

SENATE No. 1483

The Commonwealth of Massachusetts

PRESENTED BY:

William N. Brownsberger

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act for an equitable ten community pilot program to improve traffic safety.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>William N. Brownsberger</i>	<i>Suffolk and Middlesex</i>	
<i>Steven Owens</i>	<i>29th Middlesex</i>	<i>3/28/2023</i>

SENATE No. 1483

By Mr. Brownsberger, a petition (accompanied by bill, Senate, No. 1483) of William N. Brownsberger for legislation for an equitable ten community pilot program to improve traffic safety. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1545 OF 2021-2022.]

The Commonwealth of Massachusetts

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

An Act for an equitable ten community pilot program to improve traffic 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. Clause Twenty-sixth of section 7 of chapter 4 of the General Laws, as
2 appearing in the 2018 Official Edition, is hereby amended by adding the following subclause:-

3 (w) Photographs and other personal identifying information collected by cities and towns
4 under chapter 90J.

5 SECTION 2. The General Laws are hereby amended by inserting after chapter 90I the
6 following chapter:-

7 CHAPTER 90J.

8 “AUTOMATED ROAD SAFETY ENFORCEMENT PILOT PROGRAM

9 Section 1. As used in this chapter, the following words shall have the following meanings
10 unless the context clearly requires otherwise:

11 “Automated road safety camera system”, an automated motor vehicle sensor device that
12 produces digital photographs of a motor vehicle that commits a camera enforceable violation at
13 the location where the automated motor vehicle sensor device is installed.

14 “Camera enforceable violation”, any of the following violations of a traffic law or
15 regulation: (i) failing to stop at a steady red indication in a traffic control signal at an intersection
16 pursuant to section 9 of chapter 89; (ii) making a right turn on a steady red indication in a traffic
17 control signal where prohibited pursuant to section 8 of said chapter 89; (iii) exceeding the speed
18 limit in violation of section 17 , section 18, or section 18B of chapter 90; (iv) passing a school
19 bus when its warning signals are activated in violation of section 14 of said chapter 90; (v)
20 blocking an intersection in violation of said section 9 of said chapter 89; and (vi) operating,
21 parking or causing a motor vehicle to stand in a lane designated for the exclusive use of buses
22 unless otherwise regulated or posted by an official traffic signal, sign or marking or at the
23 direction of an authorized police officer.

24 “Municipal designee”, the municipal entity designated by the city manager in a city with
25 a Plan D or E form of government, the mayor in all other cities or the board of selectmen in a
26 town to supervise and coordinate the administration of camera enforceable violations under this
27 chapter.

28 “Registrar”, the registrar of motor vehicles.

29 Section 2. (a) A city or town that accepts this chapter may install an automated road
30 safety camera system as a means of promoting traffic safety. The automated road safety camera

31 system may be placed: (i) along any portion of any way within the city's or town's control; (ii)
32 along any portion of any way within the control of the commonwealth, other than a limited
33 access highway, with written permission from the Massachusetts Department of Transportation
34 or the department of conservation and recreation; or (iii) attached to a school bus; provided,
35 however, that before equipping a school bus serving a regional school district with an automated
36 road safety camera, each city or town member of the regional school district shall accept this
37 chapter and shall approve the location of the automated road safety camera system pursuant to
38 subsection (b); provided further, that the city or town may impose a penalty for a camera
39 enforceable violation on the registered owner of a motor vehicle pursuant to section 3.

40 (b) A city or town that accepts this chapter shall not employ more than 1 automated road
41 safety camera system per 2,500 residents as measured by using the most recent census data;
42 provided, however, that a city or town with less than 2,500 residents shall not employ an
43 automated road safety camera system; and provided further, that an automated road safety
44 camera system that is attached to a school bus shall not be included in the number of automated
45 road safety camera systems in the city or town. The location of an automated road safety camera
46 system shall be approved by the city council with the approval of the mayor in a city or the board
47 of selectmen in a town after a public hearing on the proposed location of the automated road
48 safety camera system; provided, however, that the city or town shall present the past 3 years of
49 available crash data at the proposed location of an automated road safety camera system at the
50 public hearing.

