

SENATE No. 2346

The Commonwealth of Massachusetts

PRESENTED BY:

William N. Brownsberger

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 issuance of citations and warnings to vehicle owners without effectuating motor vehicle stops.

PETITION OF:

NAME:

William N. Brownsberger

DISTRICT/ADDRESS:

Suffolk and Middlesex

SENATE No. 2346

By Mr. Brownsberger, a petition (accompanied by bill, Senate, No. 2346) of William N. Brownsberger for legislation relative to issuance of citations and warnings to vehicle owners without effectuating motor vehicle stops. Transportation.

The Commonwealth of Massachusetts

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

An Act relative to issuance of citations and warnings to vehicle owners without effectuating motor vehicle stops.

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. Clause Twenty-sixth of section 7 of chapter 4 of the General Laws, as
2 appearing in the 2022 Official Edition, is hereby amended by adding the following subclause:-

3 (w) Photographs and other personal identifying information collected by cities and towns
4 under chapter 90K.

5 SECTION 2. The General Laws are hereby amended by inserting after chapter 90J the
6 following chapter:-

7 CHAPTER 90K

8 Section 1. As used in this chapter, the following words shall have the following meanings
9 unless the context clearly requires otherwise:

10 “Law enforcement officer”, a “law enforcement officer” as defined in section 1 of chapter
11 6E of the general laws.

12 “Municipal designee”, the municipal entity designated by the city manager in a city with
13 a Plan D or E form of government, the mayor in all other cities or the select board in a town to
14 supervise and coordinate the administration of citations and warnings issued under this chapter.

15 “Registrar”, the registrar of motor vehicles.

16 Section 2. If a law enforcement officer witnesses a violation of a traffic law or violation,
17 they may issue a citation or written warning to the owner of the motor vehicle as identified by
18 the license plate of the motor vehicle without effectuating a motor vehicle stop or otherwise
19 identifying the operator of the motor vehicle.

20 Section 3. (a) Fines imposed pursuant to this chapter shall be the same as if the operator
21 of the vehicle had been identified. Except as provided in section 4, the registered owner of the
22 motor vehicle shall be liable for the fine; provided, however, that a registered owner of a motor
23 vehicle shall not be liable for the fine imposed under this chapter if the operator of the motor
24 vehicle was issued a citation for the violation in accordance with section 2 of chapter 90C.

25 (b) A violation issued by a city or town under this chapter shall not be made part of the
26 operating record of the person upon whom such liability is imposed, but if the owner of the
27 vehicle is found responsible it shall constitute a moving violation of the motor vehicle laws by
28 the owner for the purpose of determining a surcharge on a motor vehicle premium pursuant to
29 section 113B of chapter 175.

30 (c) The municipal designee may hire and designate personnel as necessary or contract for
31 services to implement this chapter.

32 (d) (1) The municipal designee shall provide a notice of violation to the registered owner
33 of a motor vehicle that is identified by a law enforcement officer as having violated a traffic law
34 or regulation. The notice shall include, but not be limited to: (i) a copy of any photographs or
35 other evidence of the violation; (ii) the registration number and state of issuance of the vehicle;
36 (iii) the date, time and location of the violation; (iv) the violation charged; (v) instructions for
37 payment of the fine imposed pursuant to subsection (a); (vi) instructions on how to appeal the
38 violation in writing and to obtain a hearing; and (vii) an affidavit form approved by the
39 municipal designee for the purposes of making a written appeal pursuant to subsection (h).

40 (2) In the case of a violation involving a motor vehicle registered in the commonwealth,
41 the notice of violation shall be mailed within 30 days of the violation to the address of the
42 registered owner of the motor vehicle as listed in the records of the registrar. If a motor vehicle is
43 registered under the laws of another state or country, the notice of violation shall be mailed
44 within 45 days after obtaining the name and address of the registered owner of the motor vehicle
45 and within 90 days of the violation to the address of the registered owner as listed in the records
46 of the official in the state or country that has charge of the registration of the motor vehicle. If the
47 address is unavailable, it shall be sufficient for the municipal designee to mail a notice of
48 violation to the official in the state or country that has charge of the registration of the motor
49 vehicle.

50 (3) The notice of violation shall be sent by first class mail in accordance with paragraph
51 (2). A manual or automatic record of mailing processed by or on behalf of the municipal

52 designee in the ordinary course of business shall be prima facie evidence thereof and shall be
53 admitted as evidence in any judicial or administrative proceeding as to the facts contained
54 therein.

55 (e) A registered owner of a motor vehicle to whom a notice of violation has been issued
56 pursuant to this chapter may admit responsibility for the violation and pay the fine provided
57 therein. Payment of the established fine shall operate as the final disposition of the violation;
58 provided, however, that payment by a registered owner of a motor vehicle shall operate as the
59 final disposition of the violation as to any other registered owner of the same motor vehicle for
60 the same violation.

61 (f) Not more than 60 days after a violation under this chapter, a registered owner of a
62 motor vehicle may contest responsibility for the violation in writing by mail or online. The
63 registered owner shall provide the municipal designee with a signed affidavit, in a form approved
64 by the municipal designee, stating the: (i) reason for disputing the violation; (ii) full legal name
65 and address of the registered owner of the motor vehicle; and (iii) full legal name and address of
66 the operator of the motor vehicle at the time the violation occurred. The registered owner may
67 include signed statements from witnesses, including the names and addresses of witnesses,
68 supporting the registered owner's defense. Not more than 21 days after receipt of the signed
69 affidavit, the municipal designee or the hearing officer shall send the decision of the hearing
70 officer, including the reasons for the outcome, by first class mail to the registered owner. If the
71 registered owner is found responsible for the violation, the registered owner shall either pay the
72 fine in the manner described in subsection (e) not more than 14 days after the issuance of the
73 decision or request further judicial review pursuant to section 14 of chapter 30A.

