

SENATE . . . . . No. 1905

The Commonwealth of Massachusetts

PRESENTED BY:

William N. Brownsberger

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 to reduce traffic fatalities.

PETITION OF:

Table with 3 columns: NAME, DISTRICT/ADDRESS, and Date. Lists 18 petitioners including William N. Brownsberger, Jonathan Hecht, David M. Rogers, Gailanne M. Cariddi, Michael J. Barrett, Jason M. Lewis, William M. Straus, Byron Rushing, Tricia Farley-Bouvier, Patricia D. Jehlen, Angelo J. Puppolo, Jr., Mathew Muratore, Daniel J. Ryan, Marjorie C. Decker, John W. Scibak, Denise Provost, Thomas J. Calter, and Brian M. Ashe.

<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>	<i>1/31/2017</i>
<i>Jennifer L. Flanagan</i>	<i>Worcester and Middlesex</i>	<i>1/31/2017</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/31/2017</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	<i>1/31/2017</i>
<i>Diana DiZoglio</i>	<i>14th Essex</i>	<i>2/1/2017</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>2/1/2017</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	<i>2/1/2017</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>2/2/2017</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/2/2017</i>
<i>Thomas M. McGee</i>	<i>Third Essex</i>	<i>2/2/2017</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/2/2017</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>2/3/2017</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>	<i>2/3/2017</i>
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	<i>2/3/2017</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>	<i>2/3/2017</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/3/2017</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/3/2017</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>	<i>2/3/2017</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>2/3/2017</i>
<i>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>	<i>2/3/2017</i>
<i>Cynthia Stone Creem</i>	<i>First Middlesex and Norfolk</i>	<i>2/3/2017</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>	<i>2/3/2017</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>2/8/2017</i>
<i>Kenneth J. Donnelly</i>	<i>Fourth Middlesex</i>	<i>3/6/2017</i>
<i>Kate Hogan</i>	<i>3rd Middlesex</i>	<i>3/6/2017</i>
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	<i>4/26/2017</i>
<i>Nick Collins</i>	<i>4th Suffolk</i>	<i>4/26/2017</i>

**SENATE . . . . . No. 1905**

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By Mr. Brownsberger, a petition (accompanied by bill, Senate, No. 1905) of William N. Brownsberger, Jonathan Hecht, David M. Rogers, Gailanne M. Cariddi and other members of the General Court for legislation to reduce traffic fatalities. Transportation.

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**The Commonwealth of Massachusetts**

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

An Act to reduce traffic fatalities.

*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. The department of elementary and secondary education shall develop and  
2 make available to public schools and public charter schools in the Commonwealth an educational  
3 curriculum for children in the first through fifth grades regarding the safe use of public streets  
4 and premises open to the public by pedestrians and bicyclists. At a minimum, the curriculum  
5 shall address: (1) the safe use of bicycles; (2) traffic laws, regulations and best practices,  
6 including but not limited to the use of the far hand reach when exiting a motor vehicle; (3) the  
7 use of bicycle lanes and trails; and (4) safe pedestrian practices.

8           SECTION 2. Section 1 of chapter 90 of the General Laws, as appearing in the 2014  
9 Official Edition, is hereby amended by adding the following definitions: -

10           “Convex mirror”, door-mounted, wide-angle mirrors that enable the operator to see  
11 objects along the left and right sides of the truck.

12           “Cross over mirrors”, fender- or hood-mounted mirrors that enable the operator to see  
13 objects in the area immediately in front of a conventional cab hood

14           “Lateral protective device”, an apparatus installed on large vehicles between the front and  
15 rear wheels to help prevent injuries to vulnerable road users, particularly from falling underneath  
16 the vehicle.

