needs including, but not limited to, all applicable laws, rules and regulations relating to the accommodation of service animals.”
After remarks, the amendment was **adopted**.

Messrs. Tarr and OConnor moved that the proposed new text be amended by inserting after the word “industry” in line 454 the following:-

“xii. Easing regional restrictions on taxi service by allowing taxi medallion owners to pick-up non-hail customers via smart phone application outside of the borders of the licensing municipality.

xiii. Allowing medallion owners to set meter rates at a level less but not more than rates established by the licensing municipality, so long as the rates are clearly disclosed in advance to the customer.”

After remarks, the amendment was **adopted**.

Mr. Moore moved that the proposed new text be amended in section 3, in proposed chapter 159A1/2, by striking out section 10. The amendment was *rejected*.

Mr. Keenan and Ms. L'Italien moved that the proposed new text be amended by striking the words “\$50,000 of coverage per individual for bodily injury, \$100,000 of total coverage for bodily injury, \$30,000”, in lines 333 and 334, and inserting in place thereof the words:- “\$250,000 of coverage per individual for bodily injury, \$500,000 of total coverage for bodily injury, \$50,000”.

After debate, the amendment was *rejected*.

Ms. Flanagan and Mr. OConnor moved that the proposed new text be amended by inserting in line 476 after the words “on the division's website the” the word “aggregate”.

After remarks, the amendment was **adopted**.

Mr. Keenan and Ms. L'Italien moved that the proposed new text be amended by inserting after the word “vehicles” in line 112 the words:- “and drivers”.

After remarks, the amendment was **adopted**.

Mr. McGee moved that the proposed new text be amended in subsection 2 of section 3, by adding at the end thereof the following paragraphs:-

“(i) In consultation with the division, the Massachusetts Department of Transportation Highway Division shall provide for the issuance of electronic toll transponders set at the commercial vehicle rate to be issued by transportation network companies to transportation network drivers. Such electronic toll transponders shall be used each time a transportation network driver provides transportation network services on a toll road, bridge or tunnel; provided, however, the issuance of an electronic toll transponder pursuant to this paragraph shall not prohibit a transportation network driver from establishing or maintaining an electronic toll transponder account for personal use.

(j) In consultation with the division, transportation network companies shall provide their respective ride data to the Massachusetts Department of Transportation who shall cross-reference with their toll data to ensure that tolls incurred by a driver providing transportation network services through its digital network are paid at the commercial rate through the pay by plate system and through the electronic transponder system.”; and

In paragraph (iv) of subsection 3(c) of section 3, by adding after the word “rate” the following:- “including the utilization of the electronic toll transponder issued pursuant to subsection (i) of section 2 and the data cross-reference pursuant to subsection (j) of section 2;”.

After remarks, the amendment was **adopted**.

Mr. Keenan moved that the proposed new text be amended by striking out section 7 in its entirety and inserting in place thereof the following sections:-

“SECTION 7. (a) Annually, not later than February 1, the director shall collect from each transportation network company a per-ride assessment of not more than \$0.10, as determined by the director. A transportation network company shall not charge a transportation network rider or a transportation network driver, as defined in section 1 of chapter 159A1/2, for the cost of said assessment.

(b) Not later than June 30, an amount equal to one-half the assessments collected under this section shall be deposited into the Massachusetts Bay Transportation Authority State and Local Contribution Fund established under section 35T of chapter 10. An amount equal to one-half the assessments collected under this section shall be deposited into the Regional Transit Authority Enterprise Funds established under section XX, distributed in a manner determined by the secretary of the department of transportation.

SECTION XX. Section 35T of Chapter 10 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking the word ‘and’ in line 42, and in said section inserting after the figure “161A” in line 43 the words:- ‘; and (iii) ‘per-ride assessments received by the commonwealth from transportation network companies’.

