

Chapter  
of the Acts of 2022

T H E C O M M O N W E A L T H O F M A S S A C H U S E T T S

*In the One Hundred and Ninety-Second General Court*

AN ACT TO REDUCE TRAFFIC FATALITIES.

*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. Section 11B of chapter 85 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by striking out, in lines 71 and 72, the words "either a lamp emitting a red light, or" and inserting in place thereof the following words:- a lamp emitting a red light and.

SECTION 2. Clause (8) of the second paragraph of said section 11B of said chapter 85, as so appearing, is hereby amended by adding the following 2 sentences:- The provisions of this clause related to front and rear lighting shall be enforced by law enforcement agencies only when an operator of a bicycle has been stopped for some other offense. A violation of this clause related to rear lighting shall not be used as conclusive evidence of contributory negligence in any civil action.

SECTION 3. The first paragraph of section 2 of chapter 89 of the General Laws, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- If it is not possible to overtake a vulnerable user, as defined in section 1 of chapter 90, or other vehicle at a safe distance in the same lane, the overtaking vehicle shall use all or part of an adjacent lane, crossing the centerline if necessary, when it is safe to do so and while adhering to the roadway speed limit.

SECTION 4. Section 1 of chapter 90 of the General Laws, as so appearing, is hereby amended by inserting after the definition of "Automobile transporter" the following definition:-

"Back-up camera", a device that provides a visual image of the area directly behind a vehicle to the vehicle operator when the vehicle is in reverse gear, meeting the requirements of Federal Motor Vehicle Safety Standard No. 111, 49 CFR 571.111.

SECTION 5. Said section 1 of said chapter 90, as so appearing, is hereby further amended by inserting after the definition of "Bus or motor bus" the following 2 definitions:-

"Convex mirror", a door-mounted, wide-angle mirror that enables an operator to see objects along the left and right sides of a motor vehicle, trailer, semi-trailer or semi-trailer unit.

"Cross-over mirror", a mirror mounted on a hood or fender that enables the operator to see objects in the area immediately in front of a conventional cab hood; provided, that a vehicle that has a cross-over mirror installed shall have a label visible to the seated driver in accordance with Federal Motor Vehicle Safety Standard No. 111, 49 CFR 571.111.

SECTION 6. Said section 1 of said chapter 90, as so appearing, is hereby further amended by inserting after the definition of "Killed in action" the following definition:-

"Lateral protective device", an apparatus installed on a motor vehicle, trailer, semi-trailer or semi-trailer unit between the front and rear wheels to help prevent injuries to a vulnerable user, particularly from falling underneath the vehicle.

SECTION 7. Said section 1 of said chapter 90, as so appearing, is hereby further amended by inserting after the definition of "Transporter" the following definition:-

"Vulnerable user", (i) a pedestrian, including a person engaged in work upon a way or upon utility facilities along a way or engaged in the provision of emergency services within the way; (ii) a person operating a bicycle, handcycle, tricycle, skateboard, roller skates, in-line skates, non-motorized scooter, wheelchair, electric personal assistive mobility device, horse, horse-drawn carriage, motorized bicycle, motorized scooter, or other micromobility device, or a farm tractor or similar vehicle designed primarily for farm use; or (iii) other such categories that the registrar may designate by regulation.

SECTION 8. Section 6 of said chapter 90, as so appearing, is hereby amended by inserting after the word "obscured", in line 11, the following words:- or the appearance obstructed.

SECTION 9. Section 7 of said chapter 90, as so appearing, is hereby amended by inserting after the fourth paragraph the following 2 paragraphs:-

A motor vehicle, trailer, semi-trailer or semi-trailer unit classified as a class 3 or above by the Federal Highway Administration, with a gross vehicle weight rating of 10,001 pounds or more, that is leased or purchased by the commonwealth on or after January 1, 2023, shall be equipped with a lateral protective device, convex mirrors, cross-over mirrors and backup cameras. This paragraph shall not apply to an ambulance, firefighting

apparatus, low-speed vehicle, agricultural tractor or any other class or type of vehicle as determined by the registrar. The registrar shall adopt regulations establishing standards, consistent with the United States Department of Transportation John A. Volpe National Transportation Systems Center's side guard standard DOT-VNTSC-OSTR-16-05, and specifications for the size, design and mounting of lateral protective devices, convex mirrors and cross-over mirrors. The registrar may provide alternative means of compliance with the convex mirror, cross-over mirror and lateral protective device requirements.

The registrar shall prohibit: (i) visual obstructions due to aftermarket modifications and accessories that reduce the ability of the vehicle operator to directly see vulnerable users in the vicinity of the vehicle, including, but not limited to, bug deflectors and chrome visors; and (ii) aftermarket modifications and accessories that increase fatality and serious injury risk to vulnerable users in a collision with the vehicle, including, but not limited to, bull bars. The registrar shall promulgate regulations enforcing this paragraph.

SECTION 10. Said section 7 of said chapter 90 is hereby further amended by striking out the fifth and sixth paragraphs, inserted by section 9, and inserting in place thereof the following 2 paragraphs:-

A motor vehicle, trailer, semi-trailer or semi-trailer unit classified as a class 3 or above by the Federal Highway Administration, with a gross vehicle weight rating of 10,001 pounds or more, that is leased or purchased by the commonwealth on or after January 1, 2025, or operated under a contract with the commonwealth on or after January 1, 2025, shall be equipped with a lateral protective device, convex mirrors, crossover mirrors and backup cameras. This paragraph shall not apply to an ambulance, firefighting apparatus, low-speed vehicle, agricultural tractor or any other class or type of vehicle as determined by the registrar. The registrar shall adopt regulations establishing standards, consistent with the United States Department of Transportation John A. Volpe National Transportation Systems Center's side guard standard DOT-VNTSC-OSTR-16-05, and specifications for the size, design and mounting of lateral protective devices, convex mirrors and crossover mirrors. The registrar may provide alternative means of compliance with the convex mirror, crossover mirror and lateral protective device requirements. A contractor's failure to comply with this paragraph may be grounds for termination of the contract and may be punishable by a fine of

not more than \$500 for the first offense and not more than \$1,000 for a second or subsequent offense.

