

SENATE No.

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 relative to traffic regulation using road safety cameras.

PETITION OF:

NAME:

William N. Brownsberger

DISTRICT/ADDRESS:

Suffolk and Middlesex

SENATE No.

[Pin Slip]

The Commonwealth of Massachusetts

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

An Act relative to traffic regulation using road safety cameras.

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 2022 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 90K.

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

7 CHAPTER 90K.

8 AUTOMATED ROAD SAFETY ENFORCEMENT

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 or video of a motor vehicle that commits a camera enforceable
13 violation at 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 17D, section 18, or section 18B of chapter 90; and (iv)
19 blocking an intersection in violation of said section 9 of said chapter 89.

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

23 “Registrar”, the registrar of motor vehicles.

24 Section 2. (a) A city or town that accepts this chapter may install an automated road
25 safety camera system as a means of promoting traffic safety. The automated road safety camera
26 system may be placed: (i) along any portion of any way within the city’s or town’s control; or (ii)
27 along any portion of any way within the control of the commonwealth, other than a limited
28 access highway, with written permission from the Massachusetts Department of Transportation
29 or the department of conservation and recreation; provided further, that the city or town may
30 impose a penalty for a camera enforceable violation on the registered owner of a motor vehicle
31 pursuant to section 3.

32 (b) The locations of an automated road safety camera system in a city or town that
33 accepts this chapter shall be approved by the city council with the approval of the mayor in a city
34 or the select board in a town after a public hearing on the proposed locations of the automated
35 road safety camera system.

36 (c) Annually, not later than December 1, a city or town that accepts this chapter shall
37 transmit a report to the Massachusetts Department of Transportation that details each automated
38 road safety camera system located in the city or town or proposed to be located in the city or
39 town. The report shall include, but not be limited to: (i) a list of the locations of each automated
40 road safety camera system in the city or town; (ii) an analysis of the nexus between public safety
41 and each location's automated road safety camera system; (iii) the number of fines and warnings
42 issued for camera enforceable violations pursuant to section 3; (iv) records of the maintenance
43 and calibration of each location's automated road safety camera system; (v) crash data at each
44 separate location of an automated road safety camera system; and (vi) an analysis of the
45 frequency of traffic stops by the municipality's police force prior to and after the implementation
46 of an automated road safety camera system. The department shall post all reports received
47 pursuant to this section on its website.

48 Section 3. (a) Fines imposed pursuant to this chapter shall be not less than \$25 and not
49 more than \$150 for a camera enforceable violation. Except as provided in section 4, the
50 registered owner of a motor vehicle shall be liable for the fine; provided, however, that a
51 registered owner of a motor vehicle shall not be liable for the fine imposed under this chapter for
52 a camera enforceable violation if the operator of the motor vehicle was issued a citation for the
53 violation in accordance with section 2 of chapter 90C. A city or town that accepts this chapter
54 may send a written warning to the registered owner of a motor vehicle for the purposes of

55 education in lieu of enforcement through a fine, and for the period of 60 days after the first
56 automated road safety camera system becomes operational in the municipality shall issue only
57 written warnings; provided, however, that a written warning shall only be issued pursuant to
58 objective and consistent criteria in a written policy established by the municipal designee;
59 provided further, that the Massachusetts Department of Transportation may provide guidance to
60 the city or town on establishing such objective and consistent criteria.

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

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

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

70 (e) (1) The municipal designee shall provide a notice of violation to the registered owner
71 of a motor vehicle that is identified in photographs produced by an automated road safety camera
72 system as evidence of a camera enforceable violation pursuant to this chapter. The notice shall
73 include, but not be limited to: (i) a copy of the photographs produced by the automated road
74 safety camera system and any other data showing the vehicle in the process of a camera
75 enforceable violation; (ii) the registration number and state of issuance of the vehicle; (iii) the
76 date, time and location of the alleged camera enforceable violation; (iv) the specific camera

77 enforceable violation charged; (v) instructions for payment of the fine imposed pursuant to
78 subsection (a); (vi) instructions on how to appeal the camera enforceable violation in writing and
79 to obtain a hearing; and (vii) an affidavit form approved by the municipal designee for the
80 purposes of making a written appeal pursuant to subsection (h).

81 (2) In the case of a violation involving a motor vehicle registered in the commonwealth,
82 the notice of violation shall be mailed within 30 days of the violation to the address of the
83 registered owner of the motor vehicle as listed in the records of the registrar. If a motor vehicle is
84 registered under the laws of another state or country, the notice of violation shall be mailed
85 within 45 days after obtaining the name and address of the registered owner of the motor vehicle
86 and within 90 days of the violation to the address of the registered owner as listed in the records
87 of the official in the state or country that has charge of the registration of the motor vehicle. If the
88 address is unavailable, it shall be sufficient for the municipal designee to mail a notice of
89 violation to the official in the state or country that has charge of the registration of the motor
90 vehicle.

