

HOUSE No. 4179

The Commonwealth of Massachusetts

PRESENTED BY:

Christine P. Barber

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 authorizing the city of Somerville to employ automated enforcement of certain traffic violations.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>5/27/2025</i>
<i>Erika Uytterhoeven</i>	<i>27th Middlesex</i>	<i>12/23/2025</i>

HOUSE No. 4179

By Representative Barber of Somerville, a petition (accompanied by bill, House, No. 4179) of Christine P. Barber (with the approval of the mayor and city council) that the city of Somerville be authorized to employ automated enforcement of certain traffic violations in said city. Transportation. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act authorizing the city of Somerville to employ automated enforcement of certain traffic violations.

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.

2 As used in this chapter, the following words shall, unless the context clearly requires
3 otherwise, have the following meanings:

4 "Automated Road Safety Camera System" shall mean an automated motor vehicle sensor
5 device installed which produces digital photographs or video of a motor vehicle that commits a
6 camera enforceable violation at the location where the automated motor vehicle sensor device is
7 installed.

8 "Camera Enforceable Violation" shall mean any of the following violations of a traffic
9 law or regulation: (i) failing to stop at a steady red indication in a traffic control signal at an
10 intersection pursuant to section 9 of chapter 89; (ii) making a right turn on a steady red indication

11 in a traffic control signal where prohibited pursuant to section 8 of said chapter 89; (iii)
12 exceeding the speed limit in violation of section 17 or section 18 of chapter 90; and (iv) blocking
13 an intersection in violation of said section 9 of said chapter 89.

14 SECTION 2.

15 (a) The City of Somerville may employ an automated road safety camera system as a
16 means of promoting traffic safety, which may be fixed along any portion of any ways within the
17 city's control, or within the control of the Commonwealth with written permission from the
18 department of transportation, and may impose a penalty on the owner of a motor vehicle for
19 failure by the operator thereof to comply with traffic laws and regulations.

20 REFILE OF PREVIOUS MATTER: BILL #: OF YEAR:

21 AUTHORIZING THE CITY OF SOMERVILLE TO

22 EMPLOY AUTOMATED ENFORCEMENT OF CERTAIN

23 TRAFFIC VIOLATIONS.

24 (b) The locations of an automated road safety camera system shall be approved by the
25 city council with the approval of the mayor after a public hearing on the proposed locations of
26 the automated road safety camera system.

27 SECTION 3.

28 (a) The fine imposed for a violation issued pursuant to this chapter shall be no more than
29 the amount that the fine would be if a citation for the underlying violation had been issued in
30 accordance with section 2 of chapter 90C of the General Laws. For violations issued pursuant to

31 this chapter, except as provided in section 4, the owner or owners of a vehicle shall be liable for
32 the fine, however, no owner of a vehicle shall be responsible for a violation issued pursuant to
33 this chapter where the operator of the motor vehicle was issued a citation for the underlying
34 violation in accordance with section 2 of chapter 90C of the General Laws. The City may send a
35 written warning to the owner or owners in lieu of enforcement for the purpose of education.

36 (b) A certificate, or a facsimile thereof, based upon inspection of photographs and data
37 produced by an automated road safety camera system, and sworn to or affirmed by the
38 police department or designee authorized to issue citations for violations of traffic laws and
39 regulations, shall be prima facie evidence of the facts contained therein.

40 (c) A violation issued by the City shall not be made part of the operating record of the
41 person upon whom such liability is imposed, nor shall such violation be considered a conviction
42 of a moving violation of the motor vehicle laws for the purpose of determining a surcharge on a
43 motor vehicle premium pursuant to section 113B of chapter 175 of the General Laws.

44 (d) The police department shall supervise and coordinate the administration of violations
45 issued in conformance with this chapter. The police department shall have the authority to hire
46 and designate such personnel as may be necessary or contract for such services to implement the
47 provisions of this chapter.

48 (e) It shall be the duty of the police department to cause a notice of violation to the
49 registered owner or owners of a motor vehicle identified in photographs produced by such device
50 as evidence of a violation pursuant to this chapter. Such notice shall contain, but not be limited
51 to, the following information: a copy of the aforementioned recorded images and other data
52 showing the vehicle in the process of a camera enforceable violation; the registration number and

53 state of issuance of the vehicle; the date, time and location of the violation; the specific camera
54 enforceable violation charged; instructions for payment of the violation; instructions to contest
55 the violation in writing; and instructions to obtain a hearing.

56 (f) In the case of a violation involving a motor vehicle registered under the laws of the
57 Commonwealth, a notice of violation shall be mailed within 14 days of the violation to the
58 address of the registered owner or owners as listed in the records of the registrar of motor
59 vehicles. In the case of any motor vehicle registered under the laws of another state or country,
60 such notice of violation shall be mailed within 21 days of the violation to the address of the
61 registered owner or owners as listed in the records of the official in such state or country having
62 charge of the registration of such motor vehicle. If said address is unavailable, it shall be
63 sufficient for the police department or designee to mail a notice of violation to the official in
64 such state or country having charge of the registration of such motor vehicle.