SECTION XX. The regional transit authorities are hereby authorized to create, Regional Transit Authority Enterprise Funds, provided however, the authorities shall receive approval from the secretary of the department of transportation for any projects to be constructed or operated as an enterprise fund project. All revenues and receipts generated by the authority in association with the operation of said approved enterprise fund projects shall be credited to said fund and used in accordance with this section.

Expenditures from said fund shall be made for the following purposes: (i) for the payment of the principal, including sinking fund payments of and premium, if any, and interest on special obligation bonds of the authority, as hereinafter described, issued for payment of the cost of construction of said project, (ii) for the maintenance of, or provision for, any reserves, additional security,

insurance or other form of credit enhancement required or provided for in any trust agreement entered into pursuant to this section to secure such bonds; (iii) for the operation and maintenance expenses of said project; and (iv) for the study, design, construction and reconstruction of roads, exit and entrance ramps and highways in order to implement a traffic mitigation plan to address the increased traffic flow which may be associated with the operation of any project, provided, that said plan shall be completed in conjunction with the construction of any said project garage, when necessary.

SECTION XX. Notwithstanding any provisions of chapter 161B of the General Laws to the contrary, neither the income nor the expenses allocable to said fund shall be included in the calculation of the authority's net cost of service, nor shall subsection (c) of section 8 of said chapter 161B apply to expenses made from said fund; provided, however, that said subsection (c) shall apply to expenses to be funded by excess revenues, if any, transferred to the authority for purposes not related to said fund.

SECTION XX. Notwithstanding the provisions of any general or special law to the contrary, including without limitation section 60A of chapter 29 of the General Laws, any bonds issued by the authority to finance the construction of said projects shall be special obligations of the authority payable from special receipts to the extent available, and in any case payable from monies credited to said fund together with other pledged revenues, which additional revenue shall not be considered revenue of the fund, provided, that revenues related to projects other than the approved project being financed may not be pledged without the prior approval of the secretary of the department of transportation. Such bonds shall not be general obligations of the commonwealth. Bonds may be issued in such manner and on such terms and conditions as the authority may determine in accordance with the provisions of this paragraph, and, to the extent not inconsistent with the provisions hereof, provisions of general law for the issuance of bonds of the authority. Bonds may be secured by a trust agreement entered into by the authority, which trust agreement may pledge or assign all or any part of monies credited to said fund and rights to receive the same, whether existing or coming into existence and whether held or thereafter acquired, and the proceeds thereof together with any other revenues as the authority may determine to be necessary or desirable to enhance the credit of said bonds as security in order to prevent default. The authority is also authorized to enter into additional security, insurance or other forms of credit enhancement which may be secured on a parity or subordinate basis with the bonds. A pledge in any such trust agreement or credit enhancement agreement shall be valid and binding from the time such pledge shall be made without any physical delivery or further act, and the lien of such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise, irrespective of whether such parties have notice thereof. Any such pledge shall be perfected by filing of the trust agreement or credit enhancement agreement in the records of the authority, and no filing need be made under chapter 106 of the General Laws. Any such trust agreement or credit enhancement agreement may establish provisions defining defaults and establishing remedies and other matters relating to the rights and security of the holders of the bonds or other secured parties as determined by the authority, including provisions relating to the establishment of reserves, the issuance of additional or refunding bonds, whether or not secured on a parity basis, the application of receipts, monies or funds pledged pursuant to such agreement, hereinafter referred to as "pledged funds," and other matters deemed necessary or desirable by the authority for the security of such bonds, and may also regulate the custody, investment and application of monies. Any such bonds shall be deemed to be investment securities under said chapter 106, shall be securities in which any public officer, fiduciary, insurance company, financial institution or investment company may properly invest funds and shall be securities which may be deposited with any public custodian for any purpose for which the deposit of bonds is authorized by law. Any such bonds, their transfer and the income therefrom, including profit on the sale thereof; shall at all times be exempt from taxation by and within the commonwealth. Within three months of the first issuance of special obligation bonds under this section, the authority shall report the results of the sale, including the cost of issuance, the interest rate for which the bonds sold, and the rating assigned by the bond rating agencies, as well as an analysis of how these compare to the authority's most recent bond issuance. Said report shall be submitted to the authority's advisory board, the joint committee on transportation and the secretary of the department of transportation.