The registrar shall prohibit: (i) visual obstructions due to aftermarket modifications and accessories that reduce the ability of the vehicle operator to directly see vulnerable users in the vicinity of the vehicle, including, but not limited to, bug deflectors and chrome visors; and (ii) aftermarket modifications and accessories, including, but not limited to, bull bars, that increase fatality and serious injury risk to vulnerable users in a collision with the vehicle. The registrar shall promulgate regulations implementing this paragraph.

SECTION 11. The first paragraph of section 14 of said chapter 90, as appearing in the 2020 Official Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- In passing a vulnerable user, the operator of a motor vehicle shall pass at a safe distance of not less than 4 feet and at a reasonable and proper speed.

SECTION 12. Said section 14 of said chapter 90, as so appearing, is hereby further amended by inserting after the second paragraph the following paragraph:-

The Massachusetts Department of Transportation shall erect and maintain signage along public ways necessary to notify operators of motor vehicles of the requirements for passing a vulnerable user from a safe distance as required by this section.

SECTION 13. Section 18 of said chapter 90, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following 5 paragraphs:-

The city council, the transportation commission of the city of Boston, the board of selectmen, park commissioners, a traffic commission or traffic director or the department, on ways within their control, may make, amend or rescind special regulations as to the speed of motor vehicles and may prohibit the use of such vehicles altogether on such ways. In the case of a speed regulation, or an amendment or rescission thereof, no such action shall take effect unless the department shall have certified in writing that such regulation, amendment or rescission is consistent with the public interests. In the case of any special regulation other than a speed regulation, no such special regulation or amendment or rescission thereof shall take effect unless it shall have been published in 1 or more newspapers, if there be any, published in the town in which the way is situated, otherwise in 1 or more newspapers published in the county in which the town is situated.

Nothing herein contained shall be construed as affecting the right of the department of conservation and recreation to make rules and regulations governing the use and operation of motor vehicles on lands, roadways and parkways under its care and control. No such rule or regulation shall prohibit the use of passenger or station wagon type motor vehicles whose gross weight is less than 5,000 pounds and which are registered for commercial use on ways where noncommercial passenger type motor vehicles are permitted to operate.

No regulation, amendment or rescission under this section shall take effect until there shall have been erected, upon the ways affected thereby and at such points as the department or department of conservation and recreation may designate, signs, conforming to standards adopted by the department, setting forth the speed or other restrictions established by the regulation, and then only during the time such signs are in place. Any sign purporting to establish a speed limit that has not been erected in accordance with the foregoing provisions may be removed by or under the direction of the department.

Upon rescission of the speed regulation, or a portion thereof, and removal of the signs, sections 17 and 17C shall govern.

The city council, the transportation commission of the city of Boston, the board of selectmen, park commissioners, a traffic commission or traffic director may petition the department to modify the speed limit on a state highway within their geographic boundaries. Said petition shall be made in writing to the state traffic engineer. The department shall have 90 days to approve or deny the petition. Upon approval of the petition or the expiration of the 90 days without action, the petitioned speed limit shall become effective and the department shall erect upon the state highway affected thereby and at such points as the department may designate, signs, conforming to standards adopted by the department, setting forth the speed limit.

SECTION 14. Not later than 1 year after the effective date of this act, the Massachusetts Department of Transportation, in consultation with the department of public health and the executive office of public safety and security, shall develop a standardized form to report crashes and incidents involving a motor vehicle and a vulnerable user, as defined in section 1 of chapter 90 of the General Laws. In developing the standardized form, the department shall consider best practices in reporting crashes and incidents

involving vulnerable users, including the Federal Highway Administration's Pedestrian and Bicycle Crash Analysis Tool.

The standardized form shall be used by any municipal, county or state law enforcement official or emergency medical services provider who responds to a crash or incident involving a motor vehicle and a vulnerable user. The corresponding report for each crash or incident shall be transmitted to the registrar of motor vehicles. The department shall maintain a publicly accessible database of the standardized form reports; provided, however, that no personally identifying information shall be published in the database.

SECTION 15. Not later than 6 months after the effective date of this act, the Massachusetts Department of Transportation shall initiate with the United States Department of Transportation John A. Volpe National Transportation Systems Center a study of the direct vision performance of the vehicles subject to the fifth and sixth paragraphs of section 7 of chapter 90 of the General Laws, as inserted by sections 9 and 10 of this act; provided, however, that the study shall be completed not later than 18 months after the effective date of this act. The study shall identify the range of direct vision afforded to drivers in this population of vehicles and produce evidence-based safety recommendations stipulating a minimum acceptable level of direct vision to be met by future applicable vehicles purchased and leased by the commonwealth. The study shall be submitted in a report to the clerks of the house of representatives and senate and the joint committee on transportation not later than 18 months after the effective date of this act.

SECTION 16. The executive office of public safety and security shall within 1 year report the results of a study of the implementation of this bill focusing on racial, gender and geographic disparities if any.

SECTION 17. Section 9 shall take effect on January 1, 2023.

SECTION 18. Section 10 shall take effect on January 1, 2025.

House of Representatives, December 27, 2022.

Passed to be re-enacted,

*Paul Morano*

, Speaker.

In Senate, December 27, 2022.

Passed to be re-enacted,

*Rich Colli*

, President.

*Jan 2, 2023*  
Approved,

*Charles D. Bass*

Governor.