

SENATE No. 2275

The Commonwealth of Massachusetts

PRESENTED BY:

Michael O. Moore

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 adoption of the accompanying bill:

An Act relative to school bus safety cameras.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Michael O. Moore</i>	<i>Second Worcester</i>	
<i>John C. Velis</i>	<i>Hampden and Hampshire</i>	<i>2/7/2023</i>
<i>Robyn K. Kennedy</i>	<i>First Worcester</i>	<i>2/15/2023</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>2/22/2023</i>

SENATE No. 2275

By Mr. Moore, a petition (accompanied by bill, Senate, No. 2275) of Michael O. Moore, John C. Velis, Robyn K. Kennedy and Joanne M. Comerford for legislation relative to school bus safety cameras. Transportation.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to school bus safety cameras.

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 General Laws are hereby amended by inserting after chapter 90I the
2 following chapter:-

3 CHAPTER 90J. AUTOMATED SCHOOL BUS ROAD SAFETY ENFORCEMENT

4 Section 1. As used in this chapter, the following words shall have the following meanings
5 unless the context clearly requires otherwise:

6 “Automated road safety camera system”, an automated motor vehicle sensor device
7 attached to a school bus that produces digital photographs of a motor vehicle that commits a
8 camera enforceable violation at the location where the automated motor vehicle sensor device is
9 installed.

10 “Camera enforceable violation”, passing a school bus when its warning signals are
11 activated in violation of section 14 of said chapter 90.

12 “Municipal designee”, the municipal entity designated by the city manager in a city with
13 a Plan D or E form of government, the mayor in all other cities or the board of selectmen in a
14 town to supervise and coordinate the administration of camera enforceable violations under this
15 chapter.

16 “Registrar”, the registrar of motor vehicles.

17 Section 2. (a) A city or town that accepts this chapter may install an automated road
18 safety camera system as a means of promoting traffic safety. The automated road safety camera
19 system may be attached to a school bus; provided, however, that before equipping a school bus
20 serving a regional school district with an automated road safety camera, each city or town
21 member of the regional school district shall accept this chapter; provided, further, that each city
22 council and mayor in a city or board of selectman in a town after a public hearing shall approve
23 the number of road safety camera systems; provided further, that the city or town shall present at
24 said public hearing the past 3 years of available data relative to accidents occurring near school
25 buses and other relevant data that suggests the need for the implementation or expansion of an
26 automated road safety camera system; provided further, that the city or town shall present at said
27 public hearing data relative to the cost or proposed cost of the automated road safety camera
28 system; and, provided further, that the city or town may impose a penalty for a camera
29 enforceable violation on the registered owner of a motor vehicle pursuant to section 3.

30 (b) Annually, not later than December 1, a city or town that accepts this chapter shall
31 transmit a report to the department of transportation that details each automated road safety
32 camera system located in the city or town or proposed to be located in the city or town. The
33 report shall include, but not be limited to: (i) a list of the number of school buses with an

34 automated road safety camera system in the city or town and their storage location; (ii) the
35 number of fines and warnings issued for camera enforceable violations pursuant to section 3; (iii)
36 records of the maintenance and calibration of each automated road safety camera system; and
37 (iv) data relative to accidents occurring near a school bus in the city or town. The department
38 shall post all reports received pursuant to this section on its website; and (v) an analysis of the
39 frequency of traffic stops by the city or town's police force prior to and after the implementation
40 of an automated road safety camera system.

41 Section 3. (a) The maximum fine imposed under this chapter for a camera enforceable
42 violation shall be \$25 per violation. Except as provided in section 4, the registered owner of a
43 motor vehicle shall be liable for the fine; provided, however, that a registered owner of a motor
44 vehicle shall not be liable for the fine imposed under this chapter for a camera enforceable
45 violation if the operator of the motor vehicle was issued a citation for the violation in accordance
46 with section 2 of chapter 90C. A city or town that accepts this chapter may send a written
47 warning to the registered owner of a motor vehicle for the purposes of education in lieu of
48 enforcement through a fine; provided, however, that a written warning shall only be issued
49 pursuant to objective and consistent criteria in a written policy established by the municipal
50 designee; provided further, that the department of transportation may provide guidance to the
51 city or town on establishing such objective and consistent criteria.

52 (b) A certificate, or a facsimile thereof, based upon inspection of photographs and data
53 produced by an automated road safety camera system and sworn to or affirmed by the municipal
54 designee shall be prima facie evidence of the facts contained therein.

