

One of Governor Baker's Last Acts Changes Massachusetts Trucking Requirements

By **Lily Malloy**

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On January 2, 2023, former Massachusetts Governor Charlie Baker signed Massachusetts House Bill 5103, “An Act to Reduce Traffic Fatalities,” into law. The goal of this bill is to prevent road-related injuries and deaths.

The law applies to motor vehicles operating within the state. Significantly, the new law requires drivers to leave at least four feet of space to pass any “vulnerable road user.”¹ The new law further states that if it is not possible to pass with the required four feet of distance to overtake a vulnerable user, drivers are empowered to use all or part of an adjacent lane—including crossing the center line if necessary—in compliance with the roadway speed limit. In addition, new signs will be installed to remind drivers of the new four-foot rule. Drivers are further required to use “reasonable and proper speed” when passing vulnerable road users.²

When it implemented passing rules pertaining to “vulnerable road users,” Massachusetts joined the majority of other states that have implemented similar rules. As of September 2021, 35 states and the District of Columbia³ have enacted [passing laws](#) that require motorists to leave at least three feet or more when passing a bicyclist. New Jersey and Pennsylvania have four-foot passing laws. South Dakota enacted a two-tiered passing law in 2015, which varies by the speed limit of the road. Delaware, Georgia, Kentucky, Nevada, Oklahoma and Washington require a motorist approaching a bicyclist to change lanes before passing if there is more than one lane proceeding in the same direction and traffic conditions allow the motorist to change lanes.

The new Massachusetts law also intends to enhance the safety of state-contracted trucks by requiring installation of lateral protective devices, also known as safety side-guards. Lateral protective devices are vehicle-based safety devices designed to keep vulnerable road users—specifically pedestrians, bicyclists and motorcyclists—from being swept underneath a truck or run over by a truck’s wheels in a side-impact collision or swinging wide turn. Trucks will also be required to install devices to assist with seeing others on the roadway, such as back-up cameras, convex mirrors and crossover mirrors. Certain vehicles are exempted from the above-referenced safety devices, including ambulances, firefighting apparatuses, low-speed vehicles and agricultural tractors.

The portion of the new law that mandates safety devices is currently limited to large vehicles and will take effect in phases.⁴ In 2023, large vehicles owned or leased by the Commonwealth of Massachusetts must implement these new safety measures, and large vehicles operating under state contracts have until 2025 to reach compliance. Fines for failure to equip trucks and trailers with the necessary safety devices will go into effect in 2025. Senator William Brownsberger, one of the co-authors of the bill, [stated](#) it was not within the purview of the state legislature to require lateral protective devices on privately owned vehicles but hoped that over time the law’s reach would expand.

Lastly, the new legislation empowers municipalities to request lower speed limits on state-owned roadways by establishing a process for such requests. In addition, the legislation requests implementation of a statewide data collection strategy for crashes involving vulnerable road users.

Ultimately, the act is a critical road safety bill, which positions Massachusetts as a leader in truck safety and prioritizes protecting vulnerable road users.

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(Continued)

¹ The new law defines “vulnerable users” as pedestrians and cyclists; individuals using wheelchairs and personal mobility devices; those traveling on skateboards, scooters, roller skates, tricycles and hand-cycles; riders of motorized bicycles and scooters; emergency responders; and workers engaged in road and utility projects,

² “Reasonable and proper speed” will vary by location, circumstances and posted speed limits.

³ Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Nebraska, Nevada, New Hampshire, New Jersey, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Virginia, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

⁴ Such vehicles expressly include motor vehicles, 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. This does not include ambulances, firefighting apparatus, low-speed vehicles, agricultural tractor or any other class or type of vehicle as determined by the registrar.

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