January 28, 2026

Honorable Michael Rodrigues, Chair
Senate Committee on Ways and Means
State House, Room 212
Boston, Massachusetts 02133

RE: Senate Bill 1036, An Act Relative to Liability for Accidents and Collisions with Vulnerable Road Users Involving Large Motor Vehicles and Trailers

Dear Chair Rodrigues:

On behalf of the Transportation Association of Massachusetts (TAM), I am writing in strong opposition to Senate Bill 1036, An Act Relative to Liability for Accidents and Collisions with Vulnerable Road Users Involving Large Motor Vehicles and Trailers. This legislation, while well-intentioned, conflicts with federal law, unfairly distorts liability standards, and creates significant operational and economic burdens without clear evidence of proportional safety benefits.

As you know, Senate Bill 1036 would establish a rebuttable presumption of negligence against operators of trucks or trailers above 10,001 pounds if certain specified equipment—lateral protective devices, convex and crossover mirrors, and backup cameras—is not installed. This approach directly invites federal preemption under 49 U.S.C. §14501, which provides that "[n]o State… shall enact or enforce any law, rule, regulation, standard, or other provision having the force and effect of law relating to a price, route, or service of any motor carrier… with respect to the transportation of property."

In particular, the enactment of Senate Bill 1036 would most definitely impact motor carriers' "price, route or service". At the outset, retrofitting fleets with multiple new devices represents thousands of dollars per vehicle; not to mention the requirement to upfit an entire fleet. Equipment requirements do not account for differences in truck design, duty cycle, or operating environment, which further drive up the costs of so equipping trucks. No business can easily absorb these costs without impacting their price to provide services to Massachusetts residents and business. With respect to routes and service, companies leery of the risk associated with travelling in Massachusetts will most certainly alter their routes to avoid a connection with this state. In turn, this means that Massachusetts residents will see reduced options for service from transportation carriers throughout the state.

While federal law permits states to enact certain safety practices, the mechanism proposed by Senate Bill 1036 is impermissible. Specifically, the bill alters liability law in a way that forces carriers to adopt equipment requirements under threat of presumptive negligence. Senate Bill 1036 does not reflect safety reform, but tort reform – proposed to circumvent likely violations of federal law, as stated above, or concerns about its impact on interstate commerce otherwise protected by the Commerce Clause of the United State Constitution. "[T]he incantation of a purpose to promote

the public health or safety does not insulate a state law from Commerce Clause attack. Regulations designed for that salutary purpose nevertheless may further the purpose so marginally, and interfere with commerce so substantially, as to be invalid under the Commerce Clause.". Kassel v. Consolidated Freightways Corp., 450 U.S. 662**, 670** (1981)**.** There is no statistical evidence that this type of mechanism – a rebuttable presumption from negligence – actually leads to increased safety.

While Senate Bill 1036 is motivated by laudable intentions, it presents serious legal, economic, and practical concerns. It risks federal preemption under 49 U.S.C. § 14501, imposes disproportionate costs on Massachusetts carriers, and unfairly distorts liability law. For these reasons, the Transportation Association of Massachusetts respectfully urges the Committee to not advance this legislation.

Thank you for your consideration of this important matter.

Sincerely,

Kevin Weeks
Executive Director