



## Legal Update

### ***New Traffic and Motor Vehicle Laws***

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Three laws were recently signed by the Governor related to traffic laws and motor vehicles. Each of the laws is discussed separately below.

#### **1. Chapter 358 of the Act of 2022: An Act to Reduce Traffic Fatalities**

On January 2, 2023, the Governor signed this act into law. This act made amendments to several statutes governing traffic safety within the Commonwealth. Unless otherwise noted, these changes go into effect on April 2, 2023.

The following is a summary of the changes that were made. An Appendix with the full text of the amended statutes has been included with this legal update.

#### **MGL c 85 § 11B: Bicycles; operation and equipment; regulations; federal product safety standards, effect; races; violations; penalties**

The legislation made changes to subsection (8) which previously required a red light or reflector at the rear of a bicycle during certain times of the day. The statute now requires bicycles to have both.

The legislation also adds the following sentences to the end of §11B: The provisions of this clause related to front and rear lighting shall be enforced by law enforcement agencies only when an operator of a bicycle has been stopped for some other offense. A violation of this clause related to rear lighting shall not be used as conclusive evidence of contributory negligence in any civil action.

**For specific guidance on the application of these cases or any law, please consult your supervisor or your department's legal advisor or prosecutor.**

## **MGL c 89 § 2: Passing vehicle traveling in same direction**

The legislation deleted the second sentence and replaced it with new language.

Deleted language: If it is not possible to overtake a bicycle or other vehicle at a safe distance in the same lane, the overtaking vehicle shall use all or part of an adjacent lane if it is safe to do so or wait for a safe opportunity to overtake.

New Language: If it is not possible to overtake a vulnerable user, as defined in section 1 of chapter 90, or other vehicle at a safe distance in the same lane, the overtaking vehicle shall use all or part of an adjacent lane, crossing the centerline if necessary, when it is safe to do so and while adhering to the roadway speed limit.

MGL c 90 § 1 defines “Vulnerable user” as: (i) a pedestrian, including a person engaged in work upon a way or upon utility facilities along a way or engaged in the provision of emergency services within the way; (ii) a person operating a bicycle, handcycle, tricycle, skateboard, roller skates, in-line skates, non-motorized scooter, wheelchair, electric personal assistive mobility device, horse, horse-drawn carriage, motorized bicycle, motorized scooter, or other micromobility device, or a farm tractor or similar vehicle designed primarily for farm use; or (iii) other such categories that the registrar may designate by regulation.

## **MGL c 90 § 6: Display of number plates; temporary number plates**

The legislation added the underlined language to the statute:

The said number plates shall be kept clean with the numbers legible and shall not be obscured or the appearance obstructed in any manner by the installation of any device obscuring said numbers, and during the period when the vehicle or trailer is required to display lights the rear register number shall be illuminated so as to be plainly visible at a distance of sixty feet.

## **MGL c 90 § 7: Brakes, braking systems, mufflers, horns, lights, audible warning systems, and other equipment; compliance with safety standards; stickers and emblems**

The legislation added the following two paragraphs to § 7 EFFECTIVE 1/1/23 – 12/31/24

A motor vehicle, trailer, semi-trailer or semi-trailer unit classified as a class 3 or above by the Federal Highway Administration, with a gross vehicle weight rating of 10,001 pounds or more, that is leased or purchased by the commonwealth on or after January 1, 2023, shall be equipped with a lateral protective device, convex mirrors, cross-over mirrors and backup cameras. This paragraph shall not apply to an ambulance, firefighting apparatus, low-speed vehicle, agricultural tractor or any other class or type of vehicle as determined by the registrar. The registrar shall adopt regulations

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establishing standards, consistent with the United States Department of Transportation John A. Volpe National Transportation Systems Center's side guard standard DOT-VNTSC-OSTR-16-05, and specifications for the size, design and mounting of lateral protective devices, convex mirrors and cross-over mirrors. The registrar may provide alternative means of compliance with the convex mirror, cross-over mirror and lateral protective device requirements.

The registrar shall prohibit: (i) visual obstructions due to aftermarket modifications and accessories that reduce the ability of the vehicle operator to directly see vulnerable users in the vicinity of the vehicle, including, but not limited to, bug deflectors and chrome visors; and (ii) aftermarket modifications and accessories that increase fatality and serious injury risk to vulnerable users in a collision with the vehicle, including, but not limited to, bull bars. The registrar shall promulgate regulations enforcing this paragraph.

NOTE: these two paragraphs are in effect now and will remain in effect until December 31, 2024. On January 1, 2025, these paragraphs will be replaced with other language. Another legal update will be provided closer to that date with the updated language.

The following definitions have been added to MGL c 90 § 1:

“Back-up camera”, a device that provides a visual image of the area directly behind a vehicle to the vehicle operator when the vehicle is in reverse gear, meeting the requirements of Federal Motor Vehicle Safety Standard No. 111, 49 CFR 571.111.

“Convex mirror”, a door-mounted, wide-angle mirror that enables an operator to see objects along the left and right sides of a motor vehicle, trailer, semi-trailer or semi-trailer unit.

“Cross-over mirror”, a mirror mounted on a hood or fender that enables the operator to see objects in the area immediately in front of a conventional cab hood; provided, that a vehicle that has a cross-over mirror installed shall have a label visible to the seated driver in accordance with Federal Motor Vehicle Safety Standard No. 111, 49 CFR 571.111.

“Lateral protective device”, an apparatus installed on a motor vehicle, trailer, semi-trailer or semi-trailer unit between the front and rear wheels to help prevent injuries to a vulnerable user, particularly from falling underneath the vehicle.

**MGL c 90 § 14: Precautions for safety of other travelers**

The legislation deleted a sentence and replaced it with new language.

