

HOUSE No. 3706

The Commonwealth of Massachusetts



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April 26, 2021

To the Honorable Senate and House of Representatives,

During the last legislative session, our partnership and mutual goal of improving roadway safety delivered significant enhancements to the Commonwealth's driving laws, including new hands-free requirements to prevent and enforce distracted driving. But promoting safety, and ultimately saving lives, is a never-ending task. For this reason, I am filing for your consideration a bill entitled, "An Act Relative to Improving Safety on the Roads of the Commonwealth."

Over the past year, even as the global pandemic dramatically decreased driving, Massachusetts saw 334 roadway deaths, nearly matching the 336 deaths in 2019. Given the drop in both total crashes and overall miles driven, this steady number of road fatalities is likely due to generally increased speeds on near-empty highways during the pandemic. Faster drivers mean more fatal crashes, and when coupled with Massachusetts' poor rate of seatbelt usage, it is clearer than ever that a primary seatbelt law is a necessary enhancement for roadway safety. I am grateful for and applaud the Legislature's action to update our distracted driving statutes in 2019, and am now imploring us to join the thirty-four other states who use primary enforcement of seatbelt laws to encourage this life-saving habit. While I believe this is essential to road safety, I am aware of concerns that such a law could be misused or misapplied and look forward to working together to address those concerns.

As more drivers return to the road, it is also important to ensure that adequate deterrents are in place to ensure that the rules of the road are followed. For this reason, I have included this year the provisions of the proposed second "Haley's Law" as championed by Marc Cremer,

whose 20 year old daughter, Haley, was killed by a driver operating on a suspended license. The initial Haley's Law provided that the RMV notify local law enforcement when a driver in their community had their license suspended for certain serious offenses, and Haley's father, Marc Cremer has worked tirelessly to ensure full implementation, which now includes near real-time and electronic communication to local police departments when a driver in their community is suspended for a serious offense. This proposal takes the next step, providing for enhanced penalties for drivers who drive after their license has already been suspended for non-administrative serious driving offenses, and who cause harm. These enhanced penalties match the seriousness with which we must respond to suspended drivers who purposefully disregard the safety of others.

As another deterrent, this legislation also includes a local option for municipalities to use cameras for enforcement of red lights, allowing communities to fine the registered owner of a vehicle that runs a red light. These fines would be based on vehicle registration and would not be used in calculating surcharges or taking action against individual licenses. Studies have shown that red light cameras, in use in over 300 communities across the nation, produce impressive reductions in dangerous accidents and fatalities.

To ensure that only safe and qualified drivers are authorized to operate the largest vehicles on the road, I am once again filing language presented in 2019 to address the statutory deficiencies found during a review of the commercial driver's license statutes and practices. Most of these items were advanced last session by the Transportation Committee, but time ran out to address the legislation. We look forward to working with the Legislature to ensure the timely adoption of these important changes.

I am also refiling several provisions from last year's safety bill, including new provisions of law requiring state-owned heavy trucks, and state and municipally-contracted vehicles to be equipped with convex and cross-over mirrors and sideguards to protect pedestrians, bicyclists, and motorcyclists from being caught under a truck and run over by its rear wheels. These provisions mirror requirements already in place in Boston, Cambridge, and in other jurisdictions across the country.

While the pandemic slowed the growth of scooter sharing programs that were gaining in popularity, we expect the reopening of the Commonwealth to reignite interest in these kinds of micro-mobility options. Absent an existing statutory framework at the state level covering these new devices – especially electric scooters – cities and towns have been unable to move forward with allowing their use. To better understand how these new options fit into our transportation system, we are proposing to establish an advisory group to review the use of electric scooters and other micro-mobility devices and recommend policies to help shape the creation of a statutory and regulatory framework.

The roads must be safe for all users – motorists, bicyclists, pedestrians – and this legislation recommends additional provisions to increase the safety of all users of the right-of-way, first by specifying in law, as do thirty-six other states, a safe passing distance of three feet which must be observed by motor vehicle operators when passing bicyclists, pedestrians, scooter riders, or other users of the roads. To better understand where and why crashes are happening, this legislation also updates the requirement for crash reports to include not only crashes with significant damage or bodily injury, but also to include any crash involving a pedestrian, cyclist, or other “vulnerable user” in an effort to gather data to address engineering and other deficiencies.

I know that we share the same commitment to making our roadways and streets safer for all users. The attached proposal will move Massachusetts forward in several important areas of road safety, with the goal of reducing roadway fatalities and injuries across the Commonwealth. I urge your prompt enactment of these important recommendations.

Sincerely

Charles D. Baker,
Governor

HOUSE No. 3706

The Commonwealth of Massachusetts

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

An Act relative to improving safety on the roads of the Commonwealth.

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 7 of chapter 4 of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by adding after subclause (u) of clause 26 the following
3 subclause:-

4 (v) Photographs and other personally identifying information collected by cities and
5 towns under chapter 90J.

6 SECTION 2. Section 4A of chapter 89, as so appearing, is hereby amended by adding the
7 following sentence:- A violation of this section while operating a commercial motor vehicle shall
8 be deemed an “improper or erratic lane change” as included within the definition of “serious
9 traffic violation” in section 1 of chapter 90F.

10 SECTION 3. Section 1 of chapter 90 of the General Laws, as amended by section 33 of
11 chapter 154 of the acts of 2018, is hereby further amended by inserting after the definition of
12 “Bus or motor bus” the following 2 definitions:-

“Convex mirrors”, door-mounted, wide-angle mirrors that enable an operator to see 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 amended, 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 amended, is hereby further amended by striking out in the definition of “School bus”, in line 379, the word “eight” and inserting in place thereof the following figure:- 9.

