

HOUSE No. 5103

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 28, 2022.

The committee on Ways and Means, to whom was referred the Bill to reduce traffic fatalities (House, No. 3549), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 5103).

For the committee,

AARON MICHLEWITZ.

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**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act to reduce traffic fatalities.

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. The first paragraph of section 2 of chapter 89 of the General Laws, as
2 appearing in the 2020 Official Edition, is hereby amended by striking out the second sentence
3 and inserting in place thereof the following sentence:- If it is not possible to overtake a
4 vulnerable user, as defined in section 1 of chapter 90, or other vehicle at a safe distance in the
5 same lane, the overtaking vehicle shall use all or part of an adjacent lane, crossing the centerline
6 if necessary, when it is safe to do so.

7 SECTION 2. Section 1 of chapter 90 of the General Laws, as so appearing, is hereby
8 amended by inserting after the definition of “Automobile transporter” the following definition:-

9 “Back-up camera”, a device that provides a visual image of the area directly behind a
10 vehicle to the vehicle operator when the vehicle is in reverse gear, meeting the requirements of
11 Federal Motor Vehicle Safety Standard No. 111, 49 CFR 571.111.

12 SECTION 3. Said section 1 of said chapter 90, as so appearing, is hereby further
13 amended by inserting after the definition of “Bus or motor bus” the following 2 definitions:-

14 “Convex mirror”, a door-mounted, wide-angle mirror that enables an operator to see
15 objects along the left and right sides of a motor vehicle, trailer, semi-trailer or semi-trailer unit.

16 “Cross-over mirror”, a mirror mounted on a hood or fender that enables the operator to
17 see objects in the area immediately in front of a conventional cab hood; provided, that a vehicle
18 that has a cross-over mirror installed shall have a label visible to the seated driver in accordance
19 with Federal Motor Vehicle Safety Standard No. 111, 49 CFR 571.111.

20 SECTION 4. Said section 1 of said chapter 90, as so appearing, is hereby further
21 amended by inserting after the definition of “Killed in action” the following definition:-

22 “Lateral protective device”, an apparatus installed on a motor vehicle, trailer, semi-trailer
23 or semi-trailer unit between the front and rear wheels to help prevent injuries to a vulnerable
24 user, particularly from falling underneath the vehicle.

25 SECTION 5. Said section 1 of said chapter 90, as so appearing, is hereby further
26 amended by inserting after the definition of “Transporter” the following definition:-

27 “Vulnerable user”, (i) a pedestrian, including a person engaged in work upon a way or
28 upon utility facilities along a way or engaged in the provision of emergency services within the
29 way; (ii) a person operating a bicycle, handcycle, tricycle, skateboard, roller skates, in-line
30 skates, non-motorized scooter, wheelchair, electric personal assistive mobility device, horse,
31 horse-drawn carriage, motorized bicycle, motorized scooter, or other micromobility device, or a
32 farm tractor or similar vehicle designed primarily for farm use; or (iii) other such categories that
33 the registrar may designate by regulation.

34 SECTION 6. Section 7 of said chapter 90, as so appearing, is hereby amended by
35 inserting after the fourth paragraph the following 2 paragraphs:-

36 A motor vehicle, trailer, semi-trailer or semi-trailer unit classified as a class 3 or above by
37 the Federal Highway Administration, with a gross vehicle weight rating of 10,001 pounds or
38 more, that is leased or purchased by the commonwealth on or after January 1, 2023, shall be
39 equipped with a lateral protective device, convex mirrors, cross-over mirrors and backup
40 cameras. This paragraph shall not apply to an ambulance, firefighting apparatus, low-speed
41 vehicle, agricultural tractor or any other class or type of vehicle as determined by the registrar.
42 The registrar shall adopt regulations establishing standards, consistent with the United States
43 Department of Transportation John A. Volpe National Transportation Systems Center's side
44 guard standard DOT-VNTSC-OSTR-16-05, and specifications for the size, design and mounting
45 of lateral protective devices, convex mirrors and cross-over mirrors.

46 The registrar shall prohibit: (i) visual obstructions due to aftermarket modifications and
47 accessories that reduce the ability of the vehicle operator to directly see vulnerable users in the
48 vicinity of the vehicle, including, but not limited to, bug deflectors and chrome visors; and (ii)
49 aftermarket modifications and accessories that increase fatality and serious injury risk to
50 vulnerable users in a collision with the vehicle, including, but not limited to, bull bars. The
51 registrar shall promulgate regulations enforcing this paragraph.

52 SECTION 7. Said section 7 of said chapter 90 is hereby further amended by striking out
53 the fifth and sixth paragraphs, inserted by section 6, and inserting in place thereof the following 2
54 paragraphs:-

55 A motor vehicle, trailer, semi-trailer or semi-trailer unit classified as a class 3 or above by
56 the Federal Highway Administration, with a gross vehicle weight rating of 10,001 pounds or
57 more, that is leased or purchased by the commonwealth on or before January 1, 2025, or
58 operated under a contract with the commonwealth on or before January 1, 2025, shall be
59 equipped with a lateral protective device, convex mirrors, crossover mirrors and backup cameras.
60 This paragraph shall not apply to an ambulance, firefighting apparatus, low-speed vehicle,
61 agricultural tractor or any other class or type of vehicle as determined by the registrar. The
62 registrar shall adopt regulations establishing standards, consistent with the United States
63 Department of Transportation John A. Volpe National Transportation Systems Center's side
64 guard standard DOT-VNTSC-OSTR-16-05, and specifications for the size, design and mounting
65 of lateral protective devices, convex mirrors and crossover mirrors. The registrar may provide
66 alternative means of compliance with the convex mirror, crossover mirror and lateral protective
67 device requirements. A contractor's failure to comply with this paragraph may be grounds for
68 termination of the contract and may be punishable by a fine of not more than \$500 for the first
69 offense and not more than \$1,000 for a second or subsequent offense.

