

Committee Keeps Lock On Popular Massachusetts Licensing Bill

By Chris Lisinski
State House News Service

Almost two years ago to the day, the Transportation Committee voted along party lines to endorse legislation that would allow undocumented immigrants in Massachusetts to access driver's licenses.

Now, with a deadline looming to take a position on the latest version of the bill, the same panel decided it needs more time, just as it did with a long-debated proposal to expand enforcement of the state's seatbelt law.

Neither the measure that supporters dubbed the Work and Family Mobility Act (H 3456 / S 2289) nor Gov. Charlie Baker's refiled bill allowing police to stop motorists solely for failing to buckle up (H 3706) will be subject to this week's biennial culling of the bills under the Legislature's Joint Rule 10.

Both bills had been pending before the committee for more than nine months before its members sought an additional one-month extension. The licensing bill featured at a public hearing in June, while lawmakers heard testimony on Baker's road safety bill in December.

The codified-yet-malleable deadline in Joint Rule 10, which falls on the first Wednesday of February in even years, is designed to push bills forward in the process with enough time remaining for the Legislature to tackle big topics before it transitions to holding only lightly attended informal sessions after July 31.

The House on Monday quietly adopted an extension order pushing the deadline for the Transportation Committee to produce an up-or-down report on eight bills from Feb. 2 to March 4, giving the panel – which has functioned without a Senate chair since September – another month to work.

That move frustrated supporters of the seatbelt proposal, who cautioned the extension further delays action on a potential life-saving measure at a time when roadway deaths are soaring in Massachusetts and nationally.

Among supporters of the licensing bill, who have been unsuccessfully pushing some form of the change for more than a decade, the delay was interpreted as “very good news.”

“I think we’re all in agreement at the coalition that this was very good news because we know how, with COVID especially, this has been an incredibly difficult and rushed legislative session,” said Franklin Soult, a 32BJ SEIU spokesperson who works with the Driving Families Forward Coalition. “We had a very great hearing. It seems like communication is really good between the committees and the sponsors of the bill and everybody, so we feel very confident this is actually a really great sign.”

In February 2020, on the most recent iteration of Joint Rule 10 Day, the Transportation Committee voted 14-4 to advance a redrafted version of the bill that would authorize undocumented immigrants to apply for standard, but not REAL ID-enhanced, licenses. All four votes against the measure came from Republicans. House Co-chair Rep. William Straus of Mattapoisett and Rep. Paul Tucker of Salem, both Democrats, did not cast votes.

The measure later died without action in the Senate Ways and Means Committee, despite public support from Senate President Karen Spilka.

House Speaker Ronald Mariano has been less vocal, though he

said in March that he “recognize(s) the value in bringing all drivers under the same public safety, licensing and insurance structures.”

At a virtual event highlighting business and health care sector support for the bill, its backers noted that the latest version has the highest number of cosponsors in the history of the campaign, including majorities in the 160-member House and the 40-member Senate.

As of Tuesday, 84 representatives and 21 senators – excluding former Transportation Committee Co-chair Sen. Joe Boncore, who resigned last year – added their names in support of the bill.

The latest version differs from the version that earned the Transportation Committee’s support last session in two main ways: it has a slightly different set of identification standards required to acquire a standard license, and it would limit the state Registry of Motor Vehicles from sharing many documents involved in the applications, including with federal immigration authorities.

Laura Rotolo, staff counsel and community advocate at the American Civil Liberties Union of Massachusetts, said the latest version is “tighter” than its predecessor.

“This session, we had a lot of support and co-drafting with our law enforcement leaders,” Rotolo said. “We have worked together with them and other partners like insurers to make sure that the bill makes sense, that the bill is workable for many different stakeholders.”

Sixteen other states and Washington, D.C. already have laws on the books allowing undocumented immigrants to acquire some form of a driver’s license, according to supporters.

“Our neighbors in Connecticut enacted a similar law permitting the issuance of driver’s licenses back in 2015, and as of 2019, over 50,000 undocumented immigrants in Connecticut have

taken written tests, vision tests, and road tests to obtain driver's licenses," said Roberta Fitzpatrick, senior vice president and CIO at Arbella Insurance. "Since that time, Connecticut has seen a reduction in hit-and-run crashes and a steep decline in the number of people found guilty of unlicensed driving."

If legislative leaders opt to pursue the bill this session, they will likely need to line up two-thirds majorities in both chambers to overcome opposition from Gov. Charlie Baker.

The Republican governor said in February 2020 that he does not support the bill because he believes "it's really hard to build the kind of safeguards into that kind of process that would create the kind of security that would be hard to live up to some of the federal and state standards with respect to security and identification."

Asked if he has vocalized an opinion on the topic more recently, a Baker spokesperson replied, "Governor Baker supports existing laws in Massachusetts, enacted on a bipartisan basis, that ensure Massachusetts' compliance with federal REAL ID requirements and enable those who demonstrate lawful presence in the United States to obtain a license."

Baker, now in the lame-duck stretch of his final term, has been ramping up pressure on Democrat leaders to tackle some of his stalled proposals. His push to reform the state's seatbelt law so far has failed to gather momentum.

Lawmakers have been hesitant to convert the Bay State from its current secondary enforcement system, in which police can only cite motorists for driving unbuckled if they first observe another traffic violation, to primary enforcement, in which cops could pull someone over solely for not wearing a seatbelt.

Supporters of the change say it would help increase the Bay State's seatbelt use rate, which lags behind the 35 other

states where police can enforce the restraints without requiring an additional offense.

Mary Maguire, AAA Northeast Director of Public Affairs, said 81.6 percent of Bay State drivers and passengers buckled up before the pandemic, a rate that has since dropped to 77.5 percent. At the same time, roadway deaths in Massachusetts have surged from 327 in 2020 to at least 415 in 2021, she said.

“Each one of those people is an individual who’s part of a family, a school, a football team, a church, a committee. The ripple effect of that is really extraordinary,” Maguire said. “We know that the drop in seatbelt use has been one of the key factors in this increase in the number of deaths in Massachusetts and across the country.”

AAA Northeast also backs other primary seatbelt bills pending before different legislative committees, but Maguire said she believes it is “really important” for the Transportation Committee to send Baker’s road safety bill forward into the larger legislative arena.

Mariano remains skeptical about the idea, saying via a spokesperson in the fall that he has “long been concerned about potential racial profiling with primary enforcement measures.”

The Vision Zero Coalition, a group of road safety and transportation advocates, also opposes the push, arguing that converting seatbelt laws would be an ineffectual use of state resources and could wreak disproportionate harm on communities of color.

Boston Cyclists Union Executive Director Becca Wolfson, whose group is a member of the coalition, said the Transportation Committee extending its review period on Baker’s bill is “a little bit troubling.”

“It means we’re going to be doubling down on our communication and activating folks to reach out to the committee members to know how serious the consequences would be if we passed this,” Wolfson said. “We’ve activated folks and have a lot of support for our opposition to this bill.”

Baker’s wide-ranging bill would also allow municipalities to post red-light cameras at select intersections, add penalties for driving recklessly, causing injury or causing death with a suspended license, and reform the commercial licensing process.