

SENATE No. 2640

The Commonwealth of Massachusetts

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

SENATE, February 3, 2022.

The committee on Transportation, to whom was referred the petitions (accompanied by bill, Senate, No. 2311) of Diana DiZoglio for legislation relative to school bus safety; and (accompanied by bill, Senate, No. 2371) of Marc R. Pacheco and Michael D. Brady for legislation relative to the safety of school children embarking and disembarking school buses, reports the accompanying bill (Senate, No. 2640).

For the committee,
John F. Keenan

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An Act relative to school bus safety.

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 14 of Chapter 90 of the General Laws is hereby amended by inserting after
2 section 14B the following section:-

3 Section 14C. (a) In addition to other monitoring devices lawfully authorized to be
4 installed in school buses and notwithstanding any general or special law to the contrary, any city
5 or town within the Commonwealth is hereby authorized to install and operate live digital video
6 school bus violation detection monitoring systems for purpose of enforcing violations against the
7 owner of a motor vehicle whose vehicle failed to stop for a school bus when required to do so by
8 the provisions of Section 14. Such systems shall be limited to monitor and detect violations of
9 motorists failing to stop for a school bus.

10 (b)(1) As used in this section, the following words shall have the following meanings:

11 “School bus violation detection monitoring system”, a camera system that shall monitor
12 and detect motor vehicles overtaking or passing school buses when said buses are stopped and
13 displaying front and rear alternating flashing red signal lamps as provided in section seven B,

14 and that has been stopped to allow pupils to alight from or board the same. It shall be a system
15 with two or more camera sensors and computers that produce live digital and recorded video and
16 2 or more film or digital photographic still images of each motor vehicle at the time it is used or
17 operated in a manner that is in violation of Section 14 of Chapter 90.

18 “Stop arm traffic control sign”, a stop sign mounted on a mechanical arm installed on a
19 school bus that is deployed when a school bus is stopped to allow pupils to alight from or board
20 the same and notify motorists when they are required to stop and when they can proceed.

21 “Violation”, the failure of an operator of a motor vehicle to comply with the laws, codes,
22 regulations, by-laws, ordinances, rules or other forms of legislation governing the traffic control
23 requirements for school buses stopped to allow pupils to alight from or board same for which a
24 school bus violation detection monitoring system is installed and is in operation.

25 (2) All systems installed for use under this section shall produce an evidence file that
26 includes a live visual image viewable remotely, a recorded image of the license plate and the
27 capacity to record the date, time and location of the vehicle committing the violation. A law
28 enforcement officer, or law enforcement’s approved technician, shall review the video and
29 decide whether a violation occurred.

30 (3) Recorded video images and still photographic images must record the rear of the
31 motor vehicle, with at least 1 photographic image and 1 recorded video image clearly recording
32 the motor vehicle immediately before the violation of the stop arm traffic control sign and at
33 least 1 photographic image and 1 recorded video image recording the motor vehicle passing the
34 stopped school bus with the stop arm traffic control sign deployed in violation of the stop arm

35 traffic control sign. Additionally, at least 1 photographic image and 1 recorded video image must
36 clearly identify the license plate of the motor vehicle.

37 (4) To the extent practicable, any school bus violation detection monitoring system shall
38 use necessary technologies to ensure that photographs or recorded video images produced by the
39 school bus violation detection monitoring system shall not include a frontal view photograph or
40 video image of the motor vehicle that is in violation of the stop arm traffic control sign or images
41 that identify the operator, the passengers, or the contents of the vehicle, but no notice of liability
42 issued under this section shall be dismissed solely because a photograph or recorded video image
43 allow for the identification of the operator, passengers, or contents of a vehicle as long as a
44 reasonable effort has been made to comply with this paragraph.

45 (5) Any school bus installed with a school bus violation detection monitoring system
46 shall post warning signage indicating the use of such system. The signage shall remain on each
47 bus as long as a school bus violation detection monitoring system is in operation.

48 (6) A penalty imposed for a violation of this section shall not be considered a criminal
49 conviction and shall not be considered a moving violation of the motor vehicle laws for the
50 purpose of determining surcharges on motor vehicle premiums pursuant to Section 113B of
51 Chapter 175 although as provided in this section the violation shall be noted on the registered
52 owner or owner's driving record.

