

HOUSE No. 1576

The Commonwealth of Massachusetts

PRESENTED BY:

Byron Rushing and Evandro C. Carvalho

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An act relative to appeals.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Byron Rushing</i>	<i>9th Suffolk</i>	<i>1/16/2015</i>
<i>Evandro C. Carvalho</i>	<i>5th Suffolk</i>	<i>1/23/2015</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>9/24/2019</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>	<i>9/24/2019</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>9/24/2019</i>

HOUSE No. 1576

By Messrs. Rushing of Boston and Carvalho of Boston, a petition (accompanied by bill, House, No. 1576) of Byron Rushing and others relative to motor vehicle parking and bicyclist traffic violation appeals. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An act relative to appeals.

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. Section 20A of chapter 90 of the General Laws, as appearing in the 2012
2 Official Edition, is hereby amended by striking out, in lines 113, 152, and 171, the words
3 “judicial review as provided by section fourteen of chapter thirty A” and inserting in place
4 thereof the following words:- review in small claims court as provided in this section.

5 SECTION 2: Section 20A of chapter 90 of the General Laws, as so appearing, is hereby
6 amended by inserting after the last paragraph the following paragraph:-

7 The filing fee for an appeal of a parking ticket to small claims court shall be no more than
8 25 per cent of the amount of the ticket or \$20, whichever is less. If the appeal results in the
9 ticket amount being reduced or of the ticket being dismissed the filing fee will be refunded to the
10 appellant within 30 days. The principles of judicial review under section fourteen of chapter
11 thirty A shall govern this proceeding in small claims court.

12 SECTION 3. Section 20A ½ of chapter 90 of the General Laws, as appearing in the 2012
13 Official Edition, is hereby amended by striking out, in lines 90, 131, and 150, the words “judicial
14 review as provided by section fourteen of chapter thirty A” and inserting in place thereof the
15 following words:- review in small claims court as provided in this section.

16 SECTION 4: Section 20A ½ of chapter 90 of the General Laws, as so appearing, is
17 hereby amended by inserting after the last paragraph the following paragraph:-

18 The filing fee for an appeal of a parking ticket to small claims court shall be no more than
19 25 per cent of the amount of the ticket or \$20, whichever is less. If the appeal results in the
20 ticket amount being reduced or of the ticket being dismissed the filing fee will be refunded to the
21 appellant within 30 days. The principles of judicial review under section fourteen of chapter
22 thirty A shall govern this proceeding in small claims court.

23 SECTION 5: Section 3 of chapter 90C of the General Laws, as so appearing, is hereby
24 amended by inserting after the word “justice.” in line 67 the following words:- The decision of a
25 justice in a noncriminal hearing requested pursuant to this section for a traffic law violation by a
26 bicyclist pursuant to section 11E of Chapter 85 shall be final subject to review in small claims
27 court as provided in this section.

28 SECTION 6: Subsection (5) of Section 3 of chapter 90C of the General Laws, as so
29 appearing, is hereby amended by inserting after the word “certiorari” in line 113 the following
30 paragraph:-

31 The court filing fee for appeal of a traffic law violation by a bicyclist pursuant to Section
32 11E of Chapter 85 to small claims court shall be no more than 25 per cent of the amount of the
33 ticket or \$20, whichever is less. If the appeal results in the ticket amount being reduced or of the

34 ticket being dismissed the filing fee will be refunded to the appellant within 30 days. The
35 principles of judicial review under section fourteen of chapter thirty A shall govern this
36 proceeding in small claims court.