SECTION 6. Said section 1 of said chapter 90, as so amended, 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 7. Chapter 90 of the General Laws is hereby amended by inserting after section 2I the following section:-

Section 2J. The registrar shall refuse to register, and shall suspend or revoke if already registered, a commercial motor vehicle if the registrar has received notice, in any form which the registrar deems appropriate, including electronic transmissions, that the commercial motor carrier attempting to register a commercial motor vehicle has been prohibited from operating in interstate commerce by a federal agency with authority to do so under federal law.

SECTION 8. Section 7 of said chapter 90 of the General Laws, as appearing in the 2018 Official Edition, 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 ambulance, fire apparatus, low-speed vehicle, agricultural tractor, vehicles used exclusively for snow and ice removal or any other class or type of vehicle as determined by the registrar. The registrar shall adopt regulations establishing standards, consistent with the United States Department of Transportation's Volpe side guard standard DOT-VNTSC-OSTR38 16-05, and specifications for the size, design and mounting of lateral protective devices, convex mirrors and cross-over mirrors. The registrar may provide for exemptions consistent with this provision and alternative means of compliance with the convex mirror and cross-over mirror requirement,

including use of cameras and sensors, and said regulations may provide alternative means of compliance for the lateral protective devices requirement.

SECTION 9. The fourth paragraph of said section 7 of said chapter 90, as inserted by section 8 of this act, is hereby amended by adding at the end of the first sentence the following words:- or operated under a contract or subcontract with the commonwealth or municipality.

SECTION 10. The fourth paragraph of said section 7 of said chapter 90, as inserted by said section 8 of this act, is hereby further amended by adding the following sentence:- A contractor's or subcontractor's failure to comply with this paragraph may be grounds for termination of the contract and may be punished by a fine of not more than \$500 for the first offense and not more than \$1,000 for a second or subsequent offense.

SECTION 11. Section 7D of said chapter 90 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following 2 sentences:- The requirements of clauses (1), (2), (3), (5), (7), (8), (9), (10), (13), (16) and (17) of section 7B shall apply to any motor vehicle having permanent seating accommodations for and carrying not more than 9 passengers in addition to the operator, used in the business of transporting school pupils for hire under terms of contract or otherwise, while so used, but not including any motor vehicle used for not more than five days in case of emergency; provided, however, that the 8 lamp system, so-called, required on certain motor vehicles in clause (7) of said section 7B shall not apply to vehicles specified in this section. Only anchorages and seats installed as original equipment at time of manufacture of the vehicle, or retrofitted by the original manufacturer of said vehicle shall be used.

75 SECTION 12. Section 8M of said chapter 90, as so appearing, is hereby amended by
76 striking out the second paragraph and inserting in place thereof the following paragraph:-

77 A junior operator who violates the preceding paragraph shall be punished by a fine of
78 \$100 and shall have his license or right to operate suspended for 60 days for a first offense; for a
79 second offense by a fine of \$250 and shall have his license or right to operate suspended for 180
80 days; and for a third or subsequent offense by a fine of \$500 and shall have his license or right to
81 operate suspended for 1 year. For each offense under this section, the registrar shall not reinstate
82 said license or right to operate until the operator successfully completes a program selected by
83 the registrar that encourages attitudinal changes in young drivers.

84 SECTION 13. Section 13A of said chapter 90, as so appearing, is hereby amended by
85 striking out, in lines 33 through 36, inclusive, the following sentence:-

86 The provisions of this section shall be enforced by law enforcement agencies only when
87 an operator of a motor vehicle has been stopped for a violation of the motor vehicle laws or some
88 other offense.

89 SECTION 14. Subsection (b) of section 13B of said chapter 90, as so appearing, is
90 hereby amended by adding the following sentence:- An operator who commits a second or
91 subsequent offense under this section shall not be eligible to renew his license or right to operate
92 unless, within 90 days of committing the second or subsequent offense, he completes a program
93 selected by the registrar that encourages a change in driver behavior and attitude about distracted
94 driving.

95 SECTION 15. Section 14 of said chapter 90, as so appearing, is hereby amended by
96 striking out the second sentence and inserting in place thereof the following sentence:- In passing

a vulnerable user the operator of a motor vehicle shall pass at a safe distance of not less than 3 feet and at a reasonable and proper speed.

SECTION 16. Section 15 of said chapter 90, as so appearing, is hereby amended by striking out, in line 1, the word “Except”, and inserting in place thereof, the following words:- (a) Except.

SECTION 17. Said section 15 of said chapter 90, as so appearing, is hereby further amended by adding the following subsection:-

(b) In addition to the above, an operator of a commercial motor vehicle who has a commercial driver license as defined in section 1 of chapter 90F or who is required to have a commercial driver license, including the operator of a school bus, and who fails to take the appropriate action as provided in clauses (1) through (6) of this subsection when approaching a railroad grade crossing shall be subject to the penalties contained in this section and the periods of disqualification contained in subparagraph (4) of paragraph E½ of section 9 of chapter 90F. The violations are: (1) the operator is not required to always stop, but fails to slow down and check that tracks are clear of an approaching train; (2) the operator is not required to always stop, but fails to stop before reaching the crossing, if the tracks are not clear; (3) the operator is always required to stop, but fails to stop before driving onto the crossing; (4) the operator fails to have sufficient space to drive completely through the crossing without stopping; (5) the operator fails to obey a traffic control device or the directions of an enforcement official at the crossing; or (6) the operator fails to negotiate a crossing because of insufficient undercarriage clearance.

SECTION 18. Section 22 of said chapter 90, as so appearing, is hereby amended by adding the following subsection:-

(k) The registrar shall suspend or revoke the certificate of registration of any commercial motor vehicle issued under this chapter if the registrar receives notice in any form which the registrar deems appropriate, including electronic transmissions, that the commercial motor carrier responsible for its safety has been prohibited from operating in interstate commerce by a federal agency with authority to do so under federal law. Notice to the registrant shall be as provided in subsection (d).

