

SENATE No. 1784

The Commonwealth of Massachusetts

PRESENTED BY:

John C. Velis

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 adoption of the accompanying bill:

An Act relative to construction zone speed control systems.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>John C. Velis</i>	<i>Hampden and Hampshire</i>
<i>Michael J. Finn</i>	<i>6th Hampden</i>

SENATE No. 1784

By Mr. Velis, a petition (accompanied by bill, Senate, No. 1784) of John C. Velis and Michael J. Finn for legislation to increase safety in highways work zones by implementing work zone speed cameras. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to construction zone speed control systems.

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. Clause Twenty-sixth of section 7 of chapter 4 of the General Laws, as
2 appearing in the 2022 Official Edition, is hereby amended by adding the following subclause:-

3 (w) Photographs and other personal identifying information collected pursuant to section
4 17E through section 17I of chapter 90.

5 SECTION 2. Section 1 of chapter 90 of the General Laws, as appearing in the 2022
6 Official edition, is hereby amended by adding the following definitions:-

7 “Construction zone speed control system”, a camera system that monitors and detects
8 motor vehicle speed limits in an active construction zone, as defined in section 17D of this
9 chapter. Construction zone speed control systems shall meet the requirements described in
10 section 17E of this chapter.

“Personally identifiable information”, information created or maintained by the department or a vendor that identifies or describes an owner and includes, but is not limited to, the owner's address, telephone number, number plate, photograph, bank account information, credit card number, debit card number or the date, time, location or direction of travel on a highway.

SECTION 3. Chapter 90 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by adding the following sections:-

Section 17E. (a)(1) The department may install and operate construction zone speed control systems in active construction zones as defined in section 17D of this chapter. Any system shall be limited to monitoring and detecting speed violations that exceed the posted speed limit by fifteen miles per hour or more in violation of section 17D of this chapter.

(2) In determining where to install and operate construction zone speed control systems, the department shall give due consideration to locations with high traffic volumes and known accident hotspots.

(b) Signage shall be displayed in any active construction zones where construction zone speed control systems are in use which clearly alerts motorists to the use of said system. The signage shall remain in place at all times while the system is in operation.

(c)(1) The department may enter into an agreement with a private vendor or manufacturer to provide for the design, installation, operation and maintenance, or any combination thereof, of construction zone speed control systems.

31 (2) Any money paid to the manufacturer or vendor of a construction zone speed control
32 system shall not be based upon the revenue generated by the use of such system. Any money
33 paid to the manufacturer or vendor of the system, including, but not limited to, equipment, shall
34 be based upon the value of the system and equipment installed and the recurring services
35 provided in support of the systems, including the processing of evidence files, cost of the
36 technology provided and maintenance of such technology.

37 (d) The department, in collaboration with the Massachusetts State Police, shall conduct a
38 public awareness campaign to inform motorists of the use of construction zone speed control
39 systems.

40 Section 17F. (a) No person operating a motor vehicle shall exceed the posted speed limit
41 by fifteen or more miles per hour, as detected by a construction zone speed control system,
42 within an active construction zone where a construction zone speed control system is operational.

43 (b) A violation of this section shall be punishable by a fine as established in Section 17D
44 of this chapter. The owner of a motor vehicle identified by a construction zone speed camera
45 control system shall be liable for any such fine imposed unless the driver of the motor vehicle
46 received a citation from a law enforcement officer at the time of the violation.

47 (c) The fines pursuant to this section shall be applied whether the violation is detected
48 through the use of a construction zone speed control system or by a police officer on scene who
49 issues a written citation to the operator of the motor vehicle. All fines imposed for a speeding
50 violation in accordance with this section that is detected by a construction zone speed control
51 system or by a police officer who cites the operator in hand shall be paid to the department.

Section 17G. (a)(1) All construction zone speed control systems shall produce an evidence file that includes a live visual video image viewable remotely, a recorded video image of the license plate and the capacity to record the date, time and location of the vehicle committing a speeding violation.

(2) A system's recorded video images and still photographic images shall record the rear of the motor vehicle with: (i) at least 1 photographic image and 1 recorded video image clearly recording the motor vehicle operating at a rate of speed in excess of the posted speed limit in an active construction zone; and (ii) at least 1 photographic image and 1 recorded video image shall clearly identify the registration plate of the motor vehicle.

