

COMMONWEALTH OF MASSACHUSETTS
CITY OF LOWELL

In City Council

VOTE

Accepting the Provisions of Section 71 of Massachusetts General Law Chapter 40, inserted pursuant to Chapter 399 of the Acts of 2024, the “Act Concerning the Safety of School Children Embarking and Disembarking School Buses”, which authorizes cities and towns to install and operate a school bus violation detection monitoring system on a school bus to enforce violations pursuant to Sections 14 and 14C of Chapter 90.

Chapter 399 of the Acts of 2024 introduces a new Section 71 of Massachusetts General Law Chapter 40; and

Section 71 of Massachusetts General Law Chapter 40 shall allow the City of Lowell to install and operate a school bus violation detection monitoring system on a school bus to enforce violations pursuant to Sections 14 and 14C of Chapter 90; and

Chapter 399 of the Acts of 2024 is attached and marked "A"; and

The City Council, pursuant to Council Rule 28, is required to hold a public hearing on this matter at least one (1) week prior to this vote.

NOW THEREFORE, IT IS VOTED BY A MAJORITY VOTE OF THE CITY COUNCIL, AS FOLLOWS;

That the City of Lowell, acting through its City Council, hereby accepts the Provisions of Section 71 of Massachusetts General Law Chapter 40, as inserted pursuant to Chapter 399 of the Acts of 2024, the “Act Concerning the Safety of School Children Embarking and Disembarking School Buses”, which authorizes cities and towns to install and operate a school bus violation detection monitoring system on a school bus to enforce violations pursuant to Sections 14 and 14C of Chapter 90.

“A”

AN ACT CONCERNING THE SAFETY OF SCHOOL CHILDREN EMBARKING AND
DISEMBARKING SCHOOL BUSES

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to safeguard student safety, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 40 of the General Laws is hereby amended by adding the following section:-

Section 71. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

“District”, as defined in section 2 of chapter 70.

“School bus violation detection monitoring system” or “system”, as defined in section 14C of chapter 90.

“Violation”, as defined in section 14C of chapter 90.

(b) A city or town that accepts this section may install and operate a school bus violation detection monitoring system on a school bus to enforce violations pursuant to sections 14 and 14C of chapter 90. Any such system shall be used solely to monitor and detect violations of motor vehicle operators who overtake or fail to stop for a school bus in violation of said section 14 of said chapter 90.

(c)(1) A city or town that accepts this section 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.

(2) Any money paid to the manufacturer or vendor of a school bus violation detection monitoring system, including, but not limited to, equipment, shall be based upon the value of the system and equipment installed and the recurring services provided in support of the school bus violation detection monitoring system, including the processing of evidence files, cost of the technology provided and maintenance of such technology, and shall not be based upon the revenue generated by the use of the system.

(3) An agreement to provide a school bus violation detection monitoring system under this section shall only become effective after consent by the applicable district, through a vote of a majority of its governing school committee.

SECTION 2. Chapter 90 of the General Laws is hereby amended by inserting after section 14B the following 3 sections:-

Section 14C. (a) As used in this section and sections 14D and 14E, the following words shall, unless the context clearly requires otherwise, have the following meanings:

“District”, as defined in section 2 of chapter 70.

“School bus violation detection monitoring system” or “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, as provided in section 7B, 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 subsection (c).

“Stop arm traffic control sign”, a stop sign mounted on a mechanical arm installed on a school bus that is deployed when a school bus is stopped to allow pupils to alight from or board the bus and to notify motorists when they are required to stop and when they may proceed.

“Violation”, the failure of an operator of a motor vehicle to comply with 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.

(b)(1) A city or town that accepts section 71 of chapter 40 may install and operate a school bus violation detection monitoring system on a school bus to enforce violations by an operator of a motor vehicle who overtakes or fails to stop their vehicle for a school bus when required to do so pursuant to section 14.

(2) A school bus with a school bus violation detection monitoring system shall post signage indicating that such system is in use on such bus. The signage shall remain on each such school bus at all times while a school bus violation detection monitoring system is in operation.

(c)(1) All systems installed on a school bus shall produce an evidence file that includes: (i) a live visual video image viewable remotely; (ii) a recorded video image of the license plate of a vehicle committing a violation of the stop arm traffic control sign; and (iii) 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 paragraph (2) of subsection (d) as applicable.

(2) A system’s recorded video images and still photographic images shall record the rear of the motor vehicle with at least: (i) 1 photographic image and 1 recorded video image clearly recording the motor vehicle immediately before the violation of the stop arm traffic control sign; (ii) 1 photographic image and 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 (iii) 1 photographic image and 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 paragraph (2) of subsection (d) as applicable.