17           SECTION 3. Section 7 of said chapter 90, as so appearing, is hereby amended by  
18 inserting after the third paragraph the following paragraph:-

19           Except in the case of an ambulance, fire apparatus, low-speed vehicle, or agricultural  
20 tractor, the following vehicles purchased or leased by the Commonwealth after January 1, 2019  
21 or such vehicles operated pursuant to a contract with the Commonwealth after January 1, 2022,  
22 shall be equipped with a lateral protective device, convex mirror, and crossover mirrors as  
23 defined by section 1 of chapter 90 of the General Laws: any Class 3 or above motor vehicle,  
24 trailer, semi-trailer or semi-trailer unit, with a gross vehicle weight rating (GVWR) exceeding  
25 10,000 pounds. The registrar shall adopt standards, consistent with US Department of  
26 Transportation Volpe Side Guard Standard (DOT-VNTSC-OSTR-16-05) and specifications for  
27 the size, design, and mounting of lateral protective devices, convex mirrors, and crossover  
28 mirrors. The registrar may provide alternative means of compliance with the convex mirror and  
29 crossover mirror requirement, including use of cameras and sensors.

30           SECTION 4. No later than December 1, 2018, the department of transportation, in  
31 consultation with the regional planning agencies, advocates for non-motorized transportation,  
32 and other appropriate experts, shall issue specifications for one or more suites of signage suitable  
33 for placement on local and state road and off-road facilities to identify regional bicycle,

34 pedestrian, greenway, and multi-use non-motorized routes and provide information and  
35 wayfinding help for both the route and nearby destinations, with the designs of the styles not  
36 limited to currently approved Manual on Uniform Traffic Control Devices sizes, colors, or other  
37 specifications.

38 SECTION 5. Chapter 6 of the General Laws, as appearing in the 2014 Official Edition, is  
39 hereby amended by inserting after section 15XXXXX the following 2 sections:-

40 Section 15YYYYY. The governor shall annually issue a proclamation setting apart the  
41 second week of March as Massachusetts Sleep Awareness Week and the Sunday at the beginning  
42 of daylight saving time as Massachusetts Sleep Awareness Day and recommending that the week  
43 be properly observed as a period of special attention to the problems of sleep deprivation and  
44 fatigue including, but not limited to: impaired reaction time, judgment and vision; problems with  
45 information processing and short-term memory; decreased performance, vigilance and  
46 motivation; increased moodiness and aggressive behaviors; and, especially, the dangers of  
47 driving under the influence of sleep deprivation or fatigue. To this end, the agencies of the  
48 commonwealth and private organizations, especially those interested in education, transportation,  
49 public health and public safety, shall adopt policies and programs consistent with the goals of: (i)  
50 increasing public awareness about sleep, sleep disorders and the consequences of sleep  
51 deprivation; (ii) promoting science-based public policies that improve the sleep health of the  
52 nation; (iii) advancing basic, clinical, applied and population-based research; and (iv) promoting  
53 recognition of and access to care for all individuals with sleep disorders.

54 Section 15ZZZZZ. The governor shall annually issue a proclamation setting apart the  
55 second week of November as Massachusetts Drowsy Driving Prevention Week and

56 recommending that the week be properly observed as a period of special attention to the need for  
57 public awareness and action relative to the problems of drowsy driving and driver fatigue. For  
58 the purposes of this section, “drowsy driving” or “driver fatigue” shall mean driving while being  
59 sleepy, tired, drowsy or exhausted.

60 SECTION 6. Section 1 of said chapter 90 of the General Laws, as so appearing, is  
61 hereby amended by inserting after the definition of “Hands-free mobile telephone” the following  
62 definition:-

63 “Hands-free mode”, operation of a mobile electronic device that has an internal  
64 feature or function or that is equipped with an attachment or addition, whether or not  
65 permanently a part of the mobile electronic device, by which a user engages in a voice  
66 communication without the use of either hand; provided, however, that it may be necessary to  
67 press a single button to activate, deactivate or initiate the hands-free feature.

