

MASSACHUSETTS SUPREME JUDICIAL COURT

Police Department of Salem v. Sullivan

460 Mass. 637 (2011) · Decided September 21, 2011

SUMMARY

The Massachusetts Supreme Judicial Court held that filing fees imposed on individuals contesting civil motor vehicle infractions did not violate equal protection. The court also held that applying the fee requirement to a hearing requested before the statute's effective date did not violate the ex post facto clauses because the fee was civil and nonpunitive. The court affirmed denial of Sullivan's motion for a refund of the filing fees.

CASE DETAILS

COURT	Massachusetts Supreme Judicial Court
WRITING FOR THE COURT	Gants, J.
JURISDICTION	Massachusetts
DECIDED	September 21, 2011
DISPOSITION	affirmed
PROCEDURAL POSTURE	After being found responsible by a District Court clerk-magistrate for a civil motor vehicle infraction, Sullivan obtained a de novo hearing before a District Court judge and was found not responsible. The District Court denied his motion for a refund of filing fees, and the District Court appellate division affirmed. Sullivan appealed to the Appeals Court, and the Supreme Judicial Court transferred the appeal on its own motion.
STANDARD OF REVIEW	The court applied rational-basis review to the equal protection challenge because the filing-fee scheme did not burden a fundamental right or protected class. For the ex post facto claim, the court examined whether the challenged filing-fee statute was criminal or punitive in nature, including legislative intent and whether the statutory scheme was so punitive in purpose or effect as to negate its civil characterization.
PRECEDENTIAL VALUE	Published opinion; precedential Massachusetts Supreme Judicial Court decision
PARTIES	Ralph C. Sullivan v. Police Department of Salem

TOPICS

equal protection

ex post facto

rational basis review

appellate procedure

statutory interpretation

PRACTICE AREAS

constitutional law

civil procedure

appellate procedure

statutory interpretation

motor vehicle infractions

QUESTIONS PRESENTED

1. Whether requiring persons who contest noncriminal motor vehicle infractions to pay filing fees, while not requiring comparable fees for certain other civil infractions or paired civil and criminal violations, violated equal protection.
2. Whether applying the \$25 filing-fee requirement to a hearing requested before the statute's effective date violated the ex post facto clauses of the United States Constitution and the Massachusetts Declaration of Rights.

HOLDINGS

1. The filing fees imposed on persons who contest noncriminal motor vehicle infractions do not violate equal protection because the classification is rationally related to legitimate state interests, including offsetting the greater judicial resources required by the motor-vehicle-infraction process and deterring frivolous filings and appeals.
2. Applying the \$25 filing-fee requirement to Sullivan's post-effective-date hearing did not violate the ex post facto clauses because the fee was civil and nonpunitive rather than a criminal punishment or increased penalty for the underlying infraction.

KEY QUOTATIONS

“Where the Legislature provides greater process that imposes greater demands on the resources of the District Court, it is rational for the Legislature to impose filing fees, waivable where a litigant is indigent, to offset part of the additional cost of these judicial proceedings.” (460 Mass. at 642)

“The law challenged in this case, St. 2009, c. 27, § 73, merely assesses a filing fee for judicial review of an alleged motor vehicle infraction and is not criminal or punitive.” (460 Mass. at 645)

FACTUAL BACKGROUND

On April 30, 2009, Ralph C. Sullivan was cited and assessed a \$100 penalty for failing to stay within a marked lane. He requested a clerk-magistrate hearing before the July 1, 2009, effective date of a statute imposing a \$25 filing fee, paid that fee, and later paid an additional \$50 fee to appeal the clerk-magistrate's finding to a District Court judge. The judge found Sullivan not responsible, but the District Court denied his request for a refund of the fees.

PROCEDURAL HISTORY

Sullivan was cited for failing to stay within a marked lane. He paid a \$25 fee for a clerk-magistrate hearing and a \$50 fee to appeal to a District Court judge. Although the judge ultimately found him not responsible, the District Court denied a refund of the fees, and the appellate division affirmed. The Supreme Judicial Court affirmed after transfer from the Appeals Court.

DISPOSITION

affirmed

CASES CITED

- Carey v. New England Organ Bank, 446 Mass. 270, 285 (2006)
- Cottam v. CVS Pharmacy, 436 Mass. 316, 323 (2002)
- Murphy v. Commissioner of the Department of Industrial Accidents, 415 Mass. 218, 227 (1993)
- Cleburne v. Cleburne Living Center, Inc., 473 U.S. 432, 440 (1985)
- Fine v. Contributory Retirement Appeal Board, 401 Mass. 639, 641 (1987)
- Gillespie v. Northampton, 460 Mass. 148, 158-161 (2011)
- Ortwein v. Schwab, 410 U.S. 656, 660 (1973)
- Longval v. Superior Court Department of the Trial Court, 434 Mass. 718, 722-723 (2001)
- Paro v. Longwood Hospital, 373 Mass. 645, 651 (1977)
- Old Colony Railroad v. Assessors of Boston, 309 Mass. 439, 447 (1941)
- Lindsey v. Normet, 405 U.S. 56, 69-79 (1972)
- Commonwealth v. Barger, 402 Mass. 589, 590-591 (1988)
- Calder v. Bull, 3 U.S. (3 Dall.) 386, 390 (1798)
- Weaver v. Graham, 450 U.S. 24, 28 (1981)
- Dutil, petitioner, 437 Mass. 9, 19 (2002)
- Doris v. Police Commissioner of Boston, 374 Mass. 443, 450 (1978)
- Commonwealth v. Bruno, 432 Mass. 489, 500 (2000)
- Doe, Sex Offender Registry Board No. 10800 v. Sex Offender Registry Board, 459 Mass. 603, 619-620 (2011)
- Commonwealth v. Cory, 454 Mass. 559, 566 (2009)
- Kansas v. Hendricks, 521 U.S. 346, 361 (1997)
- United States v. Ward, 448 U.S. 242, 248-249 (1980)
- Bongaards v. Millen, 440 Mass. 10, 19 n.6 (2003)
- Matter of the Receivership of Harvard Pilgrim Health Care, Inc., 434 Mass. 51, 57 (2001)
- Hermanson v. Szafarowicz, 457 Mass. 39, 45 (2010)