

By Mr. LeBlanc of New Bedford, petition of J. Louis LeBlanc that provision be made for certificates of title for motor vehicles. Public Safety.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Sixty-Nine.

AN ACT PROVIDING FOR CERTIFICATES OF TITLE FOR MOTOR VEHICLES.

*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 2 of chapter 90 of the General Laws is hereby  
2 amended by inserting after section 2 the following sec-  
3 tions:—

4 *Section 2A.* No person, except as provided in these sections  
5 of chapter ninety shall sell or otherwise dispose of a motor  
6 vehicle without delivering to the purchaser or transferee  
7 thereof a certificate of title with such assignment thereon as  
8 is necessary to show title in the purchaser; nor shall any  
9 person purchase or otherwise acquire a motor vehicle without  
10 obtaining a certificate of title for it in his name in accordance  
11 with these sections of chapter ninety.

12 *Section 2B.* No person acquiring a motor vehicle from the  
13 owner thereof, whether such owner is a manufacturer, im-  
14 porter, dealer, or otherwise, shall acquire any right, title,  
15 claim, or interest in or to said motor vehicle until such person  
16 has had issued to him a certificate of title to said motor  
17 vehicle, or delivered to him a manufacturer's or importer's  
18 certificate for it; nor shall any waiver or estoppel operate in  
19 favor of such person against a person having possession of  
20 such certificate of title, or manufacturer's or importer's certi-  
21 cate for said motor vehicle, for a valuable consideration.

22 No court in any case at law or in equity shall recognize the  
23 right, title, claim, or interest of any person in or to any motor  
24 vehicle sold or disposed of, or mortgaged or encumbered,  
25 unless evidenced:

26 (a) By a certificate of title or a manufacturer's or import-  
27 er's certificate issued in accordance with these sections of  
28 chapter ninety.

29 (b) By admission in the pleadings or stipulation of the  
30 parties.

31 *Section 2C.* No manufacturer, importer, dealer, or other  
32 person shall sell or otherwise dispose of a new motor vehicle  
33 to a dealer to be used by such dealer for purposes of display  
34 and resale, without delivering to such dealer a manufacturer's  
35 or importer's certificate executed in accordance with these  
36 sections of chapter ninety, and with such assignments thereon  
37 as are necessary to show title in the purchaser thereof. No  
38 dealer shall purchase or acquire a new motor vehicle without  
39 obtaining from the seller thereof such manufacturer's or  
40 importer's certificate.

41 *Section 2D.* The registrar of motor vehicles shall issue  
42 certificates of title in triplicate. One copy shall be retained  
43 and filed by him at his office; one copy shall be delivered to  
44 the place where any lien is recorded, and the third goes to the  
45 owner of the car. The registrar shall assign numbers to the  
46 certificates of title, and shall file all certificates of title  
47 according to regulations prescribed by him, and the registrar  
48 shall maintain in his office indexes for such certificates of  
49 title.

50 *Section 2E.* The registrar need not retain on file any bill of  
51 sale or duplicate thereof covering any motor vehicle for a  
52 period longer than seven years after the date of its filing;  
53 thereafter such bill of sale or duplicate may be destroyed.

54 The registrar need not retain on file any certificates of title,  
55 duplicate certificates of title, memorandum certificates of  
56 title, or supporting evidence thereof covering any motor  
57 vehicle or house trailer for a period longer than ten years  
58 after the date of its filing; thereafter the same may be  
59 destroyed. The registrar may issue a duplicate title, when  
60 duly applied for of any title that has been destroyed as herein  
61 provided.

62 *Section 2F.* The registrar shall charge a fee of fifty cents for  
63 each memorandum certificate and one dollar for each certified  
64 copy of a certificate of title. Such fees shall be retained by the  
65 registry.

66 In addition to such fees, the registrar shall charge a fee of  
67 one dollar for each certificate of title, and a fee of sixty cents  
68 for each notation of any lien on a certificate of title. The  
69 registrar shall retain seventy-five cents of the one dollar  
70 charged for each certificate of title, and thirty cents of the  
71 sixty-cents charged for each notation of lien. The remaining  
72 twenty-five cents charged for the certificate of title and the  
73 remaining thirty cents charged for the notation of any lien on  
74 a certificate of title shall be paid to the registrar of motor  
75 vehicles by monthly returns, which shall be forwarded to the  
76 registrar not later than the fifth day of the month next  
77 succeeding that in which the certificate is forwarded, or that  
78 in which the registrar is notified of a lien or cancellation  
79 thereof.