68 SECTION 7. Section 7B of said chapter 90, as so appearing, is hereby amended by  
69 striking out, in line 172, the word “telephone” and inserting in place thereof the following  
70 words:- electronic device

71 SECTION 8. Said section 7B of said chapter 90, as so appearing, is hereby further  
72 amended by striking out, in lines 177 and 178, the words "is necessary for the personal safety of  
73 a passenger or to otherwise ensure the safety of the passengers; and (d)" and inserting in place  
74 thereof the following words:- , fire department or other emergency service is necessary for the  
75 personal safety of a passenger or to otherwise ensure the safety of the passengers; (d) that police  
76 intervention, fire department or other emergency service is necessary for the personal safety of a  
77 pedestrian in or near the roadway; (e) that police intervention is necessary due to a motor vehicle

78 being operated erratically so as to pose a threat to the safety of travelers on the roadway or to  
79 pedestrians; or (f).

80 SECTION 9. Section 12A of said chapter 90, as so appearing, is hereby amended by  
81 striking out, in line 23, the word “not”.

82 SECTION 10. Section 13 of said chapter 90, as so appearing, is hereby amended by  
83 striking out, in line 6, the word “telephone” and inserting in place thereof the following words:-  
84 electronic device

85 SECTION 11. Said chapter 90 is hereby amended by striking out section 13B and  
86 inserting in place thereof the following section:-

87 Section 13B. (a) No operator of a motor vehicle shall use a mobile electronic device,  
88 unless the person is using the device in a hands-free mode, and shall not touch or hold in either  
89 hand the mobile electronic device while operating a motor vehicle except if it is necessary to  
90 press a single button to activate, deactivate or initiate a voice communication. No operator of a  
91 motor vehicle shall use a mobile electronic device or other device capable of accessing the  
92 internet to compose, send or read an electronic message, to access social media, to review or  
93 input any information on a mobile electronic device or to manually input information into a  
94 global positioning system or navigation device while operating a vehicle, except if it is necessary  
95 to press a single button to activate, deactivate or initiate a voice command to the global  
96 positioning system or navigation device. An operator of a motor vehicle who holds a mobile  
97 electronic device to or in the immediate proximity of the operator’s head while operating a motor  
98 vehicle shall be presumed to be in violation of this section. For the purposes of this section, an

99 operator shall not be considered to be operating a motor vehicle if the vehicle is stationary and  
100 not located in any part of a roadway intended for travel by a motor vehicle or bicycle.

101 (b) Whoever violates this section shall be punished by a fine of \$100 for a first offense,  
102 by a fine of \$250 for a second offense and by a fine of \$500 for a third or subsequent offense;  
103 provided, however, that the fine for a second, third or subsequent offense of an operator who  
104 completes a program selected by the registrar of motor vehicles encouraging a change in driver  
105 behavior and attitude about distracted driving shall be reduced in an amount equal to the cost to  
106 the operator to enroll in that program. A third or subsequent violation of this section shall be  
107 considered a moving violation for purposes of the safe driver insurance plan under section 113B  
108 of chapter 175. In addition to the fine, an operator who commits a second, third or subsequent  
109 offense shall also be required to complete a program selected by the registrar of motor vehicles  
110 that encourages a change in driver behavior and attitude about distracted driving. This subsection  
111 shall not be construed as authorizing the seizure or forfeiture of a hand-held mobile telephone or  
112 a mobile electronic device.

113 (c) It shall be an affirmative defense for an operator to produce documentary or other  
114 evidence that the use of a mobile electronic device that is the basis of the alleged violation was  
115 made for emergency purposes. For the purpose of this section, “emergency purposes” shall mean  
116 that the operator used the mobile electronic device to communicate with another person to report:  
117 (i) that the motor vehicle was disabled; (ii) that medical attention or assistance was required; (iii)  
118 that police intervention, fire department or other emergency service was necessary for the  
119 personal safety of the operator or a passenger; (iv) that a disabled vehicle or an accident was  
120 present in the roadway; (v) that police intervention, fire department or other emergency service  
121 was necessary for the personal safety of a pedestrian in or near the roadway; or (vi) that police



122 intervention was necessary due to a motor vehicle being operated erratically so as to pose a threat  
123 to the safety of travelers on the roadway or to pedestrians.

124 (d) This section shall not apply to public safety personnel or emergency first responders  
125 using a mobile electronic device in the course of their official duty.

