

# HOUSE . . . . No. 316

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By Mr. Sheehan of Brockton, petition of Anthony Kupha, Arthur J. Sheehan, C. Gerald Lucey and others for legislation to provide for non-criminal disposition of charges for violation of motor vehicle parking rules, regulations, orders, ordinances and by-laws. The Judiciary.

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## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Forty-Nine.

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### AN ACT TO PROVIDE FOR THE NON-CRIMINAL DISPOSITION OF CHARGES FOR VIOLATION OF MOTOR VEHICLE PARK- ING RULES, REGULATIONS, ORDERS, ORDINANCES AND BY-LAWS.

*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 is hereby amended  
2 by striking out section 20A and inserting the  
3 following:—

4 *Section 20A.* It shall be the duty of any police  
5 officer who takes cognizance of a violation of any  
6 provision of any rule, regulation, order, ordinance  
7 or by-law regulating the parking of motor vehicles  
8 established by any city or by any commission or  
9 body empowered by law to make such rules or  
10 regulations therein, forthwith to give to the offender  
11 a notice to appear at the police station in the city

12 or town where the offence occurred, excepting in the  
13 county of Suffolk, where the offender shall report  
14 at the place or places that shall be designated in  
15 the notice by the police commissioner for the city  
16 of Boston not later than ten days after the time of  
17 said violation. Such notice shall be made in tripli-  
18 cate, and shall contain the name and address of  
19 the offender, and, if served with notice in hand  
20 at the time of such violation, the number of his  
21 license, if any, to operate motor vehicles; the regis-  
22 tration number of the vehicle involved, the time  
23 and place of the violation, the specific offence charged,  
24 and the time and place for appearance. Such notice  
25 shall be signed by the officer and shall be signed by  
26 the offender whenever practicable in acknowledgment  
27 that the notice has been received. The officer  
28 shall if possible deliver to the offender at the time  
29 and place of the violation a copy of said notice.  
30 Whenever it is not possible to deliver a copy of  
31 said notice to the offender at the time and place  
32 of the violation, said copy shall be sent by the  
33 officer, or by his commanding officer or any person  
34 authorized by said commanding officer, within  
35 forty-eight hours of the offence, exclusive of Sundays  
36 and holidays, to the address of the registrant of  
37 the motor vehicle involved, as appearing in the  
38 records of the registry of motor vehicles. Such  
39 notice mailed by the officer, his commanding officer,  
40 or the person so authorized, to the last address of  
41 said registrant as appearing as aforesaid, shall be  
42 deemed a sufficient notice, and a certificate of the  
43 officer or person so mailing such notice that it has  
44 been mailed in accordance with this section shall be  
45 deemed prima facie evidence thereof and shall be

46 admissible in any court of the commonwealth as  
47 to the facts contained therein. At or before the  
48 completion of each tour of duty the officer shall  
49 give to his commanding officer those copies of each  
50 notice of such a violation taken cognizance of during  
51 such tour which have not already been delivered  
52 or mailed by him as aforesaid.

53 In the event that any offender fails to appear in  
54 accordance with such notice issued to him, the com-  
55 manding officer shall transmit a copy of such notice  
56 to the clerk of the district court in whose venue the  
57 violation occurred. The said clerk shall notify the  
58 registrar, who shall forthwith suspend the right of  
59 such person to operate motor vehicles, or his license,  
60 if any, to operate the same, and shall not reinstate  
61 such right or license or issue a renewal thereof to  
62 such person until after notice from the clerk of the  
63 court disposing of the resulting criminal case that  
64 the same has been disposed of in accordance with  
65 law.

66 Any person notified to appear at the police station  
67 or place or places designated by the police com-  
68 missioner of the city of Boston as provided herein,  
69 instead of appearing personally may appear through  
70 any person duly authorized by him in writing.  
71 Any such offender, or in his absence a person au-  
72 thorized, may request the commanding officer in  
73 charge of said police station and designated places  
74 that the offence charged be taken for confessed,  
75 and if it appears that it is the first offence charged  
76 against such offender for a violation of any provi-  
77 sions mentioned in this section committed within  
78 said city or town within a calendar year, said com-  
79 manding officer or person in charge shall dismiss

80 the charge without payment of any fine or forfeiture,  
81 and shall warn the offender or person authorized,  
82 as the case may be, that the offender will be subject  
83 to a fine or forfeiture for another such offence com-  
84 mitted within such calendar year, and if it appears  
85 that it is a second, third or subsequent offence as  
86 aforesaid so committed within such calendar year,  
87 the offender or person authorized may pay to said  
88 commanding officer or person in charge one dollar  
89 in case of such second offense or two dollars in the  
90 case of such third offence or subsequent offence.  
91 The aforesaid proceedings shall not be deemed  
92 criminal. Whenever it becomes necessary to ascer-  
93 tain whether such person owning two or more motor  
94 vehicles is chargeable as such owner with a first,  
95 second, third or subsequent offence hereunder,  
96 such question shall, in the case of vehicles singly  
97 registered, be determined separately with respect  
98 to the particular vehicle involved in such violation  
99 and in the case of vehicles subject to section five,  
100 with respect to the particular register number plates  
101 used on the vehicle involved in such violation at  
102 the time thereof. The payment of the fine or for-  
103 feiture to the said commanding officer or person in  
104 charge in the manner herein provided shall operate  
105 as a final disposition of the case.

106 Should any person notified to appear hereunder  
107 fail to appear and, if a fine or forfeiture is provided  
108 hereunder, to pay the same, or having appeared  
109 shall desire not to avail himself of the benefits of  
110 the procedure established by this section, the com-  
111 manding officer or person in charge shall notify  
112 the officer concerned, who shall forthwith make a  
113 complaint and follow the procedure established

114 for criminal cases. The clerk of any court finally  
115 disposing of such a criminal case instituted because  
116 of failure to appear and, if a fine or forfeiture is  
117 provided hereunder, to pay the same, as hereinbefore  
118 provided, shall forthwith notify the registrar that  
119 such case has been so disposed of. The notice to  
120 appear, provided herein, shall be printed in such  
121 form as the chief justice of the municipal court of  
122 the city of Boston may prescribe for the city of  
123 Boston and as the administrative committee of the  
124 district courts as created by section forty-three A  
125 of chapter two hundred and eighteen may prescribe  
126 for all other cities and towns.

127 The police commissioner of the city of Boston  
128 and the chiefs of police of the cities and towns, or a  
129 person or persons holding office with the position  
130 or rank equivalent to a chief of police, shall cause  
131 to be printed and distributed such notices to police  
132 officers in their department.

133 The police commissioner of the city of Boston  
134 and the chiefs of police of the cities and towns, or a  
135 person or persons holding office with the position  
136 or rank equivalent to a chief of police, shall keep  
137 or cause to be kept a record of all violations and  
138 money received therefrom and shall render an  
139 accounting and turn over such moneys as may have  
140 been collected hereunder and to render such report  
141 and accounting monthly and on or before the tenth  
142 day of the following month to the city or town  
143 treasurer.





