

Senate, No. 2898

[Senate, December 31, 2008 – Text of the amendment (Ways and Means) to the House bill relative to the operation of low-speed motor vehicles (House, No. H5113)]



The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND EIGHT

1 SECTION 1. Chapter 85 of the General Laws, is hereby amended by striking out section
2 2E as appearing in the 2006 Official Edition, and inserting in place thereof the following section:-

3 Section 2E. Notwithstanding the provisions of section 18 of chapter 90, the department
4 for purposes of public safety and convenience may from time to time by regulations exclude
5 persons and vehicles from state highways or portions thereof for such periods as it may deem
6 necessary. The department may by regulation permanently prohibit or limit the operation of a
7 low-speed vehicle, as defined in section 1 of chapter 90, on a state highway or a portion of a
8 state highway, regardless of posted speeds, in the interest of public safety and convenience
9 where it finds that use of the state highway or a particular portion of the state highway by a
10 low-speed motor vehicle would represent an unreasonable risk of death or serious injury to
11 occupants of low-speed vehicles because of general traffic conditions which shall include, but
12 not be limited to, excessive speed of other vehicles, traffic volumes, use of the state highway by
13 heavy trucks or other large vehicles or if the established speed limit on the way increases above
14 30 miles per hour beyond the point where a low-speed vehicle could safely exit the state
15 highway. The commissioner of highways shall post signs where necessary to provide notice to

16 the public of such prohibited or limited access to low-speed vehicles. Regulations promulgated
17 under this section may provide for a penalty of a fine not more than \$75 for a particular
18 violation.

19 SECTION 2. Section 1 of chapter 90 of the General Laws, as so appearing, is hereby
20 amended by inserting after the definition "Low-boy boat transporter" the following definition:-

21 "Low-speed motor vehicle" or "low-speed vehicle", a motor vehicle as defined in 49
22 C.F.R. § 571.3 as a vehicle that is 4-wheeled, whose speed attainable in 1 mile is more than 20
23 miles per hour and not more than 25 miles per hour on a paved level surface and whose gross
24 vehicle weight rating is less than 3,000 pounds. All low-speed motor vehicles shall comply with
25 the standards established in 49 C.F.R. § 571.500, as amended, and pursuant thereto, shall be
26 equipped with headlamps, front and rear turn signal lamps, tail lamps, stop lamps, an exterior
27 mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the
28 passenger's side of the vehicle or an interior mirror, a parking brake, a windshield that conforms
29 to the federal standards on glazing materials, a vehicle identification number that conforms to
30 the requirements of 49 C.F.R. pt 565 for such numbers, a Type 1 or Type 2 seat belt assembly
31 conforming to 49 C.F.R. § 571.209, installed at each designated seating position and reflex
32 reflectors; provided, that 1 reflector is red on each side as far to the rear as practicable and 1
33 reflector is red on the rear. A low speed motor vehicle that meets the requirements of 49 C.F.R.
34 § 571.500, as amended, and is equipped as herein provided, may be registered in the
35 commonwealth, subject to inspection and insurance requirements.

36 SECTION 3. Said chapter 90 is hereby further amended by inserting after section 1E the
37 following 4 sections:-

38 Section 1F. Every person lawfully operating a low-speed motor vehicle shall have the
39 right to use all public ways in the commonwealth except limited access or express state
40 highways or any public way with a speed limit of more than 30 miles per hour, and shall be
41 subject to the traffic laws and regulations of the commonwealth and the regulations contained
42 in this section. This shall not prohibit a low-speed motor vehicle from crossing a public way at an
43 intersection where the public way to be crossed has a posted speed limit between 30 and 45
44 miles per hour, provided the public way the low-speed vehicle is traveling on and the public way
45 the low-speed vehicle is crossing the intersection to both have a speed limit no higher than 30
46 miles per hour and the intersection is controlled by traffic signals or stop signs. A municipality
47 may, by ordinance, prohibit the operation of low-speed vehicles on a way or a portion of a way
48 within its jurisdiction and under its control, regardless of posted speeds, where it finds that use
49 of the way or a particular portion of the way by low-speed motor vehicles would represent an
50 unreasonable risk of death or serious injury to occupants of low-speed vehicles because of
51 general traffic conditions which shall include, but not be limited to, excessive speeds of other
52 vehicles, traffic volumes, use of the way by heavy trucks or other large vehicles or if the
53 established speed limit on the way increases above 30 miles per hour beyond the point where a
54 low-speed vehicle could safely exit the way. The municipality shall post signs where necessary
55 to provide notice to the public of such prohibited access. A low-speed vehicle shall not be
56 operated by a person under 16 years of age nor by any person not possessing a valid driver's
57 license, except that a person who is at least 16 years of age who possesses a valid learner's
58 permit may operate a low-speed vehicle on those ways, or portions of ways, where such
59 operation is lawful, if accompanied by an operator duly licensed by his state of residence who is
60 21 years of age or over, who has had at least 1 year of driving experience and who is occupying a
61 seat beside the driver. The holder of a junior operator's license shall be subject to the same