126 SECTION 12. Chapter 155 of the acts of 2010, is hereby amended by striking out section  
127 14 and inserting in place thereof the following section:-

128 Section 14. The registrar of motor vehicles, in cooperation with the highway safety  
129 division, shall develop and implement an annual public awareness campaign for both junior and  
130 adult operators which shall include, but not be limited to, the dangers and consequences of  
131 distracted driving, information on the restrictions of mobile telephone and mobile electronic  
132 device use while operating a motor vehicle under sections 8M, 12A, 13 and 13B of chapter 90 of  
133 the General Laws and information on the fines and punishments which may be imposed for  
134 violations of said chapter 90. The registrar of motor vehicles shall include information on the  
135 hazards of distracted driving in each revised publication of the driver's manual.

136 SECTION 13. Notwithstanding any general or special law to the contrary, the division of  
137 insurance shall conduct a study on the feasibility of reducing the amount of time unsafe driver  
138 points remain on a driver's record. The report along with recommendations shall be submitted to  
139 the clerks of the house of representatives and senate, the joint committee on transportation and  
140 the house and senate committees on ways and means by not later than December 31, 2018.

141 SECTION 14. The registry of motor vehicles may promulgate regulations to implement  
142 section 13B of chapter 90 of the General Laws and to further define "mobile electronic device"  
143 under section 1 of said chapter 90.

144 SECTION 15. Section 11B of chapter 85 of the General Laws, as appearing in the 2014  
145 Official Edition, is hereby amended in the first paragraph by inserting the following words at the  
146 end thereof:-

147 (4) A bicyclist may cross at an intersection, including one where a leading pedestrian  
148 interval is used, while following the pedestrian traffic control signal for the bicyclist's direction  
149 of travel unless otherwise directed by traffic signs or traffic control devices. (5) A bicyclist must  
150 come to a stop at a red light signal but may turn left or proceed straight with caution if there is no  
151 way to the right, provided, however, that they must yield to pedestrians. A bicyclist may also  
152 proceed with caution if a signal proves unresponsive after two minutes.

153 SECTION 16. Said section 11B of said chapter 85, as so appearing, is hereby amended in  
154 line 8 by striking the word "moving" and replacing it with the following words:-

155 being operated

156 SECTION 17. Section 17 of said chapter 90, as so appearing, is hereby amended in line  
157 13 by inserting after the word "mile," the following words:-

158 on a state highway or parkway inside a thickly settled or business district at a rate of  
159 speed exceeding twenty five miles per hour for a distance of one-eighth of a mile,

160 SECTION 18. Said section 1 of said chapter 90, as so appearing, is hereby amended by  
161 inserting after the definition of "Transporter" the following sentence:-

162 "Vulnerable user" means (a) a pedestrian, including those persons actually engaged in  
163 work upon a way, or in work upon utility facilities along a way, or engaged in the provision of  
164 emergency services within the way; or (b) a person operating a bicycle, handcycle, tricycle,

165 skateboard, roller skates, in-line skates, non-motorized scooter, wheelchair, electric personal  
166 assistive mobility device, horse-drawn carriage, motorized bicycle, motorized scooter, farm  
167 tractor or similar vehicle designed primarily for farm use; or (c) a person riding an animal.

168 SECTION 19. Section 14 of said chapter 90, as so appearing, is hereby amended by  
169 striking, in line 9, the sentence beginning with the words “In approaching...” and inserting the  
170 following sentence in place thereof:-

171 In approaching or passing a vulnerable user the operator of a motor vehicle shall pass at a  
172 safe distance of at least three feet when the motor vehicle is traveling at thirty miles per hour or  
173 less, with one additional foot of clearance for every ten miles per hour above thirty miles per  
174 hour.

