

SENATE No. 3162

Senate, December 27, 2022 -- Text of the further Senate amendment to the House Bill to reduce traffic fatalities (House, No. 5103).

The Commonwealth of Massachusetts

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

1 SECTION 1. Section 11B of chapter 85 of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by striking out, in lines 71 and 72, the words “either a lamp
3 emitting a red light, or” and inserting in place thereof the following words:- a lamp emitting a red
4 light and.

5 SECTION 2. Clause (8) of the second paragraph of said section 11B of said chapter 85,
6 as so appearing, is hereby amended by adding the following 2 sentences:- The provisions of this
7 clause related to front and rear lighting shall be enforced by law enforcement agencies only when
8 an operator of a bicycle has been stopped for some other offense. A violation of this clause
9 related to rear lighting shall not be used as conclusive evidence of contributory negligence in any
10 civil action.

11 SECTION 3. The first paragraph of section 2 of chapter 89 of the General Laws, as so
12 appearing, is hereby amended by striking out the second sentence and inserting in place thereof
13 the following sentence:- If it is not possible to overtake a vulnerable user, as defined in section 1
14 of chapter 90, or other vehicle at a safe distance in the same lane, the overtaking vehicle shall use
15 all or part of an adjacent lane, crossing the centerline if necessary, when it is safe to do so and
16 while adhering to the roadway speed limit.

17 SECTION 4. Section 1 of chapter 90 of the General Laws, as so appearing, is hereby
18 amended by inserting after the definition of “Automobile transporter” the following definition:-

19 “Back-up camera”, a device that provides a visual image of the area directly behind a
20 vehicle to the vehicle operator when the vehicle is in reverse gear, meeting the requirements of
21 Federal Motor Vehicle Safety Standard No. 111, 49 CFR 571.111.

22 SECTION 5. Said section 1 of said chapter 90, as so appearing, is hereby further
23 amended by inserting after the definition of “Bus or motor bus” the following 2 definitions:-

24 “Convex mirror”, a door-mounted, wide-angle mirror that enables an operator to see
25 objects along the left and right sides of a motor vehicle, trailer, semi-trailer or semi-trailer unit.

26 “Cross-over mirror”, a mirror mounted on a hood or fender that enables the operator to
27 see objects in the area immediately in front of a conventional cab hood; provided, that a vehicle
28 that has a cross-over mirror installed shall have a label visible to the seated driver in accordance
29 with Federal Motor Vehicle Safety Standard No. 111, 49 CFR 571.111.

30 SECTION 6. Said section 1 of said chapter 90, as so appearing, is hereby further
31 amended by inserting after the definition of “Killed in action” the following definition:-

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

35 SECTION 7. Said section 1 of said chapter 90, as so appearing, is hereby further
36 amended by inserting after the definition of “Transporter” the following definition:-

37 “Vulnerable user”, (i) a pedestrian, including a person engaged in work upon a way or
38 upon utility facilities along a way or engaged in the provision of emergency services within the
39 way; (ii) a person operating a bicycle, handcycle, tricycle, skateboard, roller skates, in-line
40 skates, non-motorized scooter, wheelchair, electric personal assistive mobility device, horse,
41 horse-drawn carriage, motorized bicycle, motorized scooter, or other micromobility device, or a
42 farm tractor or similar vehicle designed primarily for farm use; or (iii) other such categories that
43 the registrar may designate by regulation.

44 SECTION 8. Section 6 of said chapter 90, as so appearing, is hereby amended by
45 inserting after the word “obscured”, in line 11, the following words:- or the appearance
46 obstructed.