SECTION XX. The authority shall incorporate in its annual budget request a report which details the revenues retained by any enterprise fund project, the expenditures made from said fund, and the remaining fund balance or deficit from the prior fiscal year."

After remarks, the amendment was *rejected*.

Mr. McGee and Ms. L'Italien moved that the proposed new text be amended in subsection 2 of section 3 by striking clause (b) in its entirety and inserting in place thereof the following:-

"(b) In consultation with the division, the registry of motor vehicles shall provide for the establishment and issuance of a transportation network vehicle registration, including an identification marker, a vehicle registration sticker, and a registration card identifying that the vehicle is registered for use as a transportation network vehicle. The sticker shall be affixed to the rear license plate of the vehicle at all times. A transportation network driver who ceases to be certified to provide transportation network services for any reason shall remove and return the sticker within 14 days of that cessation to the registry of motor vehicles in the manner and form prescribed by the registry."

The amendment was *rejected*.

Mr. McGee moved that the proposed new text be amended in subsection 2 of section 3 by striking clause (b) in its entirety and inserting in place thereof the following:- "(b) In consultation with the division, the registry of motor vehicles shall provide for the establishment of designated Transportation Network Company vehicle registration and license plates. Said plates shall clearly indicate that the registered vehicle is used for the purpose of providing ride for hire services. A transportation network driver who ceases to be certified to provide transportation network services for any reason shall return the registration and license plates within 14 days of that cessation to the registry of motor vehicles in the manner and form prescribed by the registry."; and

In subsection 5 of Section 3 by striking it in its entirety and inserting in place thereof the following:- “Notwithstanding the provisions of Chapter 175 of the General Laws or any other special or general law to the contrary, every registered transportation network company vehicle shall maintain commercial automobile insurance with a minimum of \$1,000,000 in bodily injury coverage.”

The amendment was *rejected*.

Messrs. Fattman, Tarr and OConnor moved that the proposed new text be amended by striking out section 7.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at nineteen minutes past four o'clock P.M., on motion of Mr. Fattman, as follows, to wit (*yeas 9 – nays 30*) [**Yeas and Nays No. 374**]:

YEAS.

Fattman, Ryan C.

OConnor, Patrick M.

Flanagan, Jennifer L.

Ross, Richard J.

Humason, Donald F., Jr.

Tarr, Bruce E.

Joyce, Brian A.

Timilty, James E. – **9**.

Montigny, Mark C.

NAYS.

Barrett, Michael J.

Keenan, John F.

oncore, Joseph A.

Lesser, Eric P.

Brady, Michael D.

Lewis, Jason M.

Brownsberger, William N.

L'Italien, Barbara A.

Chandler, Harriette L.

Lovely, Joan B.

Creem, Cynthia Stone

McGee, Thomas M.

deMacedo, Viriato M.

Moore, Michael O.

DiDomenico, Sal N.

O'Connor Ives, Kathleen

Donnelly, Kenneth J.

Pacheco, Marc R.

Donoghue, Eileen M.

Rodrigues, Michael J.

Downing, Benjamin B.

Rosenberg, Stanley C.

Eldridge, James B.

Rush, Michael F.

Forry, Linda Dorcena

Spilka, Karen E.

Gobi, Anne M.

Welch, James T.

Jehlen, Patricia D.

Wolf, Daniel A. – 30.

ABSENT OR NOT VOTING.

Chang-Diaz, Sonia – 1.

The yeas and nays having been completed at a twenty-two minutes past four o'clock P.M., the amendment was *rejected*.