55 (c) A camera enforceable violation issued by a city or town under this chapter shall not
56 be: (i) made part of the operating record of the person upon whom such liability is imposed; or
57 (ii) a conviction of a moving violation of the motor vehicle laws for the purpose of determining a
58 surcharge on a motor vehicle premium pursuant to section 113B of chapter 175.

59 (d) The municipal designee may hire and designate personnel as necessary or contract for
60 services to implement this chapter.

61 (e) (1) The municipal designee shall provide a notice of violation to the registered owner
62 of a motor vehicle that is identified in photographs of said motor vehicle produced by an
63 automated road safety camera system as evidence of a camera enforceable violation pursuant to
64 this chapter. The notice shall include, but not be limited to: (i) a copy of the photographs
65 produced by the automated road safety camera system and any other data showing the vehicle in
66 the process of a camera enforceable violation; (ii) the registration number and state of issuance
67 of the vehicle; (iii) the date, time and location of the alleged camera enforceable violation; (iv)
68 instructions for payment of the fine imposed pursuant to subsection (a); (v) instructions on how
69 to appeal the camera enforceable violation in writing and to obtain a hearing; and (vi) an
70 affidavit form approved by the municipal designee for the purposes of making a written appeal
71 pursuant to subsection (h).

72 (2) In the case of a violation involving a motor vehicle registered in the commonwealth,
73 the notice of violation shall be mailed within 14 days of the violation to the address of the
74 registered owner of the motor vehicle as listed in the records of the registrar. If a motor vehicle is
75 registered under the laws of another state or country, the notice of violation shall be mailed
76 within 21 days of the violation to the address of the registered owner as listed in the records of

77 the official in the state or country that has charge of the registration of the motor vehicle. If the
78 address is unavailable, it shall be sufficient for the municipal designee to mail a notice of
79 violation to the official in the state or country that has charge of the registration of the motor
80 vehicle.

81 (3) The notice of violation shall be sent by first class mail in accordance with paragraph
82 (2). A manual or automatic record of mailing processed by or on behalf of the municipal
83 designee in the ordinary course of business shall be prima facie evidence thereof and shall be
84 admitted as evidence in any judicial or administrative proceeding as to the facts contained
85 therein.

86 (f) A registered owner of a motor vehicle shall not be liable for a camera enforceable
87 violation under this chapter if the: (i) violation was necessary to allow the passage of an
88 emergency vehicle; (ii) violation was incurred while participating in a funeral procession; (iii)
89 violation was incurred during a period of time in which the motor vehicle was reported to the
90 police department of any state, city or town as having been stolen and had not been recovered
91 before the time the violation occurred; (iv) operator of the motor vehicle was operating the motor
92 vehicle under a rental or lease agreement and the registered owner of the motor vehicle is a rental
93 or leasing company and has complied with section 4; (v) operator of the motor vehicle was
94 issued a citation for the violation in accordance with section 2 of chapter 90C; or (vi) violation
95 was necessary to comply with any other law or regulation governing the operation of a motor
96 vehicle.

97 (g) A registered owner of a motor vehicle to whom a notice of violation has been issued
98 pursuant to this chapter may admit responsibility for the violation and pay the fine provided

99 therein. Payment of the established fine shall operate as the final disposition of a camera
100 enforceable violation; provided, however, that payment by a registered owner of a motor vehicle
101 shall operate as the final disposition of the violation as to any other registered owner of the same
102 motor vehicle for the same violation.

103 (h) Not more than 60 days after a camera enforceable violation under this chapter, a
104 registered owner of a motor vehicle may contest responsibility for the violation in writing by
105 mail or online. The registered owner shall provide the municipal designee with a signed affidavit,
106 in a form approved by the municipal designee, stating the: (i) reason for disputing the violation;
107 (ii) full legal name and address of the registered owner of the motor vehicle; and (iii) full legal
108 name and address of the operator of the motor vehicle at the time the violation occurred. The
109 registered owner may include signed statements from witnesses, including the names and
110 addresses of witnesses, supporting the registered owner's defense. Not more than 21 days after
111 receipt of the signed affidavit, the municipal designee or the hearing officer shall send the
112 decision of the hearing officer, including the reasons for the outcome, by first class mail to the
113 registered owner. If the registered owner is found responsible for the violation, the registered
114 owner shall pay the fine in the manner described in subsection (g) not more than 14 days after
115 the issuance of the decision or request further judicial review pursuant to section 14 of chapter
116 30A.