74 (g) In lieu of contesting responsibility for a violation in writing or online pursuant to
75 subsection (f) and not more than 60 days after a violation under this chapter, a registered owner
76 of the motor vehicle may request a hearing to contest responsibility for a violation. A hearing
77 request shall be made in writing by mail or online. Upon receipt of a hearing request, the
78 municipal designee shall schedule the matter before a hearing officer. The hearing officer may be
79 an employee of the municipal designee or such other person as the municipal designee may
80 designate. Written notice of the date, time and place of the hearing shall be sent by first class
81 mail to each registered owner of the motor vehicle. The hearing shall be informal, the rules of
82 evidence shall not apply and the decision of the hearing officer shall be final subject to judicial
83 review pursuant to section 14 of chapter 30A. Not more than 21 days after the hearing, the
84 municipal designee or the hearing officer shall send the decision of the hearing officer, including
85 the reason for the outcome, by first class mail to the registered owner. If the registered owner is
86 found to be responsible for the violation, the registered owner shall either pay the fine in the
87 manner described in subsection (e) not more than 14 days after the issuance of the decision or
88 request further judicial review pursuant to said section 14 of said chapter 30A.

89 (h) The municipal designee shall notify the registrar when a registered owner of a motor
90 vehicle to whom a notice of a violation has been issued: (i) fails to contest the responsibility for a
91 violation pursuant to subsection (f) or subsection (g) and fails to pay the fine in the notice in
92 accordance with subsection (e) within 60 days of the violation; or (ii) is found responsible for the
93 violation and does not pay the fine in accordance with subsection (f) or subsection (g). Upon
94 being notified by the municipal designee, the registrar shall place the matter on record. Upon
95 receipt by the registrar of 3 or more of such notices, the registrar shall not issue or renew the
96 registered owner's motor vehicle registration until after notification from the municipal designee

97 of each city or town from whom the registrar received notification that all fines owed pursuant to
98 this chapter have been paid. The municipal designee shall notify the registrar immediately when
99 a fine that is the basis for a notice to the registrar under this subsection has been paid; provided,
100 however, that certified receipt of full and final payment from the municipal designee issuing a
101 violation shall also serve as legal notice to the registrar that a violation has been disposed of in
102 accordance with this chapter. The certified receipt shall be printed in such form as the registrar
103 may approve.

104 Section 4. (a) Notwithstanding section 3, if the registered owner of a motor vehicle is a
105 person or entity engaged in the business of leasing or renting motor vehicles and the motor
106 vehicle was operated under a rental or lease agreement at the time of the violation, this section
107 shall be applicable and the registered owner shall not be liable for any unpaid fines if the
108 registered owner has complied with the requirements of this section.

109 (b) The municipal designee shall provide notice in writing of each violation to the
110 registered owner of a motor vehicle if a motor vehicle owned by the registered owner is involved
111 in a violation.

112 (c) Not more than 45 days after the violation, the registered owner shall furnish to the
113 municipal designee, in writing, the name and address of the lessee or rentee of the motor vehicle
114 at the time of the violation, the lessee's or rentee's driver's license number, the state that issued
115 the driver's license and the lessee's or rentee's date of birth.

116 (d) Upon receipt of the information required under subsection (c), the municipal designee
117 shall issue a notice of a violation to the lessee or rentee in the form prescribed by section 3 and
118 the lessee or rentee shall be liable for the violation.

119 (e) The municipal designee shall notify the registrar if the lessee or rentee to whom a
120 notice of violation has been issued: (i) fails to contest the responsibility for a violation pursuant
121 to either subsection (f) or subsection (g) of section 3 and fails to pay the fine in the notice in
122 accordance with subsection (e) of said section 3 within 90 days of obtaining the name and
123 address of the lessee or rentee; or (ii) is found responsible for the violation and does not pay the
124 fine in accordance with said subsection (f) or said subsection (g) of said section 3. Upon being
125 notified by the municipal designee, the registrar shall place the matter on record.

126 Upon receipt by the registrar of 5 or more of such notices under this section, the registrar
127 shall: (i) not renew the license of the lessee or rentee to operate a motor vehicle in the
128 commonwealth; or (ii) suspend the right to operate of a lessee or rentee not licensed in the
129 commonwealth until the registrar receives notification from each applicable municipal designee
130 that all fines owed by the lessee or rentee pursuant to this chapter have been paid. The municipal
131 designee shall notify the registrar immediately when a fine that is the basis for a notice to the
132 registrar under this subsection has been paid; provided, however, that certified receipt of full and
133 final payment from the municipal designee issuing a violation shall also serve as notice to the
134 registrar that the violation has been disposed of in accordance with this chapter; provided further,
135 that the certified receipt shall be printed in such form as the registrar may approve.

136 SECTION 3. Not later than 90 days from the effective date of this act, the Massachusetts
137 Department of Transportation shall promulgate regulations to implement chapter 90K of the
138 General Laws. The regulations shall include but not be limited to establishing standardized forms
139 for notices of violations and written warnings.

140 SECTION 4. The secretary of public safety and security shall investigate and study
141 alternative methods for matching drivers license records, motor vehicle registration records, and
142 the violation notices under this chapter for the purposes of identifying any patterns of race or
143 gender discrimination. The secretary shall file a report with the results of the investigation and
144 study together with legislation, if any, with the joint committee on transportation not later than
145 April 1, 2027.