

SENATE No. 730

The Commonwealth of Massachusetts

SENATE, April 17, 1962.

The committee on Bills in the Third Reading to which was referred the House bill for the further protection of pedestrians against accidents incident to travel upon the highways of this commonwealth (House, No. 762, amended) reports recommending that the same be amended by substituting therefor a new draft entitled "An Act authorizing the commonwealth, the metropolitan district commission, and cities and towns to adopt rules regulating the use of ways by pedestrians, and providing for the non-criminal disposition of violations thereof." (Senate, No. 730) and that, when so amended, the same will be correctly drawn.

For the committee,

F. X. McCANN.

The Commonwealth of Massachusetts

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

AN ACT AUTHORIZING THE COMMONWEALTH, THE METROPOLITAN DISTRICT COMMISSION, AND CITIES AND TOWNS TO ADOPT RULES REGULATING THE USE OF WAYS BY PEDESTRIANS, AND PROVIDING FOR THE NON-CRIMINAL DISPOSITION OF VIOLATIONS THEREOF.

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 inserting after section 18 the following section:—
3 *Section 18A.* The department, the metropolitan district com-
4 mission, the traffic and parking commission of the city of
5 Boston, the traffic commission of any city or town having
6 such a commission established by statute, the city council of
7 any other city, and the board of selectmen of any other town
8 may, subject to the provisions of section two of chapter
9 eighty-five, adopt, amend and repeal rules, not repugnant to
10 law, regulating the use by pedestrians of ways within their
11 respective control; provided, however, that no such rule
12 adopted by said traffic and parking commission or by any
13 such traffic commission, any city council or any board of se-
14 lectmen shall take effect until approved in writing by the de-
15 partment, nor, in the case of any such rule adopted by said
16 traffic and parking commission, until published in the City
17 Record, or, in the case of any other such rule, until published
18 in a newspaper published in the city or town in which such
19 rule is to be applicable, if any, otherwise in the county where-
20 in such city or town lies. As used in this paragraph, the
21 word “pedestrian” shall include a person in or on any convey-
22 ance, other than a bicycle, constructed and designed for pro-
23 pulsion by muscular power, as well as including a person on
24 foot. Whoever violates any provision of any such rule shall
25 be punished by a fine of one dollar for the first, second or
26 third such offense committed by such person within the juris-
27 diction of the district court in the particular calendar year,

28 and by a fine of two dollars for the fourth or subsequent such
29 offense so committed in such calendar year.

30 If a police officer takes cognizance of a violation of any pro-
31 vision of any such rule, he shall forthwith give to the offender
32 a written notice to appear before the clerk of the district
33 court having jurisdiction, at any time during office hours, not
34 later than twenty-one days after the time of such violation.
35 Such notice shall be made in triplicate and shall contain the
36 name and address of the offender, the time, place and nature
37 of the violation, and the name of the police officer. Upon the
38 completion of his tour of duty such police officer shall give his
39 commanding officer two copies of such notice. Said com-
40 manding officer shall retain one such copy in his files and, not
41 later than the next court day, deliver the other copy to the
42 clerk of the court before whom the offender has been notified
43 to appear.

44 A police officer taking cognizance of any such violation may
45 request the offender to state his name and address. Whoever,
46 upon such request, refuses to state his name and address, or
47 states a false name and address or a name and address which
48 is not his name and address in ordinary use, shall be pun-
49 ished by a fine of not less than twenty nor more than fifty
50 dollars. Any such offender who refuses upon such request to
51 state his name and address may be arrested without a war-
52 rant; but no person shall be arrested without a warrant for
53 any other violation of any provision of this paragraph or for
54 any violation of any provision of any such rule.

55 Any person notified to appear before the clerk of a district
56 court as hereinbefore provided may appear before such clerk
57 and confess the offence charged, either personally or through
58 an agent duly authorized in writing or by mailing to such
59 clerk, with the notice, the sum provided herein, such payment
60 to be made only by postal note, money order or check. If it
61 is the first, second or third offense subject to this section com-
62 mitted by such person within the jurisdiction of the court in
63 the calendar year, payment to such clerk of the sum of one
64 dollar shall operate as a final disposition of the case; if it is
65 the fourth or subsequent such offense so committed in such

66 calendar year payment to such clerk of the sum of two dollars
67 shall operate as a final disposition of the case. Proceedings
68 under this paragraph shall not be deemed criminal; and no
69 person notified to appear before the clerk of a district court as
70 provided herein shall be required to report to any probation
71 officer, and no record of the case shall be entered in the pro-
72 bation records.

73 Should any person notified to appear before the clerk of
74 the district court fail to appear or, having appeared, desire
75 not to avail himself of the procedure hereinbefore provided for
76 the non-criminal disposition of the case, the clerk shall, as
77 soon as may be, notify the officer concerned, who shall forth-
78 with make a complaint and follow the procedure established
79 for criminal cases. If any person fails to appear in accord-
80 ance with the summons issued upon such complaint the clerk
81 shall send such person by registered mail, return receipt re-
82 quested, a notice that the complaint is pending and that if
83 the person fails to appear within twenty-one days from the
84 sending of such notice a warrant for his arrest will be issued.
85 If any person fails to appear within twenty-one days from the
86 sending of such notice the court shall issue a warrant for his
87 arrest.

88 A violation of any provision of any such rule or of any
89 provision of this section shall not, in any civil proceeding,
90 constitute negligence or be admissible as evidence of negli-
91 gence, nor shall, in any proceeding, the conviction of a wit-
92 ness of any such violation be shown to affect his credibility.

93 The provisions of this section relative to ways within the
94 control of cities or towns shall be effective in cities or towns
95 accepting said provisions; provided, however, that at any time
96 after the expiration of two years from the time of any such
97 acceptance a city or town may, in the same manner as such
98 provisions were accepted, revoke the same.

1 SECTION 2. The provisions of section eighteen A of chapter
2 ninety of the General Laws, inserted by section one of this act,
3 relative to ways within the control of the commonwealth or
4 the metropolitan district commission shall take effect upon
5 the effective date of this act.