

HOUSE No. 768

The Commonwealth of Massachusetts

PRESENTED BY:

Marjorie C. Decker and Eric P. Lesser

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 the tracking of certain electronic devices.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/17/2017</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>	
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/3/2017</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/1/2017</i>
<i>Leonard Mirra</i>	<i>2nd Essex</i>	<i>1/31/2017</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>1/31/2017</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>1/31/2017</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>2/3/2017</i>

HOUSE No. 768

By Representative Decker of Cambridge and Senator Lesser, a joint petition (accompanied by bill, House, No. 768) of Marjorie C. Decker and others relative to data derived from technology used for toll collections. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1256 OF 2015-2016.]

The Commonwealth of Massachusetts

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

An Act relative to the tracking of certain electronic devices.

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 13 of chapter 6C of the General Laws, amended by section 13 of chapter 46 of
2 the acts of 2013, is hereby further amended by adding the following 5 subsections:-

3 (d) Any technology used for toll collection under this chapter, including radio-frequency
4 identifying transponders, shall not be used to identify the location of any vehicle for purposes
5 other than charging and collecting and, from time to time, fixing and revising tolls for transit
6 under this section.

7 (e) No data derived from any technology used for toll collection under this chapter,
8 including but not limited to the GPS coordinates, date and time, photograph, license plate
9 number or other identifying information regarding any vehicle, shall be shared with or provided

10 to any entity outside the department without a valid warrant issued pursuant to the requirements
11 of sections 2 to 3A, inclusive, of chapter 276.

12 (f) Any data obtained or accessed in violation of subsection (e) shall be inadmissible in
13 any criminal or civil proceeding; provided, however, that an individual whose rights have been
14 violated by the improper transfer of or access to data derived from any technology used for toll
15 collection under this chapter, may introduce evidence concerning such data in a civil action
16 brought pursuant to subsections (h) or (i) or may grant permission to another party in a civil
17 proceeding to introduce such evidence.

18 (h) Any aggrieved person may institute a civil action in district or superior court for
19 damages resulting from a violation of subsection (e), or in superior court to restrain any such
20 violation. If in any such action a willful violation is found to have occurred, the violator shall
21 not be entitled to claim any privilege absolute or qualified, and he shall, in addition to any
22 liability for such actual damages as may be shown, be liable for exemplary damages of not less
23 than \$100 and not more than \$1,000 for each violation, together with costs and reasonable
24 attorneys' fees and disbursements incurred by the person bringing the action.

25 (i) Any use of data obtained or accessed in violation of subsection (e) of this section shall
26 be a violation of chapter 93A.