51 (c) Annually, not later than December 1, a city or town that accepts this chapter shall
52 transmit a report to the Massachusetts Department of Transportation that details each automated
53 road safety camera system located in the city or town or proposed to be located in the city or

54 town. The report shall include, but not be limited to: (i) a list of the locations of each automated
55 road safety camera system in the city or town; (ii) an analysis of the nexus between public safety
56 and each location's automated road safety camera system; and (iii) the number of fines and
57 warnings issued for camera enforceable violations pursuant to section 3; (iv) records of the
58 maintenance and calibration of each location's automated road safety camera system. The
59 department shall post all reports received pursuant to this section on its website; (v) crash data at
60 each separate location of an automated road safety camera system; and (vi) an analysis of the
61 frequency of traffic stops by the municipality's police force prior to and after the implementation
62 of an automated road safety camera system.

63 Section 3. (a) The maximum fine imposed under this chapter for a camera enforceable
64 violation shall be \$25 per violation. Except as provided in section 4, the registered owner of a
65 motor vehicle shall be liable for the fine; provided, however, that a registered owner of a motor
66 vehicle shall not be liable for the fine imposed under this chapter for a camera enforceable
67 violation if the operator of the motor vehicle was issued a citation for the violation in accordance
68 with section 2 of chapter 90C. A city or town that accepts this chapter may send a written
69 warning to the registered owner of a motor vehicle for the purposes of education in lieu of
70 enforcement through a fine; provided, however, that a written warning shall only be issued
71 pursuant to objective and consistent criteria in a written policy established by the municipal
72 designee; provided further, that the Massachusetts Department of Transportation may provide
73 guidance to the city or town on establishing such objective and consistent criteria.

74 (b) A certificate, or a facsimile thereof, based upon inspection of photographs and data
75 produced by an automated road safety camera system and sworn to or affirmed by the municipal
76 designee shall be prima facie evidence of the facts contained therein.

77 (c) A camera enforceable violation issued by a city or town under this chapter shall not
78 be: (i) made part of the operating record of the person upon whom such liability is imposed; or
79 (ii) a conviction of a moving violation of the motor vehicle laws for the purpose of determining a
80 surcharge on a motor vehicle premium pursuant to section 113B of chapter 175.

81 (d) The municipal designee may hire and designate personnel as necessary or contract for
82 services to implement this chapter.

83 (e) (1) The municipal designee shall provide a notice of violation to the registered owner
84 of a motor vehicle that is identified in photographs produced by an automated road safety camera
85 system as evidence of a camera enforceable violation pursuant to this chapter. The notice shall
86 include, but not be limited to: (i) a copy of the photographs produced by the automated road
87 safety camera system and any other data showing the vehicle in the process of a camera
88 enforceable violation; (ii) the registration number and state of issuance of the vehicle; (iii) the
89 date, time and location of the alleged camera enforceable violation; (iv) the specific camera
90 enforceable violation charged; (v) instructions for payment of the fine imposed pursuant to
91 subsection (a); (vi) instructions on how to appeal the camera enforceable violation in writing and
92 to obtain a hearing; and (vii) an affidavit form approved by the municipal designee for the
93 purposes of making a written appeal pursuant to subsection (h).

94 (2) In the case of a violation involving a motor vehicle registered in the commonwealth,
95 the notice of violation shall be mailed within 14 days of the violation to the address of the
96 registered owner of the motor vehicle as listed in the records of the registrar. If a motor vehicle is
97 registered under the laws of another state or country, the notice of violation shall be mailed
98 within 21 days of the violation to the address of the registered owner as listed in the records of

99 the official in the state or country that has charge of the registration of the motor vehicle. If the
100 address is unavailable, it shall be sufficient for the municipal designee to mail a notice of
101 violation to the official in the state or country that has charge of the registration of the motor
102 vehicle.

103 (3) The notice of violation shall be sent by first class mail in accordance with paragraph
104 (2). A manual or automatic record of mailing processed by or on behalf of the municipal
105 designee in the ordinary course of business shall be prima facie evidence thereof and shall be
106 admitted as evidence in any judicial or administrative proceeding as to the facts contained
107 therein.

