

740 CMR: MASSACHUSETTS PORT AUTHORITY

740 CMR 11.00: MAURICE J. TOBIN MEMORIAL BRIDGE

Section

11.01: Introduction

11.02: Definitions

11.03: Tolls

11.04: Electronic Toll Collection

11.05: Vehicle Operations

11.06: Violation Enforcement

11.99: Penalties for Violations

11.01: Introduction

(1) General: 740 CMR 11.01 through 11.99 contain the terms and conditions under which persons and operators of motor vehicles shall be permitted upon the Maurice J. Tobin Memorial Bridge.

(2) Applicability: 740 CMR 11.01 through 11.99 shall apply to all Operators of Motor Vehicles and Persons who use the Maurice J. Tobin Memorial Bridge.

(3) Effective Date: The effective date of 740 CMR 11.00 *et seq.* shall be February 16, 2001.

11.02: Definitions

The following terms as used in 740 CMR 11.00 *et seq.* shall, unless otherwise expressly stated or unless the context clearly requires a different interpretation, have the following meaning:

AASHTO - shall mean the American Association of State Highway and Transportation Officials.

Authority - shall mean the Massachusetts Port Authority, its Executive Director, and designees.

Automobile - shall have the meaning defined in M.G.L. c. 90, § 1.

Bridge Official - shall mean an employee of the Authority duly authorized to direct and control the movement and operation of Motor Vehicles on the Tobin Memorial Bridge.

Commercial Vehicle - shall mean any Motor Vehicle which is not a Private Passenger Motor Vehicle displaying a private passenger registration number plate and is not a Motorcycle displaying a Motorcycle registration number plate.

Director - shall mean the employee of the Authority who supervises the operation of the Tobin Memorial Bridge and is authorized to act for the Authority in connection with the enforcement of 740 CMR 11.00 *et seq.*

ETC-Equipped Motor Vehicle - shall mean a motor vehicle properly equipped with and using an electronic device that the Authority, or its ETC system contractor, has issued or authorized for the purpose of transmitting information to the ETC system and collecting tolls electronically.

ETC System - shall mean an electronic toll collection system installed on or operating with respect to the Tobin Memorial Bridge.

Motorcycle - shall have the meaning defined in M.G.L. c. 90, § 1.

Motorized Bicycle - shall have the meaning defined in M.G.L. c. 90, § 1.

Motor Vehicle - shall have the meaning defined in M.G.L. c. 90, § 1. The definition of Motor Vehicle shall include, without limitation, automobile, bus or motor bus, tractor and motorcycle, all as defined in M.G.L. c. 90, § 1.

740 CMR: MASSACHUSETTS PORT AUTHORITY

11.02: continued

Non-revenue Vehicle - shall mean any motor vehicle registered to the Massachusetts Bay Transportation Authority, the U.S. Navy, the Authority, the Massachusetts State Police assigned to duty at the Authority and any other such motor vehicle as may be established by the Authority in its sole discretion.

Operator - shall mean any person who operates a motor vehicle on the Tobin Memorial Bridge.

Person - shall mean any individual, firm, association, corporation or any other legal entity.

Police Officer - shall mean and include all members of the Massachusetts State Police or any duly authorized law enforcement officer.

Private Passenger Motor Vehicle - shall have the meaning assigned to the term in 540 CMR 2.05.

Registrar - shall mean the Registrar of Motor Vehicles of the Commonwealth.

Resident Commuter Permit - shall mean an identification device affixed to an automobile or motorcycle owned or leased by a resident of Chelsea or Charlestown, the Tobin Memorial Bridge's host communities, and registered as a Private Passenger Motor Vehicle or as a Motorcycle with the Registrar. The automobile or motorcycle shall be garaged in either Chelsea or Charlestown. The Resident Commuter Permit will be issued by the Authority and will entitle the holder thereof to a discount in the payment of the toll.

Tobin Memorial Bridge - shall mean the high level bridge over the Mystic River constructed under the provisions of St. 1946, c. 562, including all ramps, roadways, toll plazas, structures, buildings and property acquired by the Massachusetts Port Authority located between the northern terminus of the John I. Fitzgerald Expressway in Charlestown and the southern terminus of the Father Adamski Expressway in Chelsea and known as the Maurice J. Tobin Memorial Bridge (formerly Mystic River Bridge).

Toll - shall mean the one-way fee assessed by the Authority for passage over the Tobin Memorial Bridge.

