

COMMONWEALTH OF MASSACHUSETTS
CITY OF LOWELL

In City Council

ORDINANCE

An Ordinance Amending the Code of Ordinances City of Lowell, Massachusetts, with respect to Chapter 222, entitled “Peace and Good Order,” by adding § 222.24 entitled “School Bus Violation Detection and Enforcement.”

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOWELL, as follows:

“The Code of Ordinances City of Lowell, Massachusetts” hereinafter the “Code,” adopted by the City Council on December 23, 2008, is hereby amended with respect to Chapter 222 with the establishment of a new Section 24 entitled “School Bus Violation Detection and Enforcement,” as follows:

§ 222-24 School Bus Violation Detection and Enforcement.

A. INTENT.

- (1) The Commonwealth of Massachusetts authorizes municipalities to use a school bus violation detection monitoring system to enforce traffic violations pursuant to Sections 14 and 14C of Chapter 90 of the Massachusetts General Laws and impose monetary liability on vehicles that illegally pass a school bus.
- (2) The City of Lowell accepts and adopts M.G.L c. 40 section 71 pursuant to sections 14 and 14C of chapter 90.

B. AUTHORITY

- (1) The City hereby establishes a school bus violation detection monitoring system program to impose monetary penalties pursuant to the Massachusetts General Laws against vehicle owners who fail to stop for a school bus in violation of M.G.L. c. 90 Section 14.

C. DEFINITIONS.

Violation

The failure of an operator of a motor vehicle to comply with M.G.L. c. 90 Section 14 and any other laws, codes, regulations, by-laws, ordinances, rules or requirements governing traffic control for school buses stopped to allow pupils to alight from or board the bus.

School Bus Violation Detection Monitoring System

A camera system that monitors and detects a motor vehicle overtaking or passing a school bus when the bus is stopped and displaying front and rear alternating flashing red signal lights, when the bus has been stopped to allow pupils to alight from or board the bus. A school bus violation detection monitoring system shall meet the requirements described in M.G.L. c. 90 Section 14C and M.G.L. c. 30B.

D. INSTALLATION AND OPERATION OF SCHOOL BUS VIOLATION DETECTION MONITORING SYSTEMS

- (1) The City, in compliance with M.G.L. c. 30B, may enter into an agreement with a private vendor or manufacturer to provide a school bus violation detection monitoring system, including the installation, operation and maintenance of such systems, on each bus within its fleet whether the school bus is owned or leased. Such agreement may become effective after consent by a school district, through a vote of a majority of its governing school committee.
- (2) All school buses equipped with school bus violation detection monitoring system shall post signage indicating that such system is in use on such bus.
- (3) A school bus violation detection monitoring system shall record video images and still photographic images of the motor vehicle with at least:
 - (a) one (1) photographic image and one (1) recorded video image clearly recording the motor vehicle immediately before the violation of the stop arm traffic control sign;
 - (b) one (1) photographic image and one (1) recorded video image recording the motor vehicle passing the stopped school bus with the stop arm traffic control sign in violation of the stop arm traffic control sign; and
 - (c) one (1) photographic image and one recorded video image that clearly identify the license plate of the motor vehicle.
- (4) Other than for purposes of enforcement of a violation of this section or M.G.L. c. 90 Section 14 or for purposes of an owner of a vehicle defending a violation of this section, recorded video images and photographs taken or created under this section shall only be made available under an order by a court of competent jurisdiction.

E. REVIEW AND ISSUANCE OF CITATIONS.

- (1) Evidence files from school bus violation detection: monitoring system shall be reviewed by law enforcement or a law enforcement officer's approved technician who shall issue a citation by first class mail if satisfied that a violation of M.G.L. c. 90 Section 14 was committed and the vehicle committing the violation can be identified from its registration plate.
- (2) A certificate, or a facsimile thereof, sworn to or affirmed by a police officer or other law enforcement officer authorized to issue motor vehicle citations for violations of traffic laws stating that based upon inspection of the evidence file produced by

a school bus violation detection monitoring system the vehicle was in violation of M.G.L. c. 90 Section 14 shall be prima facie evidence of the facts contained therein.