70 The registrar shall prohibit: (i) visual obstructions due to aftermarket modifications and
71 accessories that reduce the ability of the vehicle operator to directly see vulnerable users in the
72 vicinity of the vehicle, including, but not limited to, bug deflectors and chrome visors; and (ii)
73 aftermarket modifications and accessories, including, but not limited to, bull bars, that increase
74 fatality and serious injury risk to vulnerable users in a collision with the vehicle. The registrar
75 shall promulgate regulations implementing this paragraph.

76 SECTION 8. The first paragraph of section 14 of said chapter 90, as appearing in the
77 2020 Official Edition, is hereby amended by striking out the second sentence and inserting in

78 place thereof the following sentence:- In passing a vulnerable user, the operator of a motor
79 vehicle shall pass at a safe distance of not less than 3 feet when the motor vehicle is traveling at
80 30 miles per hour or less, with 1 additional foot of clearance for every 10 miles per hour that the
81 vehicle is traveling above 30 miles per hour.

82 SECTION 9. Said section 14 of said chapter 90, as so appearing, is hereby further
83 amended by inserting after the second paragraph the following paragraph:-

84 The Massachusetts Department of Transportation shall erect and maintain signage along
85 public ways necessary to notify operators of motor vehicles of the requirements for passing a
86 vulnerable user from a safe distance as required by this section.

87 SECTION 10. Said chapter 90 of the General Laws is hereby further amended by
88 inserting after section 17 the following section:-

89 Section 171/2. (a) For the purposes of this section, “active construction zone” shall mean
90 an area on a public highway or on the adjacent right of way where construction, repair,
91 maintenance or survey work is being performed by the department, a utility company or a private
92 contractor under contract with the department.

93 (b)(1) Notwithstanding section 18, the department may establish a speed limit in an active
94 construction zone without conducting an engineering study. A rate of speed in excess of a speed
95 limit posted under this section shall be prima facie evidence that the motor vehicle’s speed was
96 not reasonable and proper. A violation of this section shall be punishable by a fine of double the
97 amount that would be imposed for such a violation in that area if the area were not designated as
98 a construction zone.

99 (2) A construction zone speed limit shall be effective when signs giving notice of that
100 speed limit are prominently displayed and construction, repair, maintenance or survey work is
101 being performed. The signs may carry either a fixed speed limit or an electronic message that
102 displays adjusted speed limits when work is being performed. The signs shall notify motorists
103 that the fine for a violation of the posted speed limit is doubled in the construction zone.

104 SECTION 11. Section 17C of said chapter 90, as so appearing, is hereby amended by
105 adding the following paragraph:-

106 (c) On a state highway, other than a limited access highway, inside a thickly settled or
107 business district located in a city or town that has accepted this section, the department shall
108 establish and post a speed limit of 25 miles per hour. On a parkway inside a thickly settled or
109 business district located in a city or town that has accepted this section, the department of
110 conservation and recreation shall establish and post a speed limit of 25 miles per hour.

111 SECTION 12. Not later than 1 year after the effective date of this act, the Massachusetts
112 Department of Transportation, in consultation with the department of public health and the
113 executive office of public safety and security, shall develop a standardized form to report crashes
114 and incidents involving a motor vehicle and a vulnerable user, as defined in section 1 of chapter
115 90 of the General Laws. In developing the standardized form, the department shall consider best
116 practices in reporting crashes and incidents involving vulnerable users, including the Federal
117 Highway Administration's Pedestrian and Bicycle Crash Analysis Tool.

118 The standardized form shall be used by any municipal, county or state law enforcement
119 official or emergency medical services provider who responds to a crash or incident involving a
120 motor vehicle and a vulnerable user. The corresponding report for each crash or incident shall be

121 transmitted to the registrar of motor vehicles. The department shall maintain a publicly
122 accessible database of the standardized form reports; provided, however, that no personally
123 identifying information shall be published in the database.

124 SECTION 13. Not later than 6 months after the effective date of this act, the
125 Massachusetts Department of Transportation shall initiate with the United States Department of
126 Transportation John A. Volpe National Transportation Systems Center a study of the direct
127 vision performance of the vehicles subject to the fifth and sixth paragraphs of section 7 of
128 chapter 90 of the General Laws, as inserted by sections 6 and 7; provided, that the study shall be
129 completed not later than 18 months after the effective date of this act. The study shall identify the
130 range of direct vision afforded to drivers in this population of vehicles and produce evidence-
131 based safety recommendations stipulating a minimum acceptable level of direct vision to be met
132 by future applicable vehicles purchased and leased by the commonwealth. The study shall be
133 completed submitted in a report to the clerks of the house of representatives and senate and the
134 joint committee on transportation not later than 18 months after the effective date of this act.

135 SECTION 14. Section 6 shall take effect on January 1, 2023.

136 SECTION 15. Section 7 shall take effect on January 1, 2025.