Toll Lane - shall mean that part of the Tobin Memorial Bridge which has been designated for toll collection either by a toll officer or by the ETC system.

Toll Officer - shall mean an employee of the Authority duly authorized to collect tolls from operators traveling over the Tobin Memorial Bridge.

Tractor - shall have the meaning defined in M.G.L. c. 90, § 1.

Violation Clerks - shall mean the Massachusetts State Police officers assigned to Troop F or persons employed by or under contract with the Authority or its ETC system contractor, designated from time to time by the Authority to enforce violations of 740 CMR 11.04 and 740 CMR 11.05.

11.03: Tolls

(1) Toll and Vehicle Classification. Except for operators of non-revenue vehicles, each operator shall pay a toll for passage over the Tobin Memorial Bridge as follows:

<u>Motor Vehicle Description</u>	<u>Toll</u>
Private Passenger:	
Resident Commuter Permit - 2 Axles*	\$0.30
Resident Commuter Permit - with Trailer (3 Axles)*	0.50
Resident Commuter Permit - with 2 Axle Trailer (4 Axles)*	0.50
Class 1 - Passenger - 2 Axles**	3.00
Class 1 - Passenger - with Trailer (3 Axles)**	3.50
Class 1 - Passenger - with 2 Axle Trailer (4 Axles)**	4.00

11.03: continued

<u>Motor Vehicle Description</u>	<u>Toll (continued)</u>
Commercial:	
Class 2 - Commercial - 2 Axles	4.50
Class 3 - Commercial - 3 Axles	4.50
Class 4 - Commercial - 4 Axles	6.00
Class 5 - Commercial - 5 Axles	7.50
Class 6 - Commercial - 6 Axles	9.00

Each additional Axle: \$1.00

*Residential Commuter Permit Tolls payable by electronic toll collection only.

**Class 1 Tolls payable by electronic toll collection shall be discounted by \$.50.

Motor Vehicle Description determined by type of registration (Massachusetts vehicles) or by image and/or type of vehicle (non-Massachusetts vehicles).

- (2) Toll Lane. Each operator of a motor vehicle shall bring the motor vehicle to a complete stop at the toll lane unless the operator is an authorized user of the ETC system in accordance with 740 CMR 11.04 and is in compliance with all other requirements of 740 CMR 11.00 *et seq.* Each operator of a motor vehicle who is an authorized ETC account holder shall slow the motor vehicle to the posted speed through the toll lane.
- (3) Payment of Toll. Upon entering the toll lane, each operator shall pay the toll as established by the Authority to a toll officer or through the authorized use of the ETC system.
- (4) Toll Classification. Each motor vehicle displaying a private passenger registration number plate or a motorcycle displaying a motorcycle registration number plate shall pay the toll established by the Authority for a Private Passenger Motor Vehicle. Each motor vehicle which does not display a private passenger registration number plate or a motorcycle registration number plate shall pay the toll established by the Authority for a Commercial Motor Vehicle.
- (5) Resident Commuter Program. A resident of Chelsea or Charlestown may qualify for a Resident Commuter Permit under such conditions as may from time to time be established by the Authority.
- (6) Toll Evasion. No person may commit, or attempt to commit, any act with the intent to evade the payment of a toll or to defraud the Authority with respect to the payment of a toll. Refusal to pay a toll is considered to be an act done with intent to evade the toll.

11.04: Electronic Toll Collection

- (1) ETC System. The Authority from time to time establishes the terms and conditions governing the use of the ETC system and requires that account holders accept these terms and conditions.
- (2) Use of the ETC System. No person may use or attempt to use the Authority's ETC system or possess an electronic device that is issued for use with the ETC system unless:
 - (a) the person is duly registered with the Authority or its designated ETC contractor as an account holder;
 - (b) the person is operating an authorized ETC-equipped motor vehicle with the permission of the account holder of the ETC-equipped motor vehicle; or
 - (c) the person is using an electronic device of an electronic toll collection system of another jurisdiction that the Authority accepts for use in its ETC system.
- (3) Unauthorized Use of the ETC System. A motor vehicle which is not an authorized ETC-equipped motor vehicle shall stop and pay the toll as required by 740 CMR 11.04 and may not use the ETC System. A failure to stop at the toll lane by a non-ETC-equipped motor vehicle is considered to be an unauthorized use of the ETC.
- (4) Assessment of Toll. An ETC-equipped motor vehicle that passes through the Tobin Memorial Bridge toll plaza without paying a toll to the toll collector, incurs a toll in accordance with 740 CMR 11.04(1). The Authority assesses the appropriate toll charge against the corresponding account holder.