SECTION 19. Section 23 of said chapter 90, as so appearing, is hereby amended by inserting after the fourth paragraph the following 3 paragraphs:-

Any person convicted of operating a motor vehicle after his license has been suspended or revoked or after notice of said suspension or revocation of his right to operate a motor vehicle without a license has been issued by the registrar and received by such person or by his agent or employer, and prior to the restoration of such license or right to operate or to the issuance to him of a new license to operate, and who so operates a motor vehicle recklessly or negligently so that the lives or safety of the public might be endangered, and by such operation causes injury to another person shall be punished by imprisonment in a house of correction for up to 2 ½ years and a fine of up to \$1,000. Prosecutions commenced under this paragraph shall only apply to a person operating a motor vehicle in violation of section 10 of chapter 90 who on the date of operation was not eligible for issuance or renewal of a license to operate, or to a person whose license or right to operate has been suspended or revoked due to a conviction or continuance without a finding under this or any other chapter, or due to offenses which are required by any provision of law to be reported to the registrar and for which the registrar is authorized or

required to suspend or revoke the person's license or right to operate motor vehicles for a period of 30 days or more; provided, however, that notwithstanding the foregoing, this paragraph shall not apply to a person whose license was originally suspended or revoked solely because the nonpayment of a fine, penalty, tax, levy, fee or other payment required by law. If the person has been previously convicted of a violation of sections 10 or 23 of chapter 90 by a court of the commonwealth or by a court of any other jurisdiction because of a like violation preceding the date of the commission of the offense for which the person has been convicted, the person shall be punished by imprisonment in a house of correction for not less than 6 months and up to 2 ½ years and a fine of up to \$1,000. Section 87 of chapter 276 shall not apply to any person charged with a violation of this paragraph. Prosecutions commenced under this paragraph shall not be placed on file or continued without a finding. The registrar shall extend the suspension of revocation of the license or right to operate of a person convicted of a violation of this paragraph for a period of 60 days to 1 year after the date of conviction. No appeal, motion for a new trial or exceptions shall operate to stay the revocation of the license or of the right to operate.

Any person convicted of operating a motor vehicle after his license has been suspended or revoked or after notice of said suspension or revocation of his right to operate a motor vehicle without a license has been issued by the registrar and received by such person or by his agent or employer, and prior to the restoration of such license or right to operate or to the issuance to him of a new license to operate, and who so operates a motor vehicle recklessly or negligently so that the lives or safety of the public might be endangered, and by such operation causes serious bodily injury to another person shall be punished by imprisonment in a house of correction for up to 2 ½ years or imprisonment in the state prison for up to 5 years and a fine of up to \$3,000.

164 Prosecutions commenced under this paragraph shall only apply to a person operating a motor
165 vehicle in violation of section 10 of chapter 90 who on the date of operation was not eligible for
166 issuance or renewal of a license to operate, or to a person whose license or right to operate has
167 been suspended or revoked due to a conviction or continuance without a finding under this or
168 any other chapter, or due to offenses which are required by any provision of law to be reported to
169 the registrar and for which the registrar is authorized or required to suspend or revoke the
170 person's license or right to operate motor vehicles for a period of 30 days or more; provided,
171 however, that notwithstanding the foregoing, this paragraph shall not apply to a person whose
172 license was originally suspended or revoked solely because the nonpayment of a fine, penalty,
173 tax, levy, fee or other payment required by law. If the person has been previously convicted of a
174 violation of sections 10 or 23 of chapter 90 by a court of the commonwealth or by a court of any
175 other jurisdiction because of a like violation preceding the date of the commission of the offense
176 for which the person has been convicted, the person shall be punished by imprisonment in a
177 house of correction for not less than 1 year and not more than 2 ½ years, or state prison for not
178 less than 1 year but not more than 10 years with said sentence to be served consecutively to and
179 not concurrent with any other sentence or penalty and a fine of not more than \$3,000. Such
180 sentence shall not be suspended, nor shall any such person be eligible for probation, parole or
181 furlough or receive any deduction from his sentence for good conduct until the person shall have
182 served 1 year of such sentence; provided, however, that the commissioner of correction may, on
183 the recommendation of the warden, superintendent or other person in charge of a correctional
184 institution, or of the administrator of a county correctional institution, grant to an offender
185 committed under this paragraph a temporary release in the custody of an officer of such
186 institution only to obtain emergency medical or psychiatric services unavailable at said

187 institution or to engage in employment pursuant to a work release program. Section 87 of chapter
188 276 shall not apply to any person charged with a violation of this paragraph. Prosecutions
189 commenced under this paragraph shall not be placed on file or continued without a finding. The
190 registrar shall extend the suspension or revocation of the license or right to operate of a person
191 convicted of a violation of this paragraph for a period of 2 years after the date of conviction. No
192 appeal, motion for a new trial or exceptions shall operate to stay the revocation of the license or
193 of the right to operate.

194
195 Any person convicted of operating a motor vehicle after his license has been suspended
196 or revoked or after notice of said suspension or revocation of his right to operate a motor vehicle
197 without a license has been issued by the registrar and received by such person or by his agent or
198 employer, and prior to the restoration of such license or right to operate or to the issuance to him
199 of a new license to operate, and who so operates a motor vehicle recklessly or negligently so that
200 the lives or safety of the public might be endangered, and by such operation causes the death of
201 another shall be punished by imprisonment in a house of correction for not less than 2 years and
202 not more than 2 ½ years, or state prison for not less than 2 years but not more than 10 years with
203 said sentence to be served consecutively to and not concurrent with any other sentence or penalty
204 and a fine of not more than \$5,000. Such sentence shall not be suspended, nor shall any such
205 person be eligible for probation, parole or furlough or receive any deduction from his sentence
206 for good conduct until the person shall have served 2 years of such sentence; provided, however,
207 that the commissioner of correction may, on the recommendation of the warden, superintendent
208 or other person in charge of a correctional institution, or of the administrator of a county
209 correctional institution, grant to an offender committed under this paragraph a temporary release