175 SECTION 20. Section 2 of chapter 89 of the General Laws, as appearing in the 2014  
176 Official Edition, is hereby amended by striking, in line 6, the sentence beginning with the  
177 words “If it is not possible ....” and inserting in place thereof the following sentence:-

178 If it is not possible to overtake a vulnerable user or other vehicle at a safe distance in the  
179 same lane, the overtaking vehicle shall use all or part of an adjacent lane, crossing the centerline  
180 if necessary, when it is safe to do so.

181 SECTION 21. Said section 1 of said chapter 90,, as so appearing, is hereby amended by  
182 adding the following definition:-

183 "Automated Road Safety Camera System", shall mean an automated motor vehicle sensor  
184 device installed which produces two or more digital photographs and or records the speed of

185 each motor vehicle at the time it is used or operated in a manner that is in violation of traffic laws  
186 and regulations where the automated road camera safety system is located.

187 SECTION 22. Said chapter 90,, as so appearing, is hereby amended by adding the  
188 following new section:-

189 Section 33C.

190 (1)(a) Any city or town may, upon the acceptance of this section by its legislative body,  
191 employ an automated road safety camera system as a means of promoting traffic safety, which  
192 may be fixed along any portion of any ways within its control, or within the control of the  
193 commonwealth with written permission from the department of transportation or the department  
194 of conservation and recreation, or attached to the rotating stop sign of a school bus, and may  
195 impose a penalty on the owner of a motor vehicle for failure by the operator thereof to comply  
196 with traffic laws and regulations, limited to violations of five miles per hour above the posted  
197 maximum speed, failure to stop at a red light or a stop sign attached to a school bus, or an illegal  
198 turn on red in said city or town at which an automated safety camera violation monitoring system  
199 is located. For a school bus serving a regional school district to be equipped with an automated  
200 road safety camera, every city or town member of such regional school district shall accept this  
201 section. A city or town that accepts this section may employ no more than one fixed camera per  
202 2500 residents as measured by the most recent census. If a camera is deployed at an intersection  
203 listed by the department as one of the 200 most dangerous intersections in the commonwealth,  
204 that camera shall not count against that city or town's 2,500 residents per camera limit. A city or  
205 town that accepts this section may employ no more than one school bus road safety camera per  
206 school bus serving its school district.

207 (b) For a red light violation, the photographs, must, at a minimum, record the rear of the  
208 motor vehicle, with at least one of the images clearly recording the motor vehicle prior to the  
209 violation and at least one image recording the motor vehicle during the violation. Additionally,  
210 at least one of the images must clearly identify the registration plate of the motor vehicle. In the  
211 case of a red light violation, a notice of violation shall not be issued if any part of the automobile  
212 was in the intersection when the light was yellow, regardless of whether or not the light turned  
213 red while the automobile was in the intersection.

214 (c) No automated road safety camera system shall be utilized in such a manner as to take  
215 a frontal view photograph of a motor vehicle.

216 (d) The city or town shall install a sign notifying the public that a road safety camera is in  
217 use at each location of a road safety camera. Such signage must specifically include notification  
218 of camera enforcement of violations for right turns at that intersection if so enforced. Each  
219 school bus with a road safety camera shall have a sign notifying the public that a camera is in use  
220 on the bus.

221 (e) The city or town shall make a public announcement and conduct a public awareness  
222 campaign of use of road safety cameras beginning at least 30 days before the enforcement  
223 program is in use.

224 (2)(a) The maximum penalty that may be imposed pursuant to this section by a city or  
225 town in acceptance of this section shall be fifty dollars for each violation, notwithstanding any  
226 general or special law to the contrary. For each violation pursuant to this section, the owner or  
227 owners of a vehicle shall be liable for the penalty; provided, however, that no owner of a vehicle  
228 shall be liable for a penalty imposed pursuant to this section where the operator of such vehicle

229 has been convicted of the underlying violation pursuant to a citation issued in accordance with  
230 section 2 of chapter 90C of the General Laws.