62 license restrictions applicable to that license classification in the operation of a low-speed
63 vehicle as if the license holder were operating any other motor vehicle. A low-speed vehicle
64 shall not be operated upon any public way unless such vehicle is registered in accordance with
65 the provisions of this chapter, displays the registration number as provided in section 6, displays
66 a slow moving vehicle emblem on the rear of the vehicle as required by section 7 and by 540
67 C.M.R. § 22.11, is equipped as required by 49 C.F.R. § 571.500, as amended, and as required by
68 this chapter, meets the insurance certificate requirements of section 34B and is titled under
69 chapter 90D. Low-speed vehicles shall be subject to annual inspection as required by section
70 7A, except that low-speed vehicles whose sole source of power is generated electrically shall not
71 be subject to the test for emissions. The registrar may issue registration plates displaying the
72 International Symbol of Access for a low-speed vehicle upon the same terms and conditions
73 applicable to registrants of other motor vehicles and may issue a special parking identification
74 placard bearing the same designation upon the same terms and conditions applicable to persons
75 seeking a placard for a motor vehicle. A person convicted of a violation of this section, the
76 penalty for which is not otherwise provided by this chapter, shall be punished by a fine of not
77 more than \$75 for the first offense, not less than \$75 nor more than \$150 for a second and each
78 subsequent offense.

79 Section 1G. Every licensed motor vehicle dealer and every person engaged in the
80 business of leasing or renting low-speed vehicles to the public shall, upon the sale, lease or
81 rental of such low-speed vehicle to a customer provide a notice of disclosure printed in at least
82 10-point type. Such original notice shall be signed by the person purchasing, leasing or renting
83 the low-speed vehicle and shall be retained by the merchant and a copy of the signed notice
84 shall be provided to the customer. The merchant shall maintain such original signed disclosure
85 notices for at least 2 years and such signed notices shall be made available for review during

108 as far as possible off of the road surface and wait until a police officer or other public safety
109 officer can be summoned to direct the safe movement of the vehicle.

110 Crossing Public Ways with a Speed Limit Less than 30 Miles Per Hour: Unless otherwise
111 prohibited, you may cross a public way at an intersection where the public way to be crossed
112 has a posted speed limit of less than 30 miles per hour, if it is safe to do so.

113 Crossing Public Ways with a Speed Limit Between 30 – 45 Miles Per Hour: You may cross a
114 public way at an intersection where the public way to be crossed has a posted speed limit of 30
115 miles an hour or more, up to 45 miles per hour, if the crossing begins and ends on a public way
116 with a speed limit of 30 miles per hour or less and the intersection is controlled by traffic signals
117 or stop signs.

118 No Crossing of Public Ways where Speed Limit Exceeds 45 Miles Per Hour or Sign Posted: You
119 may not cross a public way in a low-speed vehicle if the public way to be crossed has a posted
120 speed limit higher than 45 miles per hour or where signs have been posted prohibiting crossing
121 of the highway by low-speed vehicles.

122 Operator is Subject to All Traffic Laws: You are subject to all traffic laws and regulations of
123 Massachusetts when operating this vehicle.

124 Use of Passenger Restraints Required: All occupants of this low speed motor vehicle must be
125 secured by a properly adjusted safety belt (Chapter 90, Section 13A). Any child under the age of
126 8 shall be properly fastened and secured by a “child passenger restraint,” according to the
127 instructions of the manufacturer, unless such passenger measures more than 57 inches in
128 height. Unless required to be secured by a child passenger restraint, a passenger that is under

129 the age of 13 shall wear a safety belt which is properly adjusted and fastened according to the
130 manufacturer's instructions (Chapter 90, Section 7AA, as amended).

131 Out-of State Operation: It may be illegal to operate this vehicle in other states so check with
132 each state before you do."

133

134 Every licensed motor vehicle dealer and every person engaged in the business of leasing
135 or renting low-speed vehicles to the public who fails to provide a customer with the notice
136 required by this section upon the sale, lease or rental of a low-speed vehicle, shall be fined \$25
137 for each such occurrence.

