

HOUSE No. 5388

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 3, 1978.

The committee on Commerce and Labor, to whom was referred the petition (accompanied by bill, House, No. 5300) of Vincent J. Piro for legislation to prohibit the resale or reregistration of motor vehicles classified as total losses due to flood damage, report recommending that the accompanying bill (House, No. 5388) ought to pass.

For the committee,

RICHARD H. DEMERS.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Eight.

AN ACT FURTHER REGULATING THE DISPOSITION OF MOTOR VEHICLES WHICH HAVE BEEN SUBMERGED IN WATER AND OTHERWISE DAMAGED.

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 20 of Chapter ninety D of the General
2 Laws is hereby amended by striking out said section and inserting
3 in place thereof the following paragraph:

4 "20. *Cancellation of certificate of title: submergence and other*
5 *casualty.*

6 (a) No interest in a motor vehicle which has been submerged in
7 water may be sold or transferred nor may such a motor vehicle be
8 dismantled and its parts used for any purpose other than scrap.
9 The owner of a motor vehicle which has been submerged in water
10 shall cause the vehicle to be destroyed and shall, simultaneously
11 therewith, in accordance with rules and regulations which the
12 registrar shall prescribe, advise the registrar of the name and
13 address of the person to whom the vehicle was delivered for
14 destruction and deliver the certificate of title to such motor vehicle
15 and the vehicle identification number plate from such motor
16 vehicle to the registrar who shall cause the same to be cancelled. An
17 insurance company which, under the terms of a policy of insurance
18 issued by it insuring a motor vehicle against the risk of flood or
19 submergence in water, pays the loss and, by reason thereof,
20 acquires an interest in or possession of such submerged vehicle,
21 shall, within ten days from the date on which such loss is paid,
22 cause the motor vehicle to be destroyed and, simultaneously
23 therewith in accordance with rules and regulations which the
24 registrar shall prescribe, advise the registrar of the name and
25 address of the person to whom such vehicle was delivered for
26 destruction and deliver the certificate of title to such motor vehicle
27 and the vehicle identification number plate of such motor vehicle
28 to the registrar for cancellation.

29 (b) No interest in a motor vehicle which has been destroyed or
30 damaged by accident, collision, fire or other casualty (other than
31 submergence in water) to the extent that the insurance company
32 which has insured it against such risks of such loss has, under the
33 terms of the policy of insurance issued by it, declared or
34 determined such loss to be a total loss, may be sold or transferred
35 to any person for any purpose other than parts salvage or scrap. An
36 insurance company which pays such loss and, by reason of such
37 payment, acquires an interest in or possession of such motor
38 vehicle shall, in accordance with rules and regulations which the
39 registrar shall prescribe, advise the registrar of the name and
40 address of the person to whom such vehicle was delivered for
41 dismantling for parts salvage and deliver the certificate of title and
42 the vehicle identification number plate to the registrar for
43 cancellation.

44 (c) No certificate of title or vehicle identification number plate
45 cancelled by the registrar under the provisions of this section may
46 be reissued. The registrar shall file and retain every cancelled
47 certificate of title and surrendered vehicle identification number
48 plate together with the name and address of the person to whom
49 the motor vehicle was delivered for destruction or parts salvage for
50 five years, the file to be maintained so as to permit the tracing of the
51 title of the vehicle designated therein.

52 (d) No person shall accept delivery of a motor vehicle for
53 destruction or dismantling for parts salvage unless a certificate has
54 been issued by the registrar on a form prescribed by him stating
55 that the certificate of title and vehicle identification number plate
56 of the motor vehicle delivered for destruction or such dismantling
57 has been cancelled by the registrar. Every person engaged in the
58 business of destroying motor vehicles for scrap or dismantling
59 motor vehicles for parts salvage in the Commonwealth shall
60 maintain a record in a form prescribed by the registrar in which he
61 shall record the vehicle identification number of every vehicle
62 received by him for such destruction or dismantling, a description
63 of the motor vehicle, the name and address of the person from
64 whom it was acquired, the date on which it was acquired, the date
65 on which it was destroyed or dismantled for parts salvage and a
66 copy of the certificate issued under this subsection (d).

1 SECTION 2. Section 3 of Chapter ninety of the General Laws
2 is hereby amended by adding at the end thereof the following:

3 "No motor vehicle which has been submerged in water or which
4 has been declared or determined a total loss as a result of accident,
5 collision, fire or other casualty (other than flood or submergence in
6 water) by the insurance company insuring it against such risks of
7 loss may be registered or operated on the highways of the
8 Commonwealth."