Mr. Keenan moved that the proposed new text be amended by inserting after the word “convenience” in line 311 the words:-
“Section 11. Companies utilizing a digital network who are otherwise regulated under Section 22 of Chapter 40 shall not be considered a transportation network company for the purposes of this chapter.”
The amendment was *rejected*.

Ms. Forry, Ms. L'Italien and Messrs. Keenan and Pacheco moved that the proposed new text be amended in section 3, subsection 3(c), by striking clause (ii) and inserting in place thereof the following new paragraph:-

“(ii) that the applicant has an oversight process in place to ensure that each driver using the applicant’s digital network: (1) has, before joining the network and annually thereafter, submitted to and successfully completed a background check conducted by the applicant and the division, pursuant to paragraph (ix) of subsection 4(b) of section 3, that includes a review of local and national criminal records, sex offender records, fingerprint-based check, and driving records associated with each driver; (2) is a suitable driver as defined in section 4; and (3) is certified pursuant to section 4”; and

In said section 3, by inserting after subsection 4 (b), clause (viii) the following clause:- “(ix) is determined to be suitable pursuant to a fingerprint-based check of the state and national criminal history databases, as authorized by 28 CFR 20.33 and Public Law 92-544. The division may receive all criminal offender record information and the results of checks of state and national criminal history databases under said Public Law 92-544. When the department obtains information from state and national criminal history databases, it shall treat the information in accordance with sections 167 to 178, inclusive, of chapter 6 and the regulations thereunder regarding criminal offender record information.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-six minutes past five o'clock P.M., on motion of Ms. L'Italien, as follows, to wit (*yeas 14 – nays 24*) [**Yeas and Nays No. 375**]:

YEAS.

Brady, Michael D.

McGee, Thomas M.

DiDomenico, Sal N.

Moore, Michael O.

Forry, Linda Dorcena

O'Connor Ives, Kathleen

Gobi, Anne M.

Pacheco, Marc R.

Keenan, John F.

Timilty, James E.

L'Italien, Barbara A.

Welch, James T.

Lovely, Joan B.

Wolf, Daniel A. – 14.

NAYS.

Barrett, Michael J.	Humason, Donald F., Jr.
Boncore, Joseph A.	Jehlen, Patricia D.
Brownsberger, William N.	Joyce, Brian A.
Chandler, Harriette L.	Lesser, Eric P.
Creem, Cynthia Stone	Lewis, Jason M.
deMacedo, Viriato M.	Montigny, Mark C.
Donnelly, Kenneth J.	OConnor, Patrick M.
Donoghue, Eileen M.	Rodrigues, Michael J.
Downing, Benjamin B.	Ross, Richard J.
Eldridge, James B.	Rush, Michael F.
Fattman, Ryan C.	Spilka, Karen E.
Flanagan, Jennifer L.	Tarr, Bruce E. – 24.

ABSENT OR NOT VOTING.

Chang-Diaz, Sonia – **1.**

The yeas and nays having been completed at a twenty-nine minutes past five o'clock P.M., the amendment was *rejected*.

Messrs. Brownsberger, OConnor and Tarr moved that the proposed new text be amended by striking lines 47 and 48 inclusive; and in section 3, subsection (c), by striking clause (vii) in its entirety.
The amendment was **adopted**.

Mr. Moore moved that the proposed new text be amended in line 482, by striking the following words:- “regulated by the city or town”.
The amendment was **adopted**.

Messrs. deMacedo and OConnor moved that the proposed new text be amended in section 8, by striking out, in line 494, the figure “6” and inserting in place thereof the following figure:- “9”.
After remarks, the amendment was **adopted**.

Ms. L'Italien moved that the proposed new text be amended by striking, in line 143, the word “application.” and inserting in place thereof the following words:- “application; and (ix) that the applicant shall establish a mechanism within the digital network application to enable consumers with visual impairments or other disabilities to alert the driver of such disability to better facilitate pickups when the consumer has difficulty seeing the car”.
After remarks, the amendment was **adopted**.

