

City of Cambridge

MASSACHUSETTS

Agenda # 18 Acceptance of the provisions of In City Council May 14
Chapter 213 of the Acts of 1989 "AN ACT AUTHORIZING CITIES AND TOWNS
TO PENALIZE THOSE WHO ABANDON MOTOR VEHICLES"

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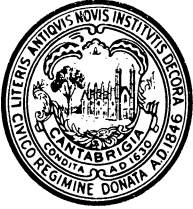
	YEA	NAY	ABSENT	PRESENT	
Mr. Ed Cyr	✓				
Mr. Francis H. Duehay	✓				
Mr. Jonathan S. Myers	✓				
Mr. Kenneth E. Reeves	✓				
Mrs. Sheila T. Russell	✓				
Mr. Walter J. Sullivan	✓				
Mr. Timothy J. Toomey, Jr.	✓				
Mr. William H. Walsh	✓				
Mayor Alice K. Wolf	✓				

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CITY OF CAMBRIDGE

57 INMAN STREET, CAMBRIDGE, MASSACHUSETTS 02139 TEL. 498-9042

DEPARTMENT OF TRAFFIC & PARKING

George Teso
Director

May 11, 1990

Robert Healy
City Manager

Dear Mr. Manager:

I am recommending that the City adopt the provisions of MGL Chapter 213 of the Acts of 1989, "An Act Authorizing Cities and Towns to Penalize Those who Abandon Motor Vehicles". This Act amends Chapter 90, Section 273.

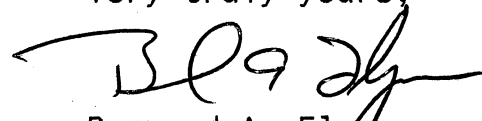
Chapter 213 requires that each vehicle abandoned carry a fine of \$250.00 plus associated costs of towing, storage and disposal for the first offense and \$500.00 plus costs for each additional abandonment. Failure to pay the fines and fees subject to this Act requires the non-renewal of the owner's license and registration. After four such offenses, the City may seek to have the Registrar suspend the license and/or registration of the offender.

The Department of Traffic and Parking would be responsible for the overall operation and management of the program. The law requires the department to document offenses, obtain and record identification about the offender, mail notices, make hearings available, accept and process payments, transact registration/license marks and clears and count the number of offenses received by an individual.

As of this date, we have received tickets that must be used with the program and will be using programs for on-line reporting on our Lockheed Parking Ticket Processing System.

I am free to discuss this matter with you.

Very truly yours,


Bernard A. Flynn
Assistant Director

BAF/bgm

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-nine

AN ACT AUTHORIZING CITIES AND TOWNS TO PENALIZE THOSE WHO ABANDON MOTOR VEHICLES.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately authorize cities and towns to provide for abandoned cars, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. _____

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 90 of the General Laws is hereby amended by striking out section 22B, as appearing in the 1986 Official Edition, and inserting in place thereof the following section:-

Section 22B. (a) Whoever abandons a motor vehicle registered or unregistered, upon any public or private way or upon any property other than his own without the permission of the owner or lessee of said property shall be fined two hundred and fifty dollars for the first such abandonment and five hundred dollars for each such abandonment thereafter. A conviction of a violation of this section shall be reported forthwith by the court to the registrar, who may revoke, for a period not exceeding three months, the license of the person so convicted, and if the motor vehicle is registered in his name or was last registered in his name he shall be prohibited from registering another motor vehicle for one year, and no appeal, motion for new trial or exceptions shall operate to stay the revocation of the license or the prohibition of registration.

This subsection shall not apply in a city or town which accepts the provisions of subsection (b) to (k), inclusive.

Subsection (b) to (k), inclusive, shall apply in any city or town which accepts the provisions of said subsections in accordance with the provisions of section four of chapter four.

(b) Notwithstanding the provisions of subsection (a), or any other general or special law to the contrary, proceedings under the provisions of subsections (b) to (k), inclusive, shall be deemed non-criminal.

As used in subsections (b) to (k), inclusive, the word "owner" shall mean the person or entity registered as the owner of a motor vehicle in the records of the registry of motor vehicles or the person or entity who last had custody or possession of a motor vehicle, legally or otherwise, including, without limitation, operators and owners of automobile graveyards or junkyards as defined in section one of chapter one hundred and forty B; provided, however, that the owner of a motor vehicle which has been stolen from said owner and subsequently abandoned shall not be subject to the penalties provided for in this section.