108 (f) A registered owner of a motor vehicle shall not be liable for a camera enforceable
109 violation under this chapter if the: (i) violation was necessary to allow the passage of an
110 emergency vehicle; (ii) violation was incurred while participating in a funeral procession; (iii)
111 violation was incurred during a period of time in which the motor vehicle was reported to the
112 police department of any state, city or town as having been stolen and had not been recovered
113 before the time the violation occurred; (iv) operator of the motor vehicle was operating the motor
114 vehicle under a rental or lease agreement and the registered owner of the motor vehicle is a rental
115 or leasing company and has complied with section 4; (v) operator of the motor vehicle was
116 issued a citation for the violation in accordance with section 2 of chapter 90C; or (vi) violation
117 was necessary to comply with any other law or regulation governing the operation of a motor
118 vehicle.

119 (g) A registered owner of a motor vehicle to whom a notice of violation has been issued
120 pursuant to this chapter may admit responsibility for the violation and pay the fine provided

121 therein. Payment of the established fine shall operate as the final disposition of a camera
122 enforceable violation; provided, however, that payment by a registered owner of a motor vehicle
123 shall operate as the final disposition of the violation as to any other registered owner of the same
124 motor vehicle for the same violation.

125 (h) Not more than 60 days after a camera enforceable violation under this chapter, a
126 registered owner of a motor vehicle may contest responsibility for the violation in writing by
127 mail or online. The registered owner shall provide the municipal designee with a signed affidavit,
128 in a form approved by the municipal designee, stating the: (i) reason for disputing the violation;
129 (ii) full legal name and address of the registered owner of the motor vehicle; and (iii) full legal
130 name and address of the operator of the motor vehicle at the time the violation occurred. The
131 registered owner may include signed statements from witnesses, including the names and
132 addresses of witnesses, supporting the registered owner's defense. Not more than 21 days after
133 receipt of the signed affidavit, the municipal designee or the hearing officer shall send the
134 decision of the hearing officer, including the reasons for the outcome, by first class mail to the
135 registered owner. If the registered owner is found responsible for the violation, the registered
136 owner shall pay the fine in the manner described in subsection (g) not more than 14 days after
137 the issuance of the decision or request further judicial review pursuant to section 14 of chapter
138 30A.

139 (i) In lieu of contesting responsibility for a violation in writing or online pursuant to
140 subsection (h) and not more than 60 days after a violation under this chapter, a registered owner
141 of the motor vehicle may request a hearing to contest responsibility for a camera enforceable
142 violation. A hearing request shall be made in writing by mail or online. Upon receipt of a hearing
143 request, the municipal designee shall schedule the matter before a hearing officer. The hearing

144 officer may be an employee of the municipal designee or such other person as the municipal
145 designee may designate. Written notice of the date, time and place of the hearing shall be sent by
146 first class mail to each registered owner of the motor vehicle. The hearing shall be informal, the
147 rules of evidence shall not apply and the decision of the hearing officer shall be final subject to
148 judicial review pursuant to section 14 of chapter 30A. Not more than 21 days after the hearing,
149 the municipal designee or the hearing officer shall send the decision of the hearing officer,
150 including the reason for the outcome, by first class mail to the registered owner. If the registered
151 owner is found to be responsible for the camera enforceable violation, the registered owner shall
152 pay the fine in the manner described in subsection (g) not more than 14 days after the issuance of
153 the decision or request further judicial review pursuant to said section 14 of said chapter 30A.

154 (j) The municipal designee shall notify the registrar when a registered owner of a motor
155 vehicle to whom a notice of a camera enforceable violation has been issued: (i) fails to contest
156 the responsibility for a violation pursuant to subsection (h) or subsection (i) and fails to pay the
157 fine in the notice in accordance with subsection (g) within 60 days of the violation; or (ii) is
158 found responsible for the violation and does not pay the fine in accordance with subsection (h) or
159 subsection (i). Upon being notified by the municipal designee, the registrar shall place the matter
160 on record. The municipal designee shall notify the registrar immediately when a fine that is the
161 basis for a notice to the registrar under this subsection has been paid; provided, however, that
162 certified receipt of full and final payment from the municipal designee issuing a violation shall
163 also serve as legal notice to the registrar that a violation has been disposed of in accordance with
164 this chapter. The certified receipt shall be printed in such form as the registrar may approve.