11.04: continued

- (5) Evasion of Toll by Device or Method. No person may use or attempt to use any device or method, the intended result of which is the inability of an ETC system to assess or collect the toll due under 740 CMR 11.04 or the non-payment of the toll.
- (6) Prima Facie Responsibility. The registered owner of the motor vehicle is *prima facie* responsible for the payment of the fines or penalties that the Authority assesses in accordance with 740 CMR 11.99 in respect to a violation of 740 CMR 11.04 or the nonpayment of the toll unless:
- (a) Stolen Vehicle. The registered owner has reported in a timely manner to a police agency that the violating vehicle has been stolen, and the violating vehicle remained stolen at the time of the violation of 740 CMR 11.04; or
- (b) Leased or Rented Vehicle. The registered owner is in the business of leasing or renting motor vehicles and provides a copy of a lease, rental or similar contract document indicating that the violating vehicle was leased or rented at the time of the violation and the identity, address and drivers license information of the person entitled to possession is discernible from the document, in which case that person is *prima facie* responsible for the payment of the fines or penalties that the Authority assesses in accordance with 740 CMR 11.00 *et seq.*

11.05: Vehicle Operations

- (1) General. The legislative Acts and Resolves of the General Court of Massachusetts relating to Motor Vehicles and the Registry of Motor Vehicles Regulations, including without limitation, M.G.L. c. 89, M.G.L. c. 90 and 540 CMR insofar as they are applicable to vehicular traffic on the Tobin Memorial Bridge, are hereby adopted by the Authority and shall be in full force and effect. Each Operator shall observe 740 CMR 11.00 *et seq.*, any rules and regulations hereafter promulgated by the Authority, the Authority's Management Directives and Executive Director's Memoranda. All rights, privileges, licenses and permits, express or implied, for the use of the Tobin Memorial Bridge by the Operator heretofore or hereafter granted by the Authority shall be deemed to be revocable; and each such right, privilege, license or permit shall, at the option of the Authority or its duly authorized representative, be deemed to be revoked and canceled by and upon the breach of any such rule or regulation or upon the violation of any applicable law or ordinance while upon said Tobin Memorial Bridge.
- (2) Order or Direction. Each operator of a motor vehicle on the Tobin Memorial Bridge shall comply at all times with any lawful order, signal or direction of a Bridge Official or Police Officer. When traffic upon the Tobin Memorial Bridge is controlled by traffic lights, signs, pavement markings or by mechanical or electrical signals, each operator shall obey such lights, signs, markings and signals unless a Bridge Official or Police Officer directs otherwise.
- (3) Prohibited Traffic. The Director may prohibit from the Tobin Memorial Bridge any motor vehicle which may endanger persons or property or to render the use of Tobin Memorial Bridge unsafe, subject to reasonable classification, and in conjunction with the national standards and guidelines developed by AASHTO or successor organization. The Director shall issue notice of any prohibitions or limitations prior to implementation through signposts on all roads immediately leading to the Tobin Memorial Bridge and shall publish said prohibitions or limitations on one or more occasions in daily newspapers of general distribution, unless emergency action is deemed to be required, in the sole discretion of the Authority.
- (4) Prohibited Vehicles.
- (a) Specific. No Person may operate the following motor vehicles on the Tobin Memorial Bridge unless the Director, at his/her sole discretion, has granted permission to cross the Tobin Memorial Bridge:
1. AASHTO Type H-20 Tractor - in excess of 20 tons.
 2. AASHTO Type 3 Tractor - in excess of 25 tons.
 3. AASHTO Type 3S2 Tractor - in excess of 36 tons.
 4. AASHTO Type HS20 Tractor - in excess of 36 tons.
 5. Motor vehicles which exceed the maximum width of 8' - 0".
 6. Motor vehicles that exceed the maximum height of 14' - 0".
 7. Motor vehicles with a metal, solid or deflated pneumatic tire; and motor vehicles with a tire in a worn or bald condition.