- (3) Any recorded video images or still photographic images produced by a school bus violation detection monitoring system evidencing a violation of M.G.L. c. 90 Section 14 of Chapter 90 shall be available for inspection in any proceeding to adjudicate the liability for the violation.
- (4) All systems installed on a school bus shall produce an evidence file that includes:
 - (a) a live visual video image viewable remotely;
 - (b) recorded video image of the license plate of a vehicle committing a violation of the stop arm traffic control sign; and
 - (c) the capacity to record the date, time and location of the vehicle committing a violation of the stop arm traffic control sign; provided, however, that all recordings in an evidence file under this section shall be destroyed in accordance with Sections J and K of this ordinance.
- (5) A system's recorded video images and still photographic images shall record the rear of the motor vehicle with at least:
 - (a) One (1) photographic image and one (1) recorded video image clearly recording the motor vehicle immediately before the violation of the stop arm traffic control sign;
 - (b) One (1) photographic image and one (1) recorded video image recording the motor vehicle passing the stopped school bus with the stop arm traffic control sign in violation of the stop arm traffic control sign; and
 - (c) One (1) photographic image and one (1) recorded video image that clearly identify the license plate of the motor vehicle; provided, however, that all recordings in an evidence file under this section shall be destroyed in accordance with state statute.

F. OWNER LIABILITY

- (1) In all actions of civil traffic violations based on evidence obtained from a school bus violation detection monitoring system under M.G.L. c. 90 Section 14C, the registered owner of the motor vehicle shall be primarily responsible except as provided in M.G.L. c. 90 Section 14E and this ordinance.
- (2) If the registered owner of a vehicle operated in violation of M.G.L. c. 90 Section 14 was not the operator of the vehicle at the time of the violation, the registered owner of the vehicle shall:
 - (a) Assume liability for the violation by paying the fine;
 - (b) Upon written receipt of the citation, provide the issuing authority within 30 days of the date of issuance of the citation with the name, address and registration plate number of the operator of the vehicle who was responsible along with a signed affidavit acknowledging such information and attesting to its veracity; or

- (c) Defend the violation pursuant to the procedures established for traffic violations under this ordinance.
- (3) A corporation that owns or leases a vehicle identified as being in violation of M.G.L. c. 90 Section 14 by a school bus violation detection monitoring system under this section shall be primarily responsible for such violation even if a person who normally operates the vehicle for the corporation denies that such person was operating the vehicle at the time of the violation; provided, that no violation entry shall be made on the person's driving record.

G. CITATION REQUIREMENTS

- (1) Pursuant to Chapter 90, the chief of police, or any designee of the chief, shall issue the owner of the vehicle a citation which is mailed to the owner of a vehicle involved in the traffic violation. The citation and mailing shall contain the following information:
- (a) The name and address of the owner of the motor vehicle;
 - (b) The number plate of the motor vehicle;
 - (c) The date, location and time of the alleged violation;
 - (d) A copy of or information on how to view, through electronic means, the recorded images produced by a school bus violation detection monitoring system evidencing an alleged violation of M.G.L. c. 90 section 14.
 - (e) A certificate, or a facsimile thereof, sworn to or affirmed by a police officer or other law enforcement officer authorized to issue motor vehicle citations for violations of traffic laws stating that based upon inspection of the evidence file produced by a school bus violation detection monitoring system the vehicle was in violation of M.G.L. c. 90 section 14;
 - (f) The amount of the fine imposed;
 - (g) Instructions to the violator that within twenty (20) days of the date of the citation the violator must either pay the scheduled assessment or contest responsibility for the infraction by following the procedures under M.G.L. c. 40U.
 - (h) Notice of the right to contest the citation pursuant to M.G.L. c. 90 section 14E; and
 - (i) Information advising the owner of the motor vehicle of the procedure for disclaiming liability by providing the issuing authority within 30 days of the date of issuance of the citation with the name, address and registration plate number of the operator of the vehicle who was responsible along with a signed affidavit acknowledging such information and attesting to its veracity.

H. PENALTIES

- (1) A penalty imposed for a violation of M.G.L. c. 90 Section 14 as evidenced by a school bus violation detection monitoring system shall not be considered a criminal conviction and shall not be considered a moving violation of the motor vehicle laws for the purpose of determining surcharges on motor vehicle premiums pursuant to

Section 113B of Chapter 175; provided, however, that the violation shall be noted on the registered owner or operator's driving record.