138 Section 1H. In addition to the types of vehicles that may be registered under chapter 90,
139 the registrar of motor vehicles may issue a registration for a motor vehicle meeting Federal
140 Motor Vehicle Safety Standards for that particular class of vehicle, other than a low-speed
141 motor vehicle, if the vehicle is designed by its manufacturer to be operated on public ways and
142 its speed on a paved level surface can exceed 30 miles per hour but is not capable of exceeding
143 40 miles per hour, as may be determined by the registrar. The registrar may adopt reasonable
144 rules and regulations concerning requirements for registration, equipment, inspections and
145 insurance for such vehicles. Every person authorized and registered to operate such a vehicle
146 upon a way shall not operate the vehicle in excess of 40 miles per hour and shall have the right
147 to use all public ways in the commonwealth except limited access or express state highways
148 where signs specifically prohibit bicycles, mopeds or low-speed vehicles have been posted and
149 shall not operate the vehicle on a portion of a way where the speed limit increases beyond 40
150 miles per hour. This shall not prohibit a vehicle described in this section from crossing a public
151 way at an intersection where the public way to be crossed has a posted speed limit between 40

152 and 55 miles per hour, provided the public way the vehicle is traveling on and the public way the
153 vehicle is crossing the intersection to, both have a speed limit no higher than 40 miles per hour
154 and the intersection is controlled by traffic signals or stop signs. Such limitations as to the
155 vehicle's limited use of public ways may be conspicuously printed on the registration certificate
156 of the vehicle by the registrar. The registrar may issue a distinctive registration plate for such
157 vehicle indicating its speed restrictions.

158 Section 1I. Notwithstanding the definition of "Motorcycle" in section 1, the registrar of
159 motor vehicles may register a 3-wheeled motor vehicle as a motorcycle on which the operator
160 and passenger ride within an enclosed cab, if the vehicle's manufacturer has issued a certificate
161 of origin indicating the vehicle meets Federal Motor Vehicle Safety Standards for a motorcycle
162 and if the vehicle is designed by the manufacturer to be operated on public ways. If the registrar
163 determines that the vehicle can attain a speed of at least 30 miles per hour but cannot exceed
164 40 miles per hour, he may restrict its use on public ways. If the vehicle was previously
165 registered, the registrar may register the vehicle as a motorcycle if the owner provides
166 documentation, satisfactory to the registrar, that the vehicle was previously registered in this or
167 another state as a motorcycle. The registrar may adopt reasonable rules and regulations
168 concerning requirements for registration, equipment, inspections and insurance. Every person
169 authorized and registered to operate such a vehicle upon a way shall not operate the vehicle in
170 excess of 40 miles per hour and shall have the right to use all public ways except limited access
171 or express state highways where signs specifically prohibiting bicycles, mopeds or low-speed
172 vehicles have been posted and shall not operate the vehicle on a portion of a way where the
173 speed limit increases beyond 40 miles per hour. This shall not prohibit a vehicle described in this
174 section from crossing a public way at an intersection where the public way to be crossed has a
175 posted speed limit between 40 and 55 miles per hour, provided the public way the low-speed

176 vehicle is traveling on and the public way the low-speed vehicle is crossing the intersection to,
177 both have a speed limit no higher than 40 miles per hour and the intersection is controlled by
178 traffic signals or stop signs. Such limitations as to the use of public ways may be conspicuously
179 printed on the registration certificate of the vehicle by the registrar. The registrar may issue a
180 distinctive registration plate for such vehicle indicating its speed restrictions.

181 SECTION 4. Said chapter 90 is hereby further amended by inserting after section 2F the
182 following section:-

183 Section 2G. The registrar of motor vehicles shall issue passenger plates of suitable
184 design for low-speed motor vehicles as defined in section 1. The fee for the registration of a
185 low-speed motor vehicle shall be as set in clause 2 of section 33 of chapter 90.

186 SECTION 5. Section 7 of said chapter 90 of the General Laws, as appearing in the 2006
187 Official Edition, is hereby further amended by inserting after the word "machinery", in line 208,
188 the following words:- and every low-speed motor vehicle.

189 SECTION 6. The first paragraph of section 7A of said chapter 90, as so appearing, is
190 hereby amended by adding the following 2 sentences:- The registrar shall establish rules and
191 regulations to govern the annual safety and emissions inspections of low-speed motor vehicles
192 which shall ensure that the safety standards established by 49 C.F.R. § 571.500 are being
193 complied with, that all required equipment is in good working order, that the slow moving
194 vehicle emblem is properly displayed and that the vehicle meets the required emissions
195 standards, as applicable, under state law. The registrar may adopt additional standards
196 pursuant to section 7 to ensure that other parts or components of the vehicle, as equipped, are
197 in good working order and that the vehicle is safe to operate.

SECTION 7. This act shall take effect July 31, 2009.