

HOUSE No. 1861

The Commonwealth of Massachusetts

PRESENTED BY:

Alice Hanlon Peisch

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 handicap automobile licenses or placards.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>	<i>1/15/2015</i>

HOUSE No. 1861

By Ms. Peisch of Wellesley, a petition (accompanied by bill, House, No. 1861) of Alice Hanlon Peisch relative to the payment of fees to challenge or appeal a finding of a local police department by persons holding handicapped licenses or placards. Municipalities and Regional Government.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1873 OF 2013-2014.]

The Commonwealth of Massachusetts

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

An Act relative to handicap automobile licenses or placards.

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 22 of chapter 40 of the General Laws, as appearing in the 2012
2 official edition, is hereby amended by adding the following sentence:-

3 An individual legally in possession of a handicap license or placard will not be required
4 to pay any fee to challenge or appeal a finding of a local police department that the individual's
5 automobile was parked in a handicap space in violation of local ordinance or state law.

6 SECTION 2. Section 20A of chapter 90 of the General Laws, as appearing in the 2012
7 official edition, is hereby amended by striking the last paragraph and inserting in place thereof
8 the following paragraph:-

Any person notified to appear before the parking clerk, as provided herein, without waiving his right to a hearing before the parking clerk or hearing officer as provided by this section, and also without waiving judicial review as provided by section fourteen of chapter thirty A, may challenge the validity of the parking violation notice and receive a review and disposition of the violation from the parking clerk or a hearing officer by mail. The alleged parking violator may, upon receipt of the notice to appear, send a signed statement explaining his objections to the violation notice as well as signed statements from witnesses, police officers, government officials and any other relevant parties. Photographs, diagrams, maps and other documents may also be sent with the statements. Any such statements or materials sent to the parking clerk for review shall have attached the persons' name and address as well as the ticket number and the date of the violation. The parking clerk or hearing officer shall, within twenty-one days of receipt of said material, review the material and dismiss or uphold the violation and notify, by mail, the alleged violator of the disposition of the hearing. If the outcome of the hearing is against the alleged violator, the parking clerk or hearing officer shall explain the reasons for the outcome on the notice. Such review and disposition handled by mail shall be informal and the rules of evidence shall not apply. The alleged violator may then appeal the outcome to the Mayor of the city, or his or her designee, or the Board of Selectmen of the town, or its designee, where the alleged violation occurred. The Mayor, or his or her designee, or the Board of Selectmen, or its designee, shall, within twenty-one days of receipt of the appeal, review the material and dismiss or uphold the violation and notify, by mail, the alleged violator of the decision. The decision of the Mayor or the Board of Selectmen, or the designee, shall be final subject to any hearing provisions provided by this section or to judicial review as provided

- 31 by section fourteen of chapter thirty A. Each parking violation issued shall carry a statement
- 32 explaining the procedure to adjudicate the violation by mail.