

# HOUSE . . . . . No. 24

---

So much of the recommendations of the Department of the State Treasurer (House, No. 23) as relates to civil violations of certain alcoholic beverage laws. Consumer Protection and Professional Licensure.

---

## The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court  
(2017-2018)

An Act relative to civil violations.

*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 2 of chapter 138 of the General Laws, as appearing in the 2014  
2 Official Edition, is hereby amended by inserting at the end thereof the following:-

3           “As an alternative to initiating criminal proceedings for violations sections 34, 34A, 34B,  
4 and 34C of chapter 138, any investigator of the commission may issue a civil citation for  
5 violations of said laws in the amount of the criminal fine provided for said violation, to be paid  
6 within 21 days of the date of issuance of such citation. Any person aggrieved by any citation  
7 issued pursuant to this section may appeal said citation by filing a notice of appeal with the  
8 commission within seven days of the receipt of the citation. Any such appellant shall be granted  
9 a hearing before the commission in accordance with chapter 30A. The commission may affirm,  
10 vacate or modify the citation. Any person aggrieved by a decision of the commission may file an  
11 appeal in superior court pursuant to the provisions of said chapter 30A. If a person fails to  
12 comply with the requirement set forth in any citation issued pursuant to this section, or shall fail  
13 to pay any civil penalty provided thereby within 21 days of the date of issuance of such citation,

14 or within 30 days following the decision of the commission if such citation has been appealed,  
15 excluding any time during which judicial review of the commission's decision remains pending,  
16 the commission may apply for a criminal complaint against such person for the violation, or may  
17 initiate a civil action in district court. All monies collected by the commission under said civil  
18 citations shall be credited to the general fund.".