

HOUSE No. 4402

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 20A 1/2 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

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

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

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

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

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

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

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

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

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