47 SECTION 9. Section 7 of said chapter 90, as so appearing, is hereby amended by
48 inserting after the fourth paragraph the following 2 paragraphs:-

49 A motor vehicle, trailer, semi-trailer or semi-trailer unit classified as a class 3 or above by
50 the Federal Highway Administration, with a gross vehicle weight rating of 10,001 pounds or
51 more, that is leased or purchased by the commonwealth on or after January 1, 2023, shall be
52 equipped with a lateral protective device, convex mirrors, cross-over mirrors and backup
53 cameras. This paragraph shall not apply to an ambulance, firefighting apparatus, low-speed
54 vehicle, agricultural tractor or any other class or type of vehicle as determined by the registrar.
55 The registrar shall adopt regulations establishing standards, consistent with the United States
56 Department of Transportation John A. Volpe National Transportation Systems Center’s side
57 guard standard DOT-VNTSC-OSTR-16-05, and specifications for the size, design and mounting
58 of lateral protective devices, convex mirrors and cross-over mirrors. The registrar may provide

59 alternative means of compliance with the convex mirror, cross-over mirror and lateral protective
60 device requirements.

61 The registrar shall prohibit: (i) visual obstructions due to aftermarket modifications and
62 accessories that reduce the ability of the vehicle operator to directly see vulnerable users in the
63 vicinity of the vehicle, including, but not limited to, bug deflectors and chrome visors; and (ii)
64 aftermarket modifications and accessories that increase fatality and serious injury risk to
65 vulnerable users in a collision with the vehicle, including, but not limited to, bull bars. The
66 registrar shall promulgate regulations enforcing this paragraph.

67 SECTION 10. Said section 7 of said chapter 90 is hereby further amended by striking
68 out the fifth and sixth paragraphs, inserted by section 9, and inserting in place thereof the
69 following 2 paragraphs:-

70 A motor vehicle, trailer, semi-trailer or semi-trailer unit classified as a class 3 or above by
71 the Federal Highway Administration, with a gross vehicle weight rating of 10,001 pounds or
72 more, that is leased or purchased by the commonwealth on or after January 1, 2025, or operated
73 under a contract with the commonwealth on or after January 1, 2025, shall be equipped with a
74 lateral protective device, convex mirrors, crossover mirrors and backup cameras. This paragraph
75 shall not apply to an ambulance, firefighting apparatus, low-speed vehicle, agricultural tractor or
76 any other class or type of vehicle as determined by the registrar. The registrar shall adopt
77 regulations establishing standards, consistent with the United States Department of
78 Transportation John A. Volpe National Transportation Systems Center's side guard standard
79 DOT-VNTSC-OSTR-16-05, and specifications for the size, design and mounting of lateral
80 protective devices, convex mirrors and crossover mirrors. The registrar may provide alternative

81 means of compliance with the convex mirror, crossover mirror and lateral protective device
82 requirements. A contractor's failure to comply with this paragraph may be grounds for
83 termination of the contract and may be punishable by a fine of not more than \$500 for the first
84 offense and not more than \$1,000 for a second or subsequent offense.

85 The registrar shall prohibit: (i) visual obstructions due to aftermarket modifications and
86 accessories that reduce the ability of the vehicle operator to directly see vulnerable users in the
87 vicinity of the vehicle, including, but not limited to, bug deflectors and chrome visors; and (ii)
88 aftermarket modifications and accessories, including, but not limited to, bull bars, that increase
89 fatality and serious injury risk to vulnerable users in a collision with the vehicle. The registrar
90 shall promulgate regulations implementing this paragraph.

91 SECTION 11. The first paragraph of section 14 of said chapter 90, as appearing in the
92 2020 Official Edition, is hereby amended by striking out the second sentence and inserting in
93 place thereof the following sentence:- In passing a vulnerable user, the operator of a motor
94 vehicle shall pass at a safe distance of not less than 4 feet and at a reasonable and proper speed.

95 SECTION 12. Said section 14 of said chapter 90, as so appearing, is hereby further
96 amended by inserting after the second paragraph the following paragraph:-

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

100 SECTION 13. Section 18 of said chapter 90, as so appearing, is hereby amended by
101 striking out the first paragraph and inserting in place thereof the following paragraphs:-

102 The city council, the transportation commission of the city of Boston, the board of
103 selectmen, park commissioners, a traffic commission or traffic director or the department, on
104 ways within their control, may make, amend or rescind special regulations as to the speed of
105 motor vehicles and may prohibit the use of such vehicles altogether on such ways. In the case of
106 a speed regulation, or an amendment or rescission thereof, no such action shall take effect unless
107 the department shall have certified in writing that such regulation, amendment or rescission is
108 consistent with the public interests. In the case of any special regulation other than a speed
109 regulation, no such special regulation or amendment or rescission thereof shall take effect unless
110 it shall have been published in 1 or more newspapers, if there be any, published in the town in
111 which the way is situated, otherwise in 1 or more newspapers published in the county in which
112 the town is situated.

