

**HOUSE . . . . . No. 4402**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Mark J. Cusack***

*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 authorizing automated curb enforcement and improving parking violation procedures.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Mark J. Cusack</i>	<i>5th Norfolk</i>	<i>6/9/2025</i>

**HOUSE . . . . . No. 4402**

By Representative Cusack of Braintree, a petition (subject to Joint Rule 12) of Mark J. Cusack for legislation to authorize automated curb enforcement and improving parking violation procedures. Transportation.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**

An Act authorizing automated curb enforcement and improving parking violation procedures.

*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 2022  
2 Official Edition, is hereby amended by adding the following sentence at the end thereof:-

3 Notwithstanding any general or special law to the contrary, a notice of a parking violation  
4 may be served by mail to the registered owner of the vehicle if the violation is detected by an  
5 automated enforcement system as provided in section 20A1/4, and in such case the requirement  
6 of affixing a notice to the vehicle shall not apply.

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

9 Section 20A1/4. Automated Curb Enforcement.

10 (a) Local Authorization. Any city or town may, at its discretion, implement an automated  
11 curb enforcement program as provided in this section. Such program may be used to enforce

12 parking regulations or restrictions in designated curb areas including smart loading zones,  
13 bicycle lanes, bus stops, no stopping zones, loading zones, smart curbs, and crosswalks. The  
14 decision to establish or terminate an automated curb enforcement program shall rest solely with  
15 the city or town, and nothing in this section shall require a municipality to adopt such a program  
16 or participate in any state pilot.

17 (b) Definition. As used in this section, an “automated curb enforcement system” means a  
18 stationary camera, sensor, or other device capable of detecting and recording a parking, standing,  
19 or stopping violation within a designated enforcement zone, and producing photographic or  
20 digital evidence of such violation. The system may record images of the vehicle and license  
21 plate, the location, date and time of the offense, and any other facts necessary to establish a  
22 violation of applicable parking or stopping rules. An automated curb enforcement system shall  
23 not include any device capable of biometric identification or facial recognition.

24 (c) Enforcement and Notices. Notwithstanding sections 20A or 20A1/2 or any other  
25 general or special law, a violation of any ordinance, by-law, rule or regulation regulating the  
26 parking, standing, or stopping of motor vehicles within a location monitored by an automated  
27 curb enforcement system may be enforced by a city or town based on the recorded evidence from  
28 such system. A notice of violation or citation for a violation detected by an automated curb  
29 enforcement system may be issued by the parking clerk or other authorized municipal official  
30 without the presence of a police officer at the scene. Such notice shall be mailed to the registered  
31 owner of the offending vehicle at the address of record with the registry of motor vehicles.  
32 Mailing of the notice of violation within a reasonable time after the alleged offense, not to  
33 exceed 14 days, shall be deemed sufficient notice. The notice shall include at a minimum: the  
34 date, time, and location of the violation; the specific violation charged; photographic or digital

35 evidence of the vehicle's unlawful parking or standing; the amount of the fine or civil penalty  
36 imposed; and instructions on how to pay or contest the violation. The registered owner of the  
37 vehicle shall be responsible for such violation as if they were the operator, in accordance with  
38 section 20E and other applicable laws. The recipient of the notice may contest the violation by  
39 following the same procedure provided for parking violations under section 20A or 20A1/2,  
40 including the right to a hearing before the parking clerk or hearing officer. Failure to pay or  
41 contest the citation within the prescribed time period may result in liability as provided in this  
42 chapter, including non-renewal of the vehicle's registration, but shall not incur any criminal  
43 penalty or offense.

44 (d) Fines and Use of Revenue. A city or town implementing automated curb enforcement  
45 may, by ordinance or by-law, establish the fines or civil penalties for violations detected by an  
46 automated curb enforcement system. Such fines may be set in amounts deemed appropriate by  
47 the municipality for each type of violation, notwithstanding any general or special law that  
48 prescribes a different fine amount for the same violation when enforced by other means. All  
49 revenue collected from fines or penalties issued under an automated curb enforcement program  
50 shall be retained by the municipality. The city or town may use such revenue for any lawful  
51 municipal purpose, including but not limited to transportation infrastructure, traffic safety  
52 programs, or funding the administration of the enforcement system, at the sole discretion of the  
53 local authorities.

54 (e) Privacy and Data Protection. Any automated curb enforcement system operated under  
55 this section shall be subject to robust privacy protections. Data collected by the system, including  
56 photographs, video, or license plate information, shall be used solely for the purpose of  
57 documenting and enforcing parking or standing violations and for no other purpose. Under no

58 circumstances shall images or other data produced by the system be used for facial recognition,  
59 biometric identification, or any law enforcement or commercial purpose outside of parking  
60 regulation enforcement. All recorded images or personally identifying data that do not relate to a  
61 violation or are not necessary for the enforcement process shall not be retained. Any images or  
62 data that are used to issue a notice of violation may be retained only as long as needed for the  
63 adjudication of the offense and any administrative appeals, after which they shall be permanently  
64 deleted or destroyed in compliance with applicable record retention laws. The municipality shall  
65 establish procedures to ensure the privacy of individuals is protected in the collection, storage,  
66 and disposal of data from automated curb enforcement systems, consistent with this section and  
67 other privacy laws.

68 (f) Signage and Public Notice. A city or town that deploys automated curb enforcement  
69 systems shall install conspicuous signs or markings at or near each designated enforcement zone  
70 to inform drivers that automated enforcement is in use in that area. Such signage shall, at a  
71 minimum, notify the public that parking or standing violations are monitored by stationary  
72 camera or sensor and that citations will be issued by mail. The absence of a sign in a particular  
73 location shall be a defense against a violation captured by an automated system at that location.  
74 Municipalities are also encouraged to conduct public outreach or education about the  
75 implementation of automated curb enforcement to ensure that residents and drivers are aware of  
76 the program.

77 (g) Non-Criminal Nature of Violations. Any violation recorded by an automated curb  
78 enforcement system under this section shall be handled as a non-criminal civil violation in the  
79 same manner as a parking ticket. Such a violation shall not be considered a criminal offense and  
80 shall not be deemed a moving violation. No surcharge, penalty, or points shall be assessed on

81 any person's driving record or insurance policy as a result of a violation enforced through an  
82 automated curb enforcement system. Enforcement actions under this section shall not result in  
83 any criminal charges, arrest, or incarceration, and the sole penalties shall be civil fines and  
84 consequences as set forth for unpaid parking violations (such as registration holds pursuant to  
85 section 20A or 20A1/2 and related laws).

86 (h) Municipal Discretion and No State Mandate. The implementation of automated curb  
87 enforcement pursuant to this section is purely at the option of each city or town. Nothing in this  
88 section or any other law shall be construed to require a municipality to participate in automated  
89 enforcement, nor to limit the number of systems or locations a municipality may operate except  
90 as the municipality itself so chooses. The commonwealth and its agencies shall not impose any  
91 pilot program requirement, numeric cap, or other precondition on local adoption beyond the  
92 provisions of this section. A city or town may commence an automated curb enforcement  
93 program at such time and in such manner as it deems appropriate, and may terminate or modify  
94 its program at any time, without seeking approval from any state agency, provided it remains in  
95 compliance with this section and other applicable laws.

96 SECTION 3. This act shall take effect upon its passage.