

By Mr. Toomey of Cambridge, petition of Timothy J. Toomey, Jr. for legislation prohibiting the use of mobile infrared transmitters for the purpose of tampering with traffic signals. Transportation.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO MOBILE INFRARED TRANSMITTERS.

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

1 Chapter 90 of the General Laws, as appearing in the 2002 Official
2 Edition, is hereby amended by inserting the following new
3 section:—

4 “No person shall sell, or keep or offer for sale, or have in his pos-
5 session, or under his control, or use, except for uses permitted under
6 this section, a mobile infrared transmitter or any other device or
7 mechanism, passive or active, used to preempt or change the signal
8 given by a traffic light so as to give the right-of-way to the vehicle
9 equipped with such device. This section shall not apply to any law-
10 enforcement, fire-fighting, life-saving, or rescue vehicle or ambu-
11 lance responding to an emergency call or operating in an emergency
12 situation, nor shall any such law enforcement or emergency response
13 personnel be prohibited from purchasing said devices for use in
14 emergency response vehicles.

15 Whoever violates the provisions of this section shall be punished
16 by a fine of not less than one hundred nor more than five hundred
17 dollars and the registrar of motor vehicles shall suspend such opera-
18 tor’s license for a period of not less than thirty days. A subsequent
19 violation shall be punished by a fine of not less than five hundred
20 nor more than one thousand dollars and suspension of such license
21 for a period of not less than ninety days.

22 The presence of any such prohibited device or mechanism in or
23 on a motor vehicle traveling upon a public way shall constitute
24 prima facie evidence of a violation of this section. The

25 Commonwealth shall not be required to prove that the device or
26 mechanism in question was in operative condition or being operated
27 at the time of said violation. Upon a conviction of a violation of this
28 section said device or mechanism shall be confiscated by the Com-
29 monwealth. Said device or mechanism so confiscated shall, by
30 written authority of the court of jurisdiction, be forwarded by
31 common carrier to the colonel of the state police, who upon receipt
32 of the same, shall notify said court or justice thereof. Said colonel
33 may sell or destroy the same, except that any device or mechanism
34 may not be lawfully sold in the Commonwealth shall be destroyed,
35 and in the case of a sale, after paying the cost of forwarding the
36 article, shall pay over the net proceeds to the Commonwealth.”