

SENATE No. 1724

The Commonwealth of Massachusetts

PRESENTED BY:

James T. Welch

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 establishing a pilot program for traffic violation monitoring system.

PETITION OF:

NAME:

James T. Welch

DISTRICT/ADDRESS:

Hampden

SENATE No. 1724

By Mr. Welch, a petition (accompanied by bill, Senate, No. 1724) of James T. Welch for legislation to establish a pilot program for traffic violation monitoring system. Transportation.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act establishing a pilot program for traffic violation monitoring system.

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. Notwithstanding any general or special law or rule or regulation to the
2 contrary, the secretary of Massachusetts department of transportation, in consultation with the
3 secretary of the executive office of public safety, shall promulgate regulations and recommend
4 guidelines for a pilot program of five municipalities to employ a traffic violation monitoring
5 system, either mobile or fixed along any portion of any ways within its control, whereupon such
6 municipalities may promulgate local measures imposing a penalty on the owner of a motor
7 vehicle for failure by the operator thereof to comply with the laws, codes, regulations,
8 ordinances, rules and/or other forms of legislation governing the traffic control signals in said
9 municipality at which a traffic violation monitoring system is located.

10 The regulations and guidelines shall, at a minimum, adhere to the following:-

11 (a) No traffic control signal violation monitoring system shall be utilized in such a
12 manner as to take a frontal view photograph of the motor vehicle that is in violation of the traffic
13 control signal.

14 (b) A certificate, electronic certificate or a facsimile thereof, based upon inspection of
15 photographs produced by a traffic violation monitoring system, and sworn to or electronically
16 affirmed to by a police officer authorized to issue citations for violations of traffic signals at the
17 subject intersection or other enforcement zone, shall be prima facie evidence of the facts
18 contained therein; provided no citation shall issue if any part of a vehicle is within the
19 intersection during a yellow light.

20 (c) No photographs taken in conformance with this act shall be discoverable in any
21 judicial or administrative proceeding other than a proceeding held pursuant to this act without a

22 court order; and no photograph taken in conformance with this act shall be admissible in any
23 judicial or administrative proceeding other than in a proceeding to adjudicate liability for such
24 violation of this act without a court order.

25 (d) For each violation pursuant to this act, the owner or owners of a vehicle shall be liable
26 for the penalty imposed by a local measure; provided, however, that no owner of a vehicle shall
27 be liable for a penalty imposed pursuant to this act where the operator of such vehicle has been
28 convicted of the underlying violation pursuant to a citation issued in accordance with section 2 of
29 chapter 90C of the General Laws, and provided, further, that the maximum penalty that may be
30 imposed pursuant this act shall be One Hundred Dollars (\$100.00) for each violation, excluding
31 delinquent collection fees. A penalty of up to 33 1/3%, shall be assessed if said fine remains
32 unpaid in excess of 30 days after a notice of violation has been issued consistent with the
33 procedures established in section 20A 1/2 of chapter 90 of the General Laws.

34 (e) A penalty imposed by a local measure for a violation pursuant to this act shall not be
35 deemed a criminal conviction and shall not be made part of the operating record of the person
36 upon whom such liability is imposed, nor shall such imposition of a penalty be subject to merit
37 rating for insurance purposes, no points shall be assessed against the driver's license of the
38 owner or driver of the vehicle, and no surcharge points shall be imposed in the provision of
39 motor vehicle insurance coverage.

40 (f) Any motor vehicle owner to whom notice of violation has been issued pursuant to this
41 act may admit responsibility for such violation and pay the fine provided therein. Payment shall
42 be made either via the internet, or personally or through a duly authorized agent, or by appearing
43 before the parking clerk during normal office hours, or by mailing both payment and notice of
44 the violation to the address designated on the violation notice. Payment by mail shall be made
45 only by money order, credit card or check made out to the parking clerk. Payment of the
46 established fine and any applicable penalties shall operate as a final disposition of the case.
47 Payment of the fine by one motor vehicle owner shall be satisfaction of the fine as to all other
48 motor vehicle owners of the same motor vehicle for the same violation.

49 (g) Any owner to whom a notice of violation has been issued may, within 15 days of the
50 mailing of said notice by the parking clerk, request a hearing to contest the liability alleged in
51 said notice. Said hearing shall be informal, the rules of evidence shall not apply, and the decision
52 of the hearing officer shall be final subject to judicial review as outlined by section 14 of Chapter
53 30A of the General Laws.

54 (h) The compensation paid to the manufacturer or vendor of the traffic monitoring system
55 shall not be based upon the number of traffic citations issued or a percentage of the fine
56 generated by such citations. The compensation paid to such manufacturer or vendor of the
57 equipment may be based upon the value of such equipment (including its maintenance and

58 installation), fees and overhead costs incurred in delivering the program, and the services
59 provided or rendered in support of the traffic violation monitoring system.

60 (i) The administrator of the traffic control signal monitoring system within the
61 municipality shall submit an annual report regarding the use and operation of the traffic violation
62 monitoring system to the Massachusetts Department of Transportation.

63 (j) To be eligible for this pilot program, a municipality must have local approval from its
64 applicable municipality council or board of selectmen unless otherwise already authorized to
65 pursue the same through legislation filed in accordance with section 8A of chapter 3. No
66 municipality with a population of less than 25,000 shall be eligible for this pilot program. No
67 more than five municipalities will be selected for this pilot program. Eligible municipalities
68 must conduct procurement under chapter 30B to provide for a vendor of the traffic monitoring
69 system.

70 These regulations shall be promulgated and forwarded to the chairs of the senate and
71 house committees on ways and means and the senate and house chairs of the joint committee on
72 transportation within 90 days after the effective date of this act.

73 For purposes of this and the following section, "traffic violation monitoring system" shall
74 mean an automated motor vehicle sensor and camera device which produces two or more digital
75 photographs and/or videos of each motor vehicle at the time it is used or operated in a manner
76 that is in violation of the traffic control signal at which the automated monitoring system is
77 located. The photographs, must, at a minimum, record the rear of the motor vehicle, with at least
78 one of the images clearly recording the motor vehicle behind the stop bar immediately prior to
79 the violation of the traffic control signal, and at least one image recording the motor vehicle
80 passing through the intersection in violation of the traffic control signal. Additionally, at least
81 one of the images must clearly identify the license/registration plate of the motor vehicle,

82 SECTION 2. Notwithstanding any general or special law or rule or regulation to the
83 contrary, the secretary of the Massachusetts department of transportation shall submit to the
84 clerks of the senate and house of representatives, the chairs of the senate and house committees
85 on ways and means and the senate and house chairs of the joint committee on transportation an
86 annual report detailing the results of this pilot program. Said report shall include, but not be
87 limited to, the cost to each municipality for implementing said traffic monitoring system, the
88 number of infractions issued, the impact of applicable traffic monitoring violation systems on
89 reducing accidents, the amount of fines issued and savings realized from any reduction in
90 accidents at intersections where traffic violation monitoring systems are located. The report shall
91 be submitted not later than December 31st of each year.