

SENATE No. 2584

Senate, June 28, 2018 – Text of the Senate Bill to reduce traffic fatalities (being the text of Senate document number 2570, printed as amended)

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. Section 11B of chapter 85 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by striking out, in lines 71 and 72, the words “either a lamp
3 emitting a red light, or” and inserting in place thereof the following words:- a lamp emitting a red
4 light and.

5 SECTION 2. Section 2 of chapter 89 of the General Laws, as so appearing, is hereby
6 amended by striking out the second sentence and inserting in place thereof the following
7 sentence:- If it is not possible to overtake a vulnerable user, as defined in section 1 of chapter 90,
8 or other vehicle at a safe distance in the same lane, the overtaking vehicle shall use all or part of
9 an adjacent lane, crossing the centerline if necessary, when it is safe to do so.

10 SECTION 3. Section 1 of chapter 90 of the General Laws, as so appearing, is hereby
11 amended by inserting after the definition of “Bus or motor bus” the following 2 definitions:-

12 “Convex mirrors”, door-mounted, wide-angle mirrors that enable an operator to see
13 objects along the left and right sides of a motor vehicle, trailer, semi-trailer or semi-trailer unit.

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

SECTION 4. Said section 1 of said chapter 90, as so appearing, is hereby further amended by inserting after the definition of “Killed in action” the following definition:-

“Lateral protective device”, an apparatus installed on a motor vehicle, trailer, semi-trailer or semi-trailer unit between the front and rear wheels to help prevent injuries to a vulnerable user, particularly from falling underneath the vehicle.

SECTION 5. Said section 1 of said chapter 90, as so appearing, is hereby further amended by inserting after the definition of “Transporter” the following definition:-

“Vulnerable user”, (i) a pedestrian, including a person actually engaged in work upon a way or upon utility facilities along a way or engaged in the provision of emergency services within the way; or (ii) a person operating a bicycle, handcycle, tricycle, skateboard, roller skates, in-line skates, non-motorized scooter, wheelchair, electric personal assistive mobility device, horse, horse-drawn carriage, motorized bicycle, motorized scooter or farm tractor or similar vehicle designed primarily for farm use.

SECTION 6. Section 7 of said chapter 90, as so appearing, is hereby amended by inserting after the third paragraph the following paragraph:-

A class 3 or above motor vehicle, trailer, semi-trailer or semi-trailer unit, as classified by the Federal Highway Administration, with a gross vehicle weight rating of more than 10,000 pounds, shall be equipped with a lateral protective device, convex mirrors and cross-over mirrors if it is purchased or leased by the commonwealth. This paragraph shall not apply to an

35 ambulance, fire apparatus, low-speed vehicle, agricultural tractor or any other class or type of
36 vehicle as determined by the registrar. The registrar shall adopt standards, consistent with the
37 United States Department of Transportation's Volpe side guard standard DOT-VNTSC-OSTR-
38 16-05, and specifications for the size, design and mounting of lateral protective devices, convex
39 mirrors and cross-over mirrors. The registrar may provide alternative means of compliance with
40 the convex mirror and cross-over mirror requirement, including use of cameras and sensors, and
41 the registrar may provide alternative means of compliance for the lateral protective devices
42 requirement.

43 SECTION 7. The fourth paragraph of said section 7 of said chapter 90, as appearing in
44 section 6, is hereby amended by inserting after the word "commonwealth", in the first sentence,
45 the following words:- or operated under a contract with the commonwealth.

46 SECTION 8. The fourth paragraph of said section 7 of said chapter 90, as amended by
47 section 7, is hereby further amended by adding the following sentence:- A contractor's failure to
48 comply with this paragraph may be grounds for termination of the contract and may be punished
49 by a fine of not more than \$500 for the first offense and not more than \$1,000 for a second or
50 subsequent offense.

51 SECTION 9. Section 14 of said chapter 90, as appearing in the 2016 Official Edition, is
52 hereby amended by striking out the second sentence and inserting in place thereof the following
53 sentence:-

54 In passing a vulnerable user the operator of a motor vehicle shall pass at a safe distance
55 of not less than 3 feet when the motor vehicle is traveling at 30 miles per hour or less, with 1

56 additional foot of clearance for every 10 miles per hour that the vehicle is traveling above 30
57 miles per hour.

58 SECTION 10. Section 17 of said chapter 90, as so appearing, is hereby amended by
59 striking out, in line 14, the words “or (4)” and inserting in place thereof the following words:-

60 (4) on a state highway or parkway inside a thickly settled or business district within a city
61 or town that has accepted section 17C at a rate of speed exceeding 25 miles per hour for a
62 distance of one-eighth of a mile, or (5)”.

63 SECTION 11. The department of transportation shall erect and maintain proper signage
64 along public ways as it considers necessary to notify operators of motor vehicles to share the
65 road with vulnerable users from a safe distance, as required by section 9.

66 SECTION 12. Notwithstanding any other general or special law to the contrary, the
67 fourth paragraph of section 7 of chapter 90 of the General Laws, inserted by section 6, shall not
68 apply to a motor vehicle, trailer, semi-trailer or semi-trailer unit that was leased or purchased by
69 the commonwealth before January 1, 2019.

70 SECTION 13. Notwithstanding any other general or special law to the contrary, the
71 fourth paragraph of section 7 of chapter 90 of the General Laws, as amended by sections 7 and 8,
72 shall not apply to a motor vehicle, trailer, semi-trailer or semi-trailer unit that is operated under a
73 contract with the commonwealth that was entered into before January 1, 2022.

74 SECTION 14. Not later than 1 year after the effective date of this act, the executive office
75 of public safety and security, in consultation with the department of public health and the
76 department of transportation, shall develop a standardized analysis tool to report crashes and

incidents involving a motor vehicle and a vulnerable user, as defined in section 1 of chapter 90 of the General Laws. In developing the standardized analysis tool, the executive office of public safety and security shall consider best practices in reporting crashes and incidents involving vulnerable users, including the Federal Highway Administration's Pedestrian and Bicycle Crash Analysis Tool system.

The standardized analysis tool shall be used by a municipal, county or state law enforcement official or emergency medical services provider who responds to a crash or incident involving a motor vehicle and a vulnerable user. The corresponding report for each crash or incident shall be transmitted to the executive office of public safety and security. The executive office of public safety and security shall maintain a publicly accessible database of the standardized analysis tool reports; provided, however, that no personally identifying information shall be published in that database.

SECTION 15. Section 6 and 12 shall take effect on January 1, 2019.

SECTION 16. Section 7, 8 and 13 shall take effect on January 1, 2022.