(3) To the extent practicable, any construction zone speed control system shall use necessary technology to ensure that photographs or recorded video images produced by the system shall not include a frontal view photograph or video image of the motor vehicle that identify the operator, passengers or contents of the vehicle; provided, however, that no notice of violation issued under this section shall be dismissed solely because a photograph or recorded video image allow for the identification of the operator, passengers or contents of a vehicle if a reasonable effort has been made to comply with this subsection.

(b)(1) Other than for purposes of enforcement of a violation of this section or for purposes of an owner defending a violation of this section, recorded video images and photographs taken or created under this section shall only be obtained under an order by a court of competent jurisdiction.

(2) All recorded video and photographic images and other information obtained through the use of a construction zone speed control system, as authorized in this section, that do not

74 identify a violation shall be destroyed by the department or vendor within 30 days of the date the
75 image was recorded, unless otherwise ordered by a court of competent jurisdiction. All recorded
76 video and photographic images and other information that identify a violation shall be destroyed
77 within 1 year of final disposition of proceedings related to the enforcement or defense of a
78 violation, unless otherwise ordered by a court of competent jurisdiction. The department and any
79 vendor under agreement utilizing 1 or more construction zone speed control systems shall file
80 notice attested under penalties of perjury annually within 30 days of the close of the fiscal year
81 with the state secretary that records have been destroyed in accordance with this paragraph. All
82 recorded video and photographic images and other information, however stored or retained,
83 obtained through systems authorized in this section shall be the property of the department under
84 agreement with a vendor and shall not be used by a vendor for any other purpose. Upon the
85 expiration of any agreement authorized under this section, all of said video and photographic
86 images and other information shall be delivered within 30 days to the department unless
87 otherwise ordered by a court of competent jurisdiction.

88 Section 17H. (a)(1) Whenever a construction zone speed control system detects and
89 produces recorded images of a motor vehicle allegedly committing a violation of section 17D, a
90 sworn member or authorized member of the Massachusetts State Police shall review the recorded
91 images provided by such system. If, after such review, such member determines that there are
92 reasonable grounds to believe that a violation has occurred, such member may issue a notice of
93 violation for the alleged violation. Such notice of violation shall be sworn or affirmed by such
94 member and shall be prima facie evidence of the facts contained in the notice. Such notice of
95 violation shall include written verification that the construction zone speed control system was

operating correctly at the time of the alleged violation and specify the date of the most recent inspection that confirms the construction zone speed limit system to be operating properly.

(2) The notice of violation for the alleged violation of section 17D shall include (i) a copy of the recorded image showing the vehicle with its number plate visible, (ii) the registration number and state of issuance of the vehicle registration, (iii) verification that the construction zone speed control system was operating correctly at the time of the alleged violation and the date of the most recent calibration check, and (iv) the date, time and location of the alleged violation.

(3) In the case of an alleged violation of section 17D involving a motor vehicle registered in the state, the notice of violation shall be mailed not later than thirty days after the commission of the alleged violation or after the identity of the owner is ascertained, whichever is later, to the address of the owner that is in the records of the department.

(4) In the case of an alleged violation of section 17D involving a motor vehicle registered in another jurisdiction, the notice of the violation shall be mailed not later than thirty days after the identity of the owner is ascertained to the address of the owner that is in the records of the official in the other jurisdiction issuing such registration.

(5) A notice of violation shall be invalid unless mailed to an owner not later than ninety days after the alleged violation of section 17D.

(6) The notice of violation shall be sent by first class mail. A manual or automatic record of mailing prepared by the construction zone speed control system operator in the ordinary course of business shall be prima facie evidence of mailing and shall be admissible in any court proceeding as to the facts contained in the notice.

(7) Upon the determination of a violation through the use of a construction zone speed control system, it shall be the duty of the chief of the Massachusetts State Police, or any designee of the chief, to issue the owner of the vehicle a citation pursuant to chapter 90C.

(b)(1) A construction zone speed control system operator shall complete training offered by the manufacturer of such system, including training on any devices critical to the operation of such system or the manufacturer's representative in the procedures for setting up, testing and operating such system. Upon completion of the training, the manufacturer or manufacturer's representative shall issue a signed certificate to the construction zone speed control system operator. Such signed certificate shall be admitted as evidence in any court proceeding for an alleged violation of section 17D.

