

SENATE No. 863

The Commonwealth of Massachusetts

PRESENTED BY:

Linda Dorcena Forry

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 child transportation companies.

PETITION OF:

NAME:

Linda Dorcena Forry

DISTRICT/ADDRESS:

First Suffolk

SENATE No. 863

By Ms. Forry, a petition (accompanied by bill, Senate, No. 863) of Linda Dorcena Forry for legislation relative to child transportation companies. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1296 OF 2015-2016.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to child transportation companies.

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

1 An Act relative to child transportation companies.

2 Chapter 265 of the General Laws is hereby amended by inserting after section 13L, as
3 appearing in the 2012 Official Edition, the following section:—

4 Section 13L 1/2 . (a) For the purposes of this section, the following words shall, unless
5 the context clearly requires otherwise, have the following meanings:—

6 “Child transportation company”, any person engaged in the business of transporting
7 minors in a child transportation vehicle.

8 “Child transportation vehicle”, a motor vehicle that is used to transport minors, without
9 the the supervision of parents or guardians, including school buses and vehicles used for
10 transporting pupils pursuant to section 7D of chapter 90.

11 “Motor vehicle”, any automobile, truck, passenger van or any motor bus or motor-
12 propelled vehicle, not exclusively operated or driven on fixed rails or tracks.

13 “Serious bodily injury”, bodily injury which results in a permanent disfigurement,
14 protracted loss or impairment of a bodily function, limb or organ, or substantial risk of death.

15 “Unattended child”, any person under 12 years of age who is not accompanied by an
16 agent of the child transportation company.

17 (b) Whoever, acting as an agent for a child transportation company, wantonly or
18 recklessly leaves an unattended child in a child transportation vehicle that is at rest, under
19 circumstances which create a substantial risk of serious bodily injury to the unattended child,
20 shall be punished by imprisonment in the house of correction for not more than 2 and 1/2 years
21 or by a fine of not more than \$1000 or both such fine and imprisonment.

22 (c) Whoever, acting as an agent for a child transportation company, wantonly or
23 recklessly leaves an unattended child in a child transportation vehicle that is at rest, under
24 circumstances which create a grave risk of death to an unattended child, thereby causing the
25 death of the child, shall be punished by imprisonment in the state prison for not more than 20
26 years or by a fine of not more than \$1000 and imprisonment in jail or a house of correction for
27 not more than 2 and 1/2 half years.

28 (d) For the purposes of this section, such wanton or reckless behavior occurs when a
29 person is aware of and consciously disregards a substantial and unjustifiable risk that his acts, or
30 omissions where there is a duty to act, would result in serious bodily injury to a child. The risk
31 must be of such nature and degree that disregard of the risk constitutes a gross deviation from the
32 standard of conduct that a reasonable person would observe in the situation.