165 Section 4. (a) Notwithstanding section 3, if the registered owner of a motor vehicle is a
166 person or entity engaged in the business of leasing or renting motor vehicles and the motor

167 vehicle was operated under a rental or lease agreement at the time of the camera enforceable
168 violation, this section shall be applicable and the registered owner shall not be liable for any
169 unpaid fines if the registered owner has complied with the requirements of this section.

170 (b) The municipal designee shall provide notice in writing of each camera enforceable
171 violation to the registered owner of a motor vehicle if a motor vehicle owned by the registered
172 owner is involved in a camera enforceable violation.

173 (c) Not more than 45 days after the violation, the registered owner shall furnish to the
174 municipal designee, in writing, the name and address of the lessee or rentee of the motor vehicle
175 at the time of the camera enforceable violation, the lessee's or rentee's driver's license number,
176 the state that issued the driver's license and the lessee's or rentee's date of birth.

177 (d) Upon receipt of the information required under subsection (c), the municipal designee
178 shall issue a notice of a camera enforceable violation to the lessee or rentee in the form
179 prescribed by section 3 and the lessee or rentee shall be liable for the violation.

180 (e) The municipal designee shall notify the registrar if the lessee or rentee to whom a
181 notice of violation has been issued: (i) fails to contest the responsibility for a camera enforceable
182 violation pursuant to either subsection (h) or subsection (i) of section 3 and fails to pay the fine
183 in the notice in accordance with subsection (g) of said section 3 within 90 days of the violation;
184 or (ii) is found responsible for the violation and does not pay the fine in accordance with said
185 subsection (h) or said subsection (i) of said section 3. Upon being notified by the municipal
186 designee, the registrar shall place the matter on record.

187 The municipal designee shall notify the registrar immediately when a fine that is the basis
188 for a notice to the registrar under this subsection has been paid; provided, however, that certified

189 receipt of full and final payment from the municipal designee issuing a camera enforceable
190 violation shall also serve as notice to the registrar that the camera enforceable violation has been
191 disposed of in accordance with this chapter; provided further, that the certified receipt shall be
192 printed in such form as the registrar may approve.

193 Section 5. No violation shall be issued pursuant to this chapter for: (i) a failure to stop at
194 a signal at an intersection if any part of the vehicle was over the stop line when the light was
195 yellow, regardless of whether or not the light turned red while the vehicle was over the stop line;
196 (ii) exceeding the speed limit, unless the vehicle exceeds the speed limit by not less than 10 miles
197 per hour where the posted speed limit is 45 miles per hour or greater and not less than 5 miles per
198 hour where the posted speed limit is less than 45 miles per hour; (iii) passing a school a bus
199 when its warning signals are activated, unless the vehicle crosses the plane of the stop sign on the
200 bus; (iv) making a right turn on a steady red indication in a traffic control signal where
201 prohibited, unless the entire vehicle has crossed the stop line; or (v) blocking an intersection,
202 unless the entire vehicle has crossed the stop line and no portion of the vehicle has exited the
203 intersection.

204 Section 6. (a) A city or town that accepts this chapter shall install at each location of an
205 automated road safety camera system an unobstructed sign notifying the public that an
206 automated road safety camera system is in use; provided, however, that a school bus with an
207 automated road safety camera system shall have a sign on the bus notifying the public that an
208 automated road safety camera system is in use on the bus.

209 (b) A city or town that accepts this chapter shall make a public announcement and
210 conduct a public awareness campaign of its use of automated road safety camera systems

211 beginning not less than 60 days before the first such automated road safety camera system is put
212 into use; provided, however, that a city or town that accepts this chapter may install but shall not
213 activate automated road safety camera systems during the 60-day time period.

214 Section 7. (a) The compensation paid to the manufacturer or vendor of an automated road
215 safety camera system authorized in this chapter shall be based on the value of the equipment or
216 services provided and shall not be based on the number of camera enforceable violations issued
217 or the revenue generated by the automated road safety camera system.

218 (b) Not less than annually, a professional engineer registered in the commonwealth or an
219 independent laboratory shall verify that the automated road safety camera system and any
220 appurtenant traffic control signals are correctly calibrated.

