

SENATE, NO. 2334

[Senate, March 22, 2010 - New draft of Senate, No. 976 reported from the committee on Public Safety and Homeland Security.]



The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND TEN

AN ACT RELATIVE TO SCHOOL BUS SAFETY.

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 is hereby amended by inserting after section 3 the
2 following section:-

3 Section 3A. All school departments are hereby authorized to install and operate live digital video
4 school bus violation detection monitoring systems. Such systems shall, at a minimum, be systems that
5 monitor and detect school bus traffic violations. For purposes of this section, a live digital video school
6 bus violation detection monitoring system means a system with 1 or more camera sensors and computers
7 that produce live digital and recorded video of motor vehicles being operated in violation of school bus
8 traffic laws. All systems installed for used under this section must, at a minimum, produce a live visual

9 image viewable remotely, a recorded image of the license, plate, and be able to record the time, date and
10 location of the vehicle, and a signed affidavit by a person who witnessed the violation via live video.

11 The school departments may enter into an agreement with a private corporation or other entity to
12 provide live digital video school bus violation detection monitoring systems and to maintain and operate
13 such systems. Compensation to the private entity that provides such a system and related support service
14 shall not be based on the revenue generated by the system. Compensation to the vendor of the system
15 shall be based on the expense of the services and the equipment provided by the vendor of the system.
16 The school department may enter into an agreement for purposes of reimbursement of expenses to the
17 vendor for the installation, operation and maintenance of the live digital video school bus detection and
18 monitoring systems within its municipality. Notwithstanding the terms and conditions contained in any
19 such agreement, reimbursement shall be made from ticket revenue proceeds from paid violations, as
20 allocated. All vehicles installed with a live digital video school bus violation detection monitoring system
21 shall post a warning sign indicating the use of such system. Warning signage shall remain on each
22 vehicle as long as a live digital video school bus violation detection monitoring system is in operation.

23 Except, as expressly provided, all prosecutions based on evidence produced by a live digital video
24 school bus violation detection monitoring system shall follow the procedures of this section.

25 Citations may be issued by an officer solely based on evidence obtained by use of a live digital
26 video school bus violation detection monitoring system. All citations issued based on evidence obtained
27 from a live digital video school bus violation detection monitoring system shall be issued within 7 days of
28 the violation. It shall be sufficient to commence a prosecution based on evidence obtained from a live
29 digital video school bus violation detection monitoring system a copy of the citation and supporting
30 documentation shall be mailed to the address of the registered owner kept on file by the registry of motor
31 vehicle for the purposes of this section, the date of issuance shall be the date of mailing.

32 The officer issuing the citation shall certify under penalties of perjury that the evidence obtained
33 from the live digital video school bus violation detection monitoring system was sufficient to demonstrate
34 a violation of the motor vehicle code. Such certification shall be sufficient in all prosecutions pursuant to
35 this chapter to justify the entry of a default judgment upon sufficient proof of actual notice in all cases
36 where the citation is not answered with the time period permitted.

37 The following information shall be attached to the citation as evidence: (i) copies of 2 or more
38 photographs, or microphotographs, videos, or other recorded images taken as proof of the violation; (ii) a
39 signed statement by a trained law enforcement officer that, based on inspection of recorded images and
40 video, the motor vehicle was being operated in violation of this chapter; (iii) a statement that recorded
41 images are evidence of a violation of this chapter; (iv) a statement that the person who receives a
42 summons under this chapter may either pay the civil penalty in accordance with this chapter, or elect to
43 stand trial for the alleged violation; and (v) a signed affidavit by a person who witnessed live the motor
44 vehicle being operated in violation of this chapter.

45 Evidence from a live digital video school bus violation detection monitoring system shall be
46 considered substantive evidence in the prosecution of all civil traffic violations. Evidence from a live
47 digital video school bus violation detection monitoring system approved by the school department shall
48 be admitted without further authentication and such evidence may be deemed sufficient to sustain a civil
49 traffic violation. In addition to any other defenses as set forth herein, any and all defenses cognizable at
50 law shall be available to the individual who receives the citation commencing a prosecution under this
51 chapter.

52 The registered owner of the motor vehicle shall be primarily responsible in all prosecutions
53 brought pursuant to the provisions of this chapter except as otherwise provided in this section. In all
54 prosecutions of civil traffic violations based on evidence obtained from a live digital video school bus
55 violation detection of a civil traffic violation, may be liable for such violation. The registered owner of

56 the vehicle may assume liability for the violation by paying the fine; or by defending the violation
57 pursuant to the procedures in this chapter.