

Not So Fast! A Class Action Is Not an Appropriate Vehicle to Avoid Your Speeding Ticket

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A federal court in Massachusetts recently denied class status for a group of individuals caught driving in the fast lane. Finding that the named plaintiff failed to demonstrate typicality and predominance, the District of Massachusetts denied certification of a class of plaintiffs who received speeding tickets under a Massachusetts regulation.

The plaintiff alleged that the Board of Selectmen of Hingham, Massachusetts, posted and enforced speed limit signs without complying with standardized procedures necessary to make the signs legally enforceable. He argued that the municipality failed to conduct a traffic engineering study and issue a “special speed regulation” as required by Massachusetts law. He sought to certify a class of persons who received speeding tickets for violating any speed limit signs for which no such regulation was issued.

The court denied class certification because the plaintiff failed to establish typicality and predominance. On typicality, it held that the plaintiff’s claim was not typical of the claims of other putative class members who received speeding citations at locations other than the location where the plaintiff received his citation. The court explained that “the class includes individuals cited on 25 separate roadways under different speed limit signs subject to different erection and endorsement proceedings which, in turn, evidence (or do not evidence) each sign’s illegal[lity].” Thus, the plaintiff’s pursuit of his claim would not “advance the interests of the putative class members challenging different speed limit signs posted at different times on different roadways and supported, if at all, by a speed study.”

The court found predominance to be lacking for a similar reason. Because the putative class members were cited on different roadways and subject to different speed limit signs, the “only way to establish defendants’ liability to each class member would be to examine each [sign] individually, given that each sign’s legality requires a separate and independent engineering study.” The court also noted that additional individualized inquiries existed. Under Massachusetts law, in certain designated areas, a fallback speed limit rule applies even if the posted speed limit sign is unauthorized. The fallback provision, applicable in school zones, business districts, and thickly settled areas, provides that where a speed limit sign is unenforceable, a driver must drive at a speed

that is “reasonable and proper.” Hence, the defendants would have had authority to issue a citation to putative class members driving in such areas at a rate that was not reasonable and proper, even if the speed limit sign in the area was unenforceable. But individualized proof would be required to establish whether a given putative class member’s rate of speed in such a circumstance was reasonable and proper.

Notably, this case constitutes at least the fourth time a plaintiff had to pump the brakes on a [challenge to Massachusetts’ speed limit signs](#). All prior attempts were dismissed.

[*Belezos v. Bd. of Selectmen of Hingham*](#), No. 1:17-cv-12570 (D. Mass. Nov. 27, 2019).

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