231 (b) A certificate, or a facsimile thereof, based upon inspection of photographs and data  
232 produced by an automated road safety camera system, and sworn to or affirmed by a law  
233 enforcement employee authorized to issue citations for violations of traffic laws and regulations,  
234 shall be prima facie evidence of the facts contained therein. No photographs taken in  
235 conformance with this section shall be discoverable in any judicial or administrative proceeding  
236 other than a proceeding held pursuant to this section or during the resolution of a crime; and no  
237 photograph taken in conformance with this section shall be admissible in any judicial or  
238 administrative proceeding other than in a proceeding to adjudicate liability for such violation of  
239 this section.

240 (c) A penalty imposed by a city or town for a violation pursuant to this section shall not  
241 be deemed a criminal conviction and shall not be made part of the operating record of the person  
242 upon whom such liability is imposed, nor shall such violation be considered a conviction of a  
243 moving violation of the motor vehicle laws for the purpose of determining a surcharge on a  
244 motor vehicle premium pursuant to section 113B of chapter 175.

245 (d) The police department shall supervise and coordinate the administration of violations  
246 issued pursuant to Section 1. The police department shall have the authority to hire and designate  
247 such personnel as may be necessary or contract for such services to implement the provisions of  
248 this section.

249 (e) It shall be the duty of the police department of the city or town or designee employing  
250 an automated road safety camera system to cause the notice of violation to the registered owner

251 or owners of any motor vehicle identified in any photographs produced by such device as  
252 evidence of a violation pursuant to this section. Such notice shall contain, but not be limited to,  
253 the following information: a copy of the aforementioned recorded images and other evidence  
254 showing the vehicle in violation of traffic laws and regulations, the registration number and state  
255 of issuance of said registration number of the vehicle; the date, time and location of the violation;  
256 the specific violation charged; instructions for the return of the notice; and text as follows: "This  
257 notice may be returned personally, by mail, or by an agent authorized in writing. A hearing may  
258 be obtained upon the written request of the registered owner in writing. Failure to obey this  
259 notice within 60 days of issuance of this notice may result in the non-renewal of the certificate of  
260 registration of the registered owner."

261 (f) In the case of a violation involving a motor vehicle registered under the laws of the  
262 Commonwealth, such notice of violation shall be mailed within 14 days of the violation, to the  
263 address of the registered owner or owners as listed in the records of the registrar of motor  
264 vehicles. In the case of any motor vehicle registered under the laws of another state or country,  
265 such notice of violation shall be mailed within 21 days of the violation to the address of the  
266 registered owner or owners as listed in the records of the official in such state or country having  
267 charge of the registration of such motor vehicle. If said address is unavailable, it shall be  
268 sufficient for the police department or designee to mail notice of violation to the official in such  
269 state or country having charge of the registration of such motor vehicle.

270 (g) Notice of violation shall be sent by first class mail in accordance with subsection (f)  
271 and shall include an affidavit form approved by the police department for the purpose of  
272 complying with subsection (b). A manual or automatic record of mailing processed by or on  
273 behalf of the police department in the ordinary course of business shall be prima facie evidence

274 thereof, and shall be admitted as evidence in any judicial or administrative proceeding, as to the  
275 facts contained therein.

276 (h) Any motor vehicle owner to whom notice of violation has been issued pursuant to this  
277 section may admit responsibility for such violation and pay the fine provided therein. Payment  
278 shall be made either personally or through a duly authorized agent, by appearing before the  
279 police department's designee during normal office hours, or by mailing both payment and notice  
280 of the violation to the police department's designee. Payment by mail shall be made by cash,  
281 money order, credit card or check made out to the police department or city or town. Payment of  
282 the established fine and any applicable penalties shall operate as a final disposition of the case.  
283 Payment of the fine by one motor vehicle owner shall be satisfaction of the fine as to all other  
284 motor vehicle owners of the same motor vehicle for the same violation.