65 (g) A notice of violation shall be sent by first class mail in accordance with subsection (f)
66 and shall include an affidavit form approved by the police department for the purpose of
67 complying with subsection (b). A manual or automatic record of mailing processed by or on
68 behalf of the police department in the ordinary course of business shall be prima facie evidence
69 thereof, and shall be admitted as evidence in any judicial or administrative proceeding, as to the
70 facts contained therein.

71 (h) Any owner to whom a notice of violation has been issued shall not be liable for a
72 violation under the provisions of this chapter if: the violation was necessary to allow the passage
73 of an emergency vehicle; the violation was incurred while participating in a funeral procession;
74 the violation was incurred during a period of time in which the motor vehicle was reported to the

75 police department of any state, City or town as having been stolen and had not been recovered
76 prior to the time the violation occurred; the operator of the motor vehicle was operating the
77 motor vehicle under a rental or lease agreement and the owner of the motor vehicle is a rental or
78 leasing company and has complied with the provisions of section 4 of this chapter; the operator
79 of the motor vehicle was issued a citation for the underlying violation in accordance with section
80 2 of chapter 90C of the General Laws; or, the violation was necessary to comply with any other
81 law or regulation governing the operation of a motor vehicle.

82 (i) Any motor vehicle owner to whom a notice of violation has been issued pursuant to
83 this chapter may admit responsibility for such violation and pay the fine provided therein.
84 Payment may be made personally or through a duly authorized agent, by appearing before the
85 police department's designee during normal office hours, by mailing or online. Payment by mail
86 shall be made by check, money order or credit card to the police department or City. Payment of
87 the established fine and any applicable penalties shall operate as the final disposition of the
88 violation. Payment by one motor vehicle owner shall operate as the final disposition of the
89 violation as to all other motor vehicle owners of the same motor vehicle for the same violation.

90 (j) Not more than 60 days after a camera enforceable violation under this chapter, an
91 owner may contest responsibility for a violation under this chapter in writing by mail or online.
92 The owner shall provide the police department with a signed affidavit in a form approved by the
93 police department, stating: the reason for disputing the violation; the full legal name and address
94 of the owner of the motor vehicle; and the full legal name and address of the operator of the
95 motor vehicle at the time the violation occurred. An owner may include signed statements from
96 witnesses, which include the names and addresses of witnesses, supporting the owner's defense.
97 Within 21 days of receipt, the police department or the hearing officer shall send the decision of

98 the hearing officer, including the reasons for the outcome, by first class mail to the registered
99 owner or owners. If the owner is found responsible for the violation, the owner shall pay the fine
100 in the manner described in (i) within 14 days of the issuance of the decision or request further
101 judicial review pursuant to section 14 of Chapter 30A of the General Laws.

102 (k) Not more than 60 days after a violation under this chapter, an owner may request a
103 hearing to contest responsibility for a violation. A hearing request shall be made in writing by
104 mail or online. Upon receipt of a hearing request, the police department shall schedule the matter
105 before hearing officer. Said hearing officer may be an employee of the police department of the
106 City or such other person or persons as the police department may designate. Written notice of
107 the date, time and place of said hearing shall be sent by first class mail to each registered owner.
108 The hearing shall be informal, the rules of evidence shall not apply, and the decision of the
109 hearing officer shall be final subject to judicial review as outlined by section 14 of Chapter 30A
110 of the General Laws. Within 21 days of the hearing, the police department or the hearing officer
111 should send the decision of the hearing officer, including the reasons for the outcome, by first
112 class mail to the registered owner or owners. If the owner is found responsible for the violation,
113 the owner shall pay the fine in the manner described in (i) within 14 days of the issuance of the
114 decision or request further judicial review pursuant to section 14 of Chapter 30A of the General
115 Laws.

116 (l) Unless an owner or owners pay the fine or contest responsibility within 60 days of the
117 violation, the provisions shall apply. If an owner to whom a notice of violation has been issued
118 either fails to pay the fine in said notice in accordance with subsection (i), or is found responsible
119 for the violation and does not pay the fine in accordance with subsection (j) or subsection (k), the
120 police department shall notify the registrar of motor vehicles who shall place the matter on

121 record. Upon receipt of the registrar of five or more of such notices, the registrar shall not issue
122 or renew such owner's motor vehicle registration until after notification from the police
123 department that all fines owed pursuant to this chapter have been paid. It shall be the duty of the
124 police department to notify the registrar forthwith that such case has been so disposed; provided,
125 however, that certified receipt of full and final payment from the police department shall also
126 serve as legal notice to the registrar that said violation has been disposed of in accordance with
127 this chapter. The certified receipt shall be printed in such form as the registrar of motor vehicles
128 may approve.

129 SECTION 4.

130 (a) Notwithstanding section 3 of this chapter, if the registered owner of a motor vehicle in
131 receipt of a notice of violation is a person or entity engaged in the business of leasing or renting
132 motor vehicles, and such motor vehicle was operating under a rental or lease agreement at the
133 time of a violation, then the provisions of this section shall be applicable, and the registered
134 owner shall not be liable for any unpaid fines; provided, however, that such owner has complied
135 with the procedures of this section.