in the custody of an officer of such institution only to obtain emergency medical or psychiatric services unavailable at said institution or to engage in employment pursuant to a work release program. Prosecutions commenced under this paragraph shall only apply to a person operating a motor vehicle in violation of section 10 of chapter 90 who on the date of operation was not eligible for issuance or renewal of a license to operate, or to a person whose license or right to operate has been suspended or revoked due to a conviction or continuance without a finding under this or any other chapter, or due to offenses which are required by any provision of law to be reported to the registrar and for which the registrar is authorized or required to suspend or revoke the person's license or right to operate motor vehicles for a period of 30 days or more; provided, however, that notwithstanding the foregoing, this paragraph shall not apply to a person whose license was originally suspended or revoked solely because the nonpayment of a fine, penalty, tax, levy, fee or other payment required by law. If the person has been previously convicted of a violation of sections 10 or 23 of chapter 90 by a court of the commonwealth or by a court of any other jurisdiction because of a like violation preceding the date of the commission of the offense for which the person has been convicted, the person shall be punished by imprisonment in the state prison for not less than 5 years but no more than 15 years with said sentence to be served consecutively to and not concurrent with any other sentence or penalty and a fine of not more than \$5,000. Such sentence shall not be suspended, nor shall any such person be eligible for probation, parole or furlough or receive any deduction from his sentence for good conduct until the person shall have served 5 years of such sentence; provided, however, that the commissioner of correction may, on the recommendation of the warden, superintendent or other person in charge of a correctional institution, or of the administrator of a county correctional institution, grant to an offender committed under this paragraph a temporary release in the

233 custody of an officer of such institution only to obtain emergency medical or psychiatric services
234 unavailable at said institution or to engage in employment pursuant to a work release program.
235 Section 87 of chapter 276 shall not apply to any person charged with a violation of this
236 paragraph. Prosecutions commenced under this paragraph shall not be placed on file or continued
237 without a finding. The registrar shall extend the suspension or revocation of the license or right
238 to operate of a person convicted of a violation of this paragraph for a period of 15 years to life
239 after the date of conviction. No appeal, motion for a new trial or exceptions shall operate to stay
240 the revocation of the license or of the right to operate.

241 SECTION 20. Said section 23 of said chapter 90, as so appearing, is hereby further
242 amended by striking out the word “second”, in line 143, and inserting in place thereof the
243 following words:- third.

244 SECTION 21. Said section 23 of said chapter 90, as so appearing, is hereby further
245 amended by striking out the words “first or second”, in line 148, and inserting in place thereof
246 the following words:- first, second, fifth, sixth or seventh.

247

248 SECTION 22. Section 26 of said chapter 90, as so appearing, is hereby amended by
249 inserting after the word “property”, in line 4, the following words:- or involves a vulnerable user,
250 as defined in section 1.

251 SECTION 23. Said section 26 of said chapter 90, as so appearing, is hereby further
252 amended by inserting after the words “a report filed by”, in line 8, the following words:- a
253 vulnerable user or.

SECTION 24. Said section 26 of said chapter 90, as so appearing, is hereby further amended by inserting after the second sentence of the first paragraph the following sentence:-
The department of transportation shall maintain a publicly accessible database of the standardized form reports; provided, however, that no personally identifying information shall be published in that database.

SECTION 25. Section 28 of said chapter 90, as so appearing, is hereby amended by inserting after the word “annulled”, in line 6, the following words:- subject to the limitation in paragraph (I) of section 9 of chapter 90F.

SECTION 26. Section 1 of chapter 90F, as so appearing, is hereby amended by inserting after the definition of “Commerce” the following definition:- “Commercial Driver’s License” or “CDL”, a license issued in accordance with the standards contained in federal regulations at 49 C.F.R. Part 383 and in this chapter to an individual, which authorizes the individual to operate a class of commercial motor vehicles.

SECTION 27. Said section 1 of said chapter 90F, as so appearing, is hereby further amended by striking out the definition of “Conviction” and inserting in place thereof the following definition:- “Conviction”, an unvacated adjudication of guilt; a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or by an administrative tribunal; an unvacated forfeiture of bail or collateral deposited to secure the person’s appearance in court; a plea of guilty or nolo contendere accepted by the court; the payment of a fine or court cost; violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended or probated; a disposition under sections 24D and 24E of chapter 90; an admission to sufficient facts; a continuance without a finding; a court-ordered

assignment to an alcohol or controlled substance education, treatment or rehabilitation program;
a refusal to submit to a chemical test or analysis of one's breath or blood when requested by law
enforcement in the enforcement of motor vehicle safety laws; a determination by chemical test or
analysis that a person has had a percentage, by weight, of alcohol in their blood of 0.04 or more
while operating a commercial motor vehicle or a concentration of 0.08 or more while operating
any motor vehicle.

SECTION 28. Said section 1 of said chapter 90F, as so appearing, is hereby further
amended by striking out the definition of "Serious traffic violation" and inserting in place thereof
the following definition:-"Serious traffic violation", improper or erratic traffic lane changes;
following the vehicle ahead too closely or excessive speeding, as those violations are defined by
the United States Department of Transportation by regulation; any violation of a state or local
law relating to motor vehicle traffic control (other than a parking violation) that arises in
connection with a fatal accident; driving recklessly, as defined by state or local law or regulation,
including but not limited to, offenses of driving a motor vehicle in willful or wanton disregard
for the safety of persons or property; driving a commercial motor vehicle without obtaining a
commercial driver license or commercial vehicle learner's permit; driving a commercial motor
vehicle without having a commercial driver license or commercial vehicle learner's permit in
possession; driving a commercial motor vehicle without the proper class or endorsement;
manually composing, sending or reading an electronic message while operating a commercial
motor vehicle in violation of section 13D of chapter 90; using a mobile electronic device while
operating a commercial motor vehicle in violation of said section 13D of said chapter 90; and
any other violations of state law relating to motor vehicle traffic control which the registry
determines by regulation to be serious, as well as offenses listed in regulations which the

299 registrar may promulgate to reflect the definition of a serious traffic violation contained in any
300 applicable federal statute or regulation.