53 (7) The fines contained in this section and section 14 for a failure to stop for a school bus
54 shall be applied whether the violation is detected through the use of a school bus mounted
55 violation detection monitoring system or by a police officer on scene who issues a written
56 citation to the operator of the motor vehicle. Pursuant to the provisions of Section 2 of Chapter

57 280, all fines imposed for a violation of failing to stop for school bus in accordance with section
58 14 that is detected by a school bus violation detection monitoring system or by a police officer
59 who cites the operator in hand shall be paid over to the treasury of the city or town where the
60 offense was committed.

61 (8) Wherever an agreement under this section is to take effect upon its acceptance by a
62 municipality or district, or is to be effective in municipalities or districts accepting its provisions,
63 this acceptance shall be, except as otherwise provided, in a municipality, by vote of the
64 legislative body, subject to the charter of the municipality, or, in a district, by vote of the district
65 at a district meeting. A city or town may enter into an agreement with a private vendor or
66 manufacturer to provide a school bus violation detection monitoring system on each bus within
67 its fleet whether owned or leased, up to and including the installation, operation and maintenance
68 of such systems. Compensation paid to the manufacturer or vendor of the school bus violation
69 detection monitoring system as authorized by this section shall not be based upon the revenue
70 generated by the use of such systems. The compensation paid to the manufacturer or vendor of
71 the equipment shall be based upon the value of the equipment installed and the recurring services
72 provided in support of the school bus violation detection monitoring systems including
73 processing of evidence files, cost of the technology provided and maintenance of such
74 technology. Said agreement shall only become effective after consent by the affected local or
75 regional school department, by vote of a majority of its governing school committee.

76 (9) A city or town shall provide reimbursement of expenses to the private vendor or
77 manufacturer for the installation, operation and maintenance of the school bus violation detection
78 monitoring systems in operation and acknowledged by an agreement between the private vendor
79 and the school department that has adopted this section. Unless modified by an agreement with a

80 city or town, reimbursement shall be made from ticket revenue proceeds incurred under this
81 section only if received as currently allocated under the laws of the Commonwealth for said
82 citations so as to eliminate any cost to the city or town for installation, operation and
83 maintenance of the school bus violation detection monitoring systems in its municipality. Such
84 reimbursement shall be made to the private vendor or manufacturer within 45 days following the
85 submittal of request for cost reimbursement. Such reimbursement shall not exceed 50% of the
86 ticket revenue proceeds in any preceding period. If such violations occur on highways or roads
87 controlled by the Commonwealth, then reimbursement for installing, operating, and maintaining
88 school bus violation detection systems shall be permitted from the Commonwealth to the private
89 vendor from ticket proceeds pursuant to this section only.

90 (c) (1) An evidence file of the alleged violation and the signed affidavit shall be
91 forwarded to a trained law enforcement officer in the jurisdiction who is trained to observe and
92 detect a violation for failure to stop for a stopped school bus allowing pupils to alight or board
93 the same. The officer shall issue a citation if he or she is satisfied that a violation was committed
94 under section 14 and the vehicle committing such violation can be identified from its registration
95 plate. A certificate, or a facsimile thereof sworn to or affirmed by a police officer or other law
96 enforcement officer authorized to issue motor vehicle citations for violations of traffic laws,
97 stating that based upon inspection of the evidence file produced by a school bus violation
98 detection monitoring system, the vehicle was in violation of this section, shall be prima facie
99 evidence of the facts contained therein. Any recorded video images or still photographic images
100 produced by a school bus violation detection monitoring system evidencing the violation shall be
101 available for inspection in any proceeding to adjudicate the liability for the violation adopted
102 under this section.

103 (2) In all prosecutions of civil traffic violations based on evidence obtained from a school
104 bus violation detection monitoring system the registered owner of the motor vehicle shall be
105 primarily responsible pursuant to the provisions of this chapter except as otherwise provided in
106 this section. In the event the registered owner of the vehicle operated in violation of this chapter
107 was not the operator of the vehicle at the time of the violation the registered owner of the vehicle
108 shall (i) assume liability for the violation by paying the fine; (ii) upon written receipt of the
109 citation, provide the issuing authority within 30 days of the date of issuance, the name, address,
110 registration number and license plate of the operator of the vehicle who was responsible along
111 with a signed affidavit acknowledging such; or (iii) defend the violation pursuant to the
112 procedures established for traffic violations under this section. A vehicle owned or leased to a
113 corporation that is identified by a school bus violation detection monitoring system under this
114 section shall be primarily responsible for a violation pursuant to section 14 even if a person who
115 normally operates the vehicle for the corporation denies that he or she were operating the vehicle
116 at the time of the violation although no entry shall be made on the person's driving record.

