

HOUSE No. 3754

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 15, 1962.

The committee on Ways and Means, to whom was recommitted the Bill relative to summonses for violations of the motor vehicle laws, requiring filing of copies thereof and providing for an audit system in connection therewith (House, No. 46), and the Bill regulating notice to violators of the motor vehicle laws and relative to the filing of copies of said notice and action taken thereon (House, No. 2195, changed), report the accompanying bill (House, No. 3754).

For the committee,

JAMES R. LAWTON.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Two.

AN ACT REGULATING NOTICE TO VIOLATORS OF THE MOTOR VEHICLE LAWS AND RELATIVE TO THE FILING OF COPIES OF SAID NOTICE AND ACTION TAKEN THEREON.

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 1. Chapter 90 of the General Laws is hereby
2 amended by striking out section 27, as most recently amended
3 by section 1 of chapter 592 of the acts of 1961, and inserting
4 in place thereof the following section: —

5 *Section 27.* A full record shall be kept by every court of
6 every case in which a person is charged with a violation of any
7 statute, by-law, ordinance or regulation relating to the opera-
8 tion or control of motor vehicles, other than violations of sec-
9 tion twenty A, and an abstract of such record shall be sent
10 forthwith by the court to the registrar. Said abstracts shall
11 be made upon forms prepared by the registrar, and shall in-
12 clude all necessary information as to the parties to the case,
13 the nature of the offence, the date of the hearing, the plea, the
14 judgment and the result; and every such abstract shall be cer-
15 tified by the clerk of the court as a true abstract of the record
16 of the court. The registrar shall keep such records in his main
17 office. Courts shall, upon their own initiative or upon the re-
18 quest of the registrar or his agents, furnish to the registrar the
19 details of all particularly flagrant cases which may be heard
20 before them; and they may make such recommendations to
21 the registrar as to the suspension or revocation of the license
22 and certificates of registration of the defendants in such cases
23 as they may deem necessary.

1 SECTION 2. The General Laws are hereby amended by in-
2 serting after chapter 90B the following chapter: —

3

CHAPTER 90C.

4 PROCEDURE AGAINST VIOLATORS OF AUTOMOBILE LAWS.

5 *Section 1.* In this chapter, unless the context otherwise re-
6 quires, the following words shall have the following meanings: —

7 “Audit sheet”, a sheet of paper which shall contain an audit
8 of the issuance and disposition of each citation in each citation
9 book. The form of the audit sheet shall be approved by the
10 registrar and shall contain, but shall not be limited to, the
11 following spaces in which to record the following information: —

12 (1) A line at the top of the sheet for the name of the police
13 department or organization to which the citation book was
14 issued, the date of receipt of said book by said police depart-
15 ment or organization, and the number of the citation book.

16 (2) Twenty-five additional horizontal lines, one for each
17 citation.

18 (3) Six vertical columns marked at the top, from left to
19 right, as follows: —

20 Citation number,

21 Offence,

22 Date of Issue,

23 Name and address of offender,

24 Name of issuing officer, and

25 Disposition. The sixth column marked “Disposition” shall
26 be further subdivided into five columns under the following
27 headings: —

28 (1) Written warning,

29 (2) Reference to registrar for action,

30 (3) Court complaint,

31 (4) Voided,

32 (5) Arrest of defendant.

33 (4) One additional line at the bottom of the sheet for the
34 signature of the police chief.

35 “Automobile law violation”, any violation of any statute,
36 by-law, ordinance or regulation relating to the operation or
37 control of motor vehicles, other than a violation of any provi-
38 sion of the rule, regulation, order, ordinance or by-law regulat-
39 ing the parking of motor vehicles established by any city or
40 town or by any commission or body empowered by law to make

41 such rules or regulations therein, and other than a violation of
42 section twenty A of chapter ninety.

43 “Citation”, a notice upon which a police officer shall record
44 an occurrence involving one or more automobile law violations
45 by the person cited. Each citation shall be numbered consecu-
46 tively and shall consist of an original, to be sent, or delivered,
47 to the offender, and three copies, one for the registrar, one for
48 the police chief and one for the police officer issuing the same.
49 The form of said citation shall be approved by the registrar
50 and shall contain, but shall not be limited to, sufficient spaces
51 to record the following information: —

52 1. The name of the police department issuing the same.

53 2. Name, address and date of birth of offender.

54 3. Automobile license number of offender, if any, and dates
55 of issuance and expiration of said license.

56 4. Registration number of motor vehicle involved, name and
57 address of owner of vehicle and color of said vehicle.

58 5. Date, time and place of the violation, or violations.

59 6. Description of the violation or violations and existing
60 conditions.

61 7. Signature of issuing police officer.

62 8. Signature of police chief or endorsing officer.

63 9. Recommendation.

64 “Citation book”, twenty-five citations, stapled or bound to-
65 gether in book form. Each such book shall be consecutively
66 numbered.

67 “Police chief”, the chief or the head of the organized police
68 department of a city or town, the state commissioner of public
69 safety, the superintendent of the metropolitan district commis-
70 sion police, the registrar of motor vehicles, the state superin-
71 tendent of state buildings, or the chairman of the Massachu-
72 setts Turnpike Authority.

73 “Police officer”, any constable or other officer authorized to
74 make arrest or serve criminal process, and any person appointed
75 by the registrar under section twenty-nine of chapter ninety;
76 provided, he is in uniform or displays his badge of office.

77 “Registrar”, the registrar of motor vehicles.