(2) A construction zone speed control system operator shall complete and sign a daily log for a construction zone speed control system. Such daily log shall (i) state the date, time and location of such system's set-up, (ii) state that the construction zone speed control system operator successfully performed, and the construction zone speed system passed, the testing specified by the manufacturer of the construction zone speed system, (iii) be kept on file at the principle office of the operator, and (iv) be admitted in any court proceeding for an alleged violation of section 17D.

(3) A construction zone speed control system shall undergo an annual calibration check performed at a calibration laboratory. The calibration laboratory shall issue a signed certificate of calibration after the annual calibration check. Such signed certificate of calibration shall be kept on file and admitted as evidence in any court proceeding for an alleged violation of section 17D.

(c) Any recorded video images or still photographic images produced by a construction zone speed control system evidencing the violation shall be available for inspection in any proceeding to adjudicate the liability for the violation adopted under this section.

(d) In all actions of speeding violations based on evidence obtained from a construction zone speed control system pursuant to this section, the registered owner of the motor vehicle shall be primarily responsible except as otherwise provided in this section.

(e) The following defenses shall be available to the owner of a motor vehicle identified by a construction zone speed camera control system as allegedly violating section 17D: (1) The violation took place during a period of time in which the motor vehicle had been reported as being stolen to a law enforcement unit and had not been recovered prior to the time of the violation, or (2) the construction zone speed control system used to determine speed was not in compliance with the provisions of this section relating to tests for accuracy, certification or calibration.

(f) In the event that the registered owner of a vehicle operated in violation of this section was not the operator of the vehicle at the time of the violation, the registered owner of the vehicle shall: (1) assume liability for the violation by paying the fine; (2) upon written receipt of the citation, provide the issuing authority within 30 days of the date of issuance with the name, address and registration plate number of the operator of the vehicle who was responsible along with a signed affidavit acknowledging such; or (3) defend the violation pursuant to the procedures established for speeding violations under this chapter.

(g) A vehicle owned or leased to a corporation that is identified by a construction zone speed control system under this section shall be primarily responsible for a violation pursuant to

this section even if a person who normally operates the vehicle for the corporation denies that they were operating the vehicle at the time of the violation.

(h) An owner who receives a notice of violation pursuant to the provisions of this section shall follow the procedures set forth in section 3 of this chapter.

(i) The administrator of the department shall submit an annual report to the department's board of directors. The report shall contain: (i) data on the number of citations issued under this section at each particular active construction zone, and of those citations, shall detail: (A) the number paid without a request for a hearing; (B) the number found responsible after a hearing; and (C) the number dismissed after a hearing; and (ii) the cost to maintain each system and the amount of revenue obtained from each system.

Section 17I. (a) No personally identifiable information collected by a construction zone speed control system shall be sold or disclosed by the department or a vendor to any person or entity except where the disclosure is made (1) in connection with the charging, collection and enforcement of the fines imposed pursuant to section 17F, (2) pursuant to a judicial order, including a search warrant or subpoena, in a criminal proceeding, or (3) to comply with federal or state laws or regulations.

(b) No personally identifiable information shall be stored or retained by the department or a vendor unless such information is necessary for the collection and enforcement of the fines imposed pursuant to Section 17F.

(c) Except as otherwise provided by law or in connection with an administrative summons or judicial order, including a search warrant or subpoena, in a criminal proceeding, the department or a vendor shall destroy personally identifiable information and other data that

specifically identifies a motor vehicle and relates to a violation of Section 17F not later than one year after any fine is imposed or the resolution of a trial conducted for the alleged commission of such violation.

(d) Personally identifiable customer information shall not be deemed a public record, for purposes of the Freedom of Information Act, as defined in Section 1-200.

Section 17J. (a) The department may adopt regulations to implement the provisions of sections 17E through 17I of this chapter and establish standards and procedures for construction zone speed control systems.

SECTION 4. The commonwealth shall allocate necessary funds from the Highway Fund to implement the provisions of this Act.

The provisions of this act are severable and if any provision, or portion thereof, should be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the remaining provisions, which remain in full force and effect.

This Act shall take effect 90 days after its passage.