

HOUSE No. 4940

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act concerning the safety of school children embarking and disembarking school buses.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to safeguard student safety, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public 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 1. Chapter 40 of the General Laws is hereby amended by adding the following
2 section:-

3 Section 70. (a) As used in this section, the following words shall, unless the context
4 clearly requires otherwise, have the following meanings:

5 “District”, as defined in section 2 of chapter 70.

6 “School bus violation detection monitoring system” or “system”, as defined in section
7 14C of chapter 90.

8 “Violation”, as defined in section 14C of chapter 90.

9 (b) A city or town that accepts this section may install and operate a school bus violation
10 detection monitoring system on a school bus to enforce violations pursuant to sections 14 and

11 14C of chapter 90. Any system shall be limited to monitoring and detecting violations of motor
12 vehicle operators who fail to stop for a school bus.

13 (c)(1) A city or town that accepts this section may enter into an agreement with a private
14 vendor or manufacturer to provide a school bus violation detection monitoring system on each
15 bus within its fleet whether the school bus is owned or leased, including the installation,
16 operation and maintenance of such systems.

17 (2) Any money paid to the manufacturer or vendor of the school bus violation detection
18 monitoring system shall not be based upon the revenue generated by the use of such systems.
19 Any money paid to the manufacturer or vendor of the system, including, but not limited to,
20 equipment, shall be based upon the value of the system and equipment installed and the recurring
21 services provided in support of the school bus violation detection monitoring systems, including
22 the processing of evidence files, cost of the technology provided and maintenance of such
23 technology.

24 (3) An agreement shall only become effective after consent by the affected district, by
25 vote of a majority of its governing school committee.

26 SECTION 2. Chapter 90 of the General Laws is hereby amended by inserting after
27 section 14B the following 3 sections:-

28 Section 14C. (a) As used in this section and sections 14D and 14E, the following words
29 shall, unless the context clearly requires otherwise, have the following meanings:

30 “District”, as defined in section 2 of chapter 70.

31 “School bus violation detection monitoring system” or “system”, a camera system that
32 monitors and detects a motor vehicle overtaking or passing a school bus when the bus is stopped
33 and displaying front and rear alternating flashing red signal lamps, as provided in section 7B,
34 when the bus has been stopped to allow pupils to alight from or board the bus. A school bus
35 violation detection monitoring system shall meet the requirements described in subsection (c).

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

39 “Violation”, the failure of an operator of a motor vehicle to comply with section 14 and
40 any other laws, codes, regulations, by-laws, ordinances, rules or other requirements governing
41 traffic control for school buses stopped to allow pupils to alight from or board the bus.

42 (b)(1) Any city or town that accepts section 70 of chapter 40 may install and operate a
43 school bus violation detection monitoring system on a school bus to enforce violations by an
44 operator of a motor vehicle who fails to stop their vehicle for a school bus when required to do
45 so pursuant to section 14.

46 (2) A school bus with a school bus violation detection monitoring system shall post
47 signage indicating the use of such system. The signage shall remain on each school bus while a
48 school bus violation detection monitoring system is in operation.

49 (c)(1) All systems installed on a school bus shall produce an evidence file that includes a
50 live visual video image viewable remotely, a recorded video image of the license plate and the
51 capacity to record the date, time and location of the vehicle committing a violation.

52 (2) A system's recorded video images and still photographic images shall record the rear
53 of the motor vehicle with: (i) at least 1 photographic image and 1 recorded video image clearly
54 recording the motor vehicle immediately before the violation of the stop arm traffic control sign;
55 and (ii) at least 1 photographic image and 1 recorded video image recording the motor vehicle
56 passing the stopped school bus with the stop arm traffic control sign deployed in violation of the
57 stop arm traffic control sign. At least 1 photographic image and 1 recorded video image shall
58 clearly identify the registration plate of the motor vehicle.

59 (3) To the extent practicable, any school bus violation detection monitoring system shall
60 use necessary technology to ensure that photographs or recorded video images produced by the
61 school bus violation detection monitoring system shall not include a frontal view photograph or
62 video image of the motor vehicle that is in violation of the stop arm traffic control sign or images
63 that identify the operator, passengers or contents of the vehicle; provided, however, that no
64 notice of liability issued under this section shall be dismissed solely because a photograph or
65 recorded video image allow for the identification of the operator, passengers or contents of a
66 vehicle if a reasonable effort has been made to comply with this subsection.

67 (d)(1) Other than for purposes of enforcement of a violation of this section or section 14
68 or for purposes of an owner defending a violation of this section, recorded video images and
69 photographs taken or created under this section shall only be obtained under an order by a court
70 of competent jurisdiction.

