

SENATE No. 2884

The Commonwealth of Massachusetts

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

SENATE, July 22, 2024.

The committee on Senate Ways and Means to whom was referred the Senate Bill enhancing school bus safety (Senate, No. 2600), - reported, in part, a "Bill relative to bus lane enforcement" (Senate, No. 2884).

For the committee,
Michael J. Rodrigues

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**In the One Hundred and Ninety-Third General Court
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An Act relative to bus lane enforcement.

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. Clause Twenty-sixth of section 7 of chapter 4 of the General Laws, as
2 appearing the 2022 Official Edition, is hereby amended by adding the following subclause:-

3 (w) photographs and other personal identifying information collected under chapter 90K.

4 SECTION 2. Chapter 89 of the General Laws is hereby amended by inserting after
5 section 4D the following section:-

6 Section 4E. No motor vehicle shall be parked, stood or caused to stand in a lane
7 designated for the exclusive use of buses unless otherwise regulated or posted by an official
8 traffic signal, sign or marking, or at the direction of an authorized police officer. A violation of
9 this section shall be punishable by a fine as established in section 2 of chapter 90K.

10 SECTION 3. The General Laws are hereby amended by inserting after chapter 90J the
11 following chapter:-

12 CHAPTER 90K. AUTOMATED ENFORCEMENT OF BUS STOPS AND BUS
13 LANES

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

16 “Authority”, as defined in section 1 of chapter 161A.

17 “Bus mounted camera system”, a motor vehicle sensor device, which produces digital
18 photographs or video recordings of a motor vehicle that commits a camera enforceable violation,
19 installed on a bus owned or operated by the Authority or by a regional transit authority
20 established pursuant to chapter 161B that adopts this chapter; provided, however, that the device
21 may be automated or operated manually

22 “Bus stop camera system”, a motor vehicle sensor device, which produces digital
23 photographs or video recordings of a motor vehicle that commits a camera enforceable violation,
24 installed in proximity to a posted bus stop by an enforcing authority.

25 “Camera enforceable violation”, (i) parking in a posted bus stop; or (ii) parking, standing
26 or causing a motor vehicle to stand in a lane designated for the exclusive use of buses unless
27 otherwise regulated or posted by an official traffic signal, sign or marking or at the direction of
28 an authorized police officer in violation of section 4E of chapter 89.

29 “Enforcing authority”, the Authority or a regional transit authority established pursuant to
30 chapter 161B that adopts this chapter; provided, however, that a city or town served by the
31 Authority or the regional transit authority shall be the enforcing authority for bus stop camera
32 systems.

33 “Registrar”, the registrar of motor vehicles.

34 Section 2. (a) The Authority and any regional transit authority established pursuant to
35 chapter 161B that adopts this chapter may deploy bus mounted camera systems to enforce the
36 priority of buses on roadways in lanes designated for the exclusive use of buses and bus stop
37 violations pursuant to this chapter; provided, however, that an enforcing authority may deploy
38 bus stop camera systems to enforce bus stop violations.

39 (b) Fines imposed pursuant to this chapter shall be: (i) not less than \$25 and not more
40 than \$125 for a camera enforceable violation involving parking, standing or causing a motor
41 vehicle to stand in a lane designated for the exclusive use of buses, as established by the
42 Authority; provided, however, the authority shall establish separate fines for such violations for
43 passenger and commercial vehicles; and (ii) \$100 for a camera enforceable violation involving
44 parking a motor vehicle in a posted bus stop.

45 (c) The registered owner of a motor vehicle shall be liable for any fine unless the:

46 (i) violation was necessary to allow the passage of an emergency vehicle;

47 (ii) violation was incurred while participating in a funeral procession;

48 (iii) violation was incurred during a period of time in which the motor vehicle was
49 reported to the police department of any state, city or town as having been stolen and had not
50 been recovered before the time the violation occurred;

51 (iv) operator of the motor vehicle was operating the motor vehicle under a rental or lease
52 agreement and the registered owner of the motor vehicle is a rental or leasing company and has
53 complied with section 3;

54 (v) operator of the motor vehicle was issued a citation for the violation in accordance
55 with section 2 of chapter 90C;

56 (vi) violation was necessary for the safety of passengers or pedestrians; or

57 (vii) violation was necessary to comply with any other law or regulation governing the
58 operation of a motor vehicle.

