

Part I ADMINISTRATION OF THE GOVERNMENT

Title XIV PUBLIC WAYS AND WORKS

Chapter 90C PROCEDURE FOR MOTOR VEHICLE OFFENSES

Section 1 DEFINITIONS

Section 1. In this chapter, unless the context otherwise requires, the following words shall have the following meanings:—

"Appellate division", in the case of the district and Boston municipal court departments, the appellate divisions of such departments established by section one hundred and eight of chapter two hundred and thirty-one; in the case of the juvenile court department, those justices appointed by the chief justice to sit in one or more districts in panels of three justices in order to fulfill within such department the functions assigned by this chapter to the appellate division.

"Audit sheet", a list of unique numbers assigned to the citations in a particular citation book, or in electronic format, in such form as the registrar shall determine.

"Automobile law violation", any violation of any statute, ordinance, by-law or regulation relating to the operation or control of motor vehicles other than a violation (1) of any rule, regulation, order, ordinance or by-law regulating the parking of motor vehicles established by any city or town or by any commission or body empowered by law to make such

rules and regulations therein, or (2) of any provision of chapter one hundred and fifty-nine B. A recreation vehicle and a snow vehicle, both as defined in section 20 of chapter 90B, a motorized bicycle and motorized scooter, both as defined in section 1 of chapter 90, shall be considered a motor vehicle for the purposes of this chapter. A motor boat, as defined in section one of chapter ninety B, shall not be considered a motor vehicle for purposes of this chapter.

"Citation", a notice, whether issued in handwritten form from a citation book or issued electronically and then printed on paper, upon which a police officer shall record an occurrence involving all automobile law violations by the person cited. Each citation shall be numbered and shall be in such form and such parts as determined jointly by the administrative justice of the district court department and the registrar.

"Citation book", not less than twenty citations, stapled or bound together in book form. Each such book shall be consecutively numbered.

"Civil motor vehicle infraction", an automobile law violation for which the maximum penalty does not provide for imprisonment, excepting: (a) operation of a motor vehicle in violation of the first paragraph of section 10 of chapter 90; (b) a violation of sections 23, 25, or 34J of chapter 90; and (c) any automobile law violation committed by a juvenile who does not hold a valid operator's license.

"Criminal" shall include a delinquency matter under chapter one hundred and nineteen.

"District court", a division of the district court department or a session thereof for holding court or a division of the Boston municipal court department or a session thereof for holding court. It shall also include the divisions of the juvenile court department with respect to automobile law

violations that are treated as a delinquency matter in such department and with respect to civil motor vehicle infractions that are recorded in conjunction with and that arise from the same occurrence as automobile law violations that are treated as a delinquency matter in such department.

"Division", a division of the district court department or juvenile court department or a division of the Boston municipal court department.

"Magistrate", the clerk-magistrate of a district court, or an assistant clerk who has been designated as a magistrate pursuant to section sixty-two B of chapter two hundred and twenty-one. With the approval of the administrative justice of the department, in a particular division the term "magistrate" may include a justice.

"Police chief", the chief or the head of the organized police department of a city or town, or his or her designee, the commissioner of public safety, the colonel of state police, the state superintendent of buildings, the secretary of transportation or the secretary's designee, or the director of environmental law enforcement within the executive office of energy and environmental affairs, a person appointed by the trustees of the University of Massachusetts as chief of the police officers appointed under section 32A of chapter 75, a person appointed by the trustees at each of the commonwealth's state universities and community colleges as chief of the police officers appointed under section 22 of chapter 15A, persons designated by the commissioner of mental health at each institution of the department of mental health, or by the commissioner of developmental services at each institution of the department of

developmental services as the chief of the special police officers appointed under section 59 of chapter 22C, or the chief of the Massachusetts Bay Transportation Authority police department.

"Police officer", any officer, other than an investigator or examiner of the transportation division of the department of telecommunications and energy, authorized to make arrests or serve criminal process, any person appointed by the registrar under section 29 of chapter 90, any person appointed by the trustees of the University of Massachusetts under section 32A of chapter 75, any person appointed by the trustees at each of the commonwealth's state universities and community colleges under section 22 of chapter 15A, and any person appointed by the colonel of state police under section 59 of chapter 22C.

"Registrar", the registrar of motor vehicles.

"Scheduled assessment", the amount of the civil assessment for a particular civil motor vehicle infraction, as established jointly by the chief justice of the district court department and the registrar. A scheduled assessment shall not exceed the maximum assessment or fine established by law for each such violation. A schedule of such assessments shall be visibly posted in each office of the registry of motor vehicles and in the clerk-magistrate's office of each district court.

"Violator", a person, corporation, society, association or partnership accused of an automobile law violation.