

By Mr. Boverini, a petition (accompanied by bill, Senate, No. 1187) of Walter J. Boverini for legislation to require a certificate of title for the transfer of titled motor boats to be issued by the Division of Marine and Recreational Vehicles. Public Safety.

**The Commonwealth of Massachusetts**

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

AN ACT REQUIRING A CERTIFICATE OF TITLE FOR THE TRANSFER OF TITLED MOTOR BOATS TO BE ISSUED BY THE DIVISION OF MARINE AND RECREATIONAL 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 1. Chapter 90B of the General Laws, as appearing  
2 in the 1985 Official Edition, is hereby amended by adding after  
3 Section 35, the following new section: —

4 Section 36. (a) Ownership of a titled motor boat shall be  
5 evidenced by a certificate of title issued by the Division or, if new,  
6 by a manufacturer's or importer's certificate on a form prescribed  
7 by the Division. Ownership of any other vessel may but need not  
8 be evidenced by a certificate of title, or, if new, by a manufacturer's  
9 or importer's certificate.

10 (b) No person may sell, assign, transfer, or otherwise dispose  
11 of an interest in a titled motorboat without (1) delivering to the  
12 transferee a certificate of title in the name of the transfer or  
13 properly endorsed to show the transfer, or (2) if the transferee is  
14 not a manufacturer or dealer and the titled motorboat is new,  
15 delivering to the Division a manufacturer's or importer's  
16 certificate showing the endorsement of the manufacturer and all  
17 intervening owners, or (3) if the transferee is a manufacturer or  
18 dealer and the titled motorboat is new, delivering to the transferee  
19 a manufacturer's or importer's certificate showing the endorse-  
20 ment of the manufacturer and all intervening owners, or (4) if the  
21 titled motorboat is not covered by a certificate of title or

22 manufacturer's or importer's certificate, delivering to the Division  
23 or to the transferee sufficient evidence of title and other  
24 information so that a certificate of title will be issued thereto to  
25 the transferee. No person shall acquire an interest in a titled  
26 motorboat until a certificate of title to the titled motorboat has  
27 been issued in the name of such person, or if such person is a dealer  
28 or manufacturer and the titled motorboat is new, until the  
29 manufacturer's or importer's certificate is properly endorsed  
30 showing the signature of the manufacturer and all intervening  
31 owners.

32 (c) Except as provided in subsection (f) of this section, all liens,  
33 encumbrances, and security interests in a titled motorboat created  
34 after the effective date of this section shall (i) be noted on the  
35 certificate of title pertaining to such titled motorboat, (ii) take  
36 priority over later noted security interests and (iii) take priority  
37 over other general creditors of the owner of the titled motorboat  
38 or subsequent purchasers thereof, and holders of unnoted liens  
39 or security interests thereon.

40 (d) Application for a certificate of title shall be made to the  
41 Division on forms it prescribes showing, among other items, the  
42 name and address of the owner, a description of the title  
43 motorboat (including, as appropriate, its manufacturer's or  
44 builder's number, hull identification number (HIN), motor  
45 number, outdrive number, horsepower, name and address of  
46 purchaser and date of purchase, name and address of any holder  
47 of a security interest, and such other information as the Division  
48 may prescribe. The application shall be accompanied by the  
49 prescribed fee and by such evidence as the Division shall  
50 reasonably require to establish that the applicant or other person  
51 is entitled to a certificate of title or a noted security interest. Such  
52 evidence may include a certificate of title issued by another state  
53 or jurisdiction, manufacturer's or importer's certificate, bill of  
54 sale, assignment, contract, promissory note, security agreement,  
55 invoice, bill of lading, affidavit, probate or heirship proceedings  
56 or information, judgment of a court of competent jurisdiction, or  
57 other documents. Every manufacturer or dealer selling or  
58 exchanging a titled motorboat to a person not a manufacturer or  
59 dealer shall make application for a certificate of title in the name

60 of the purchaser or transferee. In all other cases the purchaser shall  
61 make the application for a certificate of title. The application shall  
62 be made within twenty days after the date of sale of the titled  
63 motorboat. If a dealer acquires a titled motorboat for which a  
64 then currently valid certificate of title is issued, the dealer need  
65 not secure a certificate of title in his name, but may apply for a  
66 certificate of title in the name of the person, other than another  
67 dealer, to whom he subsequently sells or otherwise transfers the  
68 titled motorboat, submitting the certificate of title with an  
69 appropriate assignment endorsement.

70 (e) The certificate of title issued by the Division shall contain  
71 the name and address of the owner of the titled motorboat, the  
72 name of each holder of any security interest therein, a description  
73 of the titled motorboat, and shall be in a form prescribed by the  
74 Division. If there is no security interest held in the titled  
75 motorboat, the original certificate of title, marked, "Original,"  
76 shall be delivered to the owner and a copy retained by the Division.  
77 If there is a security interest held, the original certificate marked  
78 "Original," shall be sent to the first lien holder and the duplicate  
79 original, marked "Duplicate Original," shall be delivered to the  
80 owner and a copy retained by the Division. Title may be  
81 transferred only by surrender of the "Original" certificate of title  
82 properly endorsed to show the transfer.