301 SECTION 29. Section 2 of said chapter 90F, as so appearing, is hereby amended by
302 adding the following paragraph:-

303 An applicant for a commercial driver's license shall be a duly licensed motor vehicle
304 operator for a period of 3 continuous years immediately prior to his or her application. An
305 applicant shall not be eligible to obtain a commercial driver's license if his or her operator's
306 license or right to operate has been suspended or revoked by any state within 3 years prior to the
307 date of application.

308 SECTION 30. Section 3 of said chapter 90F, as so appearing, is hereby amended by
309 inserting, after the word "vehicles", in line 6, the following words:- within one business day of
310 receiving notice of such conviction.

311 SECTION 31. Said section 3 of said chapter 90F, as so appearing, is hereby further
312 amended by striking out, in line 12, the words "thirty days of the date of conviction" and
313 inserting in place thereof the following words:- one business day of receiving notice of such
314 conviction.

315 SECTION 32. Said section 3 of said chapter 90F, as so appearing, is hereby further
316 amended by striking out paragraph (B) and inserting in place thereof the following paragraph:-

317 B. Notification of suspensions, revocations and cancellations. Each driver whose driver
318 license is suspended, revoked or cancelled by any state, who loses the privilege to drive a
319 commercial motor vehicle in any state for any period, or who is disqualified from driving a

320 commercial motor vehicle for any period, shall notify his employer and the registrar of motor
321 vehicles of that fact before the end of the business day following the day the driver received
322 notice of that fact. Any driver who violates the provisions of this paragraph shall be subject to a
323 civil penalty of \$500 in addition to any other administrative action that the registrar of motor
324 vehicles may impose as a consequence of the underlying suspension, revocation or cancellation.

325 SECTION 33. Paragraph (C) of section 4 of said chapter 90F, as so appearing, is hereby
326 amended by striking out, in line 17, the words “\$2,750 to \$11,000” and inserting in place thereof
327 the following words:- \$5,591 to \$30,956.

328 SECTION 34. Said section 4 of said chapter 90F, as so appearing, is hereby further
329 amended by adding the following paragraph:-

330 (E) Each employer shall participate in the Registrar’s Driver Verification System, which
331 allows an employer to track the license status of employees who operate commercial motor
332 vehicles and which notifies employers of any change in an employee’s commercial driver’s
333 license status.

334 SECTION 35. Section 6 of said chapter 90F, as so appearing, is hereby amended by
335 striking out, in line 6, the words “sub-parts G and A” and inserting in place thereof the
336 following:- sub-parts G and H.

337 SECTION 36. Said section 6 of said chapter 90F, as so appearing, is hereby further
338 amended by striking out the eighth paragraph and inserting in place thereof the following
339 paragraph:-

A learner's permit to operate a commercial motor vehicle shall not be valid for more than 180 days from when originally issued. A learner's permit to operate a commercial motor vehicle may be renewed once for an additional 180 days without requiring the holder of the learner's permit to operate a commercial motor vehicle to retake the general and endorsement knowledge tests. The learner's permit to operate a commercial motor vehicle may be renewed up to 60 days before the initial expiration or up to 30 days after the initial expiration. The issuance of a learner's permit to operate a commercial motor vehicle is a precondition to the initial issuance of a commercial driver's license and is also a precondition to the upgrade of a commercial driver's license if such upgrade requires a skills test. A holder of a learner's permit to operate a commercial motor vehicle is not eligible to take a commercial driver's license skills test within the first 14 days following the initial issuance of the learner's permit to operate a commercial motor vehicle. The holder of a learner's permit to operate a commercial motor vehicle may drive a commercial motor vehicle on a highway only when accompanied by the holder of a valid license to operate a commercial motor vehicle for the type of vehicle driven who occupies a seat beside the individual for the purpose of giving instruction in driving the commercial motor vehicle.

SECTION 37. Said section 6 of said chapter 90F, as so appearing, is hereby further amended by adding the following 2 paragraphs:-

In addition to the above, no person shall be issued a special license or permit, or a provisional, temporary or hardship license or permit to drive a commercial motor vehicle during a period in which the person is disqualified from operating a commercial motor vehicle or after the person's noncommercial driving privilege has been revoked, suspended or cancelled, or when any type of driver's license held by such person is suspended, revoked or cancelled by the state

in which the driver is licensed for any state or local law related to motor vehicle traffic control other than parking violations. Such persons shall not be issued a CDL or learner's permit to operate a commercial motor vehicle on a limited basis on the grounds of hardship.

Effective February 7, 2022, unless the person is exempted by 49 CFR 380.603, no person shall be issued an original (first time issuance) Class A or B CDL, an upgraded Class A or B CDL, or a school bus (S), passenger (P), or Hazardous Materials (H) endorsement unless the person has successfully completed entry-level driver training (ELDT) taught by a training provider listed on the Federal Training Provider Registry. Persons who obtain a CLP before February 7, 2022 are not required to complete ELDT if the person obtains a CDL before the CLP or renewed CLP expires. Except for persons seeking the H endorsement, persons must complete the theory and behind-the-wheel (range and public road) portions of ELDT within one year of completing the first portion.

SECTION 38. Section 7 of said chapter 90F, as so appearing, is hereby amended by striking out, in line 7, the words "weight and eye and hair color," and inserting in place thereof the following words:- eye color.