80 *Section 2G.* In the event of the transfer of ownership of a  
81 motor vehicle by operation of law, as upon inheritance, devise  
82 or bequest, order in bankruptcy, insolvency, replevin, or  
83 execution sale, or whenever the engine of a motor vehicle is  
84 replaced by another engine, or whenever a motor vehicle is  
85 sold to satisfy storage or repair charges, or repossession is had  
86 upon default in performance of the terms of a security  
87 agreement as provided in a section in chapter ninety in which  
88 the last certificate of title to said motor vehicle was issued,  
89 upon the surrender of the prior certificate of title or the  
90 manufacturer's or importer's certificate, or, when that is not  
91 possible, upon presentation of satisfactory proof to the regis-  
92 trar of ownership and rights of possession to such motor  
93 vehicle, and upon payment of the fee prescribed in a section  
94 in chapter ninety and presentation of an application for  
95 certificate of title, may issue to the applicant a certificate of  
96 title to such motor vehicle. Only an affidavit by the person or  
97 agent of the person to whom possession of such motor vehicle  
98 has passed, setting forth the facts entitling him to such  
99 possession and ownership, together with a copy of the journal  
100 entry, court order, or instrument upon which such claim of  
101 possession and ownership is founded, is satisfactory proof of  
102 ownership and right of possession. If the applicant cannot  
103 produce such proof of ownership, he may apply directly to  
104 the registrar of motor vehicles and submit such evidence as  
105 such applicant has, and the registrar may thereupon, if he

106 finds the evidence sufficient, authorize the clerk to issue a  
107 certificate of title. If, from the records in the office of said  
108 registrar, there appears to be any lien on said motor vehicle,  
109 such certificate of title shall contain a statement of said lien  
110 unless such application is accompanied by proper evidence of  
111 its extinction.

112 *Section 2H.* Each owner of a motor vehicle and each person  
113 mentioned as owner in the last certificate of title, when such  
114 motor vehicle is dismantled, destroyed, or changed in such  
115 manner that it loses its character as a motor vehicle, or  
116 changed in such manner that it is not the motor vehicle  
117 described in the certificate of title, shall surrender his  
118 certificate of title to the registrar who issued it, and there-  
119 upon said registrar shall, with the consent of any holders of  
120 any liens noted thereon, enter a cancellation upon his rec-  
121 ords.

122 Upon the cancellation of a certificate of title in the manner  
123 prescribed by this section, the registrar may cancel and  
124 destroy all certificates and all memorandum certificates in  
125 that chain of title.

126 *Section 2I.* In the event of a lost or destroyed certificate of  
127 title, application shall be made to the registrar by the owner  
128 of said motor vehicle, or the holder of a lien thereon, for a  
129 certified copy of such certificate upon a form and accompa-  
130 nied by the fee prescribed by section two of chapter ninety.  
131 Such application shall be signed and sworn to by the person  
132 making the same. Thereupon the registrar shall issue a  
133 certified copy of said certificate of title to the person entitled  
134 to receive it under these sections of chapter ninety. Said  
135 certified copy shall be plainly marked across its face with the  
136 word "duplicate" and any subsequent purchaser of said motor  
137 vehicle in the chain of title originating through such certified  
138 copy acquires only such rights in the motor vehicle as the  
139 original holder of said certified copy himself had. Any pur-  
140 chaser of said motor vehicle may at the time of purchase  
141 require the seller of same to indemnify him and all subse-  
142 quent purchasers of said motor vehicle against any loss which  
143 he or they may suffer by reason of any claim presented upon  
144 the original certificate. In the event of the recovery of the

145 original certificate of title by said owner, he shall forthwith  
146 surrender same to the registrar for cancellation.

147 *Section 2J.* The registrar of motor vehicles, upon the  
148 application of any person and payment of the proper fees,  
149 may prepare and furnish lists containing title information in  
150 such form and subject to such territorial division or other  
151 classification as he may direct. The registrar may search the  
152 records of the bureau of motor vehicles and make reports  
153 thereof, and make photographic copies of the bureau records  
154 and attestations thereof.

155 Fees therefor shall be charged and collected as follows:

156 (a) For lists containing three thousand titles or more,  
157 twenty-five dollars per thousand or part thereof.

158 (b) For searches of the records and written reports thereof,  
159 fifty cents for each name, number, or fact reported on.

160 (c) For photographic copies of records and attestations  
161 thereof, under the signature and seal of the registrar, one  
162 dollar and fifty cents per copy.

163 Such copies shall be taken as prima-facie evidence of the  
164 facts therein stated, in any court of the state. The registrar  
165 and the clerk of the court of common pleas shall furnish  
166 information on any title without charge to state highway  
167 patrolmen, sheriffs, or chiefs of police.

168 *Section 2K.* Manufacturers and importers shall appoint  
169 and authorize agents who shall sign manufacturer's or  
170 importer's certificates. The registrar of motor vehicles may  
171 require that a certified copy of a list containing the names  
172 and the facsimile signatures of the authorized agents be  
173 furnished him and be forwarded to him, and the registrar  
174 may prescribe the form of authorization to be used by  
175 manufacturers or importers and the method of certification of  
176 the names of said agents.