(3) To the extent practicable, any school bus violation detection monitoring system shall use necessary technology to ensure that photographs or recorded video images produced by the school bus violation detection monitoring system shall not include a frontal view photograph or video image of the motor vehicle that is in violation of the stop arm traffic control sign or images that identify the operator, passengers or contents of the vehicle; provided, however, that no notice of liability 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.

(d)(1) Other than for purposes of enforcement of a violation of this section or 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.

(2) 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 a city, town, school department, district or vendor within 30 days of the date the image was recorded, unless otherwise ordered by a court of competent jurisdiction. All recorded video and photographic images and other information that identify a violation shall be destroyed within 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, each city, town, school department, district and vendor under agreement utilizing at least 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. 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 municipality 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. 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 municipality who is a party to the agreement unless otherwise ordered by a court of competent jurisdiction.

(3) The administrator of the school bus violation detection monitoring system within any city, town or district accepting this section shall submit an annual report to the Massachusetts Department of Transportation regarding the use and operation of each system. The report shall contain: (i) data on the number of citations issued under this section, organized by intersection, and of those citations shall detail: (A) the number of alleged violators who paid the applicable fine without a request for a hearing; (B) the number of violators found responsible after a hearing; and (C) the number of violations dismissed after a hearing; and (ii) the cost to maintain each system and the amount of revenue obtained from each system.

Section 14D. (a)(1) An evidence file of an alleged violation under section 14C shall be forwarded to a law enforcement officer in the jurisdiction who is trained to observe and detect a violation of section 14.

(2) A law enforcement officer, or law enforcement officer's approved technician, shall review the video images and determine whether a violation occurred.

(3) The officer shall issue a citation if satisfied that a violation of section 14 was committed and the vehicle committing the violation can be identified from its registration plate.

(b) 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 section 14 shall be prima facie evidence of the facts contained therein.

(c) Any recorded video images or still photographic images produced by a school bus violation detection monitoring system evidencing a violation of section 14 shall be available for inspection in any proceeding to adjudicate the liability for the violation adopted under this section.

Section 14E. (a) In all actions of civil traffic violations based on evidence obtained from a school bus violation detection monitoring system under section 14C, the registered owner of the motor vehicle shall be primarily responsible except as otherwise provided in this section.

(b) If the registered owner of a vehicle operated in violation of section 14 was not the operator of the vehicle at the time of the violation, the registered owner of the vehicle shall: (i) assume liability for the violation by paying the fine; (ii) 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 (iii) defend the violation pursuant to the procedures established for traffic violations under this chapter.

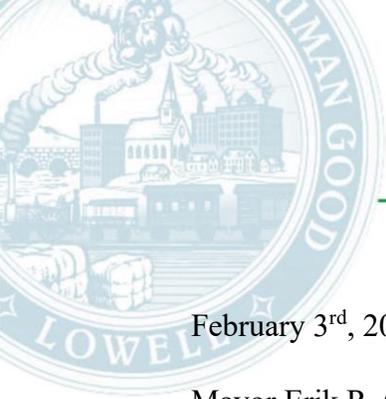
(c) A corporation that owns or leases a vehicle identified as being in violation of section 14 by a school bus violation detection monitoring system under this section shall be primarily responsible for such violation even if a person who normally operates the vehicle for the corporation denies that 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.

(d)(1) A penalty imposed for a violation of this section 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 section 14 for a failure to stop for a school bus shall apply to a violation of said 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. Pursuant to section 2 of chapter 280, all fines imposed for a violation of 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.

(e) Upon the determination of a violation through the use of a school bus violation detection monitoring system, the chief of police of the city or town, or any designee of the chief, shall issue the owner of the vehicle a citation pursuant to chapter 90C.

Approved, January 10, 2025.



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 express support for the adoption of Chapter 399 of the Acts of 2024, which authorizes municipalities to implement automated traffic enforcement cameras on school buses. This initiative represents a significant step forward in enhancing student safety and modernizing enforcement practices within our community.

Under this law, municipalities can install cameras on school buses to detect and penalize vehicles that unlawfully pass a stopped bus with its stop arm extended and red lights flashing. Violations would result in a civil penalty of \$250, issued by mail to the registered vehicle owner. Importantly, the legislation includes robust privacy protections, prohibiting facial recognition and requiring timely deletion of data after resolution.

The benefits of adopting this program are clear:

- **Enhanced Student Safety:** Automated enforcement serves as a strong deterrent against dangerous driving behaviors near school buses.
- **Supplemental Enforcement:** This system provides additional coverage without increasing police staffing needs.
- **Data-Driven Planning:** Information collected can help identify high-risk areas and inform future safety improvements.

Other communities, such as Methuen, have successfully implemented this program, demonstrating its feasibility and effectiveness. I ask the Council to consider formal acceptance of Chapter 399 and authorize the necessary steps to begin implementation.

Sincerely,

Thomas A. Golden, Jr.
City Manager

CC: William Skinner, Superintendent Lowell Public Schools