

SENATE No. 2636

The Commonwealth of Massachusetts

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In the One Hundred and Ninety-Second General Court
(2021-2022)
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SENATE, February 3, 2022.

The committee on Transportation, to whom was referred the petitions (accompanied by bill, Senate, No. 2273) of William N. Brownsberger, Christina A. Minicucci, Elizabeth A. Malia, Carmine Lawrence Gentile and other members of the General Court for legislation to reduce traffic fatalities; and (accompanied by bill, Senate, No. 2335) of Adam G. Hinds for legislation to promote bicycle safety, reports the accompanying bill (Senate, No. 2636).

For the committee,
John F. Keenan

SENATE No. 2636

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**In the One Hundred and Ninety-Second General Court
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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. Section 11B of chapter 85 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by striking out, in lines 71 and 72, the words “either a lamp
3 emitting a red light, or” and inserting in place thereof the following words:- a lamp emitting a red
4 light and.

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

10 SECTION 3. Section 1 of chapter 90 of the General Laws, as so appearing, is hereby
11 amended by inserting after the definition of “Bus or motor bus” the following 2 definitions:-

12 “Convex mirrors”, door-mounted, wide-angle mirrors that enable an operator to see
13 objects along the left and right sides of a motor vehicle, trailer, semi-trailer or semi-trailer unit.

14 “Cross-over mirrors”, mirrors mounted on a hood or fender that enable the operator to see
15 objects in the area immediately in front of a conventional cab hood.

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

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

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

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

30 SECTION 6. Section 7 of said chapter 90, as so appearing is hereby amended by
31 inserting after the third paragraph the following paragraph:- A class 3 or above motor vehicle,
32 trailer, semi-trailer or semi-trailer unit, as classified by the Federal Highway Administration,
33 with a gross vehicle weight rating of more than 10,000 pounds, shall be equipped with a lateral
34 protective device, convex mirrors and cross-over mirrors if it is purchased or leased by the
35 commonwealth. This paragraph shall not apply to an ambulance, fire apparatus, low-speed

36 vehicle, agricultural tractor or any other class or type of vehicle as determined by the registrar.
37 The registrar shall adopt standards, consistent with the United States Department of
38 Transportation's Volpe side guard standard DOT-VNTSC-OSTR-16-05, and specifications for
39 the size, design and mounting of lateral protective devices, convex mirrors and cross-over
40 mirrors. The registrar may provide alternative means of compliance with the convex mirror and
41 cross-over mirror requirement, including use of cameras and sensors, and the registrar may
42 provide alternative means of compliance for the lateral protective devices requirement.

43 SECTION 7. The fourth paragraph of said section 7 of said chapter 90, as appearing in
44 section 6, is hereby amended by inserting after the word "commonwealth", in the first sentence,
45 the following words:- or operated under a contract with the commonwealth.

46 SECTION 8. The fourth paragraph of said section 7 of said chapter 90, as amended by
47 section 7, is hereby further amended by adding the following sentence:- A contractor's failure to
48 comply with this paragraph may be grounds for termination of the contract and may be punished
49 by a fine of not more than \$500 for the first offense and not more than \$1,000 for a second or
50 subsequent offense.

51 SECTION 9. Section 14 of said chapter 90, as appearing in the 2016 Official Edition, is
52 hereby amended by striking out the second sentence and inserting in place thereof the following
53 sentence:- In passing a vulnerable user the operator of a motor vehicle shall pass at a safe
54 distance of not less than 3 feet when the motor vehicle is traveling at 30 miles per hour or less,
55 with 1 additional foot of clearance for every 10 miles per hour that the vehicle is traveling above
56 30 miles per hour.

57 SECTION 10. Section 17C of said chapter 90, as so appearing, is hereby amended by
58 adding the following new paragraph:- (c) On state highways inside a thickly settled or business
59 district within a city or town that has accepted this section, the secretary shall establish and post a
60 speed limit of 25 miles per hour upon request of the city or town. On parkways inside a thickly
61 settled or business district within a city or town that has accepted this section, the commissioner
62 shall establish and post a speed limit of 25 miles per hour upon request of the city or town.

63 SECTION 11. The department of transportation shall erect and maintain proper signage
64 along public ways as it considers necessary to notify operators of motor vehicles to share the
65 road with vulnerable users from a safe distance, as required by section 9.

66 SECTION 12. Notwithstanding any other general or special law to the contrary, the
67 fourth paragraph of section 7 of chapter 90 of the General Laws, inserted by section 6, shall not
68 apply to a motor vehicle, trailer, semi-trailer or semi-trailer unit that was leased or purchased by
69 the commonwealth before January 1, 2021.

70 SECTION 13. Notwithstanding any other general or special law to the contrary, the
71 fourth paragraph of section 7 of chapter 90 of the General Laws, as amended by sections 7 and 8,
72 shall not apply to a motor vehicle, trailer, semi-trailer or semi-trailer unit that is operated under a
73 contract with the commonwealth that was entered into before January 1, 2024.

74 SECTION 14. Not later than 1 year after the effective date of this act, department of
75 transportation, in consultation with the department of public health and the executive office of
76 public safety and security, shall develop a standardized form to report crashes and incidents
77 involving a motor vehicle and a vulnerable user, as defined in section 1 of chapter 90 of the
78 General Laws. In developing the standardized form, the department of transportation and

79 security shall consider best practices in reporting crashes and incidents involving vulnerable
80 users, including the Federal Highway Administration’s Pedestrian and Bicycle Crash Analysis
81 Tool system.

82 The standardized form shall be used by a municipal, county or state law enforcement
83 official or emergency medical services provider who responds to a crash or incident involving a
84 motor vehicle and a vulnerable user. The corresponding report for each crash or incident shall be
85 transmitted to the Registrar of Motor Vehicles. The department of transportation shall maintain a
86 publicly accessible database of the standardized form reports; provided, however, that no
87 personally identifying information shall be published in that database.

88 SECTION 15. Section 6 and 12 shall take effect on January 1, 2021.

89 SECTION 16. Section 7, 8 and 13 shall take effect on January 1, 2024.