

By Mr. Flaherty of Boston, petition of Michael F. Flaherty relative to parking tags issued by the Metropolitan District Commission. Housing and Urban Development.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Six.

AN ACT RELATIVE TO PARKING TAGS ISSUED BY THE METROPOLITAN DISTRICT COMMISSION.

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 adding after Section 20A $\frac{1}{2}$, a new section to be
3 known as Section 20A $\frac{3}{4}$.

1 SECTION 2. Chapter 90, Section 20A $\frac{3}{4}$ Parking regulations:
2 Violation on Metropolitan District Commission Roadways; Non-
3 criminal Disposition; Notice Appearance; Schedule of fines.

1 SECTION 3. The Commissioner of the Metropolitan District
2 Commission shall appoint a parking clerk. The parking clerk shall
3 have the authority to hire and designate such personnel as may
4 be necessary or contract by competitive bid for such services, sub-
5 ject to appropriation, to implement provisions of this section, pro-
6 vided, however that twenty percent of the total amount of the
7 annual receipts collected, shall not be exceeded.

8 It shall be the duty of every police officer who takes cognizance
9 of a violation of any provision of any rule, regulation, order,
10 ordinance or bylaw regulating the parking of motor vehicles estab-
11 lished for their respective city or town, forthwith to give the
12 offender a notice, which shall be in tag form as provided in this
13 section, to appear before the parking clerk of the city or town
14 wherein the violation occurred at any time during regular office
15 hours, not later than twenty-one days after the date of such viola-

16 tion. All tags shall be prepared in triplicate and shall be
17 prenumbered.

18 Said tag shall be affixed securely to the motor vehicle and shall
19 contain, but shall not be limited to the following information: The
20 registration number of the motor vehicle involved, the date, time
21 and place of the violation, the specific violation charged and if
22 a meter violation, the number of said meter, the name and badge
23 number of the officer and his division, a schedule of established
24 fines, instructions for the return of the tag, and a notice which
25 reads as follows: This notice may be returned by mail, personally,
26 or by an authorized person. A hearing may be obtained upon the
27 written request of the registered owner. Failure to obey this notice
28 within twenty-one days after the date of violation may result in
29 the non-renewal of the license to drive and the registration of the
30 registered owner.

31 At or before the completion of each tour of duty, the officer
32 shall give to his commanding officer those copies of each notice
33 of such violation taken cognizance of during such tour. Said
34 commanding officer shall retain and safely preserve one of such
35 copies and shall at a time no later than the beginning of the next
36 business day of the city or town after receipt of such notice deliver
37 another of such copies to the parking clerk before whom the
38 offender has been notified to appear. The parking clerk shall
39 maintain a docket of all such notices to appear.

40 Any person notified to appear before the parking clerk, as
41 provided herein, may appear before such parking clerk, or his
42 designee, and confess the offense charged, either personally or
43 through an agent duly authorized in writing or by mailing to such
44 parking clerk the notice accompanied by the fine provided therein,
45 such payment to be made only by postal note, money order or
46 check made out to the parking clerk. Payment of the fine estab-
47 lished shall operate as a final disposition of the case. Notice affixed
48 to a motor vehicle as provided in this section, shall be deemed
49 a sufficient notice, and a certificate of the officer affixing such
50 notice that it has been affixed thereto, in accordance with this
51 section, shall be deemed prima facie evidence thereof and shall
52 be admissible in any judicial or administrative proceeding as to
53 the facts contained therein.

54 The traffic and parking commission of the city of Boston, the
55 traffic commission or traffic director of any other city or town
56 having such a commission or director with authority to prom-
57 ulgate traffic rules, the city council of any other city, and the board
58 of selectmen of any other town, shall, from time to time, establish
59 by rule or regulation a schedule of fines for violations subject to
60 this section committed within such city or town; provided,
61 however, that all such fines shall be uniform for the same offense
62 committed in the same zone or district, if any; and provided,
63 further, that any fine established under the provisions of this
64 section shall not exceed fifteen dollars, if paid, within twenty-one
65 days, twenty dollars if paid thereafter but before the parking clerk
66 reports to the registrar as provided below, and thirty-five dollars
67 if paid thereafter.

68 Should any person notified to appear hereunder fail to appear
69 and, if a fine is provided hereunder, to pay the same, or having
70 appeared desire not to avail himself of the benefits of the
71 procedure established by this section, the parking clerk shall
72 forthwith schedule the matter before a person hereafter referred
73 to as a hearing officer, said hearing officer to be the parking clerk
74 of the city or town wherein the violation occurred or such other
75 person or persons as the parking clerk may designate. Written
76 notice of the date, time and place of said hearing shall be sent
77 by first-class mail to the registered owner. Said hearing shall be
78 informal, the rules of evidence shall not apply and the decision
79 of the hearing officer shall be final subject to judicial review as
80 provided by section fourteen of chapter thirty A.

81 If any person fails to appear in accordance with said notice,
82 the parking clerk shall notify the registrar of motor vehicles who
83 shall place the matter on record and not renew the license to
84 operate motor vehicle of the registered owner of the vehicle or
85 the registration of said vehicle until after notice from the parking
86 clerk that the matter has been disposed of in accordance with law.
87 Upon such notification to the registrar, an additional five dollar
88 charge, payable to the registrar of motor vehicles, shall be assessed
89 against the registered owner of said vehicle. It shall be the duty
90 of the parking clerk to notify the registrar forthwith that such case
91 has been so disposed of in accordance with law, provided however,

92 that a certified receipt of full and final payment from the parking
93 clerk of the city or town in which the violation occurred shall also
94 serve as legal notice to the registrar that said violation has been
95 disposed of. The notice to appear provided herein shall be printed
96 in such form as the registrar of motor vehicles may approve. The
97 parking clerk shall distribute such notices to the commanding
98 officer of the police department of the city or town upon request,
99 and shall take a receipt therefor. The registrar shall approve such
100 other forms as he deems appropriate to implement this section,
101 and said forms shall be printed and used by the cities and towns.

102 If any person shall have failed to appear in accordance with
103 five or more notices, notwithstanding any notification to the
104 registrar, the parking clerk may notify the chief of police, or
105 director of traffic and parking of said city or town that the vehicle
106 involved in said multiple violations shall be removed and stored,
107 or otherwise immobilized by a mechanical device, at the expense
108 of the registered owner of said vehicle until such time as the matter
109 has been disposed of in accordance with law.

110 As used in this section, the words "motor vehicle" shall so far
111 as apt, include trailer, semi-trailer and semi-trailer unti.