

SENATE No. 2204

The Commonwealth of Massachusetts

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In the One Hundred and Ninety-First General Court
(2019-2020)
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SENATE, April 18, 2019

The committee on Ways and Means to whom was referred the Senate Bill to reduce traffic fatalities (Senate, No. 2042),-- reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2204).

For the committee,
Michael J. Rodrigues

SENATE No. 2204

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**In the One Hundred and Ninety-First General Court
(2019-2020)**

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. The first paragraph of section 2 of chapter 89 of the General Laws, as so
6 appearing, is hereby amended by striking out the second sentence and inserting in place thereof
7 the following sentence:- If it is not possible to overtake a vulnerable user as defined in section 1
8 of chapter 90 or another vehicle at a safe distance in the same lane, the overtaking vehicle shall
9 use all or part of 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 is hereby amended by inserting
11 after the definition of “Bus or motor bus”, as so appearing, 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.

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

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

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

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

23 “Vulnerable user”, (i) a pedestrian including, but not limited to, a person engaged in work
24 upon a way or upon utility facilities along a way or engaged in the provision of emergency
25 services within the way; (ii) a person operating a bicycle, handcycle, tricycle, skateboard, roller
26 skates, in-line skates, a nonmotorized scooter, a wheelchair, an electric personal assistive
27 mobility device, a horse, horse-drawn carriage, motorized bicycle, motorized scooter or farm
28 tractor or similar vehicle designed primarily for farm use; or (iii) any other person in any other
29 category that the registrar may designate by regulation.

30 SECTION 6. Section 7 of said chapter 90, as appearing in the 2016 Official Edition, is
31 hereby amended by inserting after the fourth paragraph the following paragraph:-

32 A motor vehicle, trailer, semi-trailer or semi-trailer unit classified as a class 3 or above by
33 the Federal Highway Administration, with a gross vehicle weight rating of 10,000 pounds or
34 more, that is leased or purchased by the commonwealth shall be equipped with a lateral

35 protective device, convex mirrors and crossover mirrors. This paragraph shall not apply to
36 ambulances, firefighting apparatus, low-speed vehicles, agricultural tractors or any other classes
37 or types of vehicles as determined by the registrar. The registrar shall adopt regulations
38 establishing standards, consistent with the United States Department of Transportation Volpe
39 Center's side guard standard DOT-VNTSC-OSTR-16-05, and specifications for the size, design
40 and mounting of lateral protective devices, convex mirrors and crossover mirrors. The registrar
41 may provide alternative means of compliance with the convex mirror, crossover mirror and
42 lateral protective device requirements.

43 SECTION 7. Said section 7 of said chapter 90 is hereby further amended by striking out
44 the fifth paragraph, inserted by section 6, and inserting in place thereof the following paragraph:-

45 A motor vehicle, trailer, semi-trailer or semi-trailer unit classified as a class 3 or above by
46 the Federal Highway Administration, with a gross vehicle weight rating of 10,000 pounds or
47 more, that is leased or purchased by the commonwealth or operated under a contract with the
48 commonwealth shall be equipped with a lateral protective device, convex mirrors and crossover
49 mirrors. This paragraph shall not apply to ambulances, firefighting apparatus, low-speed
50 vehicles, agricultural tractors or any other classes or types of vehicles as determined by the
51 registrar. The registrar shall adopt regulations establishing standards, consistent with the United
52 States Department of Transportation Volpe Center's side guard standard DOT-VNTSC-OSTR-
53 16-05, and specifications for the size, design and mounting of lateral protective devices, convex
54 mirrors and crossover mirrors. The registrar may provide alternative means of compliance with
55 the convex mirror, crossover mirror and lateral protective device requirements. A contractor's
56 failure to comply with this paragraph may be grounds for termination of the contract and may be

57 punished by a fine of not more than \$500 for the first offense and not more than \$1,000 for a
58 second or subsequent offense.

59 SECTION 8. The first paragraph of section 14 of said chapter 90, as appearing in the
60 2016 Official Edition, is hereby amended by striking out the second sentence and inserting in
61 place thereof the following sentence:- In passing a vulnerable user, the operator of a motor
62 vehicle shall pass at a safe distance of not less than 3 feet when the motor vehicle is traveling at
63 30 miles per hour or less, with 1 additional foot of clearance for every 10 miles per hour that the
64 vehicle is traveling above 30 miles per hour.

65 SECTION 9. Said section 14 of said chapter 90, as so appearing, is hereby further
66 amended by inserting after the second paragraph the following paragraph:-

67 The Massachusetts Department of Transportation shall erect and maintain signage along
68 public ways necessary to notify operators of motor vehicles of the requirements for passing a
69 vulnerable user from a safe distance as required by this section.

70 SECTION 10. Section 17C of said chapter 90, as so appearing, is hereby amended by
71 adding the following subsection:-

72 (c) On a state highway inside a thickly settled or business district located in a city or town
73 that has accepted this section, the department shall establish and post a speed limit of 25 miles
74 per hour. On a parkway inside a thickly settled or business district located in a city or town that
75 has accepted this section, the department of conservation and recreation shall establish and post a
76 speed limit of 25 miles per hour.

77 SECTION 11. Notwithstanding any general or special law to the contrary, the fifth
78 paragraph of section 7 of chapter 90 of the General Laws, inserted by section 6, shall not apply to
79 a motor vehicle, trailer, semi-trailer or semi-trailer unit that was leased or purchased by the
80 commonwealth on or before January 1, 2021.

81 SECTION 12. Notwithstanding any other general or special law to the contrary, the fifth
82 paragraph of section 7 of chapter 90 of the General Laws, inserted by section 7, shall not apply to
83 a motor vehicle, trailer, semi-trailer or semi-trailer unit that is operated under a contract with the
84 commonwealth that was entered into before January 1, 2024.

85 SECTION 13. Not later than 1 year after the effective date of this act, the Massachusetts
86 Department of Transportation, in consultation with the department of public health and the
87 executive office of public safety and security, shall develop a standardized form to report crashes
88 and incidents involving a motor vehicle and a vulnerable user, as defined in section 1 of chapter
89 90 of the General Laws. In developing the standardized form, the department shall consider best
90 practices in reporting crashes and incidents involving vulnerable users, including the Federal
91 Highway Administration's Pedestrian and Bicycle Crash Analysis Tool.

92 The standardized form shall be used by any municipal, county or state law enforcement
93 official or emergency medical services provider who responds to a crash or incident involving a
94 motor vehicle and a vulnerable user. The corresponding report for each crash or incident shall be
95 transmitted to the registrar of motor vehicles. The department shall maintain a publicly-
96 accessible database of the standardized form reports; provided, however, that no personally
97 identifying information shall be published in that database.

98 SECTION 14. Sections 6 and 11 shall take effect on January 1, 2021.

SECTION 15. Sections 7 and 12 shall take effect on January 1, 2024.