

SENATE No. 3005

The Commonwealth of Massachusetts

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

SENATE, December 26, 2024.

The committee on Senate Ways and Means to whom was referred the House concerning the safety of school children embarking and disembarking school buses (House, No. 4940); reports, recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 3005.

For the committee,
Michael J. Rodrigues

SENATE No. 3005

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

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 have the following
4 meanings unless the context clearly requires otherwise:

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 such system shall be used solely to monitor and detect violations of
12 motor vehicle operators who overtake or fail to stop for a school bus in violation of section 14 of
13 chapter 90.

14 (c)(1) A city or town that accepts this section may enter into an agreement with a private
15 vendor or manufacturer to provide a school bus violation detection monitoring system, including

16 the installation, operation and maintenance of such systems, on each bus within its fleet whether
17 the school bus is owned or leased.

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

24 (3) An agreement to provide a school bus violation detection monitoring system under
25 this section shall only become effective after consent by the applicable district, through a vote of
26 a majority of its governing school committee.

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

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

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

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

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

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

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

47 (2) A school bus with a school bus violation detection monitoring system shall post
48 signage indicating that such system is in use on such bus. The signage shall remain on each such
49 school bus at all times while a school bus violation detection monitoring system is in operation.

50 (c)(1) All systems installed on a school bus shall produce an evidence file that includes:
51 (i) a live visual video image viewable remotely; (ii) a recorded video image of the license plate
52 of a vehicle committing a violation of the stop arm traffic control sign; and (iii) the capacity to
53 record the date, time and location of the vehicle committing a violation of the stop arm traffic
54 control sign; provided, however, that all recordings in an evidence file under this section shall be
55 destroyed in accordance with paragraph (2) of subsection (d) as applicable.

56 (2) A system’s recorded video images and still photographic images shall record the rear
57 of the motor vehicle with at least: (i) 1 photographic image and 1 recorded video image clearly
58 recording the motor vehicle immediately before the violation of the stop arm traffic control sign;

59 (ii) 1 photographic image and 1 recorded video image recording the motor vehicle passing the
60 stopped school bus with the stop arm traffic control sign in violation of the stop arm traffic
61 control sign; and (iii) 1 photographic image and 1 recorded video image that clearly identify the
62 license plate of the motor vehicle; provided, however, that all recordings in an evidence file
63 under this section shall be destroyed in accordance with paragraph (2) of subsection (d) as
64 applicable.

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

73 (d)(1) Other than for purposes of enforcement of a violation of this section or section 14
74 or for purposes of an owner of a vehicle defending a violation of this section, recorded video
75 images and photographs taken or created under this section shall only be made available under
76 an order by a court of competent jurisdiction.

77 (2) All recorded video and photographic images and other information obtained through
78 the use of a school bus violation detection monitoring system, as authorized in this section, that
79 do not identify a violation shall be destroyed by a city, town, school department, district or
80 vendor within 30 days of the date the image was recorded, unless otherwise ordered by a court of

81 competent jurisdiction. All recorded video and photographic images and other information that
82 identify a violation shall be destroyed within 1 year of the final disposition of proceedings
83 related to the enforcement or defense of a violation, unless otherwise ordered by a court of
84 competent jurisdiction. Annually, within 30 days of the close of the fiscal year, each city, town,
85 school department, district and vendor under agreement utilizing at least 1 school bus violation
86 detection monitoring systems shall file a notice attested under penalties of perjury with the state
87 secretary that records have been destroyed in accordance with this paragraph. All recorded video
88 and photographic images and other information, however stored or retained, obtained through
89 systems authorized in this section shall be the property of the municipality under agreement with
90 a vendor or manufacturer under section 70 of chapter 40 and shall not be used by a vendor or
91 manufacturer for any other purpose. Upon the expiration of any agreement authorized under this
92 section, all such video and photographic images and other information shall be delivered within
93 30 days to the municipality who is a party to the agreement unless otherwise ordered by a court
94 of competent jurisdiction.

95 (3) The administrator of the school bus violation detection monitoring system within any
96 city, town or district accepting this section shall submit an annual report to the Massachusetts
97 Department of Transportation regarding the use and operation of each system. The report shall
98 contain: (i) data on the number of citations issued under this section, organized by intersection,
99 and of those citations shall detail: (A) the number of alleged violators who paid the applicable
100 fine without a request for a hearing; (B) the number of violators found responsible after a
101 hearing; and (C) the number of violations dismissed after a hearing; and (ii) the cost to maintain
102 each system and the amount of revenue obtained from each system.

103 Section 14D. (a)(1) An evidence file of an alleged violation under section 14C shall be
104 forwarded to a law enforcement officer in the jurisdiction who is trained to observe and detect a
105 violation of section 14.

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

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

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

115 (c) Any recorded video images or still photographic images produced by a school bus
116 violation detection monitoring system evidencing a violation of section 14 shall be available for
117 inspection in any proceeding to adjudicate the liability for the violation adopted under this
118 section.

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

122 (b) If the registered owner of a vehicle operated in violation of section 14 was not the
123 operator of the vehicle at the time of the violation, the registered owner of the vehicle shall: (i)

124 assume liability for the violation by paying the fine; (ii) upon written receipt of the citation,
125 provide the issuing authority within 30 days of the date of issuance of the citation with the name,
126 address and registration plate number of the operator of the vehicle who was responsible along
127 with a signed affidavit acknowledging such information and attesting to its veracity; or (iii)
128 defend the violation pursuant to the procedures established for traffic violations under this
129 chapter.

130 (c) A corporation that owns or leases a vehicle identified as being in violation of section
131 14 by a school bus violation detection monitoring system under this section shall be primarily
132 responsible for such violation even if a person who normally operates the vehicle for the
133 corporation denies that such person was operating the vehicle at the time of the violation;
134 provided, that no violation entry shall be made on the person's driving record.

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

140 (2) The fines pursuant to section 14 for a failure to stop for a school bus shall apply to a
141 violation of said section 14 whether the violation is detected through the use of a school bus
142 violation detection monitoring system or by a police officer on scene who issues a written
143 citation to the operator of the motor vehicle. Pursuant to section 2 of chapter 280, all fines
144 imposed for a violation of section 14 that is detected by a school bus violation detection

145 monitoring system or by a police officer at the scene who cites the operator in hand shall be paid
146 to the treasury of the city or town where the offense was committed.

147 (e) Upon the determination of a violation through the use of a school bus violation
148 detection monitoring system, the chief of police of the city or town, or any designee of the chief,
149 shall issue the owner of the vehicle a citation pursuant to chapter 90C.