SENATE DOCKET, NO. 723 FILED ON: 1/17/2013

SENATE . . . . . No. 1639

The Commonwealth of Massachusetts

PRESENTED BY:

William N. Brownsberger

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 passage of the accompanying:

An Act to protect vulnerable road users.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
William N. Brownsberger	*Second Suffolk and Middlesex*
Denise Provost	*27th Middlesex*
David M. Rogers	*24th Middlesex*
Jonathan Hecht	*29th Middlesex*
Kay Khan	*11th Middlesex*
John W. Scibak	*2nd Hampshire*
Katherine M. Clark	*Fifth Middlesex*
Frank I. Smizik	*15th Norfolk*
Gailanne M. Cariddi	*1st Berkshire*
Carl M. Sciortino, Jr.	*34th Middlesex*
Lori A. Ehrlich	*8th Essex*
James B. Eldridge	*Middlesex and Worcester*
Sonia Chang-Diaz	*Second Suffolk*
Kate Hogan	*3rd Middlesex*
Carolyn C. Dykema	*8th Middlesex*
Peter V. Kocot	*1st Hampshire*
Kenneth I. Gordon	*21st Middlesex*
Denise Andrews	*2nd Franklin*

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By Mr. Brownsberger, a petition (accompanied by bill, Senate, No. 1639) of William N. Brownsberger, Denise Provost, David M. Rogers, Jonathan Hecht and other members of the General Court for legislation to protect vulnerable road users. Transportation.

The Commonwealth of Massachusetts

An Act to protect vulnerable road users.

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 1 of Chapter 90 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting the following sentence:

"Vulnerable user" means a pedestrian or a person operating a bicycle, handcycle, tricycle, skateboard, roller skates, in-line skates, wheelchair, non-motorized scooter, or any non-motorized vehicle, or a person riding a horse.

SECTION 2: Chapter 90 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting the following as Section 24Y:

Persons convicted of violation of Sections 14C, 24, 24G, or 24L of Chapter 90 of the General Laws, where the victim is a vulnerable user as defined in Section 1 of Chapter 90, shall, in addition to the penalties set forth in those sections: (a) be subject to fines up to double the statutory amounts; (b) be required to complete a traffic safety class including interactions between motorized vehicles and vulnerable users; and (c) be required to perform up to 100 hours of community service related to driver improvement and providing public education on traffic safety including interactions between motorized vehicles and vulnerable users.

SECTION 3: Chapter 90 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting the following as Section 14C:

(1) It is unlawful for a person in a motor vehicle to intentionally pass a vulnerable user, as defined in Section 1 of Chapter 90, at an unsafe distance or at an unreasonable or improper speed, follow a vulnerable user at an unsafe distance, slow or stop in front of a vulnerable user for the purpose of interfering with the vulnerable user's movement, or engage in any other behavior intended to interfere with or frighten a vulnerable user. A person convicted of violation

22 of this section shall be fined not less than two hundred fifty dollars or imprisoned not more than
23 thirty days, or both.

24 (2) Irrespective of any criminal prosecution or the result of a criminal prosecution, a
25 vulnerable user who is intentionally physically assaulted or otherwise intentionally injured;
26 threatened with physical assault or injury, whether by words, a vehicle, body part of another, or
27 other object; or intentionally distracted, or the attempt thereof, by a person in a motor vehicle
28 shall have a civil cause of action in a court of competent jurisdiction for appropriate relief, which
29 shall include: (a) an injunction; (b) actual damages with regard to each such violation, or up to
30 three times the amount of the actual damages or $1,000, whichever is greater; (c) punitive
31 damages in an amount to be determined by a jury or a court sitting without a jury; and (d)
32 reasonable attorney's fees and costs.

33 (3) The relief provided for in subsection (2) of this section shall be in addition to all other
34 remedies provided by law. Nothing in this section shall preclude an aggrieved person from
35 pursuing any other remedy provided by law.