136 (b) The police department shall give to the registered owner notice in writing of each
137 violation in which a motor vehicle owned by such owner is involved, as set forth in section 3.

138 (c) Within 45 days of the violation, the registered owner shall furnish to such department
139 or designee in writing the name and address of the lessee or rentee of such motor vehicle at the
140 time of the violation; the lessee's or rentee's driver's license number, state of issuance of such
141 driver's license and the lessee's or rentee's date of birth.

142 (d) Such department or designee shall thereupon issue a notice of violation to such lessee
143 or rentee in the form prescribed by section 3 and the lessee or rentee shall be liable for the
144 violation.

145 (e) If such lessee or rentee to whom a notice of violation has been issued either fails to
146 pay the fine in accordance with subsection (i) of section 3, or fails to receive a favorable
147 adjudication of said notice in accordance with subsection (j) of section 3, or subsection (k) of
148 section 3, the police department or designee shall notify the registrar of motor vehicles who shall
149 place the matter on record. Upon notification to the registrar of five or more of such notices
150 under this section, it shall be the duty of the registrar to suspend and not renew the license to
151 operate a motor vehicle of such lessee or rentee or suspend the right to operate of a lessee or
152 rentee not licensed in this Commonwealth until after notification from the Somerville police
153 department that all fines, taxes and penalties owed by such owner pursuant to either this chapter,
154 have been disposed of in accordance with this chapter. It shall be the duty of the police
155 department to notify the registrar forthwith that such case has been so disposed; provided,
156 however, that certified receipt of full and final payment from the police department shall also
157 serve as notice to the registrar that said violation has been disposed of in accordance this chapter.
158 The certified receipt shall be printed in such form as the registrar of motor vehicles may approve.

159 SECTION 5.

160 No violation shall be issued pursuant to this chapter for: (i) a failure to stop at a signal at
161 an intersection if any part of the vehicle was over the stop line when the light was yellow,
162 regardless of whether or not the light turned red while the vehicle was over the stop line; (ii)
163 exceeding the speed limit, unless the vehicle exceeds the speed limit by not less than 5 miles per

164 hour; (iii) making a right turn on a steady red light indication in a traffic control signal where
165 prohibited, unless the entire vehicle has crossed the stop line; or (iv) blocking an intersection,
166 unless the entire vehicle has crossed the stop line and no portion of the vehicle has exited the
167 intersection.

168 SECTION 6.

169 (a) The City shall install a sign notifying the public that an automated road safety camera
170 system is in use at each location of said camera.

171 (b) The City shall make a public announcement and conduct a public awareness
172 campaign of use of automated road safety camera systems beginning at least 60 days before the
173 enforcement program is in use. The City may install but not activate automated road safety
174 camera systems during said time period.

175 SECTION 7.

176 (a) The compensation paid to the manufacturer or vendor of the automated road safety
177 camera system as authorized herein shall be based on the value of the equipment or services
178 provided and shall not be based on the number of traffic citations issued or the revenue generated
179 by the systems.

180 (b) Verification that the automated road safety camera system and any appurtenant traffic
181 control signals are correctly calibrated shall be made by a professional engineer registered in the
182 Commonwealth.

183 SECTION 8.

184 (a) Photographs and other recorded evidence shall only be captured when a camera
185 enforceable violation occurs. Photographs and other recorded evidence shall be destroyed within
186 48 hours of the final disposition of a violation.

187 (b) No photographs taken in conformance with this chapter shall be discoverable in any
188 judicial or administrative proceeding other than a proceeding held pursuant to this chapter
189 without a court order. No photograph taken in conformance with this chapter shall be admissible
190 in any judicial or administrative proceeding other than in a proceeding to adjudicate liability for
191 such violation of this chapter without a court order. A court shall order a release of a photograph
192 taken in conformance with this chapter only where the photograph tends to establish or
193 undermine a finding of a moving violation and the violation is material as to a finding of civil or
194 criminal liability.

195 (c) Photographs and other personally identifying information collected by the City
196 pursuant to this chapter are not public record.

197 (d) No automated road safety camera system shall be utilized in such a manner as to take
198 a frontal view photograph of a motor vehicle. A frontal view photograph of a motor vehicle
199 committing a camera enforceable violation taken by an automated road safety camera system
200 shall not be discoverable or admissible in any judicial or administrative proceeding and shall not
201 be used as the basis for a camera enforceable violation under this chapter. To the extent
202 practicable, additional efforts shall be made to ensure that photographs produced by an
203 automated road safety camera system do not identify the vehicle operator, the passengers or the
204 contents of the vehicle; provided, however, that no notice of violation issued pursuant to this
205 chapter shall be dismissed solely because a photograph or photographs allow for the

206 identification of the vehicle operator, the passengers or the contents of the vehicle, provided that
207 the City had made a reasonable effort to comply with the provisions of this paragraph.

208 SECTION 9.

209 This act shall take effect upon its passage.