Ms. Forry and Ms. L'Italien moved that the proposed new text be amended by striking the words “to the division, to the registry of motor vehicles and to state and local law enforcement as requested”, in lines 133 and 134, and inserting in place thereof the words:- “to the division, and upon request to the registry of motor vehicles and to state and local law enforcement”;
By inserting after the word “certificate” in line 182 the words:- “, and notify the division of the suspension,”; and

By striking section 8(b) and replacing it with the following:-

“(b) In response to a specific complaint alleging criminal conduct against any transportation network company driver or passenger, a transportation network company shall, upon request and after being served with appropriate legal process, provide information to a requesting law enforcement agency necessary to investigate the complaint, as determined by the law enforcement agency.

Transportation network companies shall, after being served with appropriate legal process, provide information related to an alleged criminal incident including but not limited to trip specific details regarding origin and destination, length of trip, GPS coordinates of route, driver identification, and, if applicable, information reported to the transportation network company regarding the alleged criminal activity by a driver or passenger, to the appropriate law enforcement agency upon receipt of a specific complaint alleging criminal conduct against any transportation network company driver or passenger.”

After remarks, the amendment was **adopted**.

Ms. Forry and Ms. L'Italien moved that the proposed new text be amended in Section 4, line 193, by inserting the following subsection: -

“(f) A municipal licensing authority shall not be prohibited from imposing additional public safety requirements on transportation network companies and transportation network drivers operating within its boundaries not inconsistent with the provisions of this section [or any regulations promulgated hereunder].”

After debate, the amendment was *rejected*.

Mr. McGee and Ms. L'Italien moved that the proposed new text be amended in section 3, by inserting after the word “violation”, in line 228, the following words:- “including noncompliance with the payment of commercial rate tolls as required in clause (iv) of subsection (c) of section 3”; in said section 3, by inserting after the word “with”, in line 250, the following words:- “subsection (b) of section 2 or”; in said section 3, by striking out, in line 254, the following words:- “not more than”; and in said section 3, by striking out, in line 268, the following words:- “not more than”.

After remarks, the amendment was **adopted**.

Mr. McGee and Ms. L'Italien moved that the proposed new text be amended in section 3, by striking out the first sentence of proposed subsection (a) of proposed section 6 of proposed chapter 159A½ and inserting in place thereof the following sentence:- “If the division determines, after notice and a hearing, that a transportation network company is in violation of this chapter or any rule or regulation promulgated under this chapter, the division shall issue a monetary penalty, suspend or revoke a transportation network company permit or take other action that the division deems necessary.”

The amendment was **adopted**.

Ms. L'Italien moved that the proposed new text be amended by striking, in line 143, the word “application.” and inserting in place thereof the following words:- “application; and (ix) that the applicant has established procedures governing the safe pickup, transfer, and delivery of individuals who use mobility devices, including but not limited to wheelchairs, crutches, canes, walkers, and scooters”.

After remarks, the amendment was **adopted**.

Mr. OConnor moved that the proposed new text be amended in section 3, in subsection (b) of proposed section 6 of proposed chapter 159A½ by striking out, in line 232, the words “and a hearing”.

After remarks, the amendment was **adopted**.

Ms. L'Italien and Mr. Keenan moved that the proposed new text be amended in section 3, by striking out, in line 190, the word “annually” and inserting in place thereof the following word:- “quarterly”.

After remarks, the amendment was **adopted**.

Mr. Keenan moved that the proposed new text be amended in section 3, in proposed subsection (a) of proposed section 3 of proposed chapter 159A½, by adding the following words:- “unless otherwise authorized by law”.

After remarks, the amendment was **adopted**.

