

By Mr. Cohen of Newton, petition of Theodore D. Mann, Susan D. Schur, David B. Cohen and Jack H. Backman for legislation to permit cities and towns to establish parking fines pursuant to home rule authority. Public Safety.

The Commonwealth of Massachusetts

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

AN ACT PERMITTING CITIES AND TOWNS TO ESTABLISH PARKING FINES PURSUANT TO THEIR HOME RULE AUTHORITY.

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

1 The fifth paragraph of Section 20A of Chapter 90 of the General
2 Laws as most recently amended by Section 115 of Chapter 351 of
3 the Acts of 1981 is amended by striking out said paragraph of
4 Section 20A and inserting in its place the following paragraph: —
5 Any person notified to appear before the parking clerk provided
6 herein may appear before such parking clerk, or his designee, and
7 confess the offense charged, either personally or through an agent
8 duly authorized in writing or by mailing to such parking clerk, with
9 the notice, the fine provided herein, such payment to be made only
10 by postal note, money order or check. If it is the first violation
11 subject to this section committed by such person in a particular city
12 or town in the calendar year, the parking clerk shall dismiss the
13 charge without the payment of any fine; if it is the second, third or
14 fourth such violation so committed in such city or town in the
15 calendar year, payment to the parking clerk of a fine of five dollars
16 shall operate as a final disposition of the case; and if it is the fifth or
17 subsequent such violation so committed in such city or town in the

NOTE:

Brackets indicate material that has been stricken from the original material.

Underlining indicates new material to be added to the law.

18 calendar year, payment to the parking clerk of a fine of ten dollars
19 shall operate as a final disposition of the case; [provided, however,
20 that the provisions of this sentence shall not apply to any violation
21 subject to this section committed in any community authorized
22 under special act to set such fines, but, for such a violation,
23 payment of the fine established therefor by the duly authorized
24 local authority of such city or town shall operate as a final disposi-
25 tion of the case.] *provided, notwithstanding the provisions of this*
26 *sentence or any other provision in the General Laws to the con-*
27 *trary, that the legislative body of any city or town may establish a*
28 *schedule of fines without limitation as to the amount of such fines*
29 *for any violation subject to this section.* Whenever it becomes
30 necessary to ascertain whether a person owning two or more motor
31 vehicles is chargeable as such owner with a first, second, third,
32 fourth, fifth or subsequent violation hereunder, such question
33 shall, in the case of vehicles singly registered, be determined separ-
34 ately with respect to the particular vehicle involved in such viola-
35 tion and, in the case of vehicles subject to section five, with respect
36 to the particular number plate or plates used on the vehicle in-
37 volved in such violation at the time thereof.