117 (i) In lieu of contesting responsibility for a violation in writing or online pursuant to
118 subsection (h) and not more than 60 days after a violation under this chapter, a registered owner
119 of the motor vehicle may request a hearing to contest responsibility for a camera enforceable
120 violation. A hearing request shall be made in writing by mail or online. Upon receipt of a hearing
121 request, the municipal designee shall schedule the matter before a hearing officer. The hearing

122 officer may be an employee of the municipal designee or such other person as the municipal
123 designee may designate. Written notice of the date, time and place of the hearing shall be sent by
124 first class mail to each registered owner of the motor vehicle. The hearing shall be informal, the
125 rules of evidence shall not apply and the decision of the hearing officer shall be final subject to
126 judicial review pursuant to section 14 of chapter 30A. Not more than 21 days after the hearing,
127 the municipal designee or the hearing officer shall send the decision of the hearing officer,
128 including the reason for the outcome, by first class mail to the registered owner. If the registered
129 owner is found to be responsible for the camera enforceable violation, the registered owner shall
130 pay the fine in the manner described in subsection (g) not more than 14 days after the issuance of
131 the decision or request further judicial review pursuant to said section 14 of said chapter 30A.

132 (j) The municipal designee shall notify the registrar when a registered owner of a motor
133 vehicle to whom a notice of a camera enforceable violation has been issued: (i) fails to contest
134 the responsibility for a violation pursuant to subsection (h) or subsection (i) and fails to pay the
135 fine in the notice in accordance with subsection (g) within 60 days of the violation; or (ii) is
136 found responsible for the violation and does not pay the fine in accordance with subsection (h) or
137 subsection (i). Upon being notified by the municipal designee, the registrar shall place the matter
138 on record. The municipal designee shall notify the registrar immediately when a fine that is the
139 basis for a notice to the registrar under this subsection has been paid; provided, however, that
140 certified receipt of full and final payment from the municipal designee issuing a violation shall
141 also serve as legal notice to the registrar that a violation has been disposed of in accordance with
142 this chapter. The certified receipt shall be printed in such form as the registrar may approve.

143 Section 4. (a) Notwithstanding section 3, if the registered owner of a motor vehicle is a
144 person or entity engaged in the business of leasing or renting motor vehicles and the motor

145 vehicle was operated under a rental or lease agreement at the time of the camera enforceable
146 violation, this section shall be applicable and the registered owner shall not be liable for any
147 unpaid fines if the registered owner has complied with the requirements of this section.

148 (b) The municipal designee shall provide notice in writing of each camera enforceable
149 violation to the registered owner of a motor vehicle if a motor vehicle owned by the registered
150 owner is involved in a camera enforceable violation.

151 (c) Not more than 45 days after the violation, the registered owner shall furnish to the
152 municipal designee, in writing, the name and address of the lessee or rentee of the motor vehicle
153 at the time of the camera enforceable violation, the lessee's or rentee's driver's license number,
154 the state that issued the driver's license and the lessee's or rentee's date of birth.

155 (d) Upon receipt of the information required under subsection (c), the municipal designee
156 shall issue a notice of a camera enforceable violation to the lessee or rentee in the form
157 prescribed by section 3 and the lessee or rentee shall be liable for the violation.

158 (e) The municipal designee shall notify the registrar if the lessee or rentee to whom a
159 notice of violation has been issued: (i) fails to contest the responsibility for a camera enforceable
160 violation pursuant to either subsection (h) or subsection (i) of section 3 and fails to pay the fine
161 in the notice in accordance with subsection (g) of said section 3 within 90 days of the violation;
162 or (ii) is found responsible for the violation and does not pay the fine in accordance with said
163 subsection (h) or said subsection (i) of said section 3. Upon being notified by the municipal
164 designee, the registrar shall place the matter on record.

165 The municipal designee shall notify the registrar immediately when a fine that is the basis
166 for a notice to the registrar under this subsection has been paid; provided, however, that certified

167 receipt of full and final payment from the municipal designee issuing a camera enforceable
168 violation shall also serve as notice to the registrar that the camera enforceable violation has been
169 disposed of in accordance with this chapter; provided further, that the certified receipt shall be
170 printed in such form as the registrar may approve.

171 Section 5. No violation shall be issued pursuant to this chapter for passing a school bus
172 when its warning signals are activated, unless the vehicle crosses the plane of the stop sign on the
173 bus.

174 Section 6. (a) A city or town that accepts this chapter shall install on each school bus with
175 an automated road safety camera system a sign on the bus notifying the public that an automated
176 road safety camera system is in use on the bus.