SECTION 39. Paragraph (A) of section 9 of said chapter 90F, as so appearing, is hereby amended by striking out subparagraph (2) and inserting in place thereof the following subparagraph:-

(2) Operating a commercial motor vehicle while the person has a percentage, by weight, of alcohol in their blood of 0.04 or more;

SECTION 40. Said paragraph (A) of said section 9 of said chapter 90F, as so appearing, is hereby further amended by inserting after subparagraph (5) the following 3 subparagraphs:-

(6) Operating any motor vehicle while the person has a percentage, by weight, of alcohol in their blood of 0.08 or more;

(7) Driving a commercial motor vehicle when, as a result of prior violations committed while operating a commercial motor vehicle, the person's commercial driver's license is revoked, suspended or canceled, or the person is disqualified from operating a commercial motor vehicle;

(8) Causing a fatality through the negligent operation of a commercial motor vehicle, including but not limited to the crimes of motor vehicle manslaughter, homicide by motor vehicle, and negligent homicide.

SECTION 41. Said section 9 of said chapter 90F, as so appearing, is hereby further amended by striking out paragraph (D) and inserting in place thereof the following paragraph:-

(D) Any person shall be disqualified from operating a commercial motor vehicle for life who uses a commercial motor vehicle in the commission of (i) any felony involving the manufacture, distribution or dispensing of a controlled substance, or possession with intent to manufacture, distribute or dispense a controlled substance; or (ii) any felony involving trafficking in persons or organs as prohibited by sections 50, 51 or 53 of chapter 265 or any felony involving an act or practice of severe forms of trafficking in persons, as defined in 22 U.S.C. 7102(11).

SECTION 42. Said section 9 of said chapter 90F, as so appearing, is hereby further amended by striking out paragraph (E) and inserting in place thereof the following paragraph:-

(E) Any person shall be disqualified from operating a commercial motor vehicle for a period of not less than 120 days if convicted of 2 serious traffic violations, or 240 days if convicted of 3 serious traffic violations, committed in the operation of a commercial motor vehicle arising from separate incidents occurring within a 3-year period. The disqualification period under this paragraph shall be imposed in addition to any other previously imposed period of disqualification.

SECTION 43. Clause (i) of subparagraph (1) of paragraph (E 1/2) of said section 9 of said chapter 90F, as so appearing, is hereby amended by striking out the words “ninety days” and inserting in place thereof the following words:- 180 or more than 1 year.

SECTION 44. Clause (ii) of said subparagraph (1) of said paragraph (E1/2) of said section 9 of said chapter 90F, as so appearing, is hereby amended by striking out the words “one year” and inserting in place thereof the following words:- 2 years or more than 5 years.

SECTION 45. Clause (iii) of said subparagraph (1) of said paragraph (E1/2) of said section 9 of said chapter 90F, as so appearing, is hereby amended by striking out the words “three years” and inserting in place thereof the following words:- 3 years or more than 5 years.

SECTION 46. Clause (i) of subparagraph (2) of said paragraph (E1/2) of said section 9 of said chapter 90F, as so appearing, is hereby amended by striking out the words “one hundred and eighty days” and inserting in place thereof the following words:- 180 days or more than 2 years.

SECTION 47. Clause (ii) of said subparagraph (2) of said paragraph (E1/2) of said section 9 of said chapter 90F, as so appearing, is hereby amended by striking out the words “three years” and inserting in place thereof the following words:- 3 years or more than 5 years.

SECTION 48. Subparagraph (3) of said paragraph (E1/2) of said section 9 of said chapter 90F, as so appearing, is hereby amended by striking out, in line 67, the words “\$1,100 and not more than \$2,750” and inserting in place thereof the following words:- \$3,096 for a first violation and not less than \$6,192 for a second or subsequent violation.

SECTION 49. Subparagraph (4) of said paragraph (E1/2) of said section 9 of said chapter 90F, as so appearing, is hereby amended by inserting after the word “in”, in line 70, the following words:- subsection (b) of section 15 of chapter 90 or in.

SECTION 50. Said section 9 of said chapter 90F, as so appearing, is hereby further amended by adding the following paragraph:

(I) A decision of the registrar pursuant to this section may be appealed to the board of appeal on motor vehicle liability policies and bonds pursuant to section 28 of chapter 90; provided, however, that said board shall not issue any order directing the registrar to act in violation of the requirements of this section or 49 CFR Part 383; and, provided further, that any order issued by the board pursuant to this paragraph shall conform to the requirements of paragraph (8) of section 11 of chapter 30A.

SECTION 51. The General Laws are hereby amended by inserting after chapter 90I the following chapter:-

CHAPTER 90J. AUTOMATED ENFORCEMENT Section 1. As used in this chapter, the following words shall have the following meanings unless the context clearly requires otherwise:-

“Automated road safety camera”, an automated motor vehicle sensor device that produces digital photographs and may record the speed and movement of a motor vehicle when the motor vehicle is operated in a manner that is in violation of traffic laws and regulations.

“Camera enforceable violation”, a violation of the traffic laws that may be enforced by an automated road safety camera, as set forth in subsection (a) of section 2.

Section 2. (a) A city or town that accepts this chapter in the manner provided in section 4 of chapter 4 may employ an automated road safety camera as a means of promoting traffic safety. The automated road safety camera may be fixed along any portion of any ways within the control of the city or town, or within the control of the commonwealth provided that the city or town receive written permission from the department of transportation if placed in a way within the department of transportation’s control or from the department of conservation and recreation if placed in a way within the department of conservation and recreation’s control.

(b) A city or town that accepts this chapter may employ not more than 1 fixed automated road safety camera per 2,500 residents as measured by the most recent census. The location of an automated road safety camera shall be approved after a public hearing on the proposed location by the city council with the approval of the mayor in a city or the board of selectmen in a town; provided, however, that the city or town shall present the past 3 years of available crash data at the proposed location of an automated road safety camera at the public hearing.