Deleted sentence: In approaching or passing a person on a bicycle the operator of a motor vehicle shall slow down and pass at a safe distance and at a reasonable and proper speed.

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New language: In passing a vulnerable user, the operator of a motor vehicle shall pass at a safe distance of not less than 4 feet and at a reasonable and proper speed.

The following paragraph was also added to the statute:

The Massachusetts Department of Transportation shall erect and maintain signage along public ways necessary to notify operators of motor vehicles of the requirements for passing a vulnerable user from a safe distance as required by this section.

## **2. Chapter 407 of the Acts of 2022: An Act Relative to the Sale of Vehicle Catalytic Converters**

On January 5, 2023, the Governor signed into law this act which created MGL c 266 § 148. The purpose of this law was to establish penalties for the unauthorized sale of old metals and catalytic converters. The full text of MGL c 266 § 148 is below. MGL c 266 § 148 became effective on January 5, 2023.

### **MGL c 266 § 148: Catalytic converters; documentation and records required for purchase or acquisition; penalties**

(a) For the purposes of this section, the term “catalytic converter” shall mean an exhaust-system component of an automobile, as defined in [section 1 of chapter 90](#), containing a catalyst that causes conversion of harmful gases including, but not limited to, carbon monoxide and uncombusted hydrocarbons into mostly harmless products including, but not limited to, water and carbon dioxide.

(b)(1) Any person or entity licensed pursuant to [sections 54, 54A, 56](#) or [58 of chapter 140](#) or [section 1 of chapter 140B](#) shall: (i) (A) not purchase, accept or acquire a catalytic converter from another person or entity unless the seller or offeror presents proof of identification in addition to a bill of sale or other legal document demonstrating ownership of the catalytic converter; and (B) preserve photocopies or digital images of the documentation; (ii) keep records of all catalytic converter transactions; and (iii) make available to the local chief of police or the chief's designee any records created pursuant to this subsection upon request by the chief or the chief's designee.

(2) The following shall be included in the records prepared pursuant to paragraph (1): (i) the date of transaction; (ii) the name, address, telephone number and signature of the seller or offeror of the catalytic converter; (iii) a photocopy or digital image of the seller's or offeror's photo identification; (iv) the license plate number of the vehicle used to transport the catalytic converter to the licensee; (v) a description of the catalytic converter; (vi) a photograph of the catalytic converter; (vii) photocopies or digital images of the bill of sale or other legal document demonstrating ownership by the seller or offeror; and (viii) the price paid by the licensee for each catalytic converter and the total transaction amount.

Records created pursuant to this subsection shall be maintained for 3 years from the date of the transaction.

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(3) All licensees involved in the sale and purchase of a catalytic converter shall use a company check as a method of payment for transactions: (i) exceeding \$250 per customer per day; or (ii) that include not less than 3 catalytic converters.

(4) This subsection shall not apply to licensees' acquisitions or purchases of whole motor vehicles.

(5) A person or entity licensed pursuant to [sections 54, 54A, 56 or 58 of chapter 140](#) or [section 1 of chapter 140B](#) shall not enter into a transaction to purchase or receive a catalytic converter from any person who is not a commercial enterprise or owner of the vehicle from which the catalytic converter was removed.

(c) The police department having jurisdiction in the city or town where the licensee is located shall enforce the provisions of subsection (b) and may issue a civil fine to the license holder of \$100 for each catalytic converter sold in violation of this section and: (i) \$300 for the first offense; (ii) \$550 for the second offense; and (iii) \$700 for each subsequent violation. The municipal licensing board may suspend or revoke the licensee's license for any violations of this section. If, after committing a violation under subsection (b), a licensee maintains the licensee's license for 36 consecutive months without a violation, any new violation committed by the licensee thereafter shall be treated as a first offense.

### **3. Chapter 423 of the Acts of 2022: An Act Relative to Temporary Registration Plates**

On January 5, 2023, the Governor signed this act into law which deleted section 2D of chapter 90 and replaced it with new language. This change is effective on April 5, 2023.

Deleted language: The registrar is hereby authorized and empowered to design, issue and regulate the use of temporary registration plates. Such temporary plates may be issued to dealers, upon application accompanied by the proper fee, as shall be established by the registrar, for use by purchasers of motor vehicles; said plates shall be valid for not more than twenty days, pending receipt of registration plates issued under the provisions of [section two](#). Satisfactory proof shall be furnished that a certificate, as defined in [section thirty-four A](#), is in effect prior to the issuance of temporary plates.

The registrar is hereby empowered to issue and enforce regulations for the administration of this section.

New language: (a) The registrar shall design, issue and regulate the use of temporary registration plates, including, but not limited to, temporary registration plates for issuance to and use by purchasers of motor vehicles who: (i) do not reside in the commonwealth; and (ii) intend to transport the vehicle to their state of residence for registration in that state.

(b)(i) Temporary registration plates pursuant to subsection (a) shall be issued to

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dealers, upon application accompanied by the proper fee, as shall be established by the registrar, for use by purchasers of motor vehicles, and shall be valid for not more than 20 days.

(ii)(1) Prior to the issuance of a temporary registration plate to a purchaser by the dealer, satisfactory proof shall be furnished by the purchaser that a certificate, as defined in section 34A, is in effect.

(2) Prior to the issuance of temporary plates to a purchaser who does not reside in the commonwealth and who intends to transport a vehicle to their state of residence for registration in that state, the purchaser shall furnish to the dealer sufficient proof of: (i) out of state residence; (ii) motor vehicle liability insurance in an amount equal to or greater than the minimum limits set forth in section 34A; and (iii) property damage insurance in an amount equal to or greater than the minimum limit set forth in section 34O.

(c) The registrar may issue and enforce regulations for the administration of this section.

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