

HOUSE No. 2986

The Commonwealth of Massachusetts

PRESENTED BY:

Robert F. Fennell

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 parking systems.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Robert F. Fennell</i>	<i>10th Essex</i>	<i>1/16/2015</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>12/11/2019</i>

HOUSE No. 2986

By Mr. Fennell of Lynn, a petition (accompanied by bill, House, No. 2986) of Robert F. Fennell and Michael O. Moore relative to parking systems. Transportation.

The Commonwealth of Massachusetts

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

An Act relative to parking systems.

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 1 of chapter 90 of the General Laws, as so appearing in the 2012
2 Official Edition, is hereby amended by inserting after the definition of “School pupil” the
3 following definition:-

4 "Self-enforcing parking system", equipment that takes a film or digital camera-based
5 photograph which is linked with a violation detection system that synchronizes the taking of a
6 photograph with the occurrence of a parking infraction.

7 SECTION 2. Section 20A of chapter 90, as so appearing, is hereby amended by striking
8 out, in line 23, the word “Said” and inserting in place thereof the following:-

9 Any notice of violation may be served through written notice or through use of a self-
10 enforcing parking system, as determined by each city or town. Written

11 SECTION 3. Section 20A of chapter 90, as so appearing, is hereby amended by inserting
12 after the fourth paragraph the following two paragraphs:-

13 A city or town may utilize a self-enforcing parking system to detect parking infractions in
14 lieu of or in conjunction with written notice. Violations detected by a self-enforcing parking
15 system shall constitute parking violations. In any city or town where the governing body has
16 authorized the installation and use of a self-enforcing parking system, a law enforcement official
17 or a designee of such city or town shall reviewed the recorded images produced by the system
18 and shall determine whether there is sufficient evidence to conclude that a parking violation has
19 occurred. Within 5 days from the date on which the violation occurred, the law enforcement
20 official reviewing the violation shall issue notice of the violation. For each violation of
21 applicable municipal, city or town parking laws or regulations, a violation notice shall be sent to
22 the registered owner of the vehicle in violation. The notice shall include the registration number
23 of the vehicle, the state of issuance of such registration, the date, time and place of the violation,
24 a copy of the recorded image and a signed statement by the technician inspecting the image. The
25 notice may be based, in whole or in part, upon inspection of any photographic or other recorded
26 image of a vehicle and the written certification by a municipal or state police officer or other
27 person employed by or under contract with the city or town or its self-enforcing parking system
28 contractor that it is so based shall be prima facie evidence of the facts contained therein and shall
29 be admissible in any administrative or judicial proceeding to adjudicate the liability for such
30 violation. Each city or town may determine acceptable methods of payment when utilizing a
31 self-enforcing parking system.

32 Each city or town shall maintain the confidentiality of all information including, but not
33 limited to, photographs or other recorded images and credit and account data collected through
34 the use of a self-enforcing parking system. Such information shall not be a public record under
35 clause Twenty-sixth of section 7 of chapter 4 or section 10 of chapter 66 and shall be used for

36 enforcement purposes only with respect to parking violation regulations. A violator may, upon
37 written request to the department, have access to all information pertaining solely to the
38 violation.

39 SECTION 4. Section 20A1/2 of chapter 90, as so appearing, is hereby amended by
40 inserting, in line 20, after the word “clerk” the following:-

41 ; provided, however, that said administrative cost limitations shall not apply to the
42 administration of a self-enforcing parking system

43 SECTION 5. Section 20A1/2 of chapter 90, as so appearing, is hereby amended by
44 inserting at the beginning of the second paragraph in line 21 the following sentence:-

45 Any notice of violation may be served through written notice or through use of a self-
46 enforcing parking system, as determined by each city or town.

47 SECTION 6. Section 20A1/2 of chapter 90, as so appearing, is hereby amended by
48 inserting in line 24 after the word “notice” the following:-

49 , in the absence of use of a self-enforcing parking system

50 SECTION 7. Section 20A1/2 of chapter 90, as so appearing, is hereby amended by
51 inserting after the fourth paragraph the following two paragraphs:-

52 A city or town may utilize a self-enforcing parking system to detect parking infractions in
53 lieu of or in conjunction with written notice. Violations detected by a self-enforcing parking
54 system shall constitute parking violations. In any city or town where the governing body has
55 authorized the installation and use of a self-enforcing parking system, a law enforcement official
56 or a designee of such city or town shall reviewed the recorded images produced by the system

57 and shall determine whether there is sufficient evidence to conclude that a parking violation has
58 occurred. Within 5 days from the date on which the violation occurred, the law enforcement
59 official reviewing the violation shall issue notice of the violation. For each violation of
60 applicable municipal, city or town parking laws or regulations, a violation notice shall be sent to
61 the registered owner of the vehicle in violation. The notice shall include the registration number
62 of the vehicle, the state of issuance of such registration, the date, time and place of the violation,
63 a copy of the recorded image and a signed statement by the technician inspecting the image. The
64 notice may be based, in whole or in part, upon inspection of any photographic or other recorded
65 image of a vehicle and the written certification by a municipal or state police officer or other
66 person employed by or under contract with the city or town or its self-enforcing parking system
67 contractor that it is so based shall be prima facie evidence of the facts contained therein and shall
68 be admissible in any administrative or judicial proceeding to adjudicate the liability for such
69 violation. Each city or town may determine acceptable methods of payment when utilizing a
70 self-enforcing parking system.

71 Each city or town shall maintain the confidentiality of all information including, but not
72 limited to, photographs or other recorded images and credit and account data collected through
73 the use of a self-enforcing parking system. Such information shall not be a public record under
74 clause Twenty-sixth of section 7 of chapter 4 or section 10 of chapter 66 and shall be used for
75 enforcement purposes only with respect to parking violation regulations. A violator may, upon
76 written request to the department, have access to all information pertaining solely to the
77 violation.