(c) A city or town that accepts this chapter shall transmit a report annually on or before December 1, to the department of transportation, detailing each automated road safety camera located in the city or town or proposed to be located in the city or town. The report shall include: a list of the location of each automated road safety camera in the city or town, an analysis of the

location's nexus with safety and other such data required by the department. The department of transportation shall publish all reports received pursuant to this section on a public website.

Section 3. (a) Violations that may be enforced by an automated road safety camera are limited to (i) failure to stop at a signal at an intersection in violation of section 9 of chapter 89, and (ii) making a right turn on a red light where prohibited by section 8 of chapter 89.

(b) The maximum fine imposed for a violation issued pursuant to this chapter shall be \$25 per violation. Except as provided in section 4, the owner or owners of a vehicle shall be liable for violations issued pursuant to this chapter. A city or town that accepts this chapter may send a written warning to the owner or owners in lieu of enforcement for the purpose of education.

(c) A certificate, or a facsimile thereof, based upon inspection of photographs and data produced by an automated road safety camera, and sworn to or affirmed by the police department or designee authorized to issue citations for violations of traffic laws and regulations, shall be prima facie evidence of the facts contained therein.

(d) A violation issued by a city or town that accepts this chapter shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall such violation be considered a conviction of a moving violation of the motor vehicle laws for the purpose of determining a surcharge on a motor vehicle premium pursuant to section 113B of chapter 175.

(e) The police department of a city or town that accepts this chapter shall supervise and coordinate the administration of violations issued pursuant to this chapter. Subject to appropriation, the police department shall have the authority to hire and designate such personnel as may be necessary or contract for such services to implement the provisions of this chapter.

(f) It shall be the duty of the police department or designee of a city or town that accepts this chapter to cause a notice of violation to the registered owner or owners of a motor vehicle identified in photographs produced by such device as evidence of a violation pursuant to this chapter. Such notice shall contain, but not be limited to, the following information: a copy of the recorded images and other data showing the vehicle in the process of a camera enforceable violation; the registration number and state of issuance of the vehicle; the date, time and location of the violation; the specific camera enforceable violation charged; instructions for payment of the violation; instructions to contest the violation in writing; and instructions to obtain a hearing.

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

(h) A notice of violation shall be sent by first class mail in accordance with subsection (g) and shall include an affidavit form approved by the police department for the purpose of complying with subsection (c). A manual or automatic record of mailing processed by or on behalf of the police department in the ordinary course of business shall be prima facie evidence thereof, and shall be admitted as evidence in any judicial or administrative proceeding as to the

facts contained therein. Unless an owner or owners pay the fine or contest responsibility within 60 days of the violation, the provisions of subsection (m) will apply.

(i) Any owner to whom a notice of violation has been issued shall not be liable for a violation under the provisions of this chapter if: (i) the violation was necessary to allow the passage of an emergency vehicle; (ii) the violation was incurred while participating in a funeral procession; (iii) the violation was incurred during a period of time in which the motor vehicle was reported to the police department of any state, city or town as having been stolen and had not been recovered prior to the time the violation occurred; (iv) the operator of the motor vehicle was operating the motor vehicle under a rental or lease agreement and the owner of the motor vehicle is a rental or leasing company and has complied with the provisions of section 4; (v) the operator of the motor vehicle was issued a citation for the underlying violation in accordance with section 2 of chapter 90C; or (vi) the violation was necessary to comply with any other law or regulation governing the operation of a motor vehicle.

(j) Any motor vehicle owner to whom a notice of violation has been issued pursuant to this chapter may admit responsibility for such violation and pay the fine provided therein. Payment made be made in a form and manner determined by the city or town, or a designee thereof. Payment of the established fine and any applicable penalties shall operate as the final disposition of the violation. Payment by one motor vehicle owner shall operate as the final disposition of the violation as to all other motor vehicle owners of the same motor vehicle for the same violation.

(k) An owner may contest responsibility for a violation under this chapter in writing by mail or online. The owner shall provide the police department with a signed affidavit in a form

approved by the police department, stating: the reason for disputing the violation; the full legal name and address of the owner of the motor vehicle; and the full legal name and address of the operator of the motor vehicle at the time the violation occurred. An owner may include signed statements from witnesses, which include the names and addresses of witnesses, supporting the owner's defense. Within 21 days of receipt, the police department or the hearing officer shall send the decision of the hearing officer, including the reasons for the outcome, by first class mail to the registered owner or owners. If the owner is found responsible for the violation, the owner shall pay the fine in the manner described in subsection (j) within 14 days of the issuance of the decision or request further judicial review pursuant to section 14 of chapter 30A.

(l) An owner may request a hearing to contest responsibility for a violation. A hearing request shall be made in a form and manner determined by the city or town, or a designee thereof. Upon receipt of a hearing request, the police department shall schedule the matter before hearing officer. Said hearing officer may be an employee of the police department of the city or town wherein the violation occurred or such other person or persons as the police department may designate. Written notice of the date, time and place of said hearing shall be sent by first class mail to each registered owner. The hearing shall be informal, the rules of evidence shall not apply, and the decision of the hearing officer shall be final subject to judicial review as outlined by section 14 of Chapter 30A. Within 21 days of the hearing, the police department or the hearing officer should send the decision of the hearing officer, including the reasons for the outcome, by first class mail to the registered owner or owners. If the owner is found responsible for the violation, the owner shall pay the fine in the manner described in subsection (j) within 14 days of the issuance of the decision or request further judicial review pursuant to section 14 of Chapter 30A.

(m) If an owner to whom a notice of violation has been issued either fails to pay the fine in said notice in accordance with subsection (j), or is found responsible for the violation and does not pay the fine in accordance with subsection (k) or subsection (l), the police department shall notify the registrar of motor vehicles who shall place the matter on record. Upon receipt of the registrar of 5 or more of such notices, the registrar shall not issue or renew such owner's motor vehicle registration until after notification from the police department of each city or town, from whom the registrar received notification, that all fines owed pursuant to this chapter have been paid. It shall be the duty of the police department to notify the registrar forthwith that such case has been so disposed; provided, however, that certified receipt of full and final payment from the police department of the city or town issuing such violation shall also serve as legal notice to the registrar that said violation has been disposed of in accordance with this chapter. The certified receipt shall be printed in such form as the registrar of motor vehicles may approve.

