

HOUSE No. 4023

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to school bus safety..

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. Chapter 90 of the General Laws is hereby amended by inserting after
2 section 3 the following section:-

3 Section 3A. All school departments are hereby authorized to install and operate live
4 digital video school bus violation detection monitoring systems. Such systems shall, at a
5 minimum, be systems that monitor and detect school bus traffic violations. For purposes of this
6 section, a live digital video school bus violation detection monitoring system means a system
7 with 1 or more camera sensors and computers that produce live digital and recorded video of
8 motor vehicles being operated in violation of school bus traffic laws. All systems installed for
9 used under this section must, at a minimum, produce a live visual image viewable remotely, a
10 recorded image of the license, plate, and be able to record the time, date and location of the
11 vehicle, and a signed affidavit by a person who witnessed the violation via live video.

12 The school departments may enter into an agreement with a private corporation or other
13 entity to provide live digital video school bus violation detection monitoring systems and to
14 maintain and operate such systems. Compensation to the private corporation or other entity to

15 provide live digital video school bus violation detection monitoring systems and to maintain and
16 operate such systems. Compensation to the private entity that provides such a system and related
17 support service shall not be based on the revenue generated by the system. Compensation to the
18 vendor of the system shall be based on the expense of the services and the equipment provided
19 by the vendor of the system. The school department may enter into an agreement for purposes of
20 reimbursement of expenses to the vendor for the installation, operation and maintenance of the
21 live digital video school bus detection and monitoring systems within its municipality.
22 Notwithstanding the terms and conditions contained in any such agreement, reimbursement shall
23 be made from ticket revenue proceeds from paid violations, as allocated. All vehicles installed
24 with a live digital video school bus violation detection monitoring system shall post a warning
25 sign indicating the use of such system. Warning signage shall remain on each vehicle as long as
26 a live digital video school bus violation detection monitoring system is in operation.

27 Except, as expressly provided, all prosecutions based on evidence produced by a live
28 digital video school bus violation detection monitoring system shall follow the procedures of this
29 section.

30 Citations may be issued by an officer solely based on evidence obtained by use of a live
31 digital video school bus violation detection monitoring system. All citations issued based on
32 evidence obtained from a live digital video school bus violation detection monitoring system
33 shall be issued within 7 days of the violation. It shall be sufficient to commence a prosecution
34 based on evidence obtained from a live digital video school bus violation detection monitoring
35 system a copy of the citation and supporting documentation shall be mailed to the address of the
36 registered owner kept on file by the registry of motor vehicle for the purposes of this section, the
37 date of issuance shall be the date of mailing.

38 The officer issuing the citation shall certify under penalties of perjury that the evidence
39 obtained from the live digital video school bus violation detection monitoring system was
40 sufficient to demonstrate a violation of the motor vehicle code. Such certification shall be
41 sufficient in all prosecutions pursuant to this chapter to justify the entry of a default judgment
42 upon sufficient proof of actual notice in all cases where the citation is not answered with the time
43 period permitted.

44 The following information shall be attached to the citation as evidence: (i) copies of 2 or
45 more photographs, or microphotographs, videos, or other recorded images taken as proof of the
46 violation; (ii) a signed statement by a trained law enforcement officer that, based on inspection of
47 recorded images and video, the motor vehicle was being operated in violation of this chapter;
48 (iii) a statement that recorded images are evidence of a violation of this chapter; (iv) a statement
49 that the person who receives a summons under this chapter may either pay the civil penalty in
50 accordance with this chapter, or elect to stand trial for the alleged violation; and (v) a signed
51 affidavit by a person who witnessed live the motor vehicle being operated in violation of this
52 chapter.

53 Evidence from a live digital video school bus violation detection monitoring system shall
54 be considered substantive evidence in the prosecution of all civil traffic violations. Evidence
55 from a live digital video school bus violation detection monitoring system approved by the
56 school department shall be admitted without further authentication and such evidence may be
57 deemed sufficient to sustain a civil traffic violation. In addition to any other defenses as set forth
58 herein, any and all defenses cognizable at law shall be available to the individual who receives
59 the citation commencing a prosecution under this chapter.

60 The registered owner of the motor vehicle shall be primarily responsible in all
61 prosecutions brought pursuant to the provisions of this chapter except as otherwise provided in
62 this section. In all prosecutions of civil traffic violations based on evidence obtained from a live
63 digital video school bus violation detection of a civil traffic violation, may be liable for such
64 violation. The registered owner of the vehicle may assume liability for the violation by paying
65 the fine; or by defending the violation pursuant to the procedures in this chapter.