285 (i) Any owner to whom a notice of violation has been issued may, within 60 days of the  
286 mailing of said notice by the police department, request a hearing to contest the liability alleged  
287 in said notice. A hearing request shall be made either personally, via the internet or through a  
288 duly authorized agent by appearing before the police department during regular business hours or  
289 by mailing a request in writing to the police department. Upon receipt of a hearing request, the  
290 police department shall forthwith schedule the matter before a person hereafter referred to as a  
291 hearing officer, said hearing officer to be the police department of the city or town wherein the  
292 violation occurred or such other person or persons as the police department may designate.  
293 Written notice of the date, time and place of said hearing shall be sent by first class mail to each  
294 registered owner. The decision of the hearing officer shall be final subject to judicial review as  
295 outlined by section 14 of Chapter 30A of the General Laws. Within twenty-one days of the  
296 hearing, the police department or the hearing officer should send by first class mail to the



297 registered owner or owners the decision of the hearing officer, including the reasons for the  
298 outcome.

299 (j) Any owner to whom a notice of violation has been issued shall not be liable for a  
300 violation under the provisions of this section (1) if the violation was necessary to allow the  
301 passage of an emergency vehicle; (2) if the violation was incurred while participating in a funeral  
302 procession; (3) if the violation was incurred during a period of time in which the motor vehicle  
303 was reported to the police department of any state, city or town as having been stolen and had  
304 not been recovered prior to the time the violation occurred; (4) if the operator of the motor  
305 vehicle was operating the motor vehicle under a rental or lease agreement and the owner of the  
306 motor vehicle is a rental or leasing company and has complied with the provisions of section 20E  
307 of chapter 90 of the General Laws; (6) if the operator of the motor vehicle was convicted of the  
308 underlying violation pursuant to a citation issued in accordance with section 2 of chapter 90C of  
309 the General Laws; or (7) if the violation was necessary to comply with any other law or  
310 regulation governing the operation of a motor vehicle. An owner disputing a violation under this  
311 section shall, within 30 days, provide the police department with a signed affidavit in a form  
312 approved by the police department, as provided for in subsection (d), stating (1) the reason for  
313 disputing the violation; (2) the full legal name and address of the owner of the motor vehicle; (3)  
314 the full legal name and address of the operator of the motor vehicle at the time the violation  
315 occurred; (4) the names and addresses of all witnesses supporting the owner's defense and the  
316 specifics of their knowledge; and where applicable (5) the signed statements from witnesses.

317 (k) If an owner to whom notice of violation has been issued either fails to pay the fine if  
318 provided for in said notice in accordance with subsection (i), or fails to receive a favorable  
319 adjudication of said notice from a hearing officer in accordance with subsection (j), the police

320 department shall notify the registrar of motor vehicles who shall place the matter on record.  
321 Upon notification to the registrar of two or more notices under this section from the police  
322 department of either city or town or state authorities or agencies, the registrar shall not issue or  
323 renew such owner's motor vehicle registration until after notification from the police department  
324 of each city or town, agency or authority, from whom the registrar received notification, that all  
325 fines, taxes and penalties owed by such owner pursuant to either this section, have been disposed  
326 of in accordance with law. It shall be the duty of the police department to notify the registrar  
327 forthwith that such case has been so disposed; provided, however, that certified receipt of full  
328 and final payment from the police department of the city or town or state agency or authority  
329 issuing such violation shall also serve as legal notice to the registrar that said violation has been  
330 disposed of in accordance with law. The certified receipt shall be printed in such form as the  
331 registrar of motor vehicles may approve.

332 (3) The compensation paid to the manufacturer or vendor of the automated road safety  
333 camera system as authorized herein shall be based on the value of the equipment or services  
334 provided and may not be based on the number of traffic citations issued or the revenue generated  
335 by the systems.

336 (4)(a) Photographs and other recorded evidence shall only be captured when a violation  
337 occurs. Photographic and other recorded evidence obtained through the use of automated road  
338 safety camera systems deployed as a means of promoting traffic safety authorized herein shall be  
339 destroyed within 48 hours of final disposition of any recorded event and shall not be used or  
340 shared for any other purpose.