113 Nothing herein contained shall be construed as affecting the right of the department of
114 conservation and recreation to make rules and regulations governing the use and operation of
115 motor vehicles on lands, roadways and parkways under its care and control. No such rule or
116 regulation shall prohibit the use of passenger or station wagon type motor vehicles whose gross
117 weight is less than 5,000 pounds and which are registered for commercial use on ways where
118 noncommercial passenger type motor vehicles are permitted to operate.

119 No regulation, amendment or rescission under this section shall take effect until there
120 shall have been erected, upon the ways affected thereby and at such points as the department or
121 department of conservation and recreation may designate, signs, conforming to standards
122 adopted by the department, setting forth the speed or other restrictions established by the
123 regulation, and then only during the time such signs are in place. Any sign purporting to establish

124 a speed limit that has not been erected in accordance with the foregoing provisions may be
125 removed by or under the direction of the department.

126 Upon rescission of the speed regulation, or a portion thereof, and removal of the signs,
127 sections 17 and 17C shall govern.

128 The city council, the transportation commission of the city of Boston, the board of
129 selectmen, park commissioners, a traffic commission or traffic director may petition the
130 department to modify the speed limit on a state highway within their geographic boundaries.
131 Said petition shall be made in writing to the state traffic engineer. The department shall have 90
132 days to approve or deny the petition. Upon approval of the petition or the expiration of the 90
133 days without action, the petitioned speed limit shall become effective and the department shall
134 erect upon the state highway affected thereby and at such points as the department may
135 designate, signs, conforming to standards adopted by the department, setting forth the speed
136 limit.

137 SECTION 14. Not later than 1 year after the effective date of this act, the Massachusetts
138 Department of Transportation, in consultation with the department of public health and the
139 executive office of public safety and security, shall develop a standardized form to report crashes
140 and incidents involving a motor vehicle and a vulnerable user, as defined in section 1 of chapter
141 90 of the General Laws. In developing the standardized form, the department shall consider best
142 practices in reporting crashes and incidents involving vulnerable users, including the Federal
143 Highway Administration's Pedestrian and Bicycle Crash Analysis Tool.

144 The standardized form shall be used by any municipal, county or state law enforcement
145 official or emergency medical services provider who responds to a crash or incident involving a

146 motor vehicle and a vulnerable user. The corresponding report for each crash or incident shall be
147 transmitted to the registrar of motor vehicles. The department shall maintain a publicly
148 accessible database of the standardized form reports; provided, however, that no personally
149 identifying information shall be published in the database.

150 SECTION 15. Not later than 6 months after the effective date of this act, the
151 Massachusetts Department of Transportation shall initiate with the United States Department of
152 Transportation John A. Volpe National Transportation Systems Center a study of the direct
153 vision performance of the vehicles subject to the fifth and sixth paragraphs of section 7 of
154 chapter 90 of the General Laws, as inserted by sections 9 and 10 of this act; provided, however,
155 that the study shall be completed not later than 18 months after the effective date of this act. The
156 study shall identify the range of direct vision afforded to drivers in this population of vehicles
157 and produce evidence-based safety recommendations stipulating a minimum acceptable level of
158 direct vision to be met by future applicable vehicles purchased and leased by the commonwealth.
159 The study shall be submitted in a report to the clerks of the house of representatives and senate
160 and the joint committee on transportation not later than 18 months after the effective date of this
161 act.

162 SECTION 16. The executive office of public safety and security shall within 1 year
163 report the results of a study of the implementation of this bill focusing on racial, gender and
164 geographic disparities if any.

165 SECTION 17. Section 9 shall take effect on January 1, 2023.

166 SECTION 18. Section 10 shall take effect on January 1, 2025.