(c) There shall be in any city or town which accepts the provisions of subsections (b) to (k), inclusive, a parking clerk designated or appointed in the same manner as provided in section twenty A 1/2. Said parking clerk, in addition to other duties provided by law, shall supervise and coordinate the processing of abandoned motor vehicles.

Said parking clerk shall have the authority to hire personnel, or may contract by competitive bid for services necessary to implement the provisions of this section.

(d) A person who abandons a motor vehicle, registered or unregistered, upon any public or private way, or upon the property of another, without the permission of the owner or lessee of said property, shall pay a civil penalty of two hundred and fifty dollars for the first such abandonment and five hundred dollars for each such abandonment thereafter and, in addition thereto shall be liable for costs incurred by a city or town in removing or disposing of such motor vehicle, including, but not limited to, towing, storage, processing and disposal charges.

(e) A police officer, or a person assigned responsibility for abandoned motor vehicles by the parking clerk, who determines that a motor vehicle has been abandoned shall attach a tag to said vehicle containing, but not limited to, the following information: the current date, the location of said vehicle, its make, color, registration number, if any, and its vehicle identification number; a telephone number or address at which the owner may obtain information regarding the status of the motor vehicle; the hearing procedure re-

garding abandoned motor vehicles, as provided herein; and, a statement that after a specified period of time, the vehicle may be towed and disposed of.

(f) After said tag has been affixed to such vehicle, if the owner's identity is ascertained and the motor vehicle is still deemed to be abandoned pursuant to section twenty-two C, the parking clerk or his designee shall send a written notice in a form approved by the registrar of motor vehicles by first class mail to the owner's last known address as contained in records of said registrar of motor vehicles. Such notice shall be deemed sufficient, whether or not actually received by the addressee, if mailed to the address furnished by said registrar. Such notice shall contain, but not be limited to, the following information regarding the abandoned vehicle: the current date, the location of said vehicle, make, color, registration number, if any, and its vehicle identification number; the amount of the fine and costs assessed for the offense and the scheduled date, time and place of the hearing before a hearing officer. Notwithstanding the hearing scheduled by the parking clerk, the owner shall be granted a hearing prior to the scheduled hearing date by appearing at the office of the parking clerk during its regular business hours and requesting an immediate hearing regarding the apparently abandoned motor vehicle. Notwithstanding the hearing scheduled by the parking clerk, the owner may elect to have the matter adjudicated in accordance with the provisions of subsection (h).

(g) All such hearings shall be held before a person hereinafter referred to as a hearing officer who shall be the parking clerk or a designee of said parking clerk. Such hearings shall be informal, the rules of evidence shall not apply and decisions of the hearing officer shall be subject to judicial review as provided by section fourteen of chapter thirty A. No appeal or exception shall operate to stay the imposition of the fine and costs, the revocation or nonrenewal of the license or the prohibition of registration as provided for herein.

(h) A person so notified to appear before the hearing officer may appear and contest or confess the alleged violation, either personally or through an agent duly authorized in writing or in the alternative, may confess the alleged violation by mailing to the parking clerk the notice accompanied by the fine and any costs assessed; provided, however, that such payment shall be made only by postal note, money order or registered check made payable to the city or town in which the violation occurred.

(i) If the owner fails to appear at a hearing, or fails to pay the fine and costs, the parking clerk shall, in the case of a person, notify the registrar of motor vehicles who shall place the matter on record and not renew the license of such person to operate a motor vehicle, and in the case of an entity, notify the appropriate person to revoke or not renew the owner's license or permit to operate a business pertaining to the towing, storing, servicing or dismantling of motor vehicles including, without limitation, automobile graveyards and junkyards. If the abandoned motor vehicle is registered in such owner's name or was last registered in his name, the registrar shall prohibit the registration and renewal of registration of any such motor vehicle under such owner's name. Such notice shall be in a form approved by the registrar of motor vehicles. Upon notification to the registrar of the owner's name, an additional ten dollar charge shall be assessed against such owner of the abandoned vehicle. Said ten dollar charge shall be collected by the city or town and notification of such collection shall be made to the registrar of motor vehicles each month. On or before September first of each year, the registrar shall certify the total number of ten dollar charges to be assessed against the city or town. This number shall equal the total number of notifications of actual collections by said city or town. The registrar shall transmit such certified assessments to the treasurer of the commonwealth who shall include such assessments in the warrants prepared in accordance with section twenty of chapter fifty-nine. All such actions taken by the registrar shall remain in effect until said registrar receives notice from the parking clerk that the matter has been disposed of in accordance with the law.