Mr. Keenan moved that the proposed new text be amended in section 3, by striking out, in line 263, the words “A driver who violates section 3 by soliciting, accepting, arranging or providing” and inserting in place thereof the following words:- “A driver who violates section 3 or any other person who, by soliciting, accepting, arranging or providing”.

After remarks, the amendment was **adopted**.

Ms. Forry, Mr. Keenan and Ms. L'Italien moved that the proposed new text be amended by striking out lines 165 to 167, inclusive, and inserting in place thereof the following:-

“(v) is determined to be suitable to perform transportation network services on the basis of the following two-part background check process:

(1) The transportation network company shall conduct a background check pursuant to clause (ii) of subsection (c) of section 3 and disqualify applicants on the basis of a suitability standard to be determined in regulations promulgated by the department; and

(2) The transportation network company shall submit identifying information regarding an applicant to the department, which shall refer said information to the department of criminal justice information services, which will obtain all available criminal offender record information as defined in section 167 of chapter 6 and pursuant to section 172 of chapter 6; and sex offender registry information. Following a review of the pertinent records, the department or the department of criminal justice information services shall determine whether the applicant has committed an offense that would disqualify him from the provision of transportation network services, according to the department's rules, orders, and regulations. In light of that determination, and following the department's review of all motor vehicle records pertaining to the applicant, the department shall determine within 5 business days of receiving an applicant's identifying information whether the applicant is suitable to provide transportation network services according to regulations promulgated by the department, and shall so notify the transportation network company."

After remarks, the amendment was **adopted**.

Ms. L'Italien moved that the proposed new text be amended in section 6, in the third paragraph, by adding the following clause:- "(xii) examine and make recommendations on ways in which the division established under section 23 of chapter 25 can make statistical reports relative to the number and type of incidents reported to transportation network companies relating to drivers and riders."

After remarks, the amendment was **adopted**.

Ms. Spilka moved that the proposed new text be amended in section 3, by inserting after the word "rosters", in line 133, the following words:- " , upon request and with appropriate legal process,";

In said section 3, by striking out, in line 185, the word "services" and inserting in place thereof the following word:- "services.";

and in said section 3, by striking out, in lines 232 to 233, inclusive, the words "issue a monetary penalty or".

In said section 3, in proposed section 5 of proposed chapter 159A½, by striking out proposed subsections (c) and (d) and inserting in place thereof the following 3 subsections:-

“(c) Automobile liability insurance providers offering coverage to a transportation network company or transportation network driver to comply with subsection (a) or (b) shall recognize that a driver is a transportation network driver who uses a vehicle to transport riders for compensation and cover the driver while the driver is logged on to the transportation network company's digital network or while the driver is engaged in a pre-arranged ride.

(d) A transportation network company shall disclose, in writing, to a prospective transportation network driver, before certifying the driver to provide transportation network services through the transportation network company's digital network: (i) the insurance coverage, including the types of coverage and the limits for each coverage, that the transportation network company provides while the transportation network driver provides transportation network services; and (ii) a statement that the transportation network driver's own automobile insurance policy may not provide coverage while the driver is providing transportation network services, depending on the terms of the policy.

(e) In a claims coverage investigation, a transportation network company, a transportation network driver and an insurer responding to a claim involving transportation network services shall disclose to each other a clear description of the coverage, exclusions and limits provided under an automobile insurance policy maintained under this section and shall cooperate to facilitate the exchange of relevant information with directly involved parties including, but not limited to, the precise times that a transportation network driver logged on and off of the transportation network company's digital network in the 12-hour period immediately preceding and in the 12-hour period immediately following the accident.”; and

In section 5, by striking out, in lines 345 and 348, the words “subsection (b)” and inserting in place thereof, in each instance, the following words:- subsections (c) and (d)”.

The amendment was **adopted**.

The Ways and Means amendment, as amended, was then adopted.

The bill, as amended, was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays at sixteen minutes before seven o'clock P.M., on motion of Ms. Spilka, as follows, to wit (*yeas 34 – nays 2*) [**Yeas and Nays No. 376**]:

YEAS.