59 (d) An enforcing authority may send a written warning to the registered owner of a motor
60 vehicle in lieu of enforcement through a fine; provided, however, that a written warning shall
61 only be issued pursuant to objective and consistent criteria in a written policy established by the
62 enforcing authority; provided further, that the Authority shall provide guidance for establishing
63 such objective and consistent criteria.

64 (e) A certificate, or other written attestation, based upon inspection of photographs and
65 data produced by a bus mounted or bus stop camera system and sworn to or affirmed by a
66 representative of the enforcing authority shall be prima facie evidence of the facts contained
67 therein.

68 (f) A camera enforceable violation issued pursuant to this chapter shall not be: (i) made
69 part of the driving record of the person upon whom such liability is imposed; or (ii) a conviction
70 of a moving violation of the motor vehicle laws for the purpose of determining a surcharge on a
71 motor vehicle premium pursuant to section 113B of chapter 175.

72 (g) An enforcing authority that deploys a camera system pursuant to this chapter may hire
73 and designate personnel as necessary or contract for services to implement this chapter.

74 Notwithstanding any general or special law to the contrary, personnel designated to review and

75 issue citations pursuant to this chapter may be civilians and shall not be required to be a member
76 of any police force.

77 (h)(1) Subject to regulations promulgated by the Authority, the enforcing authority shall
78 provide a notice of violation to the registered owner of a motor vehicle that is identified in
79 photographs or recordings produced by a bus mounted or bus stop camera system as evidence of
80 a camera enforceable violation pursuant to this chapter; provided, however, that the notice shall
81 include, but not be limited to: (i) a copy of the photographs produced by the camera system
82 showing the vehicle in the process of a camera enforceable violation; (ii) the registration number
83 and state of issuance of the vehicle; (iii) the date, time and location of the alleged camera
84 enforceable violation; (iv) the specific camera enforceable violation charged; (v) instructions for
85 payment of the fine imposed pursuant to subsection (b); (vi) instructions on how to appeal the
86 camera enforceable violation in writing and to obtain a hearing; and (vii) an affidavit form
87 approved by the enforcing authority for the purposes of making a written appeal pursuant to
88 subsection (i).

89 (2) In the case of a violation involving a motor vehicle registered in the commonwealth,
90 the notice of violation shall be mailed to the address of the registered owner of the motor vehicle
91 as listed in the records of the registrar. If a motor vehicle is registered under the laws of another
92 state or county, the notice of violation shall be mailed to the address of the registered owner as
93 listed in the records of the official in the state or county that has charge of the registration of the
94 motor vehicle. If the address is unavailable, it shall be sufficient for the enforcing authority to
95 mail a notice of violation to the official in the state or county that has charge of the registration
96 of the motor vehicle.

97 (i)(1) A registered owner of a motor vehicle to whom a notice of violation has been
98 issued pursuant to this chapter shall pay the fine or contest responsibility for the violation in a
99 manner prescribed by the Authority; provided, however, that the Authority shall allow a fine to
100 be contested in writing by mail or online. Payment of the established fine shall operate as the
101 final disposition of a camera enforceable violation; provided, however, that payment by a
102 registered owner of a motor vehicle shall operate as the final disposition of the violation as to
103 any other registered owner of the same motor vehicle for the same violation.

