

**SENATE . . . . . No. 976**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

**Marc R. Pacheco**

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*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 passage of the accompanying bill:

An Act relative to school bus safety enforcement.

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PETITION OF:

NAME:

Marc R. Pacheco

DISTRICT/ADDRESS:

First Plymouth and Bristol

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT RELATIVE TO SCHOOL BUS SAFETY ENFORCEMENT.

*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.** Chapter 90C of the General Laws is hereby amended by adding the  
2 following new section:

3           **SECTION 3A. SCHOOL BUS SAFETY ENFORCEMENT**

4           (A) Live digital video school bus violation detection monitoring systems.

5           (a) All school departments of this state are hereby authorized to install and operate live digital  
6 video school bus violation detection monitoring systems. Such systems shall at a minimum, be  
7 systems which monitor and detect school bus traffic violations in accordance with the provisions  
8 of section 14 of chapter 90 of the general laws. For purposes of this chapter a live digital video  
9 school bus violation detection monitoring system means a system with one or more camera  
10 sensors and computers which produce live digital and recorded video of motor vehicles being  
11 operated in violation of school bus traffic laws. All systems installed for used under this chapter  
12 must, at a minimum, produce a live visual image viewable remotely, a recorded image of the  
13 license plate, and be able to record the time, date, and location of the vehicle, and a signed  
14 affidavit by a person who witnessed the violation via live video.

15 (b) The school departments may enter into an agreement with a private corporation or other  
16 entity to provide live digital video school bus violation detection monitoring systems and to  
17 maintain and operate such systems. Compensation to the private entity that provides such a  
18 system and related support service shall not be based on the revenue generated by the system.  
19 Compensation to the vendor of the system shall be based on the expense of the services and the  
20 equipment provided by the vendor of the system. The school department may enter into an  
21 agreement for purposes of reimbursement of expenses to the vendor for the installation,  
22 operation and maintenance of the live digital video school bus detection and monitoring systems  
23 within its municipality. Notwithstanding the terms and conditions contained in any such  
24 agreement, reimbursement shall be made from ticket revenue proceeds from paid violations, as  
25 allocated

26 (B) Installation and signage.

27 (a) All vehicles installed with a live digital video school bus violation detection monitoring  
28 system shall post a warning sign indicating the use of such system.

29 (b) Warning signage shall remain on each vehicle as long as a live digital video school bus  
30 violation detection monitoring system is in operation.

31 (C) Procedure – Notice.

32 (a) Except as expressly provided in this section, all prosecutions based on evidence produced by  
33 a live digital video school bus violation detection monitoring system shall follow the procedures  
34 established in section 3 of chapter 90c, or any other special or general laws to the contrary.

35 Citations may be issued by an officer solely based on evidence obtained by use of a live digital  
36 video school bus violation detection monitoring system. All citations issued based on evidence

37 obtained from a live digital video school bus violation detection monitoring system shall be  
38 issued within seven (7) days of the violation. Notwithstanding any provisions of the general laws  
39 to the contrary, exclusive jurisdiction to hear and decide any violation under this chapter shall be  
40 with the traffic tribunal.

41 (b) It shall be sufficient to commence a prosecution based on evidence obtained from a live  
42 digital video school bus violation detection monitoring system. A copy of the citation and  
43 supporting documentation shall be mailed to the address of the registered owner kept on file by  
44 the registry of motor vehicles pursuant to Chapter 90 of the general laws. For purposes of this  
45 section, the date of issuance shall be the date of mailing.

46 (c) The officer issuing the citation shall certify under penalties of perjury that the evidence  
47 obtained from the live digital video school bus violation detection monitoring system was  
48 sufficient to demonstrate a violation of the motor vehicle code. Such certification shall be  
49 sufficient in all prosecutions pursuant to this chapter to justify the entry of a default judgment  
50 upon sufficient proof of actual notice in all cases where the citation is not answered within the  
51 time period permitted.

52 (d) The citation shall contain all the information provided for on the uniform summons as  
53 referred to in section 3 of chapter 90c of the general laws, as well as the date, time and location  
54 of the violation.

55 (e) In addition to the information in the uniform summons, the following information shall be  
56 attached to the citation as evidence:

57 (i) Copies of two (2) or more photographs, or microphotographs, videos, or other recorded  
58 images taken as proof of the violation;

59 (ii) A signed statement by a trained law enforcement officer that, based on inspection of  
60 recorded images and video, the motor vehicle was being operated in violation of this section

61 (iii) A statement that recorded images are evidence of a violation of this section; and

62 (iv) A statement that the person who receives a summons under this chapter may either pay the  
63 civil penalty in accordance with the provisions of section 14 of chapter 90, or elect to stand trial  
64 for the alleged violation; and

65 (v) A signed affidavit by a person who witnessed live the motor vehicle being operated in  
66 violation of this section.

67 (D) Hearings. Evidence from a live digital video school bus violation detection monitoring  
68 system shall be considered substantive evidence in the prosecution of all civil traffic violations.  
69 Evidence from a live digital video school bus violation detection monitoring system approved by  
70 the school department shall be admitted without further authentication and such evidence may be  
71 deemed sufficient to sustain a civil traffic violation. In addition to any other defenses as set forth  
72 herein, any and all defenses cognizable at law shall be available to the individual who receives  
73 the citation commencing a prosecution under this chapter.

74 (E) Driver/registered owner liability.

75 (a) The registered owner of the motor vehicle shall be primarily responsible in all prosecutions  
76 brought pursuant to the provisions of this chapter except as otherwise provided in this section.

77 (b) In all prosecutions of civil traffic violations based on evidence obtained from a live digital  
78 video school bus violation detection monitoring system, the registered owner of a vehicle which  
79 has been operated in violation of a civil traffic violation, may be liable for such violation. The

80 registered owner of the vehicle may assume liability for the violation by paying the fine; or by  
81 defending the violation pursuant to the procedures in section 3 of chapter 90 of the general laws.