117 (3) A penalty imposed may, if so provided in writing, be increased by up to 33 1/3% if
118 the penalty remains unpaid in excess of 45 days after a citation has been issued consistent with
119 the procedures established in this section and there has been no request for a hearing under
120 paragraph (3) of subsection (d).

121 (d)(1) Upon the determination of a violation through the use of a school bus violation
122 detection monitoring system, it shall be the duty of the chief of police of the city or town, or any
123 designee of the chief, to issue the owner or owners of the vehicle a citation pursuant to the
124 provisions of Chapter 90C. The citation shall require the owner or owners to pay the fine amount
125 issued pursuant to section 14 or appear before the parking clerk not later than 30 days after the

126 date the citation was sent under the procedures established pursuant to violations under this
127 section. The citation shall be mailed to the address of the registered owner or owners as
128 contained in the registry or in records of the Department of Motor Vehicles in the jurisdiction in
129 which the vehicle is registered if other than the Commonwealth for any motor vehicle identified
130 by the school bus violation detection monitoring system as evidence of a violation of this section.
131 Citations shall be mailed by first class mail, postmarked no later than 14 days after the date of
132 the alleged violation, inclusive of Sundays and holidays. In the case of any motor vehicle
133 registered under the laws of another state or country, if the address is unavailable, it shall be
134 sufficient to mail the citation to the official in the state or country having charge of the
135 registration of the motor vehicle. The citation shall be considered sufficient notice, and a
136 certificate of the chief of police or the chief's designee mailing the citation stating that it has
137 been mailed in accordance with this section shall be deemed prima facie evidence thereof and
138 shall be admissible in any judicial or administrative proceeding as to the facts contained therein.
139 The citation shall be sufficient to commence a prosecution. The chief or the chief's designee
140 shall retain and safely preserve a copy of the citation and shall at a time no later than the
141 beginning of the next business day of the city or town after mailing to the owner or owners,
142 deliver another copy to the parking clerk before whom the owner or owners have been notified to
143 appear. The parking clerk shall maintain a docket of all such notices to appear. For purposes of
144 this section, the date of issuance shall be the date of mailing. The police officer issuing the
145 citation shall certify that the evidence obtained from the school bus violation detection
146 monitoring system was sufficient to demonstrate a violation of section 14. Such certification
147 shall be sufficient in all prosecutions pursuant to this section to justify the entry of a default
148 judgment in all cases where the citation is not answered within the time period permitted under

149 this section. The citation issued by the trained law enforcement officer in the jurisdiction shall
150 contain but not be limited to the following information: (i) a citation for the violation, which
151 shall include the name and address of the person or persons liable as an owner or owners of the
152 motor vehicle for the violation of this section, the registration number and state of issuance of the
153 registration number of the vehicle involved in the violation, the date, time and location of the
154 violation, the specific violation charged, the amount of the penalty for the violation, and the date
155 by which the penalty shall be paid; (ii) a copy of two or more still photographs,
156 microphotographs, video or other recorded images showing the vehicle in violation of the stop
157 arm traffic sign; (iii) a copy of the certificate or affidavit of the police officer under paragraph
158 (1) of subsection (c); (iv) a statement that recorded video images and photographic images are
159 evidence of a violation of section 14; (v) a schedule of fines for the violation as established by
160 the Commonwealth; (vi) instructions for the return of the citation notice including but not
161 limited to the following text:- “This notice and the required payment may be returned in person,
162 by mail, or by a duly authorized agent. A hearing to contest liability may be obtained upon the
163 written request of the registered owner. Failure to pay the penalty or to contest liability within 30
164 days of issuance of this notice is an admission of liability and may result in a default judgment
165 being entered against the owner to whom the violation has been issued and/or non-renewal or
166 suspension of the license to drive and the certificate of registration of the registered owner.”;
167 (vii) an affidavit form approved by the parking clerk for the purpose of complying with
168 paragraph (5); and (viii) a statement explaining the procedure to adjudicate the violation by mail
169 under paragraph (6). (2) Any person notified to appear before the parking clerk, as provided in
170 this section, may appear before the parking clerk, or his designee, and confess the offense
171 charged, either personally or through a duly authorized agent or by mailing to the parking clerk

172 the notice accompanied by the fine provided therein, such payment to be made only by postal
173 note, money order or check made out to the parking clerk. Payment of the penalty established
174 shall operate as a final disposition of the case.

