

HOUSE No. 2082

By Mr. Boynton of Boston, petition of Gordon D. Boynton for extending the area for removal of vehicles parked or standing in violation of law on public ways in the city of Boston. Highways and Motor Vehicles.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty.

AN ACT EXTENDING THE AREA FOR REMOVAL OF VEHICLES PARKED OR STANDING IN VIOLATION OF LAW ON PUBLIC WAYS IN THE CITY OF BOSTON.

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

1 Section 21 of chapter 263 of the acts of 1929 is hereby amended
2 by striking out the fourth sentence, as inserted by section 1 of
3 chapter 369 of the acts of 1954, and inserting in place thereof
4 the following sentence:— By any rule or regulation adopted
5 under this section, the commission may authorize, with such
6 limitations, if any, as the commission may think proper, the
7 police commissioner of the city, or such sergeants or officers of
8 higher rank in the police department of the city as he may from
9 time to time designate, to remove to some convenient place,
10 through the agency of a person or persons in the employ of the
11 police department of the city, but not by an independent con-
12 tractor, any vehicle, except a vehicle owned by the common-
13 wealth or a political subdivision thereof or by the United States
14 or an instrumentality thereof or registered by a member of a
15 foreign diplomatic corps or by a foreign consular officer who is
16 not a citizen of the United States and bearing a distinctive num-
17 ber plate or otherwise conspicuously marked as so owned or reg-
18 istered, and except also a vehicle owned by a disabled veteran
19 and bearing a distinctive number plate authorized by section

20 two of chapter ninety of the General Laws parked or standing
21 on any part of any such street, way, highway, road or parkway
22 in the downtown area of the city, as defined in section twenty A
23 of chapter ninety of the General Laws and in the area extending
24 from the corner of Massachusetts avenue and Boylston street to
25 and including the Fenway and Massachusetts avenue, thence
26 running in an easterly direction on the Fenway to the inter-
27 section of Huntington avenue, thence turning and running in
28 a northerly direction on said Huntington avenue to Massa-
29 chusetts avenue, in violation of any rule or regulation adopted
30 under this section which prohibits the parking or standing of
31 all vehicles on such part at such time and recites that whoever
32 violates it shall be liable to charge for the removal and storage
33 of the vehicle as well as subject to punishment by fine, and may
34 impose liability for the reasonable cost of such removal, and of
35 the storage charges, if any, resulting therefrom, upon the owner
36 of such vehicle; provided, however, that the liability so imposed
37 shall not exceed five dollars for removal or six and one quarter
38 cents for each hour, or part thereof, of storage, and that neither
39 such removal nor such storage shall be deemed to be services
40 rendered or work performed by the city or any department
41 thereof within the meaning of chapter two hundred and twenty-
42 two of the acts of nineteen hundred and forty-nine; and pro-
43 vided, further, that the city of Boston shall be liable to the
44 owner of such vehicle for any damage caused to it arising out of
45 negligence in the course of such removal and storage. No rule
46 or regulation reciting that whoever violates it shall be liable to
47 charge for the removal and storage of the vehicle as well as sub-
48 ject to punishment by fine shall be valid unless, in a writing
49 filed with the secretary of the commission at the time of the
50 adoption of such rule or regulation, every member of the com-
51 mission voting for the adoption thereof certifies that after taking
52 into account the public safety and convenience, the reasonably
53 free circulation of vehicular traffic and the need for providing
54 in the streets, ways, highways, road and parkways in the down-
55 town area of the city the maximum number of parking spaces
56 at all times, he is of opinion that such rule or regulation is re-
57 quired by urgent public necessity.