11.05: continued

8. Motor vehicles carrying Dangerous Articles as defined in 720 CMR 9.02.
9. Motor vehicles carrying Hazardous Materials as defined and listed in 49 CFR §§ 171 through 173, and 177.
- (b) General. No person may operate a motor vehicle on the Tobin Memorial Bridge unless it meets the following requirements:
 1. Each motor vehicle shall meet all requirements for brakes, directional signals, lights, safety devices and equipment as specified in M.G.L. c. 90.
 2. Each motor vehicle shall properly display a current valid inspection sticker pursuant to M.G.L. c. 90, § or the law of another jurisdiction in which the vehicle is registered as indicated by the number plate displayed by the vehicle.
 3. Each motor vehicle shall comply with the provisions of 49 CFR 325, 390 through 393, 395, 396 and 399, governing highway safety and noise emissions, which are incorporated by reference. Each operator shall conform to the requirements of 49 CFR 325, 390 through 393, 395, 396 and 399.
- (5) Prohibited Use of Way. The Authority prohibits the following on the Tobin Memorial Bridge:
 - (a) Hitch-hiking. No person may solicit a ride commonly known as “hitch-hiking” on the Tobin Memorial Bridge. No person shall loiter on the Tobin Memorial Bridge for any other unauthorized purpose.
 - (b) Trash. No person may throw or otherwise dispose of trash or personal property of any kind from a motor vehicle on the Tobin Memorial Bridge nor shall any other nuisance or disorderly conduct be committed on the Tobin Memorial Bridge. The Authority shall be entitled to reimbursement for the cost of removing trash or personal property improperly discarded and for the cost of responding to public nuisances.
 - (c) Designated Areas. No person may travel on any portion of the Tobin Memorial Bridge, except on the roads, walks or places expressly provided by the Authority with its permission. No person shall occupy these roads, walks or places in a manner that will hinder or obstruct the proper flow of vehicular traffic on the Tobin Memorial Bridge.
 - (d) Advertising, Solicitation. No person may advertise, solicit, sell or distribute any commodity or personal property of any kind on the Tobin Memorial Bridge without the prior written permission of the Authority.
 - (e) Propelled by Muscle Power. No person may operate a vehicle or device propelled, in whole or in part, by muscle power on the Tobin Memorial Bridge including without limitation, a bicycle, a vehicle drawn by a horse or other animal, a motorized bicycle, a moped, a motorized scooter.
 - (f) Properly Confined Animal. No person may travel on any portion of the Tobin Memorial Bridge with a horse or other animal not properly contained in an appropriate vehicle.
 - (g) Improper Loading. No person may operate a motor vehicle on any portion of the Tobin Memorial Bridge unless such motor vehicle is constructed or loaded so as to prevent any of its contents from dropping, shifting, leaking or otherwise escaping therefrom while traveling on the Tobin Memorial Bridge.
- (6) Direction of Traffic. All traffic on the ramps and roadway of the upper level of the Tobin Memorial Bridge shall proceed in a southwesterly direction only. All traffic on ramps and roadways of the lower level of the Tobin Memorial Bridge shall proceed in a northeasterly direction only. The Authority may, at its sole discretion, change the direction of the vehicular traffic on the Tobin Memorial Bridge upon giving advance notice to the traveling public.
- (7) In General: Reasonable Care; Not Driving so as to Endanger. Each operator shall exercise reasonable care to avoid or prevent injury or damage to Persons or property. No Person may operate a motor vehicle on the Tobin Memorial Bridge carelessly or negligently, or in disregard of the rights and safety of others, or in disregard of the posted speed limits, or in a manner so as to endanger persons or property.
- (8) Stopping or Parking. No operator may stop or park a motor vehicle on the Tobin Memorial Bridge except:
 - (a) when necessary to avoid injury to a person or damage to property;
 - (b) in compliance with the direction of a police officer or Bridge official; or
 - (c) when unable to proceed because of disability to the motor vehicle.

11.05: continued

(9) Removal of Vehicle. The Authority or a police officer may cause a stopped, parked or disabled motor vehicle to be removed from the Tobin Memorial Bridge if it is an impediment or hazard to vehicular traffic. Any motor vehicle so removed shall be removed, garaged or stored elsewhere at the risk and expense of the registered owner or operator.

(10) Driving Under the Influence. No person may operate a motor vehicle on the Tobin Memorial Bridge while under the influence of intoxicating liquor or controlled substances.

(11) Speeding. No person may operate a motor vehicle in excess of the posted speed limits on the Tobin Memorial Bridge.

(12) Emergency Vehicles. Upon the approach of a motor vehicle of a municipal fire or police department, the Authority, or any ambulance emitting an emergency audible or visual alarm signal, each operator shall proceed with caution, maneuvering so as to clear the way for said motor vehicle.