177 (b) A city or town that accepts this chapter shall make a public announcement and
178 conduct a public awareness campaign of its use of automated road safety camera systems
179 beginning not less than 60 days before the first such automated road safety camera system is put
180 into use; provided, however, that a city or town that accepts this chapter may install but shall not
181 activate automated road safety camera systems during the 30-day time period.

182 Section 7. (a) The compensation paid to the manufacturer or vendor of an automated road
183 safety camera system authorized in this chapter shall be based on the value of the equipment or
184 services provided and shall not be based on the number of camera enforceable violations issued
185 or the revenue generated by the automated road safety camera system.

186 (b) Not less than annually, a professional engineer registered in the commonwealth or an
187 independent laboratory shall verify that the automated road safety camera system is correctly
188 calibrated.

189 Section 8. (a) An automated road safety camera system shall only take photographs when
190 a camera enforceable violation occurs. Photographs and other recorded evidence shall be
191 destroyed not more than 48 hours after the final disposition of a camera enforceable violation.

192 (b) A photograph or other recorded evidence taken pursuant to this chapter shall not be
193 discoverable in any judicial or administrative proceeding, other than a proceeding held pursuant
194 to this chapter, without a court order. A photograph or other recorded evidence taken pursuant to
195 this chapter shall not be admissible in any judicial or administrative proceeding, other than in a
196 proceeding to adjudicate liability for a violation of this chapter, without a court order. A court
197 shall not order a release of a photograph or other recorded evidence taken pursuant to this
198 chapter unless the photograph or other recorded evidence establishes or undermines a finding of
199 a moving violation and the camera enforceable violation is material as to a finding of civil or
200 criminal liability.

201 (c) Photographs and other personal identifying information collected by a city or town
202 pursuant to this chapter shall not be a public record under Clause Twenty-Sixth of section 7 of
203 chapter 4 or chapter 66.

204 (d) An automated road safety camera system shall not be utilized to take a frontal view
205 photograph of a motor vehicle committing a camera enforceable violation. A frontal view
206 photograph of a motor vehicle committing a camera enforceable violation taken by an automated
207 road safety camera system shall not be discoverable or admissible in any judicial or
208 administrative proceeding and shall not be used as the basis for a camera enforceable violation
209 under this chapter. To the extent practicable, additional efforts shall be made to ensure that

210 photographs produced by an automated road safety camera system do not identify the vehicle
211 operator, the passengers or the contents of the vehicle.

212 (e) A city or town or a manufacturer or vendor of an automated road safety camera
213 system may not use, disclose, sell or permit access to data collected by an automated road safety
214 camera system except as necessary to process camera enforceable violations in accordance with
215 this chapter.

216 Section 9. A city or town that accepts this chapter may only recover costs reasonably
217 related to the implementation and operation of an automated road safety camera system
218 including, but not limited to, costs associated with: (i) maintaining and operating the automated
219 road safety camera system; (ii) issuing notices of camera enforceable violations; (iii) holding
220 hearings for appeals of camera enforceable violations; (iv) notifying the registrar of a failure to
221 pay a fine under this chapter; and (v) collecting a fine; provided, however, that net revenues
222 collected by participating cities and towns pursuant to this chapter shall be deposited in the
223 Massachusetts Transportation Trust Fund established in section 4 of chapter 6C.

224 Section 10. The operation of emergency vehicles shall be subject to this chapter except as
225 otherwise provided in section 7B of chapter 89.

226 Section 10A. A city or town shall not implement this chapter unless the city or town has
227 submitted a plan for the implementation of automated road safety camera systems to the
228 department of transportation and the department has approved the plan. The review of the plan
229 by the department shall include, but shall not be limited to, consideration of the social and racial
230 equity impacts of the plan. There shall not be more than 10 approved plans in effect at any given
231 time.

232 Section 10B. Not less than annually, the department of transportation shall submit a
233 report to the clerks of the senate and house of representatives, the senate and house committees
234 on ways and means and the joint committee on transportation that analyzes the public safety,
235 traffic congestion and social and racial equity impacts of this chapter. The department shall also
236 publish the report on its website.

237 Section 11. The department of transportation shall promulgate rules and regulations
238 necessary to implement this chapter.

239 SECTION 2A. Not later than 90 days from the effective date of this act, the department
240 of transportation shall promulgate regulations to implement chapter 90J of the General Laws.
241 The regulations shall include, but not be limited to: (i) establishing standardized forms for
242 notices of violations and written warnings; (ii) developing uniform signage requirements for the
243 purpose of complying with subsection (a) of section 6 of said chapter 90J; and (iii) establishing
244 standards for the calibration of automated road safety camera systems under subsection (b) of
245 section 7 of said chapter 90J.