104 (2) Not more than 60 days after a camera enforceable violation under this chapter, a
105 registered owner of a motor vehicle may contest responsibility for the violation in writing by
106 mail or online. The registered owner shall provide the enforcing authority with a signed affidavit,
107 in a form approved by the enforcing authority, stating the: (i) reason for disputing the violation;
108 (ii) full legal name and address of the registered owner of the motor vehicle; and (iii) full legal
109 name and address of the operator of the motor vehicle at the time the violation occurred. The
110 registered owner may include signed statements from witnesses, including the names and
111 addresses of witnesses, supporting the registered owner's defense. Not more than 21 days after
112 receipt of the signed affidavit, the enforcing authority or the hearing officer shall send the
113 decision of the hearing officer, including the reasons for the outcome, by first class mail to the
114 registered owner. If the registered owner is found responsible for the violation, the registered
115 owner shall pay the fine in the manner described in paragraph (1) not more than 14 days after the
116 issuance of the decision or request further judicial review pursuant to section 14 of chapter 30A.

117 (3) In lieu of contesting responsibility for a violation in writing or online pursuant to
118 paragraph (2) 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 enforcing authority shall schedule the matter before a hearing officer. The hearing
122 officer may be an employee of the enforcing authority or such other person as the enforcing
123 authority 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 enforcing authority 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 this subsection not more than 14 days after the issuance
131 of the decision or request further judicial review pursuant to said section 14 of said chapter 30A.

132 (j) When a registered owner of a motor vehicle accrues not less than 3 unresolved
133 violation notices from an enforcing authority pursuant to this chapter, such enforcing authority
134 shall notify the registrar who shall not issue or renew the registered owner's motor vehicle
135 registration until after notification from the enforcing authority from whom the registrar received
136 notification that all fines owed pursuant to this chapter have been paid.

137 Section 3. (a) Notwithstanding section 2, if the registered owner of a motor vehicle is a
138 person or entity engaged in the business of leasing or renting motor vehicles, and the motor
139 vehicle was operated under a rental or lease agreement at the time of the camera enforceable
140 violation, this section shall be applicable and the registered owner shall not be liable for any
141 unpaid fines, except as provided in this section, if the registered owner has complied with the
142 requirements of this section.

143 (b) An enforcing authority shall provide notice in writing of each camera enforceable
144 violation to the registered owner of a motor vehicle if a motor vehicle owned by the registered
145 owner is involved in a camera enforceable violation.

146 (c) Not more than 45 days after the violation, the registered owner shall furnish to the
147 enforcing authority, in writing, the name and address of the lessee or rentee of the motor vehicle
148 at the time of the camera enforceable violation, the lessee's or rentee's driver's license number,
149 the state that issued such license and the lessee's or rentee's date of birth.

150 (d) Upon receipt of the information required under subsection (c), the enforcing authority
151 shall issue a notice of a camera enforceable violation to the lessee or rentee in the form
152 prescribed by section 2, and the lessee or rentee shall be liable for the violation.

153 (e) An enforcing authority shall notify the registrar if a lessee or rentee has accrued not
154 less than 5 unresolved violation notices with the enforcing authority pursuant to this chapter.
155 Upon receipt by the registrar of such notice under this section, the registrar shall: (i) suspend and
156 not renew the license of the lessee or rentee to operate a motor vehicle in the commonwealth; or
157 (ii) suspend the right to operate of a lessee or rentee not licensed in the commonwealth until the
158 registrar receives notification from each applicable enforcing authority that all fines owed by the
159 lessee or rentee pursuant to this chapter have been paid.

160 Section 4. (a) An enforcing authority shall post on any vehicle equipped with a bus
161 mounted camera system and in the location of any bus stop camera system an unobstructed sign
162 notifying the public that such camera system is in use.

163 (b) The enforcing authority shall make a public announcement and conduct a public
164 awareness campaign of its use of bus mounted and bus stop camera systems beginning not less

165 than 60 days before the enforcing authority issues a citation for any camera enforceable violation
166 pursuant to this chapter.