(13) In General: Compliance with M.G.L. chs. 89 and 90. In addition to complying with all regulations set forth above, each operator shall comply with all requirements M.G.L. chs. 89 and 90.

11.06: Violation Enforcement

(1) Enforcement. Notwithstanding the provisions of M.G.L. c. 90C, a violation clerk may enforce the provision of 740 CMR 11.00 *et seq.*

(2) Function of Violation Clerks. The violation clerks supervise and coordinate the processing of violation notices in accordance with 740 CMR 11.06. The violation clerks may, subject to the fiscal and managerial approval and oversight of the Authority, hire or designate such personnel and organize such divisions as the violation clerks may deem necessary, or contract for such services, in order to carry out the provisions of 740 CMR 11.06.

(3) Violation Notice. The violation notice includes, without limitation, the following information: the name of the registered owner of motor vehicle; the registration number of the vehicle; the state of issuance of such registration, date, time and place of the violation; the specific violation charged by reference to the appropriate section of 740 CMR 11.00; the applicable fines or penalties that the Authority has established; the name of the violation clerk and such other information as the Authority may deem necessary or appropriate. The violation notice states that the registered owner must pay the fine stated in the violation notice or appeal the violation within 21 calendar days after the date of the issuance of the violation notice and describes the means and content of the response for payment or appeal.

(4) Issuance of Violation Notice.

(a) Delivery of Violation Notice. A violation clerk issues and certifies the violation notice and sends the violation notice as soon as practicable by first class mail to the registered owner of the motor vehicle at the address of the registrant on record with the official in the state or other jurisdiction having charge of the registration of the vehicle.

(b) Prima Facie Evidence of Notice. Delivery by first class mail of a copy of the violation notice as specified in 740 CMR 11.06(4)(a) is sufficient notice of the violation. Certification of the violation notice by a violation clerk is *prima facie* evidence of the facts contained therein and is admissible in any administrative or judicial proceeding to adjudicate the liability for the violation.

(5) Payment or Appeal of Violation Notice. Within 21 calendar days after the date of the issuance of the violation notice, the registered owner to whom the violation notice is issued must make one of the following responses:

(a) Payment of Fine. The registered owner shall pay the fine as specified in the violation notice.

11.06: continued

(b) Appeal by Mail. The registered owner may, without waiving the right to a hearing before a violation clerk as provided by 740 CMR 11.06(5)(c) and also without waiving judicial review as provided by M.G.L. c. 30A, § 14, appeal a violation notice and receive a review and disposition of the violation from a violation clerk by mail. The appeal by mail must contain a signed statement from the registered owner explaining the basis for the appeal. The signed statement may be accompanied by signed statements from witnesses, police officers, government officials, or other relevant parties or photographs, diagrams, maps or other relevant documents that the registered owner determines to submit. Statements or materials sent to a violation clerk for review must have attached to them the name and address of the registered owner as well as the number of the violation notice and the date of the violation. All information submitted by the registered owner becomes part of the violation record. The violation clerk shall, within 60 days of receipt of such material, review the material and dismiss or uphold the violation and notify the registered owner of the disposition of the hearing in writing by mail. If the appeal by mail is denied, the violation clerk shall explain the reasons for the determination. The review and disposition handled by mail is informal, the rules of evidence do not apply, and the decision of the violation clerk is final subject to the hearing provisions provided by 740 CMR 2.04. and to judicial review as provided by M.G.L. c. 30A, § 14.

(c) Request for Hearing. Consistent with the provisions of M.G.L. c. 30A, a person issued a violation notice may make a written request for an appeal hearing before a violation clerk. A person making such a written request may have an appeal hearing in accordance with 740 CMR 2.04.

(d) Notwithstanding the provisions of 740 CMR 11.06, a violation of 740 CMR resulting in the issuance of a violation notice or citation by a police officer may be subject to the procedures that M.G.L. c. 90C provides.

(6) Failure to Comply. Failure to comply with the requirements of 740 CMR 11.06(5) shall result in the following sanctions against the registered owner.

(a) Additional Fines or Penalties. The Authority assesses the following additional fines or penalties for late payment, failure to pay, or for otherwise failing to respond to a violation notice as provided by 740 CMR 11.06(5).

