

HOUSE No. 4243

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 5, 2016.

The committee on Transportation to whom was referred the petition (accompanied by bill, House, No. 2986) of Robert F. Fennell and Michael O. Moore relative to parking systems, reports recommending that the accompanying bill (House, No. 4243) ought to pass.

For the committee,

WILLIAM M. STRAUS.

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**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", a remote monitoring system that utilizes film or a
5 digital camera-based photograph linked with a violation detection system to determine whether
6 there is sufficient evidence to conclude that a parking violation has occurred.

7 SECTION 2. Said Chapter 90 is hereby amended by inserting after section 20A1/2 the
8 following section:-

9 Section 20A3/4. Any notice of violation may be served through written notice or through
10 use of a self-enforcing parking system, as determined by each city or town. A city or town may
11 utilize a self-enforcing parking system to detect parking infractions in lieu of or in conjunction
12 with written notice, as prescribed by sections 20A and 20A1/2. Violations detected by a self-
13 enforcing parking system shall constitute parking violations. In any city or town where the

14 governing body has authorized the installation and use of a self-enforcing parking system, a law
15 enforcement official or a designee of such city or town shall review the recorded images and data
16 captured by the system and shall determine whether there is sufficient evidence to conclude that
17 a parking violation has occurred. Within 5 days from the date on which the violation occurred,
18 the law enforcement official reviewing the violation shall issue notice of the violation. For each
19 violation of applicable municipal, city or town parking laws or regulations, notice of a parking
20 violation shall be served by first-class US mail, postage prepaid, or, if authorized by the local
21 jurisdiction issuing the violation notice, by electronic or digital means as specified by such
22 jurisdiction and shall be deemed as sufficient notice. The notice shall include the registration
23 number of the vehicle, the state of issuance of such registration, the date, time and place of the
24 violation, a copy of the recorded image and a signed statement by the technician inspecting the
25 image. The notice may be based, in whole or in part, upon inspection of any photographic or
26 other recorded image or other data captured by the self-enforcing parking system of the vehicle.
27 The written certification by a municipal or state police officer or other person employed by or
28 under contract with the city or town or its self-enforcing parking system contractor that it is so
29 based shall be prima facie evidence of the facts contained therein and shall be admissible in any
30 administrative or judicial proceeding to adjudicate the liability for such violation. Each city or
31 town may determine appropriate fines for parking violations and acceptable methods of payment
32 when utilizing a self-enforcing parking system.

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

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