175 (3) Except as expressly provided, all prosecutions based on evidence produced by a
176 school bus violation detection monitoring system shall follow the procedures of this section.
177 Notwithstanding the installation and use of a live digital video school bus violation detection
178 monitoring system on a school bus, a trained police officer in whose presence of motorist failing
179 to stop for a stopped school bus as required under section 14, may issue a citation at the scene to
180 the operator of such vehicle for such violation pursuant to section 14. An owner of a vehicle
181 shall not be liable for a citation as a result of a school bus violation detection monitoring system
182 if the operator of the vehicle were cited directly by a police officer at the scene of the violation.

183 (4) Should any person notified to appear hereunder fail to appear and, if a penalty is
184 provided hereunder, to pay the same, or if the person requests a hearing to contest liability, the
185 parking clerk shall forthwith schedule the matter before a person referred to in this section as a
186 hearing officer. The hearing officer shall be the parking clerk of the city or town in which the
187 violation occurred or any other person or persons that the parking clerk may designate. Written
188 notice of the date, time and place of the hearing shall be sent by first-class mail to the registered
189 owner or owners. The hearing shall be informal, the rules of evidence shall not apply and the
190 decision of the hearing officer shall be final subject to judicial review as provided by Section 14
191 of Chapter 30A. Within 21 days of the hearing, the hearing officer shall send by first class mail
192 to the registered owner or owners the decision of the hearing officer, including the reasons for
193 the outcome.

194 (5) Any owner to whom a citation has been issued shall not be liable for a violation of
195 this section: (a) if the violation were necessary to allow the passage of an emergency vehicle; (b)
196 if the violation were necessary in order to protect the property or person of another; (c) if the
197 violation were incurred while participating in a funeral procession; (d) if the violation were
198 incurred during a period of time in which the motor vehicle was reported to the police
199 department of any state, city or town as having been stolen and had not been recovered before
200 the time the violation occurred; (e) if the operator of the motor vehicle were operating the motor
201 vehicle under a rental or lease agreement and the owner of the motor vehicle is a rental or leasing
202 company; (f) if the operator of the motor vehicle were convicted of the underlying violation
203 under a citation issued in accordance with Section 2 of Chapter 90C; (g) if the violation were
204 necessary to comply with an order of a law enforcement officer or of a flagger directing traffic
205 flow; or (h) if the vehicle were subject to the exceptions granted to an authorized emergency
206 vehicle under Section 7B of Chapter 89. An owner disputing a violation under this subsection
207 shall, within 30 days of issuance of the notice, provide the parking clerk with an affidavit signed
208 under the pains and penalties of perjury in a form approved by the parking clerk, as provided for
209 in clause (vii) of paragraph (1) of this subsection stating (1) the reason for disputing the
210 violation; (2) the full legal name and address of the owner of the motor vehicle; (3) the names
211 and addresses of all witnesses supporting the owner's defense and the specifics of their
212 knowledge; and (4) where applicable, the signed statements from witnesses. The affidavit shall
213 be filed with the request for a hearing.

214 (6) Any person notified to appear before the parking clerk, as provided in this paragraph,
215 may without waiving his right to a hearing before the parking clerk or hearing officer as provided
216 by this subsection, and also without waiving judicial review under Section 14 of Chapter 30A,

217 challenge the validity of the citation and receive a review and disposition of the violation from
218 the parking clerk or a hearing officer by mail. The owner may, upon receipt of the citation, send
219 a signed statement explaining his objections to the violation notice as well as signed statements
220 from witnesses, police officers, government officials and any other relevant parties. Photographs,
221 diagrams, maps and other documents may also be sent with the statements. Any statements or
222 materials sent to the parking clerk for review shall have attached the person's name and address
223 as well as the citation number and the date of the violation. The parking clerk or hearing officer
224 shall, within 21 days of receipt of this material, review the material and dismiss or uphold the
225 violation and notify, by mail, the owner or owners of the disposition of the written review. If the
226 outcome of the written review is adverse to the owner or owners, the parking clerk or hearing
227 officer shall explain the reasons for the outcome on the notice. The review and disposition
228 handled by mail shall be informal, the rules of evidence shall not apply, and the decision of the
229 parking clerk or hearing officer based upon the written materials shall be final, unless the owner
230 invokes the hearing provisions under this section or judicial review under Section 14 of Chapter
231 30A.