177 *Section 2L.* Every sheriff, chief of police, constable, state  
178 highway patrolman, or designated officer of the department  
179 of highway safety, having knowledge of a stolen motor  
180 vehicle, shall immediately furnish the registrar of motor  
181 vehicles with full information concerning such theft.

182 The registrar, whenever he receives a report of the theft or  
183 conversion of a motor vehicle, whether the same has been  
184 registered or not and whether owned in this or any other

185 state, shall make a distinctive record thereof, including the  
186 make of the stolen vehicle and its manufacturer's serial  
187 number or motor number, and shall file the same in the  
188 numerical order of the manufacturer's serial number or motor  
189 number with the index records of the vehicles of such make.  
190 The registrar shall prepare a report listing motor vehicles  
191 stolen and recovered as disclosed by the reports submitted to  
192 him, to be distributed as he deems advisable.

193 In the event the registrar receives a copy of a certificate of  
194 title to such motor vehicle, the registrar shall immediately  
195 notify the rightful owner thereof, and if, upon investigation,  
196 it appears that such certificate of title was improperly issued,  
197 the registrar shall immediately cancel same.

198 In the event of the recovery of a stolen or converted motor  
199 vehicle, the owner shall immediately notify the registrar, who  
200 shall remove the record of the theft or conversion from his  
201 file.

202 *Section 2M.* No person shall:

203 (a) Operate in this state a motor vehicle for which a  
204 certificate of title is required without having such certificate  
205 in accordance with these sections of chapter ninety, or upon  
206 which the certificate of title has been cancelled;

207 (b) Display or display for sale or sell as a dealer or acting  
208 on behalf of a dealer, a motor vehicle without having  
209 obtained a manufacturer's or importer's certificate or a cer-  
210 tificate of title therefor as provided in these sections of  
211 chapter ninety.

212 (c) Fail to surrender any certificate of title or any certifi-  
213 cate of registration or license plates upon cancellation of the  
214 same by the registrar of motor vehicles and notice thereof  
215 as prescribed in these sections of chapter ninety.

216 (d) Fail to surrender the certificate of title to the registrar  
217 as provided in these sections of chapter ninety, in case of the  
218 destruction or dismantling or change of a motor vehicle in  
219 such respect that it is not the motor vehicle described in the  
220 certificate of title;

221 (e) Violate these sections of chapter ninety for which no  
222 penalty is otherwise provided, or any lawful rules or regula-  
223 tions promulgated pursuant to such sections.

224 (f) This section of chapter ninety does not apply to persons  
225 engaged in the business of warehousing or transporting motor  
226 vehicles for the purpose of salvage disposition.

227 *Section 2N.* No person shall:

228 (a) Alter or forge any certificate of title, or manufacturer's  
229 or importer's certificate to a motor vehicle, or any assignment  
230 of either, or any cancellation of any lien on a motor vehi-  
231 cle;

232 (b) Hold or use such certificate or assignment or cancel-  
233 lation knowing the same to have been altered or forged;

234 (c) Procure or attempt to procure a certificate of title to a  
235 motor vehicle, or pass or attempt to pass a certificate of title  
236 or any assignment thereof to a motor vehicle, knowing or  
237 having reason to believe that such motor vehicle has been  
238 stolen;

239 (d) Sell or offer for sale in this state a motor vehicle on  
240 which the motor number or manufacturer's serial number has  
241 been destroyed, removed, covered, altered or defaced with  
242 knowledge of such destruction, removal, covering, alteration,  
243 or defacement of said motor number or manufacturer's serial  
244 number;

245 (e) Use a false or fictitious name or give a false or fictitious  
246 address or make any false statement in any application or  
247 affidavit required under these sections of chapter ninety, or in  
248 a bill of sale or sworn statement of ownership, or otherwise  
249 commit a fraud in any application;

250 (f) Purport to sell or transfer a motor vehicle without  
251 delivering to the purchaser or transferee thereof a certificate  
252 of title, of a manufacturer's or importer's certificate thereto,  
253 assigned to such purchaser as provided for in such sections.

254 *Section 2O.* (a) Whoever violates these sections two M or  
255 two N of chapter ninety shall be fined not more than two  
256 hundred dollars or imprisoned not more than ninety days or  
257 both.

258 (b) Whoever violates these sections two M or two N of  
259 chapter ninety shall be fined not more than one thousand  
260 dollars or imprisoned in the house of correction for not more  
261 than two and one-half years, or by imprisonment in the state  
262 prison for not more than five years.

1820 - The first of the year was a very dry one, and the  
 1821 - The second of the year was a very wet one, and the  
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 1850 - The thirty-first of the year was a very dry one, and the