

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

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Marc R. Pacheco**

*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.

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 following new section:

2

3 SECTION 3A. SCHOOL BUS SAFETY ENFORCEMENT

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

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

18 shall not be based on the revenue generated by the system. Compensation to the vendor of the system  
19 shall be based on the expense of the services and the equipment provided by the vendor of the system.  
20 The school department may enter into an agreement for purposes of reimbursement of expenses to the  
21 vendor for the installation, operation and maintenance of the live digital video school bus detection and  
22 monitoring systems within its municipality. Notwithstanding the terms and conditions contained in any  
23 such agreement, reimbursement shall be made from ticket revenue proceeds from paid violations, as  
24 allocated

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26 (B) Installation and signage.

27 (a) All vehicles installed with a live digital video school bus violation detection monitoring system shall  
28 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 violation  
30 detection monitoring system is in operation.

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32 (C) Procedure – Notice.

33 (a) Except as expressly provided in this section, all prosecutions based on evidence produced by a live  
34 digital video school bus violation detection monitoring system shall follow the procedures established in  
35 section 3 of chapter 90c, or any other special or general laws to the contrary. Citations may be issued by  
36 an officer solely based on evidence obtained by use of a live digital video school bus violation detection  
37 monitoring system. All citations issued based on evidence obtained from a live digital video school bus  
38 violation detection monitoring system shall be issued within seven (7) days of the violation.

39 Notwithstanding any provisions of the general laws to the contrary, exclusive jurisdiction to hear and  
40 decide any violation under this chapter shall be with the traffic tribunal.

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

46 (c) The officer issuing the citation shall certify under penalties of perjury that the evidence obtained from  
47 the live digital video school bus violation detection monitoring system was sufficient to demonstrate a  
48 violation of the motor vehicle code. Such certification shall be sufficient in all prosecutions pursuant to

49 this chapter to justify the entry of a default judgment upon sufficient proof of actual notice in all cases  
50 where the citation is not answered within the time period permitted.

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

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

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

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

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

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

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

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

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74 (E) Driver/registered owner liability.

75 (a) The registered owner of the motor vehicle shall be primarily responsible in all prosecutions brought  
76 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 video  
78 school bus violation detection monitoring system, the registered owner of a vehicle which has been  
79 operated in violation of a civil traffic violation, may be liable for such violation. The registered owner of  
80 the vehicle may assume liability for the violation by paying the fine; or by defending the violation  
81 pursuant to the procedures in section 3 of chapter 90 of the general laws.