

SENATE NO. 2089

AN ACT AN ACT TO PROVIDE GREATER PROTECTION IN REGISTRY OF MOTOR VEHICLE HEARINGS

*Be it enacted by the Senate and House of Representatives in General Court assembled,
And by the authority of the same, as follows:*

1 SECTION 1. Section 22(a) of Chapter 90 of the General Laws of Massachusetts is hereby
2 amended by adding a sentence to the end of said Section as follows:

3 The registrar may not suspend or revoke the license in the aforesaid fashion of any
4 operator on suspicion of that person having a mental or physical handicap, unless a qualified
5 medical doctor or emergency medical technician petitions the registrar in writing with medical
6 evidence that the operator is unsafe to drive. Any operator whose license is suspended or
7 revoked on suspicion of mental or physical handicap is entitled to due hearing within three
8 business days, but may postpone said hearing for up to thirty days at the operator's discretion.

9 SECTION 2: Section 22(b) of Chapter 90 of the General Laws of Massachusetts is hereby
10 amended by inserting after the first paragraph ending "...the date originally specified" the
11 following new paragraph:

12 In any hearing where a license's potential suspension or revocation is due in whole or in
13 part to the operator's physical or mental handicap, the hearing shall be held within 14 days of
14 the event which prompted the registrar to initiate said hearing, unless otherwise agreed upon by

15 the involved parties. The registrar will consider all written and oral submissions by any
16 interested parties at said hearing, and any and all medical evidence offered for or against the
17 operator shall be made public for purposes of said hearing only. Any public record of said
18 hearing shall have any and all medical evidence redacted, and any person, entity or agency
19 present at said hearing who later disseminates said medical evidence without permission from
20 the operator shall be liable to the operator for a sum of not less than \$1,000 and not more than
21 \$5,000 for each violation under this section. For purposes of said hearing, medical evidence
22 shall only be accepted if reported or recorded by a qualified, licensed medical professional. The
23 registrar shall notify the involved parties in writing of his decision whether or not to revoke the
24 operator's license within seven days after the hearing.