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

96 (f) A registered owner of a motor vehicle shall not be liable for a camera enforceable
97 violation under this chapter if the: (i) violation was necessary to allow the passage of an
98 emergency vehicle; (ii) violation was incurred while participating in a funeral procession; (iii)

99 violation was incurred during a period of time in which the motor vehicle was reported to the
100 police department of any state, city or town as having been stolen and had not been recovered
101 before the time the violation occurred; (iv) operator of the motor vehicle was operating the motor
102 vehicle under a rental or lease agreement and the registered owner of the motor vehicle is a rental
103 or leasing company and has complied with section 4; (v) operator of the motor vehicle was
104 issued a citation for the violation in accordance with section 2 of chapter 90C; or (vi) violation
105 was necessary to comply with any other law or regulation governing the operation of a motor
106 vehicle.

107 (g) A registered owner of a motor vehicle to whom a notice of violation has been issued
108 pursuant to this chapter may admit responsibility for the violation and pay the fine provided
109 therein. Payment of the established fine shall operate as the final disposition of a camera
110 enforceable violation; provided, however, that payment by a registered owner of a motor vehicle
111 shall operate as the final disposition of the violation as to any other registered owner of the same
112 motor vehicle for the same violation.

113 (h) Not more than 60 days after a camera enforceable violation under this chapter, a
114 registered owner of a motor vehicle may contest responsibility for the violation in writing by
115 mail or online. The registered owner shall provide the municipal designee with a signed affidavit,
116 in a form approved by the municipal designee, stating the: (i) reason for disputing the violation;
117 (ii) full legal name and address of the registered owner of the motor vehicle; and (iii) full legal
118 name and address of the operator of the motor vehicle at the time the violation occurred. The
119 registered owner may include signed statements from witnesses, including the names and
120 addresses of witnesses, supporting the registered owner's defense. Not more than 21 days after
121 receipt of the signed affidavit, the municipal designee or the hearing officer shall send the

122 decision of the hearing officer, including the reasons for the outcome, by first class mail to the
123 registered owner. If the registered owner is found responsible for the violation, the registered
124 owner shall pay the fine in the manner described in subsection (g) not more than 14 days after
125 the issuance of the decision or request further judicial review pursuant to section 14 of chapter
126 30A.

127 (i) In lieu of contesting responsibility for a violation in writing or online pursuant to
128 subsection (h) and not more than 60 days after a violation under this chapter, a registered owner
129 of the motor vehicle may request a hearing to contest responsibility for a camera enforceable
130 violation. A hearing request shall be made in writing by mail or online. Upon receipt of a hearing
131 request, the municipal designee shall schedule the matter before a hearing officer. The hearing
132 officer may be an employee of the municipal designee or such other person as the municipal
133 designee may designate. Written notice of the date, time and place of the hearing shall be sent by
134 first class mail to each registered owner of the motor vehicle. The hearing shall be informal, the
135 rules of evidence shall not apply and the decision of the hearing officer shall be final subject to
136 judicial review pursuant to section 14 of chapter 30A. Not more than 21 days after the hearing,
137 the municipal designee or the hearing officer shall send the decision of the hearing officer,
138 including the reason for the outcome, by first class mail to the registered owner. If the registered
139 owner is found to be responsible for the camera enforceable violation, the registered owner shall
140 pay the fine in the manner described in subsection (g) not more than 14 days after the issuance of
141 the decision or request further judicial review pursuant to said section 14 of said chapter 30A.

142 (j) The municipal designee shall notify the registrar when a registered owner of a motor
143 vehicle to whom a notice of a camera enforceable violation has been issued: (i) fails to contest
144 the responsibility for a violation pursuant to subsection (h) or subsection (i) and fails to pay the

145 fine in the notice in accordance with subsection (g) within 60 days of the violation; or (ii) is
146 found responsible for the violation and does not pay the fine in accordance with subsection (h) or
147 subsection (i). Upon being notified by the municipal designee, the registrar shall place the matter
148 on record. Upon receipt by the registrar of 3 or more of such notices, the registrar shall not issue
149 or renew the registered owner's motor vehicle registration until after notification from the
150 municipal designee of each city or town from whom the registrar received notification that all
151 fines owed pursuant to this chapter have been paid. The municipal designee shall notify the
152 registrar immediately when a fine that is the basis for a notice to the registrar under this
153 subsection has been paid; provided, however, that certified receipt of full and final payment from
154 the municipal designee issuing a violation shall also serve as legal notice to the registrar that a
155 violation has been disposed of in accordance with this chapter. The certified receipt shall be
156 printed in such form as the registrar may approve.

157 Section 4. (a) Notwithstanding section 3, if the registered owner of a motor vehicle is a
158 person or entity engaged in the business of leasing or renting motor vehicles and the motor
159 vehicle was operated under a rental or lease agreement at the time of the camera enforceable
160 violation, this section shall be applicable and the registered owner shall not be liable for any
161 unpaid fines if the registered owner has complied with the requirements of this section.

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

165 (c) Not more than 45 days after the violation, the registered owner shall furnish to the
166 municipal designee, in writing, the name and address of the lessee or rentee of the motor vehicle

167 at the time of the camera enforceable violation, the lessee's or rentee's driver's license number,
168 the state that issued the driver's license and the lessee's or rentee's date of birth.