221 Section 8. (a) An automated road safety camera system shall only take photographs when
222 a camera enforceable violation occurs. Photographs and other recorded evidence shall be
223 destroyed not more than 48 hours after the final disposition of a camera enforceable violation.

224 (b) A photograph or other recorded evidence taken pursuant to this chapter shall not be
225 discoverable in any judicial or administrative proceeding, other than a proceeding held pursuant
226 to this chapter, without a court order. A photograph or other recorded evidence taken pursuant to
227 this chapter shall not be admissible in any judicial or administrative proceeding, other than in a
228 proceeding to adjudicate liability for a violation of this chapter, without a court order. A court
229 shall not order a release of a photograph or other recorded evidence taken pursuant to this
230 chapter unless the photograph or other recorded evidence establishes or undermines a finding of
231 a moving violation and the camera enforceable violation is material as to a finding of civil or
232 criminal liability.

233 (c) Photographs and other personal identifying information collected by a city or town
234 pursuant to this chapter shall not be a public record under Clause Twenty-Sixth of section 7 of
235 chapter 4 or chapter 66.

236 (d) An automated road safety camera system shall not be utilized to take a frontal view
237 photograph of a motor vehicle committing a camera enforceable violation. A frontal view
238 photograph of a motor vehicle committing a camera enforceable violation taken by an automated
239 road safety camera system shall not be discoverable or admissible in any judicial or
240 administrative proceeding and shall not be used as the basis for a camera enforceable violation
241 under this chapter. To the extent practicable, additional efforts shall be made to ensure that
242 photographs produced by an automated road safety camera system do not identify the vehicle
243 operator, the passengers or the contents of the vehicle.

244 (e) A city or town or a manufacturer or vendor of an automated road safety camera
245 system may not use, disclose, sell or permit access to data collected by an automated road safety
246 camera system except as necessary to process camera enforceable violations in accordance with
247 this chapter.

248 Section 9. A city or town that accepts this chapter may only recover costs reasonably
249 related to the implementation and operation of an automated road safety camera system
250 including, but not limited to, costs associated with: (i) maintaining and operating the automated
251 road safety camera system; (ii) issuing notices of camera enforceable violations; (iii) holding
252 hearings for appeals of camera enforceable violations; (iv) notifying the registrar of a failure to
253 pay a fine under this chapter; and (v) collecting a fine; provided, however, that net revenues

254 collected by participating cities and towns pursuant to this chapter shall be deposited in the
255 Massachusetts Transportation Trust Fund established in section 4 of chapter 6C.

256 Section 10. The operation of emergency vehicles shall be subject to this chapter except as
257 otherwise provided in section 7B of chapter 89.

258 Section 10A. A city or town shall not implement this chapter unless the city or town has
259 submitted a plan for the implementation of automated road safety camera systems to the
260 Massachusetts Department of Transportation and the department has approved the plan. The
261 review of the plan by the department shall include, but shall not be limited to, consideration of
262 the social and racial equity impacts of the plan. There shall not be more than 10 approved plans
263 in effect at any given time.

264 Section 10B. Not less than annually, the Massachusetts Department of Transportation
265 shall submit a report to the clerks of the senate and house of representatives, the senate and house
266 committees on ways and means and the joint committee on transportation that analyzes the
267 public safety, traffic congestion, and social and racial equity impacts of this chapter. The
268 Massachusetts Department of Transportation shall also publish the report on its website.

269 Section 11. The Massachusetts Department of Transportation shall promulgate rules and
270 regulations necessary to implement this chapter.

271 SECTION 2A. Not later than 90 days from the effective date of this act, the
272 Massachusetts Department of Transportation shall promulgate regulations to implement chapter
273 90J of the General Laws. The regulations shall include, but not be limited to: (i) establishing
274 standardized forms for notices of violations and written warnings; (ii) developing uniform
275 signage requirements for the purpose of complying with subsection (a) of section 6 of said

276 chapter 90J; and (iii) establishing standards for the calibration of automated road safety camera
277 systems under subsection (b) of section 7 of said chapter 90J.

278 “SECTION 3. The first report required under section 10B of chapter 90J of the General
279 Laws shall be submitted not less than 2 years after the first plan is approved by the
280 Massachusetts Department of Transportation under section 10A of said chapter 90J.