232 (7) If any person fails to appear before the hearing officer in accordance with the notice,
233 or fails to receive a favorable adjudication of the hearing from a hearing officer and fails to pay
234 the fine within 30 days of the date that the hearing officer has mailed notice of the decision of the
235 hearing officer, the parking clerk shall notify the registrar of motor vehicles, who shall place the
236 matter on record. Upon notification to the registrar of 2 or more citations under this section or
237 section 14 from the parking clerk of the city or town, or state authorities or agencies, the registrar
238 shall not issue or renew or may suspend the owner's license to operate a motor vehicle or motor
239 vehicle registration until after notification from the parking clerk of each city, agency or

240 authority, from whom the registrar received notification, that all fines, taxes and penalties owed
241 by the owner under this section have been disposed of in accordance with law. Upon such
242 notification to the registrar, an additional charge of \$20 payable to the registrar but collected by
243 the city or town, and an additional charge of \$20 payable to and collected by the city or town,
244 shall be assessed against the registered owner of the motor vehicle. The parking clerk shall notify
245 the registrar forthwith that the case has been so disposed, but certified receipt of full and final
246 payment from the parking clerk of the city or town, or state agency or authority issuing the
247 violation shall also serve as legal notice to the registrar that the violation has been disposed of in
248 accordance with law. The certified receipt shall be printed in a form approved by the registrar of
249 motor vehicles.

250 (8) Upon the accumulation by an owner of 2 or more outstanding citations under this
251 section or section 14 on account of violations of any statute, ordinance, order, rule or regulation
252 relating to the operation, control or parking of motor vehicles in a particular city or town,
253 notwithstanding any notification to the registrar, the parking clerk of the city or town may notify
254 the chief of police or director of traffic and parking of the city or town that the vehicle bearing
255 the registration to which the notices have been issued shall be removed and stored or otherwise
256 immobilized by a mechanical device at the expense of the registered owner of the vehicle until
257 all fines, taxes and penalties owed by the owner either under this section, or otherwise arising out
258 of the parking or usage of the owner's motor vehicle, have been disposed of in accordance with
259 law. No vehicle shall be removed, stored, or otherwise immobilized unless the owner of the
260 motor vehicle shall have received 10 days prior notification by mail that the motor vehicle may
261 be removed, stored, or immobilized without further notification. It shall be sufficient for the
262 parking clerk to mail, postage prepaid, the notification to the last known address of the registered

263 owner. It shall be sufficient for the parking clerk, in the case of a motor vehicle registered in
264 another state or country, to mail notification to the official in the state or country having charge
265 of the registration of the motor vehicle.

266 (e)(1) Other than for purposes of enforcement of a violation of this section and section 14
267 or for purposes of an owner defending a violation of this section, recorded video images and
268 photographs taken or created under this section may only be obtained under an order by a court
269 of competent jurisdiction.

270 (2) All recorded video images and other photographic information obtained through the
271 use of school bus violation detection monitoring systems authorized in this section that do not
272 identify a violation shall be destroyed by any city, town, school department or vendor within 30
273 days of the date the image was recorded, unless otherwise ordered by a court of competent
274 jurisdiction. All photographic and other recorded information that identifies a violation shall be
275 destroyed within 1 year of final disposition of proceedings related to the enforcement or defense
276 of a violation, unless otherwise ordered by a court of competent jurisdiction. Each city, town,
277 school department, and vendor under agreement utilizing 1 or more school bus violation
278 detection monitoring systems shall file notice attested under penalties of perjury annually within
279 30 days of the close of the fiscal year with the secretary of state that these records have been
280 destroyed in accordance with this paragraph. All recorded video, audio and other photographic
281 information, however stored or retained, which is obtained through systems authorized in this
282 section are the property of the municipality under agreement with a vendor and may not be used
283 by a vendor for any other purposes; upon the expiration of any agreement authorized under this
284 section, all of said video, audio, and/or other photographic information shall be delivered within

285 30 days to the particular municipality unless otherwise ordered by a court of competent
286 jurisdiction.

287 (3) The administrator of the school bus violation detection monitoring system within any
288 city or town accepting this section shall also submit an annual report to the Massachusetts
289 Department of Transportation regarding the use and operation of the monitoring system. This
290 annual report shall contain data on the number of citations issued under this section at each
291 particular intersection, and of those citations, shall detail the number paid without a request for a
292 hearing; the number found responsible after a hearing; and the number dismissed after a hearing.
293 In addition, the report shall also include the cost to maintain each said monitoring system and the
294 amount of revenue obtained from each said monitoring system.