

**HOUSE . . . . . No. 3538**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Paul McMurtry***

*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 roadside memorials.

PETITION OF:

| NAME:                | DISTRICT/ADDRESS:   | DATE ADDED:      |
|----------------------|---------------------|------------------|
| <i>Paul McMurtry</i> | <i>11th Norfolk</i> | <i>2/17/2021</i> |

**HOUSE . . . . . No. 3538**

By Mr. McMurtry of Dedham, a petition (accompanied by bill, House, No. 3538) of Paul McMurtry for legislation to establish a public memorial program to raise public awareness of driving fatalities and homicides on public roadways. Transportation.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 3085 OF 2019-2020.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
\_\_\_\_\_

An Act relative to roadside memorials.

*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 2014  
2 Official Edition, is hereby amended by adding the following definitions:-

3 “Memorial marker”, a marker on a public roadway in the commonwealth  
4 commemorating one or more persons who died as a proximate result of a crash caused by a  
5 driver or homicide.

6 “Qualified relative”, an immediate family member of the deceased, by marriage, blood,  
7 or adoption, such as his or her spouse, son, daughter, mother, father, sister, or brother; a  
8 stepmother, stepfather, stepbrother, or stepsister of the deceased; or a person with whom the  
9 deceased was in a domestic partnership.

10           “Supporting jurisdiction”, the division of highways or any county, city or town that  
11 establishes a public memorial within its jurisdictional area.

12           SECTION 2. Chapter 90 of the General Laws is hereby amended by adding the  
13 following section

14           Section 62. The public memorial program is intended to raise public awareness of  
15 driving fatalities and homicides on public roadways and to afford families an opportunity to  
16 remember the victims of such tragedies.

17           (a)     A qualified relative of a victim of a fatal car crash or homicide may make a  
18 request for the installation of a memorial marker in a supporting jurisdiction using an application  
19 developed by the supporting jurisdiction. The supporting jurisdiction shall have sole  
20 responsibility for determining whether a request for a memorial marker is rejected or accepted.

21           (b)     An application for a memorial marker may be submitted by a qualified relative  
22 with regard to any fatal crash or homicide that occurred on or after January 1, 2016.

23           (c)     If there is any opposition to the placement of a memorial marker by any qualified  
24 relative of any decedent involved in the fatal crash or homicide, the supporting jurisdiction shall  
25 deny the request.

26           (d)     The supporting jurisdiction shall also deny the request or, if a memorial marker  
27 has already been installed, may remove the marker, if the qualified relative provided false or  
28 misleading information in his or her application.

29           (e)     The memorial marker shall consist of a white on blue panel bearing the words “In  
30 Memory of (victim’s name)”, followed by the date of the fatal crash or homicide that was the

31 proximate cause of the loss of the victim's life. A memorial marker may memorialize more than  
32 one victim who died as a result of the same fatal crash or homicide. If one or more additional  
33 deaths subsequently occur in close proximity to an existing memorial marker, the supporting  
34 jurisdiction may use the same marker to memorialize the subsequent death or deaths by adding  
35 the names of the additional victims.

36 (f) A memorial marker shall be maintained for at least 1 year from the date the last  
37 person was memorialized on the marker.

38 (g) The supporting jurisdiction maintains the right to install a marker at a location  
39 other than the exact location of the fatal crash or homicide or to relocate a marker due to safety  
40 concerns, complaints from property owner, interference with traffic control devices, or other  
41 restrictions. In such cases, the supporting jurisdiction may select an alternate location.

42 (h) The division of highways shall secure the consent of any city or town before  
43 placing a memorial marker within the limits of such city or town.

44 (i) A fee in an amount to be determined by the supporting jurisdiction may be paid in  
45 whole or in part from the public memorial program if moneys are made available by the division  
46 of highways or may be charged to the qualified relative to the extent moneys are not made  
47 available; provided, however, that the fee shall not exceed the costs associated with the  
48 fabrication, installation, and maintenance of the memorial marker.

49 (j) The division of highways shall adopt rules regarding implementation of this  
50 section.