HOUSE DOCKET, NO. 4748 FILED ON: 5/27/2025

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:
Christine P. Barber	*34th Middlesex*	*5/27/2025*
Erika Uyterhoeven	*27th Middlesex*	*12/23/2025*
Mike Connolly	*26th Middlesex*	*6/29/2026*

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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:

SECTION 1.

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

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

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

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

SECTION 2.

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

REFILE OF PREVIOUS MATTER: BILL #: OF YEAR:

AUTHORIZING THE CITY OF SOMERVILLE TO

EMPLOY AUTOMATED ENFORCEMENT OF CERTAIN

TRAFFIC VIOLATIONS.

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

SECTION 3.

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

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

(b) A certificate, or a facsimile thereof, based upon inspection of photographs and data

produced by an automated road safety camera system, and sworn to or affirmed by the police department or designee authorized to issue citations for violations of traffic laws and regulations, shall be prima facie evidence of the facts contained therein.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 4.

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

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

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

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

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

SECTION 5.

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

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

SECTION 6.

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

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

SECTION 7.

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

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

SECTION 8.

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

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

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

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

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

SECTION 9.

This act shall take effect upon its passage.