Barrett, Michael J.

Joyce, Brian A.

Boncore, Joseph A.

Keenan, John F.

Brady, Michael D.

Lesser, Eric P.

Brownsberger, William N.

Lewis, Jason M.

Chandler, Harriette L.	L'Italien, Barbara A.
Creem, Cynthia Stone	Lovely, Joan B.
deMacedo, Viriato M.	Montigny, Mark C.
Donnelly, Kenneth J.	Moore, Michael O.
Donoghue, Eileen M.	O'Connor Ives, Kathleen
Downing, Benjamin B.	OConnor, Patrick M.
Eldridge, James B.	Rodrigues, Michael J.
Fattman, Ryan C.	Ross, Richard J.
Flanagan, Jennifer L.	Rush, Michael F.
Forry, Linda Dorcena	Spilka, Karen E.
Gobi, Anne M.	Tarr, Bruce E.
Humason, Donald F., Jr.	Timilty, James E.
Jehlen, Patricia D.	Welch, James T. – 34.

NAYS.

McGee, Thomas M.	Pacheco, Marc R. – 2.
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PAIRED.

YEAS.	NAYS.
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Wolf, Daniel A. (<i>present</i>)	DiDomenico, Sal N. – 2.
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ABSENT OR NOT VOTING.

Chang-Diaz, Sonia – **1.**

The yeas and nays having been completed at thirteen minutes before seven o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendment. [For text of Senate amendment, printed as amended, see Senate, No. 2398].

Sent to the House for concurrence in the amendment.

Moment of Silence.

At the request of the President, the members, guests and staff stood in a moment of silence and reflection to the memory of Warren R. Carey of Tewksbury.

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at eleven o'clock A.M., in a full formal session with a calendar.

Adjourn In Memory of Warren R. Carey

The Senator from Essex and Middlesex, Ms. L'Italien and the Senator from Middlesex, Ms. Donoghue moved that when the Senate adjourns today, it adjourn in memory of Warren R. Carey of Tewksbury.

On June 18, the town of Tewksbury lost one of its most engaged citizens and beloved community members. Warren R. Carey, a resident of Tewksbury for 74 of his 80 years, passed away at his home surrounded by Liz, his devoted wife of 60 years, and their loving family.

Warren moved to Tewksbury at the age of six and graduated from Tewksbury High School in 1953. He worked for the New England Power Company at the Salem Harbor Plant for 32 years.

Warren dedicated his life to serving his friends, neighbors, and the community he loved. He was a volunteer firefighter, the Town Historian, and the Town Treasurer & Collector and leaves behind a remarkable legacy of civic service to the town. He was an active member of a number of community organizations including the Tewksbury Lions Club and the Tewksbury Historical Society. He served as the chair of the Tewksbury Democrat Town Committee and in 2006 was honored as a "Distinguished Democrat" by the Greater Lowell Area Democrats in recognition of his political activism.

Even as a private citizen, Warren was incredibly engaged in Tewksbury's civic affairs. At annual Town Meetings, he never held back when it came to sharing his opinions and advocating for the citizens of Tewksbury. Warren was a respected community member, and voters often looked to his leadership as they weighed important local issues. Those around Warren held him in extremely high regard, due to his unabashed dedication to advocating for what he believed was right for his community.

He was also a music aficionado and collector, owning over two hundred thousand records which he would listen to in his spare time. Above all, Warren cared most for his family. Last month, Warren and his wife Liz celebrated their 60th anniversary together. He is survived by his wife, eight siblings, eight children, twenty-eight grandchildren, three great-grandchildren, and many other extended family members.

Accordingly, as a mark of respect in memory of Warren R. Carey, at eight minutes before seven o'clock P.M., on motion of Mr. Humason, the Senate adjourned to meet again tomorrow at eleven o'clock A.M.