71 (2) All recorded video and photographic images and other information obtained through
72 the use of a school bus violation detection monitoring system, as authorized in this section, that
73 do not identify a violation shall be destroyed by a city, town, school department or vendor within

74 30 days of the date the image was recorded, unless otherwise ordered by a court of competent
75 jurisdiction. All recorded video and photographic images and other information that identify a
76 violation shall be destroyed within 1 year of final disposition of proceedings related to the
77 enforcement or defense of a violation, unless otherwise ordered by a court of competent
78 jurisdiction. Each city, town, school department and vendor under agreement utilizing 1 or more
79 school bus violation detection monitoring systems shall file notice attested under penalties of
80 perjury annually within 30 days of the close of the fiscal year with the state secretary that records
81 have been destroyed in accordance with this paragraph. All recorded video and photographic
82 images and other information, however stored or retained, obtained through systems authorized
83 in this section shall be the property of the municipality under agreement with a vendor and shall
84 not be used by a vendor for any other purpose. Upon the expiration of any agreement authorized
85 under this section, all of said video and photographic images and other information shall be
86 delivered within 30 days to the particular municipality unless otherwise ordered by a court of
87 competent jurisdiction.

88 (3) The administrator of the school bus violation detection monitoring system within any
89 city, town or district accepting this section shall submit an annual report to the Massachusetts
90 Department of Transportation regarding the use and operation of each system. The report shall
91 contain: (i) data on the number of citations issued under this section at each particular
92 intersection, and of those citations, shall detail: (A) the number paid without a request for a
93 hearing; (B) the number found responsible after a hearing; and (C) the number dismissed after a
94 hearing; and (ii) the cost to maintain each system and the amount of revenue obtained from each
95 system.

96 Section 14D. (a)(1) An evidence file of an alleged violation pursuant to section 14C shall
97 be forwarded to a law enforcement officer in the jurisdiction who is trained to observe and detect
98 a violation for failure to stop for a stopped school bus allowing pupils to alight or board the bus.

99 (2) A law enforcement officer, or law enforcement officer's approved technician, shall
100 review the video images and determine whether a violation occurred.

101 (3) The officer shall issue a citation if satisfied that a violation was committed pursuant to
102 section 14 and the vehicle committing the violation can be identified from its registration plate.

103 (b) A certificate or a facsimile thereof sworn to or affirmed by a police officer or other
104 law enforcement officer authorized to issue motor vehicle citations for violations of traffic laws,
105 stating that based upon inspection of the evidence file produced by a school bus violation
106 detection monitoring system, the vehicle was in violation of section 14, shall be prima facie
107 evidence of the facts contained therein.

108 (c) Any recorded video images or still photographic images produced by a school bus
109 violation detection monitoring system evidencing the violation shall be available for inspection
110 in any proceeding to adjudicate the liability for the violation adopted under this section.

111 Section 14E. (a) In all actions of civil traffic violations based on evidence obtained from
112 a school bus violation detection monitoring system pursuant to section 14C, the registered owner
113 of the motor vehicle shall be primarily responsible except as otherwise provided in this section.

114 (b) In the event that the registered owner of a vehicle operated in violation of section 14
115 was not the operator of the vehicle at the time of the violation, the registered owner of the
116 vehicle shall: (i) assume liability for the violation by paying the fine; (ii) upon written receipt of

117 the citation, provide the issuing authority within 30 days of the date of issuance with the name,
118 address and registration plate number of the operator of the vehicle who was responsible along
119 with a signed affidavit acknowledging such; or (iii) defend the violation pursuant to the
120 procedures established for traffic violations under this chapter.

121 (c) A vehicle owned or leased to a corporation that is identified by a school bus violation
122 detection monitoring system under this section shall be primarily responsible for a violation
123 pursuant to section 14 even if a person who normally operates the vehicle for the corporation
124 denies that they were operating the vehicle at the time of the violation; provided, that no entry
125 shall be made on the person's driving record.

126 (d)(1) A penalty imposed for a violation of this section shall not be considered a criminal
127 conviction and shall not be considered a moving violation of the motor vehicle laws for the
128 purpose of determining surcharges on motor vehicle premiums pursuant to section 113B of
129 chapter 175; provided, however, that the violation shall be noted on the registered owner or
130 operator's driving record.

131 (2) The fines pursuant to section 14 for a failure to stop for a school bus shall be applied
132 whether the violation is detected through the use of a school bus violation detection monitoring
133 system or by a police officer on scene who issues a written citation to the operator of the motor
134 vehicle. Pursuant to section 2 of chapter 280, all fines imposed for a violation of failing to stop
135 for a school bus in accordance with section 14 that is detected by a school bus violation detection
136 monitoring system or by a police officer who cites the operator in hand shall be paid to the
137 treasury of the city or town where the offense was committed.

138 (e) Upon the determination of a violation through the use of a school bus violation
139 detection monitoring system, it shall be the duty of the chief of police of the city or town, or any
140 designee of the chief, to issue the owner of the vehicle a citation pursuant to chapter 90C.