

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Timothy J. Toomey, Jr.

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 mobile infrared transmitters.

PETITION OF:

NAME:

Timothy J. Toomey, Jr.

DISTRICT/ADDRESS:

26th Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3654 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO MOBILE INFRARED TRANSMITTERS.

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 90 of the General Laws, as appearing in the 2006 Official Edition, is
2 hereby amended by inserting the following new section:-

3 “No person shall sell, or keep or offer for sale, or have in his possession, or under his
4 control, or use, except for uses permitted under this section, a mobile infrared transmitter or
5 any other device or mechanism, passive or active, used to preempt or change the signal given
6 by a traffic light so as to give the right-of-way to the vehicle equipped with such device. This
7 section shall not apply to any law-enforcement, fire-fighting, life-saving, or rescue vehicle or
8 ambulance responding to an emergency call or operating in an emergency situation, nor shall
9 any such law enforcement or emergency response personnel be prohibited from purchasing
10 said devices for use in emergency response vehicles.

11 Whoever violates the provisions of this section shall be punished by a fine of not less
12 than one hundred nor more than five hundred dollars and the registrar of motor vehicles shall
13 suspend such operator's license for a period of not less than thirty days. A subsequent violation
14 shall be punished by a fine of not less than five hundred nor more than one thousand dollars
15 and suspension of such license for a period of not less than ninety days.

16 The presence of any such prohibited device or mechanism in or on a motor vehicle
17 traveling upon a public way shall constitute *prima facie* evidence of a violation of this section.
18 The Commonwealth shall not be required to prove that the device or mechanism in question
19 was in operative condition or being operated at the time of said violation. Upon a conviction of
20 a violation of this section said device or mechanism shall be confiscated by the commonwealth.
21 Said device or mechanism so confiscated shall, by written authority of the court of jurisdiction,
22 be forwarded by common carrier to the colonel of the state police, who upon receipt of the
23 same, shall notify said court or justice thereof. Said colonel may sell or destroy the same,
24 except that any device or mechanism may not be lawfully sold in the commonwealth shall be
25 destroyed, and in the case of a sale, after paying the cost of forwarding the article, shall pay
26 over the net proceeds to the commonwealth."