

By Mr. Rogers of New Bedford, petition of George Rogers (with the approval of the mayor and city council) that the city of New Bedford be authorized to impound motor vehicles for certain ordinance violations. Public Safety. [Local Approval Received.]

The Commonwealth of Massachusetts

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

AN ACT AUTHORIZING THE CITY OF NEW BEDFORD TO IMPOUND MOTOR VEHICLES FOR CERTAIN ORDINANCE VIOLATIONS.

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. Notwithstanding the provisions of any general or
2 special law to the contrary, the city of New Bedford is hereby
3 authorized to impound vehicles, used in the commission of certain
4 violations of the city of New Bedford Code of Ordinances, includ-
5 ing, but not limited to engaging, agreeing to engage or offering to
6 engage in sexual conduct with another person in return for a fee.
7 Said impoundment shall serve as security for payment of a penalty
8 assessed as the result of said violation.

1 SECTION 2. Any person charged with a violation resulting in
2 the impoundment of a vehicle, may submit a written request for an
3 impoundment hearing, which shall occur within 24 hours after the
4 impoundment, to determine if a violation of the city code has
5 occurred. If a hearing is not requested, the city shall, within five
6 days of the impoundment, notify the vehicle's owner of record of
7 the date and time of a hearing that shall occur within 10 days from
8 the date of impoundment. If the hearing officer determines, by a
9 preponderance of the evidence, that no violation occurred, the
10 vehicle will be returned, upon payment of the towing and storage
11 charges. The hearing officer shall be a licensed attorney, who is
12 not an employee of the city of New Bedford.

1 SECTION 3. No penalty shall be assessed upon an owner of
2 record of a vehicle (a) if the vehicle used in the violation was
3 stolen at the time of the violation and the theft was reported to the
4 appropriate police authorities within 24 hours after the theft was
5 discovered or reasonably should have been discovered; (b) if the
6 vehicle was operating as a common carrier and the violation
7 occurred without the knowledge of the person in control of the
8 vehicle; or (c) if the owner of record of the vehicle was without
9 knowledge that said vehicle was being used in connection with a
10 violation of the city code.

1 SECTION 4. The city of New Bedford is authorized to promul-
2 gate and enforce procedures relative to the impoundment hearings,
3 referenced in section 2 above.