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

172 (e) The municipal designee shall notify the registrar if the lessee or rentee to whom a
173 notice of violation has been issued: (i) fails to contest the responsibility for a camera enforceable
174 violation pursuant to either subsection (h) or subsection (i) of section 3 and fails to pay the fine
175 in the notice in accordance with subsection (g) of said section 3 within 90 days of obtaining the
176 name and address of the lessee or rentee; or (ii) is found responsible for the violation and does
177 not pay the fine in accordance with said subsection (h) or said subsection (i) of said section 3.
178 Upon being notified by the municipal designee, the registrar shall place the matter on record.

179 Upon receipt by the registrar of 5 or more of such notices under this section, the registrar
180 shall: (i) not renew the license of the lessee or rentee to operate a motor vehicle in the
181 commonwealth; or (ii) suspend the right to operate of a lessee or rentee not licensed in the
182 commonwealth until the registrar receives notification from each applicable municipal designee
183 that all fines owed by the lessee or rentee pursuant to this chapter have been paid. The municipal
184 designee shall notify the registrar immediately when a fine that is the basis for a notice to the
185 registrar under this subsection has been paid; provided, however, that certified receipt of full and
186 final payment from the municipal designee issuing a camera enforceable violation shall also
187 serve as notice to the registrar that the camera enforceable violation has been disposed of in

188 accordance with this chapter; provided further, that the certified receipt shall be printed in such
189 form as the registrar may approve.

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

199 Section 6. (a) A city or town that accepts this chapter shall install at each location of an
200 automated road safety camera system an unobstructed sign notifying the public that an
201 automated road safety camera system is in use.

202 (b) A city or town that accepts this chapter shall make a public announcement and
203 conduct a public awareness campaign of its use of automated road safety camera systems
204 beginning not less than 60 days before the first such automated road safety camera system is put
205 into use; provided, however, that a city or town that accepts this chapter may install but shall not
206 activate automated road safety camera systems during the 60-day time period.

207 Section 7. (a) The compensation paid to the manufacturer or vendor of an automated road
208 safety camera system authorized in this chapter shall be based on the value of the equipment or

209 services provided and shall not be based on the number of camera enforceable violations issued
210 or the revenue generated by the automated road safety camera system.

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

214 Section 8. (a) An automated road safety camera system shall only take photographs when
215 a camera enforceable violation occurs. Photographs and other recorded evidence shall be
216 destroyed not more than 48 hours after the final disposition of a camera enforceable violation;
217 provided however, tracking of the infractions will be maintained by the registrar.

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

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

230 (d) An automated road safety camera system shall not be utilized to take a frontal view
231 photograph of a motor vehicle committing a camera enforceable violation. A frontal view
232 photograph of a motor vehicle committing a camera enforceable violation taken by an automated
233 road safety camera system shall not be discoverable or admissible in any judicial or
234 administrative proceeding and shall not be used as the basis for a camera enforceable violation
235 under this chapter. To the extent practicable, additional efforts shall be made to ensure that
236 photographs produced by an automated road safety camera system do not identify the vehicle
237 operator, the passengers or the contents of the vehicle; provided, however, that no notice of
238 violation issued pursuant to this chapter shall be dismissed solely because a photograph or
239 photographs allow for the identification of the vehicle operator, the passengers or the contents of
240 the vehicle, provided that such city or town has made a reasonable effort to comply with the
241 provisions of this paragraph.

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

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

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

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

256 Section 11. A city or town shall not implement this chapter unless the city or town has
257 submitted a plan for the implementation of automated road safety camera systems to the
258 Massachusetts Department of Transportation and the department has approved the plan. The
259 review of the plan by the department shall include, but shall not be limited to, consideration of
260 the social and racial equity impacts of the plan.

261 Section 12. Not less than annually, the Massachusetts Department of Transportation shall
262 submit a report to the clerks of the senate and house of representatives, the senate and house
263 committees on ways and means and the joint committee on transportation that analyzes the
264 public safety, traffic congestion, and social and racial equity impacts of this chapter. The
265 Massachusetts Department of Transportation shall also publish the report on its website.

266 Section 13. The Massachusetts Department of Transportation shall promulgate rules and
267 regulations necessary to implement this chapter.

268 SECTION 3. Not later than 90 days from the effective date of this act, the Massachusetts
269 Department of Transportation shall promulgate regulations to implement chapter 90K of the
270 General Laws. The regulations shall include, but not be limited to: (i) establishing standardized
271 forms for notices of violations and written warnings; (ii) developing uniform signage
272 requirements for the purpose of complying with subsection (a) of section 6 of said chapter 90K;

273 and (iii) establishing standards for the calibration of automated road safety camera systems under
274 subsection (b) of section 7 of said chapter 90K.

275 SECTION 4. The first report required under section 12 of chapter 90K of the General
276 Laws shall be submitted not less than 2 years after the first plan is approved by the
277 Massachusetts Department of Transportation under section 11 of said chapter 90K.