- (2) The fines pursuant to M.G.L. c. 90 Section 14 for a failure to stop for a school bus shall apply to a violation of said M.G.L. c. 90 Section 14 whether the violation is detected through the use of a school bus violation detection monitoring system or by a police officer on scene who issues a written citation to the operator of the motor vehicle
- (3) Fines:
 - (a) First Offense: not less than \$250;
 - (b) Second Offense: not less than \$500 nor more than \$1,000; and
 - (c) Subsequent Third Offense: not less than \$1,000 nor more than \$2,000.
- (4) Pursuant to M.G.L. c. 280 section 2, all fines imposed for a violation of M.G.L. c. 90 Section 14 that is detected by a school bus violation detection monitoring system or by a police officer at the scene who cites the operator in hand shall be paid to the treasury of the city or town where the offense was committed.

I. CONTESTING LIABILITY

- (1) Upon receiving a citation, the owner of the motor vehicle may elect to defend the violation pursuant to the procedures established for traffic violations under M.G.L. c. 90 and M.G.L. c. 40U.

J. RECORD KEEPING AND REPORTS

- (1) The City shall submit an annual report to the Massachusetts Department of Transportation regarding the use and operation of each school bus violation detection monitoring system.
- (2) The report shall contain:
 - (a) Data on the number of citations issued, organized by intersection, and of those citations shall detail:
 1. The number of alleged violators who paid the applicable fine without a request for a hearing;
 2. The number of violators found responsible after a hearing; and
 - (b) The cost to maintain each system and the amount of revenue obtained from each system.

K. USE OF DATA CAPTURED

- (1) All recorded video and photographic images and other information obtained through the use of a school bus violation detection monitoring system, as authorized in this section, that do not identify a violation shall be destroyed by the City of Lowell or its vendor within 30 days of the date the image was recorded, unless otherwise ordered by a court of competent jurisdiction.
- (2) All recorded video and photographic images and other information that identify a violation shall be destroyed within one (1) year of the final disposition of proceedings related to the enforcement or defense of a violation, unless otherwise

ordered by a court of competent jurisdiction. Annually, within 30 days of the close of the fiscal year, the City of Lowell and its vendor under agreement utilizing at least one (1) school bus violation detection monitoring systems shall file a notice attested under penalties of perjury with the state secretary that records have been destroyed in accordance with this paragraph.

- (3) All recorded video and photographic images and other information, however stored or retained, obtained through systems authorized in this section shall be the property of the City of Lowell under agreement with a vendor or manufacturer under section 71 of chapter 40 and shall not be used by a vendor or manufacturer for any other purpose.
- (4) Upon the expiration of any agreement authorized under this section, all such video and photographic images and other information shall be delivered within 30 days to the City of Lowell who is a party to the agreement unless otherwise ordered by a court of competent jurisdiction.

All provisions of the Code of the City of Lowell, as amended, which are consistent with this Ordinance, shall continue in effect, but all provisions of said Code inconsistent herewith, are repealed.

This Ordinance shall take effect upon its passage in accordance with the provisions of Chapter 43 of Massachusetts General Laws.

APPROVED AS TO FORM:

Corey Williams
City Solicitor



Thomas A. Golden, Jr.
City Manager

February 3rd, 2026

Mayor Erik R. Gitschier
And
Members of the Lowell City Council

Dear Mayor Gitschier and Members of the Lowell City Council,

I am writing to recommend the establishment of a fee structure to support the implementation of automated traffic enforcement cameras on school buses, as authorized under Chapter 399 of the Acts of 2024. This step is essential to ensure the program's success and sustainability while reinforcing our commitment to student safety.

Other municipalities have successfully implemented similar programs, demonstrating both feasibility and positive impact. By establishing a clear fee structure now, we position Lowell to protect our students effectively and responsibly. I respectfully request that the Council approve the establishment of this fee.

Sincerely,

Thomas A. Golden, Jr.
City Manager

CC: William Skinner, Superintendent Lowell Public Schools