78 *Section 2.* Any police officer assigned to traffic enforcement
79 duty shall record the occurrence of automobile law violations
80 on a citation or citations. If the offender has been stopped by
81 said officer, the officer shall inform the offender of the violation

82 and that a citation will issue which will notify the offender of
83 the action taken thereon. A police officer not assigned to
84 traffic enforcement duty may be issued an official prenumbered
85 form supplied to him for that purpose by his police chief, and
86 he shall record the occurrence of automobile law violations on
87 said form. Thereafter, such violations shall be recorded on a
88 citation. Upon completion of his tour of duty, each police
89 officer shall complete and sign said citation, and deliver it to
90 the chief or to an officer authorized by the chief to receive the
91 same.

92 Within three days thereafter, the police chief or the officer
93 so authorized by him, shall endorse said citation and shall make
94 a written recommendation of the disposition of said citation,
95 which shall be one of the following:

96 (1) Sending of a written warning to the offender.

97 (2) Reference to the registrar for action.

98 (3) Directing application to the appropriate district court
99 for a complaint.

100 (4) Voiding the citation.

101 The original of said citation shall be delivered to the offender,
102 or mailed to him at his last and usual place of abode as appears
103 on his license or registration, and a copy thereof shall be de-
104 livered to the registrar and to the issuing police officer. The
105 remaining copy of the citation shall be kept for the records of
106 the department. If the offender has been placed under arrest
107 by the police officer, such arrest shall be noted on the citation,
108 and on the last column of the audit sheet. The written recom-
109 mendation of the police chief or the officer so authorized by
110 him shall not be required in arrest cases.

111 A voided citation shall be signed by the police officer voiding
112 the same and endorsed with a brief explanation of the reason
113 for so acting.

114 The original of a voided citation shall be forwarded to the
115 registrar together with the registrar's copy of said citation.

116 *Section 3.* If a police chief does not wish to endorse citations
117 and recommend action to be taken thereon, as provided under
118 section two, he may file a written statement with the registrar
119 and clerks of the district courts concerned authorizing the
120 police officers of his department to make their own recommenda-
121 tions as to the disposition of the action to be taken for automo-
122 bile law violations. In such case, the issuing officer shall not

123 require the endorsement or recommendation of any other per-
124 son, but shall deliver the original of the citation to the offender
125 at the time of the violation. If he is unable to do so, the
126 citation shall be mailed to the offender as provided in section
127 two. Said police chief, however, may at any time thereafter
128 file a written statement with the registrar and the clerks of the
129 district courts concerned that he desires his department to fol-
130 low the provisions of section two. The effective date of the
131 change shall be not less than thirty days from the date of the
132 statement.

133 *Section 4.* The registrar shall prepare citation books and
134 distribute the same to each police chief, and shall obtain re-
135 ceipts therefor. Each police chief shall accept and be respon-
136 sible for all citation books issued to his department. The
137 registrar shall also furnish two audit sheets with each citation
138 book, said audit sheets to have the same number as the citation
139 book.

140 When a citation has been completed the police chief or an
141 officer authorized by him shall record the issuance and disposi-
142 tion of said citation and enter the required information upon
143 the audit sheet. When the twenty-five citations in a citation
144 book are issued or used, the police chief shall sign and return
145 a completed audit sheet to the registrar, keeping the other
146 audit sheet for the files of his department. The registrar may
147 at any time demand and inspect any citation, citation book or
148 audit sheet used by any police department, or police chief.

149 *Section 5.* No justice or clerk of a district court shall issue
150 a criminal complaint to a police officer for an automobile law
151 violation, as defined in section one, unless such officer exhibits
152 to such justice or clerk a copy of a citation showing either that
153 a complaint has been recommended or that an arrest has been
154 made. Nothing in this chapter shall prevent a person other
155 than a police officer from applying for a criminal complaint for
156 an automobile law violation, and such person need not show
157 that the alleged offender has been issued a citation in connec-
158 tion with such offense.

159 *Section 6.* Nothing in this chapter shall be construed to
160 supersede the powers and duties of the registrar as provided in
161 chapter ninety.

162 *Section 7.* It shall be unlawful and official misconduct to

163 dispose of a citation or copies thereof, or of the record of the
164 issuance of same in a manner other than as required herein.

165 *Section 8.* Upon the effective date of this act, each clerk of
166 each district court shall deliver all unused citation books in
167 their possession to the registrar and the committee authorized
168 under chapter five hundred and ninety-two of the acts of nine-
169 teen hundred and sixty-one to receive from said clerks of courts
170 the quarterly audit and summary sheets, shall deliver all such
171 quarterly audit and summary sheets in their possession to the
172 registrar.

173 The registrar may issue the aforesaid unused citation books,
174 in accordance with section four, until he can prepare new cita-
175 tion books in accordance with section one.

176 *Section 9.* If any of the provisions of sections one through
177 four, inclusive, of said chapter ninety C, or the application of
178 such provision to any persons or circumstances, shall be held
179 invalid, the remainder of said sections, or the application of
180 such provision to persons or circumstances other than those
181 wherein it is held invalid, shall not be affected thereby.

182 *Section 10.* This act shall take effect on the first day of
183 , nineteen hundred and sixty-two.

The first part of the report deals with the general
 conditions of the country and the progress of the
 work during the year. It is followed by a detailed
 account of the various expeditions and the results
 obtained. The report concludes with a summary of the
 work done and a list of the names of the persons
 who have been engaged in the work.

The second part of the report deals with the
 results of the various expeditions. It is divided
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