Section 4. (a) Notwithstanding section 3 of this chapter, if the registered owner of a motor vehicle in receipt of a notice of violation is a person or entity engaged in the business of leasing or renting motor vehicles, and such motor vehicle was operating under a rental or lease agreement at the time of a violation, then the provisions of this section shall be applicable, and the registered owner shall not be liable for any unpaid fines; provided, however, that such owner has complied with the procedures of this section.

(b) The police department or designee of a city or town that accepts this chapter shall give to the registered owner notice in writing of each violation in which a motor vehicle owned by such owner is involved, as set forth in section 3.

(c) Within 45 days of the violation, the registered owner shall furnish to such department or designee in writing the name and address of the lessee or rentee of such motor vehicle at the time of the violation; the lessee's or rentee's driver's license number, state of issuance of such driver's license and the lessee's or rentee's date of birth. The police department or designee shall thereupon issue a notice of violation to such lessee or rentee in the form prescribed by section 3 and the lessee or rentee shall be liable for the violation.

(d) If such lessee or rentee to whom a notice of violation has been issued either fails to pay the fine in accordance with subsection (j) of section 3, or fails to receive a favorable adjudication of said notice in accordance with subsection (k) or subsection (l) of section 3, the police department or designee shall notify the registrar of motor vehicles who shall place the matter on record. Upon notification to the registrar of 5 or more of such notices under this section, the registrar shall not issue any vehicle registration to such lessee or rentee until after notification from the police department of each city or town from whom the registrar received notification, that all fines, taxes and penalties owed by such owner pursuant to either this chapter have been disposed of in accordance with this chapter. It shall be the duty of the police department to notify the registrar forthwith that such case has been so disposed; provided, however, that certified receipt of full and final payment from the police department of the city or town issuing such violation shall also serve as notice to the registrar that said violation has been disposed of in accordance this chapter. The certified receipt shall be printed in such form as the registrar of motor vehicles may approve.

Section 5. (a) For a failure to stop at a signal at an intersection violation, no violation shall be issued if any part of the automobile was over the stop line when the light was yellow, regardless of whether or not the light turned red while the automobile was over the stop line.

(b) For a making a right turn on a red light where prohibited violation, no violation shall be issued unless entire motor vehicle has crossed the stop line.

Section 6. (a) A city or town that accepts this chapter shall install a sign notifying the public that an automated road safety camera is in use at each location of said camera. The signage must specifically include notification of automated road safety camera enforcement of violations for right turns at that intersection if so enforced.

(b) A city or town that accepts this chapter shall make a public announcement and conduct a public awareness campaign of use of automated road safety camera beginning at least 30 days before the enforcement program is in use. A city or town that accepts this chapter may install but not activate automated road safety cameras during said time period.

Section 7. Verification that the automated road safety camera and any appurtenant traffic control signals are correctly calibrated shall be made by a professional engineer registered in the commonwealth.

Section 8. (a) Photographs and other recorded evidence shall only be captured when a camera enforceable violation occurs. Photographs and other recorded evidence shall be destroyed within 7 days of the final disposition of a violation.

(b) No photographs taken in conformance with this chapter shall be discoverable in any judicial or administrative proceeding other than a proceeding held pursuant to this chapter without a court order. No photograph taken in conformance with this chapter shall be admissible in any judicial or administrative proceeding other than in a proceeding to adjudicate liability for such violation of this chapter without a court order. A court shall order a release of a photograph taken in conformance with this chapter only where the photograph tends to establish or

623 undermine a finding of a moving violation and the violation is material as to a finding of civil or
624 criminal liability.

625 (c) Photographs and other personally identifying information collected by cities and
626 towns pursuant to this chapter shall not be a public record as defined in clause twenty-sixth of
627 section 7 of chapter 4.

628 (d) No automated road safety camera shall be utilized in such a manner as to take a
629 frontal view photograph of a motor vehicle.

630 Section 9. All fines and penalties collected pursuant to this chapter shall be paid to the
631 general fund of the city or town where the automated road safety camera is located.

632 Section 10. The department of transportation shall promulgate rules and regulations
633 necessary to effectuate the purposes of this chapter.

634 SECTION 52. Section 26 of chapter 218 of the General Laws, as appearing in the 2018
635 Official Edition, is hereby amended by inserting after the words “ninety B”, in line 12, the
636 following words:- , sixth or seventh paragraph of section 23 of chapter 90.

637 SECTION 53. Not later than 3 years after the effective date of section 50, the department
638 of transportation shall submit a report to the clerks of the house and senate and the joint
639 committee on transportation that analyzes the public safety and equity impacts of automated
640 enforcement.

641 SECTION 54. Notwithstanding any general or special law to the contrary, the
642 requirements of section 7D of chapter 90 shall apply to motor vehicles having permanent seating
643 accommodations for not more than 11 passengers in addition to the operator; provided, however,

644 that such vehicles shall not carry more than 8 passengers in addition to the operator when used in
645 the business of transporting school pupils for hire under terms of contract or otherwise. This
646 section shall expire on July 1, 2024.

647 SECTION 55. The department of transportation shall establish a low-speed mobility
648 device advisory working group to review the use of electric scooters and other micro-mobility
649 devices throughout the commonwealth. By July 1, 2022, the group shall submit a report to the
650 governor and general court regarding the use of low-speed mobility devices in the
651 commonwealth, including, but not limited to, specific recommendations for changes to the
652 Massachusetts General Laws.

653 SECTION 56. Sections 9 and 10 shall take effect on January 1, 2024.