83 (f) The manufacturer's or importer's certificate shall include the  
84 information required by subsection (d) hereof for certificates of  
85 title, shall certify to the manufacturer or other origin of the titled  
86 motorboat, shall be signed by the manufacturer or the equivalent  
87 thereof, and shall show thereon the endorsement of the original  
88 and each subsequent transferee thereof including the applicant for  
89 the certificate of title. No lien, encumbrance, or security interest  
90 or security agreement shall be shown thereon. Any security  
91 interest, encumbrance or other lien may be perfected as provided  
92 by Chapter one hundred and six of the General Laws prior to the  
93 issuance of a certificate of title.

94 (g) The provisions of subsections (d), (e), and (f) hereof shall  
95 apply to the issuance of certificates of title or manufacturer's or  
96 importer's certificates for those vessels for which a certificate of  
97 title or a manufacturer's or importer's certificate may but need  
98 not be issued under subsection (a) hereof.

99 (h) A certificate of title shall be required as proof of ownership  
100 of a titled motorboat on an application for registration as required  
101 by this chapter unless a certificate of title has not otherwise been  
102 required by the terms of this section. A certificate of title may be  
103 cancelled by the Division after a hearing and for a cause.

104 (i) The provisions of this section shall not apply to vessels with  
105 a valid marine document issued by the Bureau of Customs of the  
106 United States or any federal agency successor thereto.

107 (j) (1) If ownership of a titled motorboat is transferred by opera-  
108 tion of law, such as inheritance, order in bankruptcy, insolvency,  
109 replevin, or execution sale, the transferee, within thirty days after  
110 acquiring the right to possession of the titled motorboat by  
111 operation of law, shall provide to the Division such proof of the  
112 right of possession as the Division requires, together with an  
113 application for a new certificate of title and the required fee.

114 (2) If a lien holder repossesses a titled motorboat by operation  
115 of law and holds it for resale, such person shall secure a new  
116 certificate of title and shall pay the required fee.

117 (k) The fees for the issuance of certificates of title and the  
118 notation of a security interest or other lien or encumbrance shall  
119 be established by the Secretary of Administration and Finance.

120 (l) For purposes of this section the following terms shall have  
121 the following meanings:

122 "Titled Motorboat" means any vessel of fourteen feet or greater  
123 in length propelled or designed to be propelled by machinery,  
124 whether or not such machinery is permanently or temporarily  
125 affixed or is the principal source of propulsion.

126 "Dealer" means a person, firm, corporation, or entity engaged  
127 in the business of buying, selling, or exchanging titled motorboats  
128 at an established or permanent place of business in this  
129 Commonwealth, and that at each such place maintains: (1) a sign  
130 conspicuously displayed showing the name of the dealership so  
131 that it may be located by the public and (2) sufficient space for  
132 an office and display of products.

133 "Manufacturer" means any person, firm, corporation, or entity  
134 engaged in the business of manufacturing new titled motorboats  
135 for the purpose of sale or trade.

136 "New" when used to describe a title motorboat means every  
137 titled motorboat after its manufacture and prior to its sale or

138 transfer to a person not a manufacturer or dealer as evidenced  
139 by the issuance of a certificate of title for such titled motorboat.

1 SECTION 2. The director of the Division of Law Enforcement  
2 shall have authority to promulgate rules and regulations to  
3 implement this act, including without limitation, to delay, in  
4 whole or in part, the date of implementation hereof established  
5 by Section 3. Any such delay in implementation shall be reported  
6 in writing to the House and Senate Committees on Ways and  
7 Means within ten days stating in such report the reason or reasons  
8 therefor.

1 SECTION 3. Section 1 hereof shall take effect as of January  
2 1991.



1. The purpose of this document is to provide a comprehensive overview of the project's objectives and scope. It is intended for the use of all project stakeholders and serves as a reference point for the project's direction and goals.

2. Project Objectives and Scope

The primary objective of this project is to develop a robust and scalable system that meets the needs of our users. The scope of the project includes the design, development, testing, and deployment of the system, as well as ongoing maintenance and support.

The project will be managed using a structured approach, with regular communication and reporting to ensure transparency and accountability. The project team is committed to delivering high-quality results on time and within budget.

The project team consists of experienced professionals with a proven track record in project management and system development. We are confident in our ability to successfully complete this project and deliver a solution that meets our needs.

The project budget is well-defined and includes all necessary resources and materials. We are committed to maintaining financial discipline and ensuring that the project remains on track. Regular budget reviews will be conducted to monitor progress and address any potential issues.

The project timeline is clearly defined, with key milestones and deadlines. We will adhere to this schedule and provide regular updates on the project's progress. Any changes to the timeline will be communicated promptly and approved by the project sponsor.

In conclusion, this project is a critical component of our strategic vision. We are committed to its success and will continue to work hard to deliver a high-quality solution that meets our needs and exceeds our expectations.

