

HOUSE No. 3079

The Commonwealth of Massachusetts

PRESENTED BY:

Sean Garballey

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 PROVIDING FOR THE SAFETY OF VULNERABLE ROAD USERS.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>1/21/2011</i>
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>	<i>1/27/2011</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/31/2011</i>
<i>William N. Brownsberger</i>		<i>1/31/2011</i>
<i>David Watson</i>	<i>170 Franklin Street #1 Arlington, MA 02474</i>	

HOUSE No. 3079

By Mr. Garballey of Arlington, a petition (accompanied by bill, House, No. 3079) of Sean Garballey and others for legislation to provide for the safety of road users. Transportation.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

AN ACT PROVIDING FOR THE SAFETY OF VULNERABLE ROAD USERS.

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 1 of chapter 90 of the General Laws, as appearing in the 2008
2 Official Edition, is hereby amended by inserting after line [], the following sentence:-
3 ““Vulnerable user” means a pedestrian or a person operating a bicycle, handcycle, tricycle,
4 skateboard, roller skates, in-line skates, or non-motorized scooter.”.

5 SECTION 2: The first sentence of paragraph (a) of Section 24G of chapter 90 of the
6 General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the
7 first occurrence of the word “dollars”, in line [], the following words:- “(ten thousand dollars if
8 the victim is a vulnerable user as defined in section one of chapter ninety)”.

9 SECTION 3: The first sentence of paragraph (a) of Section 24G of chapter 90 of the
10 General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the
11 second occurrence of the word “dollars”, in line [], the following words:- “(ten thousand dollars
12 if the victim is a vulnerable user as defined in section one of chapter ninety)”.

SECTION 4: The first sentence of paragraph (b) of Section 24G of chapter 90 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word “dollars”, in line [], the following words:- “(not less than six hundred nor more than six thousand dollars if the victim is a vulnerable user as defined in section one of chapter ninety)”.

SECTION 5: Section 24G of chapter 90 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after paragraph (c), in line [], the following paragraph:- “(d) A person convicted of a violation of this section where the victim is a vulnerable user as defined in section one of chapter ninety shall, in addition to such imprisonment and fines as provided in this section, be required to complete a traffic safety class including interactions between motorized vehicles and vulnerable users, and to perform up to 100 hours of community service related to driver improvement and providing public education on traffic safety including interactions between motorized vehicles and vulnerable users.”

SECTION 6: The first sentence of subdivision (1) of Section 24L of chapter 90 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the first occurrence of the word “dollars”, in line [], the following words:- “(ten thousand dollars if the victim is a vulnerable user as defined in section one of chapter ninety)”.

SECTION 7: The first sentence of subdivision (1) of Section 24L of chapter 90 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the second occurrence of the word “dollars”, in line [], the following words:- “(ten thousand dollars if the victim is a vulnerable user as defined in section one of chapter ninety)”.

SECTION 8: The first sentence of subdivision (2) of Section 24L of chapter 90 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the

word “glue”, in line [], the following words:- “, or whoever operates a motor vehicle recklessly or negligently so that the lives or safety of the public might be endangered”.

SECTION 9: The first sentence of subdivision (2) of Section 24L of chapter 90 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word “dollars”, in line [], the following words:- “(not less than six thousand dollars if the victim is a vulnerable user as defined in section one of chapter ninety)”.

SECTION 10: Section 24L of chapter 90 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after subdivision (4), in line [], the following subdivision:- “(5) A person convicted of a violation of this section where the victim is a vulnerable user as defined in section one of chapter ninety shall, in addition to such imprisonment and fines as provided in this section, be required to complete a traffic safety class including interactions between motorized vehicles and vulnerable users, and to perform up to 100 hours of community service related to driver improvement and providing public education on traffic safety including interactions between motorized vehicles and vulnerable users.”

SECTION 11: The first sentence of subparagraph (1) of paragraph (a1/2) of subdivision (2) of Section 24 of chapter 90 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the second occurrence of the word “dollars”, in line [], the following words:- “(not less than one thousand dollars nor more than two thousand dollars if the victim is a vulnerable user as defined in section one of chapter ninety)”.

SECTION 12: The first sentence of subparagraph (2) of paragraph (a1/2) of subdivision (2) of Section 24 of chapter 90 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the second occurrence of the word “dollars”, in line [], the

57 following words:- “(not less than two thousand dollars nor more than ten thousand dollars if the
58 victim is a vulnerable user as defined in section one of chapter ninety)”.

59 SECTION 13: The first sentence of subparagraph (2) of paragraph (a1/2) of subdivision
60 (2) of Section 24 of chapter 90 of the General Laws, as appearing in the 2008 Official Edition, is
61 hereby amended by inserting after the fourth occurrence of the word “dollars”, in line [], the
62 following words:- “(not less than two thousand dollars nor more than ten thousand dollars if the
63 victim is a vulnerable user as defined in section one of chapter ninety)”.

64 SECTION 14: Subdivision (3) of Section 24 of chapter 90 of the General Laws, as
65 appearing in the 2008 Official Edition, is hereby amended by inserting after paragraph (c), in line
66 [], the following paragraph:- “(d) A person convicted of a violation of subparagraph (1) or
67 subparagraph (2) of paragraph (a 1/2) of subdivision (2) where the victim is a vulnerable user as
68 defined in section one of chapter ninety shall, in addition to such imprisonment and fines as
69 provided in this section, shall be required to complete a traffic safety class including interactions
70 between motorized vehicles and vulnerable users, and to perform up to 100 hours of community
71 service related to driver improvement and providing public education on traffic safety including
72 interactions between motorized vehicles and vulnerable users.”

73 SECTION 15: The first sentence of subparagraph (1) of paragraph (a1/2) of subdivision
74 (2) of Section 24 of chapter 90 of the General Laws, as appearing in the 2008 Official Edition, is
75 hereby amended by inserting after the word “knowingly”, in line [], the following words:- “,
76 recklessly or negligently”.

77 SECTION 16: The first sentence of subparagraph (2) of paragraph (a1/2) of subdivision
78 (2) of Section 24 of chapter 90 of the General Laws, as appearing in the 2008 Official Edition, is

79 hereby amended by inserting after the word “knowingly”, in line [], the following words:- “,
80 recklessly or negligently”.