341 (b) No photographs taken in conformance with this section shall be discoverable in any  
342 judicial or administrative proceeding other than a proceeding held pursuant to this section  
343 without a court order; and no photograph taken in conformance with this section shall be  
344 admissible in any judicial or administrative proceeding other than in a proceeding to adjudicate  
345 liability for such violation of this section without a court order. Other than for purposes of  
346 enforcement of a violation of this section or for purposes of an owner defending a violation of  
347 this section, no private entity or individual may obtain photographs or records taken pursuant to  
348 this section.

349 (c) Before an automated road safety camera system may be in use to monitor red light  
350 violations, the traffic control signal installation must comply with the standards set forth in the  
351 Manual on Uniform Traffic Control Devices. If it is determined that the automated road safety  
352 camera system is not in compliance with these standards, it shall be the responsibility of the city  
353 or town installing the system to bring it into compliance. Verification that the traffic control  
354 signal meets these standards shall be made by a professional engineer registered in the  
355 commonwealth.

356 (5) (a) The administrator of the automated road safety camera system within the  
357 municipality shall submit a report regarding the use, operation and efficacy of the automated  
358 road safety camera system to the department of transportation and the executive office of public  
359 safety and security no more than one year following the commencement of the automated road  
360 safety camera system.

361 (b) The department of transportation and the department of public safety shall promulgate  
362 regulations upon passage of this section, including, but not limited to, signage, public awareness  
363 campaigns, record keeping and privacy.

364 (6) No less than eighty percent of revenues collected pursuant to this section shall be used  
365 to supplement so called chapter 90 funds, for the purposes of road safety improvements, in the  
366 same manner as funds provided to cities and towns under clause (b) of the second paragraph of  
367 section 4 of chapter 6C of the General Laws.

368 SECTION 23. The executive office of public safety and security, in consultation with the  
369 department of public health and the department of transportation, shall develop, no later than one  
370 year from the effective date of this act, a standardized analysis tool to be used to report crashes  
371 and incidents involving a cyclist or a pedestrian. In developing the standardized analysis tool, the  
372 executive office and departments shall consider best practices in reporting cyclist and pedestrian  
373 crashes, including the Pedestrian and Bicycle Crash Analysis Tool system

374 The standardized analysis tool shall be used by any first responder, defined for the  
375 purposes of this section as a municipal, county, or state law enforcement official or emergency  
376 medical services provider, called to the scene of a crash or incident involving a cyclist or  
377 pedestrian. The corresponding report for each crash shall be transmitted to the executive office.  
378 The executive office shall maintain a publicly accessible database of the standardized analysis  
379 tool reports.

380 SECTION 24. Section 11B of said chapter 85, as so appearing, is hereby amended by  
381 striking in line 71 the word “either”

382 SECTION 25. Said section 11B of said chapter 85, as so appearing, is hereby amended  
383 by striking in line 72 the word “or” and replacing it with the following word:-

384 and

385 SECTION 26. Section 11 of said chapter 89, as so appearing, is hereby amended by  
386 inserting after the second paragraph the following paragraphs:-

387 When traffic control signals are not in place or not in operation, the driver of a vehicle  
388 shall yield the right of way, slowing down or stopping if need be so to yield, to a bicyclist  
389 crossing a roadway or intersection at a bicycle crossing marked, signed, or otherwise designated  
390 in accordance with standards established by the department, including but not limited to road  
391 crossings of bicycle or shared-use paths and intersection crossings of bicycle lanes, if the  
392 bicyclist is on that half of the traveled part of the way on which the vehicle is traveling or if the  
393 bicyclist approaches from the opposite half of the traveled part of the way to within 10 feet of  
394 that half of the traveled part of the way on which said vehicle is traveling. Nothing in this statute  
395 shall relieve a bicyclist from the responsibility to yield the right-of-way to a pedestrian in a  
396 crosswalk.

397 No driver of a vehicle shall pass any other vehicle which has stopped at a bicycle  
398 crossing to permit a bicyclist to cross, nor shall any such operator enter a marked bicycle  
399 crossing while a bicyclist is crossing or until there is a sufficient space beyond the bicycle  
400 crossing to accommodate the vehicle he is operating, notwithstanding that a traffic control signal  
401 may indicate that vehicles may proceed.