1. Failure to Respond Within 21 Days After the Date of Issuance of a Violation. A registered owner who fails to pay the fine specified in a violation notice and who fails to appeal a violation notice as provided in 740 CMR 11.06(5) within 21 calendar days after the date of the issuance of the violation notice shall pay an additional penalty of \$5.00. The violation clerk notifies the registered owner by first class mail of this first notice of delinquency.

2. Failure to Respond to Notice of Delinquency. A registered owner who fails to respond to a violation notice as provided by 740 CMR 11.06(5) within 45 calendar days after the date of issuance of the violation notice shall pay an additional penalty of \$15.00. The violation clerk notifies the registered owner by first class mail of this final notice.

3. Failure to Respond to Final Notice. A registered owner who fails to respond to a violation notice as provided by 740 CMR 11.06(5) within 60 calendar days after the date of issuance of the violation notice shall pay an additional penalty of \$20.00. The violation clerk notifies the registered owner by first class mail of this notice of liability and, in addition, may take any other legal action until the matter has been disposed of in accordance with applicable law or regulation.

(b) Civil or Criminal Action. The Authority may pursue such civil or criminal action as it deems appropriate to collect the fine initially assessed in the violation notice as well as such additional fines or penalties as the Authority may assess in accordance with 740 CMR 11.06(6)(a).

(7) Confidentiality of ETC Records. The Authority shall maintain the confidentiality of all ETC information relative to account holders who participate in its ETC system including, but not limited to, photographs or other recorded images and credit and account data.

11.06: continued

(8) System Maintenance and Enforcement. Any electronic or other automated system of toll collection used by the Authority is regularly maintained to promote accurate and efficient determinations as to payment or evasion of tolls. Any violation notice based in whole or in part upon inspection of any photograph or other recorded image of a motor vehicle and the written certification by a violation clerk shall be *prima facie* evidence of the facts contained therein and shall be admissible in any administrative or judicial proceeding to adjudicate the liability for such violation.

11.99: Penalties for Violations

(1) Exemptions. 740 CMR 11.99 does not apply to, and the Authority does not impose a penalty with respect to, an operator of a motor vehicle acting in conformity with the direction of a toll collector or police officer, to the operator of a vehicle actually engaged in work on a way when the requirements of the work necessitates a departure from any of the requirements of 740 CMR 11.00 and the departure does not endanger the safety of individuals or property, or to a toll officer or police officer when engaged in the performance of duties that necessitates a departure from any of the requirements of 740 CMR 11.00, or to the operator of an official emergency vehicle when an emergency necessitates departure from any of the requirements of 740 CMR 11.00. These exemptions do not, however, relieve such an operator from other legal consequences of the operator's or individual's action.

(2) Prima Facie Responsibility for Violations. If a motor vehicle is operated on a way in violation of any provision of 740 CMR 11.00 or any other regulation or law of Massachusetts, and the identity of the operator of the motor vehicle cannot be determined, the person in whose name the motor vehicle is registered is deemed *prima facie* responsible for the violation except as otherwise provided with respect to the responsibility of an account holder under 740 CMR 11.04.

(3) Fines.

(a) Fines by Reference to Sections of 740 CMR 11.00. Whoever violates any provision of 740 CMR 11.00 is subject to a fine not exceeding the amount indicated below in addition to other penalties as the laws of Massachusetts or federal law may provide. The section and general subject matter headings are provided for convenience only and do not amend or in any way affect the substance of the provisions to which they refer.

1. A police officer may warn or fine an operator or person for violating a provision of 740 CMR 11.00 *et seq.* upon determination that the operator or person has violated one or more of the provisions of 740 CMR 11.00 *et seq.*
2. A violation of 740 CMR 11.03(3), 740 CMR 11.03(6), 740 CMR 11.04(3), or 740 CMR 11.04(5) shall be punished by a fine of \$100.00.
3. A violation of 740 CMR 11.05(4)(a) shall be punished by a fine of \$100.00.
4. A violation of 740 CMR 11.05(11) shall be punished by a fine of \$50.00. An additional fine of \$10.00 for each mile per hour in excess of ten miles per hour over the posted speed limit shall be assessed.
5. All other violations of 740 CMR *et seq.* shall be punished as follows:
 - a. First offense: warning or fine not to exceed \$50.00.
 - b. Second offense within 12 months of the first offense: fine not less than \$50 and not more than \$150.00.
 - c. Third or any subsequent offense within 12 months of the first offense: fine not less than \$150 and not more than \$250.00.

REGULATORY AUTHORITY

740 CMR 11.00: St. 1956, c. 465.