167 Section 5. (a) A photograph or other recorded evidence taken pursuant to this chapter
168 shall not be discoverable in any judicial or administrative proceeding, other than a proceeding
169 held pursuant to this chapter, without a court order. A photograph or other recorded evidence
170 taken pursuant to this chapter shall not be admissible in any judicial or administrative
171 proceeding, other than in a proceeding to adjudicate liability for a violation of this chapter,
172 without a court order. A court shall not order a release of a photograph or other recorded
173 evidence taken pursuant to this chapter unless the photograph or other recorded evidence
174 establishes or undermines a finding of a camera enforceable violation and the camera
175 enforceable violation is material as to a finding of civil or criminal liability.

176 (b) Photographs and other recorded data collected by an enforcing authority pursuant to
177 this chapter shall not be a public record under clause Twenty-Sixth of section 7 of chapter 4 or
178 chapter 66.

179 (c) Photographs produced by a bus mounted or bus stop camera system shall not be used
180 by an enforcing authority to identify the vehicle operator, the passengers or the contents of the
181 vehicle. If a photograph taken pursuant to this chapter captures the vehicle operator, the
182 passengers or the contents of the vehicle, the enforcing authority shall redact the photograph to
183 remove or obscure said vehicle operator, passengers or contents of the vehicle before issuing a
184 notice of violation under this chapter. An un-redacted photograph that includes the vehicle
185 operator, passengers or contents of a motor vehicle committing a camera enforceable violation
186 taken by a bus mounted or bus stop camera system shall not be discoverable or admissible in any

187 judicial or administrative proceeding except by the registered owner of the vehicle and shall not
188 be used as the basis for a camera enforceable violation under this chapter.

189 (d) An enforcing authority or a manufacturer, servicer or vendor of a bus mounted or bus
190 stop camera system shall maintain the confidentiality of and may not use, disclose, sell or permit
191 access to data collected by such camera system except as such use, disclosure or access may be
192 necessary to process camera enforceable violations in accordance with this chapter.

193 Section 6. An enforcing authority may only recover costs reasonably related to the
194 implementation and operation of any bus mounted or bus stop camera system, including, but not
195 limited to, costs associated with: (i) installing, maintaining and operating the bus mounted safety
196 camera system; (ii) issuing notices of camera enforceable violations; (iii) holding hearings for
197 appeals of camera enforceable violations; (iv) notifying the registrar of a failure to pay a fine
198 under this chapter; and (v) collecting a fine; provided, however, that net revenues collected by an
199 enforcing authority pursuant to this chapter shall be deposited in the Massachusetts
200 Transportation Trust Fund established in section 4 of chapter 6C.

201 Section 7. The operation of emergency vehicles shall be subject to this chapter except
202 that a driver of fire apparatus while going to a fire or responding to an alarm, the driver of a
203 vehicle of a police or recognized protective department or the driver of an ambulance, in an
204 emergency and while in performance of a public duty or while transporting a sick or injured
205 person to a hospital or other destination where professional medical services are available, shall
206 not be liable for a camera enforceable violation pursuant to this chapter.

207 Section 8. Annually, not later than March 1, each enforcing authority that adopts this
208 chapter shall publish and submit a report to the clerks of the senate and house of representatives,

209 the senate and house committees on ways and means and the joint committee on transportation.
210 The report shall include, but not be limited to, data on the number and location of fines issued for
211 camera enforceable violations pursuant to this chapter. Such report shall also include
212 consideration of the social and racial equity impacts of the implementation of this chapter over
213 the preceding year.

214 Section 9. The Authority shall promulgate rules and regulations necessary to implement
215 this chapter.

216 SECTION 4. Not later than 90 days after the effective date of this act, the Massachusetts
217 Bay Transportation Authority shall promulgate regulations to implement chapter 90K of the
218 General Laws. The regulations shall include, but not be limited to: (i) establishing violations
219 pursuant to section 2 of said chapter 90K; (ii) establishing standardized forms for notices of
220 violations and written warnings; (iii) establishing the notice and hearing requirements for camera
221 enforceable violations; (iv) developing uniform signage requirements for the purpose of
222 complying with subsection (a) of section 4 of said chapter 90K; and (v) developing standards for
223 issuing an annual report pursuant to section 8 of said chapter 90K.