(j) Notwithstanding any other general or special law, ordinance or regulation to the contrary, if an owner has abandoned a motor vehicle on three occasions and has incurred a fine therefor, each subsequent abandonment, in addition to the fines and costs assessed herein, shall result, in the case of a person, in the revocation for one year of the owner's license to operate a motor vehicle, and in the case of an entity, in the revocation for one year of the owner's license or permit to operate a business pertaining to the towing, storing, servicing or dismantling of motor vehicles including, without limitation, automobile graveyards and junkyards. Such one year time period shall commence on the date on which the parking clerk's records indicate that a hearing was held and a fourth or subsequent abandonment was found or that a fine was received in the mail confessing a fourth or subsequent abandonment.

(k) Notwithstanding any other provisions of this section, whenever the clerk or a person designated or appointed by said clerk, shall deem that an abandoned motor vehicle is worth less than the cost of its removal, transportation and three days storage and expenses incidental to its disposal, said clerk or designee shall direct a carrier to take possession of such motor vehicle and dispose of it as refuse. A record of such disposal shall be made and kept in the office of said clerk for a period of two years. Neither said clerk, carrier nor the city or town shall be liable for such disposal. The owner of such vehicle shall be notified as hereinbefore provided and shall pay to said carrier all charges for removal, transportation, storage and disposal of such vehicle within fourteen days after the mailing of said notice or shall be subject to the fine herein provided as well as nonrenewal of such owner's license to operate and registration of a motor vehicle.

SECTION 2. Fines imposed for the abandonment and subsequent abandonment of a motor vehicle, as provided for in section one, shall apply only to offenses committed on and after the effective date of this act.

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

House of Representatives, June 27, 1989.

Preamble adopted,

George Leverman, Speaker.

In Senate, June 28, 1989.

Preamble adopted,

William M. Burger, President.

House of Representatives, June 28, 1989.

Bill passed to be enacted,

George Leverman, Speaker.

In Senate, June 28, 1989.

Bill passed to be enacted,

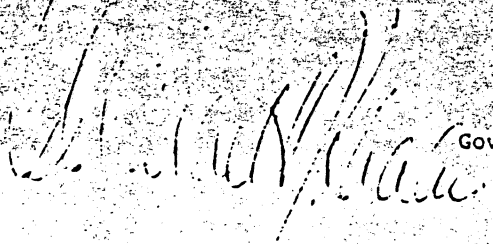
William M. Burger, President.

H 6.3

July 11 , 1983.

Approved,

at Three o'clock and 15 minutes, P. M.


Governor.



City of Cambridge

Agenda Item #18

IN CITY COUNCIL

May 14, 1990

ORDERED: That the City Council go on record accepting the provisions of Chapter 213 of the Acts of 1989 the same being "AN ACT AUTHORIZING CITIES AND TOWNS TO PENALIZE THOSE WHO ABANDON MOTOR VEHICLES".

In City Council May 14, 1990.

Adopted by a ye and nay vote:-

Yeas 9; Nays 0; Absent 0.

Attest:- John E. Flynn, Deputy City Clerk.

A true copy;

ATTEST:-

A handwritten signature in dark ink, appearing to read "John E. Flynn". The signature is written in a cursive style with a large, looped "F".

John E. Flynn, Deputy City Clerk.



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CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139

TEL. 498-9011

FAX. 868-8159

EXECUTIVE DEPARTMENT

ROBERT W. HEALY

City Manager

RICHARD C. ROSSI

Deputy City Manager

May 14, 1990

To The Honorable, The City Council:

Attached is a request for the adoption of the provisions of MGL Chapter 213 of the Acts of 1989, "An Act Authorizing Cities and Towns to Penalize Those Who Abandon Motor Vehicles", which amends Chapter 90, Section 273, received by the Department of Traffic & Parking.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert W. Healy", is written over a horizontal line.

Robert W. Healy
City Manager

RWH/mev
enclosure

Agenda # 18 5-504

Acceptance of the provisions of Chapter
213 of the Acts of 1989 entitled "AN ACT
AUTHORIZING CITIES AND TOWNS TO PENALIZE
THOSE WHO ABANDON MOTOR VEHICLES".

In City Council;

May 14, 1990

Order adopted
9-0-0.