

**HOUSE . . . . . No. 4023**

**The Commonwealth of Massachusetts**

PRESENTED BY:

**Bradford R. Hill**

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

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

An Act relative to school bus safety.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bradford R. Hill	4th Essex
John F. Quinn	9th Bristol

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The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO SCHOOL BUS SAFETY.

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

SECTION 1. Chapter 90 of the General Laws is hereby amended by inserting after section 3 the following section:-

Section 3A. All school departments are hereby authorized to install and operate live digital video school bus violation detection monitoring systems. Such systems shall, at a minimum, be systems that monitor and detect school bus traffic violations. For purposes of this section, a live digital video school bus violation detection monitoring system means a system with 1 or more camera sensors and computers that produce live digital and recorded video of motor vehicles being operated in violation of school bus traffic laws. All systems installed for used under this section must, at a minimum, produce a live visual image viewable remotely, a recorded image of the license, plate, and be able to record the time, date and location of the vehicle, and a signed affidavit by a person who witnessed the violation via live video.

The school departments may enter into an agreement with a private corporation or other entity to provide live digital video school bus violation detection monitoring systems and to maintain and operate such systems. Compensation to the private corporation or other entity to provide live digital video school bus violation detection monitoring systems and to maintain and operate such systems. Compensation to the private entity that provides such a system and related support service shall not be based on the revenue generated by the system.

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23 Compensation to the vendor of the system shall be based on the expense  
24 of the services and the equipment provided by the vendor of the system.  
25 The school department may enter into an agreement for purposes of  
26 reimbursement of expenses to the vendor for the installation, operation  
27 and maintenance of the live digital video school bus detection and  
28 monitoring systems within its municipality. Notwithstanding the terms  
29 and conditions contained in any such agreement, reimbursement shall be  
30 made from ticket revenue proceeds from paid violations, as allocated.  
31 All vehicles installed with a live digital video school bus violation  
32 detection monitoring system shall post a warning sign indicating the use  
33 of such system. Warning signage shall remain on each vehicle as long as  
34 a live digital video school bus violation detection monitoring system is in  
35 operation.

36 | Except, as expressly provided, all prosecutions based on  
37 evidence produced by a live digital video school bus violation detection  
38 monitoring system shall follow the procedures of this section.

39 | Citations may be issued by an officer solely based on evidence  
40 obtained by use of a live digital video school bus violation detection  
41 monitoring system. All citations issued based on evidence obtained from  
42 a live digital video school bus violation detection monitoring system  
43 shall be issued within 7 days of the violation. It shall be sufficient to  
44 commence a prosecution based on evidence obtained from a live digital  
45 video school bus violation detection monitoring system a copy of the  
46 citation and supporting documentation shall be mailed to the address of  
47 the registered owner kept on file by the registry of motor vehicle for the  
48 purposes of this section, the date of issuance shall be the date of mailing.

49 | The officer issuing the citation shall certify under penalties of  
50 perjury that the evidence obtained from the live digital video school bus  
51 violation detection monitoring system was sufficient to demonstrate a  
52 violation of the motor vehicle code. Such certification shall be sufficient  
53 in all prosecutions pursuant to this chapter to justify the entry of a default  
54 judgment upon sufficient proof of actual notice in all cases where the  
55 citation is not answered with the time period permitted.

56 | The following information shall be attached to the citation as  
57 | evidence: (i) copies of 2 or more photographs, or microphotographs,  
58 | videos, or other recorded images taken as proof of the violation; (ii) a  
59 | signed statement by a trained law enforcement officer that, based on  
60 | inspection of recorded images and video, the motor vehicle was being  
61 | operated in violation of this chapter; (iii) a statement that recorded  
62 | images are evidence of a violation of this chapter; (iv) a statement that  
63 | the person who receives a summons under this chapter may either pay  
64 | the civil penalty in accordance with this chapter, or elect to stand trial for  
65 | the alleged violation; and (v) a signed affidavit by a person who  
66 | witnessed live the motor vehicle being operated in violation of this  
67 | chapter.

68 | Evidence from a live digital video school bus violation detection  
69 | monitoring system shall be considered substantive evidence in the  
70 | prosecution of all civil traffic violations. Evidence from a live digital  
71 | video school bus violation detection monitoring system approved by the  
72 | school department shall be admitted without further authentication and  
73 | such evidence may be deemed sufficient to sustain a civil traffic  
74 | violation. In addition to any other defenses as set forth herein, any and  
75 | all defenses cognizable at law shall be available to the individual who  
76 | receives the citation commencing a prosecution under this chapter.

77 | The registered owner of the motor vehicle shall be primarily  
78 | responsible in all prosecutions brought pursuant to the provisions of this  
79 | chapter except as otherwise provided in this section. In all prosecutions  
80 | of civil traffic violations based on evidence obtained from a live digital  
81 | video school bus violation detection of a civil traffic violation, may be  
82 | liable for such violation. The registered owner of the vehicle may  
83 | assume liability for the violation by paying the fine; or by defending the  
84 | violation pursuant to the procedures in this chapter.