

The Commonwealth of Massachusetts

House of Representatives, March 2, 1970

The Committee on Insurance, to whom was referred so much of the interim report of the special commission (under Chapter 97 of the Resolves of 1968 and most recently revived and continued by Chapter 5 of the Resolves of 1969) relative to compulsory basic protection insurance for all registered motor vehicles and amending and repealing laws related thereto and certain other matters related to motor vehicle liability insurance House, No. 5046) as relates to providing for the establishment of the uniform motor vehicle certificate of title and anti-theft act (App. E), report the accompanying bill (House, No. 5117) [Senator Randall, and Representative Greenberg of Pittsfield, dissenting].

For the Committee

EDWARD J. DEVER, JR.

The Commonwealth of Massachusetts

IN THE YEAR ONE THOUSAND NINE HUNDRED AND SEVENTY.

AN ACT PROVIDING FOR THE ESTABLISHMENT OF THE
UNIFORM MOTOR VEHICLE CERTIFICATE OF TITLE AND
ANTI-THEFT ACT.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1.

7 *Section 1. Definitions.* – Except when the context
8 otherwise requires, as used in this chapter:

9 (a) "Dealer", means a person engaged in the business of
10 buying, selling, or exchanging vehicles who has an estab-
11 lished place of business in this state.

12 (b) "Registrar", means the registrar of motor vehicles or
13 his duly authorized agents.

14 (c) "Identifying number", means the numbers, and
15 letters if any, on a vehicle designated by the registrar for
16 the purpose of identifying the vehicle.

17 (d) "Implement of husbandry", means a vehicle designed
18 and adapted exclusively for agricultural, horticultural or
19 livestock raising operations or for lifting or carrying an
20 implement of husbandry and in either case not subject to
21 registration if used upon the highways.

22 (e) "Lienholder", means a person holding a security
23 interest in a vehicle.

24 (f) To "mail", means to deposit in the United States
25 mail properly addressed and with postage prepaid.

26 (g) "Owner", means a person, other than a lienholder,
27 having the property in or title to a vehicle. The term
28 includes a person entitled to the use and possession of a
29 vehicle subject to a security interest in another person, but
30 excludes a lessee under a lease not intended as security.

31 (h) "Person", means a natural person, firm, co-partner-
32 ship, association or corporation.

33 (i) "Security agreement", means a written agreement
34 which reserves or creates a security interest.

35 (j) "Security interest", means an interest in a vehicle
36 reserved or created by agreement and which secures
37 payment or performance of an obligation. The term
38 includes the interest of a lessor under a lease intended as
39 security. A security interest is "perfected" when it is valid
40 against third parties generally, subject only to specific
41 statutory exceptions.

42 (k) "Special mobile equipment", means a vehicle not
43 designed for the transportation of persons or property
44 upon a highway and only incidentally operated or moved
45 over a highway, including but not limited to: ditch digging
46 apparatus, well boring apparatus and road construction
47 and maintenance machinery such as asphalt spreaders,
48 bituminous mixers, bucket loaders, tractors other than
49 truck tractors, ditchers, leveling graders, finishing ma-
50 chines, motor graders, road rollers, scarifiers, earth moving
51 carry-alls and scrapers, power shovels and drag lines, and
52 self-propelled cranes and earth moving equipment. The

53 term does not include house trailers, dump trucks, truck
54 mounted transit mixers, cranes or shovels, or other vehicles
55 designed for the transportation of persons or property to
56 which machinery has been attached.

57 (1) "State", means a state, territory or possession of the
58 United States, the District of Columbia, the Common-
59 wealth of Puerto Rico, or a province of the Dominion of
60 Canada.

61 (m) "Vehicle", means a device in, upon, or by which a
62 person or property is or may be transported or drawn
63 upon a highway, except a device moved by human power
64 or used exclusively upon stationary rails or tracks.

65 *Section 2. Exclusions.* — (a) No certificate of title need
66 be obtained for: (1) A vehicle owned by the United States
67 unless it is registered in this state; (2) A vehicle owned by a
68 manufacturer or dealer and held for sale, even though
69 incidentally moved on the highway or used for purposes of
70 testing or demonstration; or a vehicle used by a manufac-
71 turer solely for testing; (3) A vehicle owned by a non-
72 resident of this state and not required by law to be
73 registered in this state; (4) A vehicle regularly engaged in
74 the interstate transportation of persons or property for
75 which a currently effective certificate of title has been
76 issued in another state; (5) A vehicle moved solely by
77 animal power; (6) An implement of husbandry; (7) Special
78 mobile equipment; (8) A self-propelled wheel chair or
79 invalid tricycle;

80 (b) Part three of this act does not apply to: (1) A
81 vehicle moved solely by animal power; (2) An implement
82 of husbandry; (3) Special mobile equipment; (4) A self-
83 propelled wheel chair or invalid tricycle.

84 *Section 3. Excepted Liens and Security Interests; Buyer*
85 *from Manufacturer or Dealer.* — This act does not apply to
86 or affect:

87 (a) A lien given by statute or rule of law to a supplier of
88 services or materials for a vehicle,

89 (b) A lien given by statute to the United States, this
90 state or any political subdivision of this state;

91 (c) A security interest in a vehicle created by a
92 manufacturer or dealer who holds the vehicle for sale.

93 *Section 4. Certificate of Title Required.* – (a) Except as
94 provided in section two, every owner of a vehicle which is
95 in this state and for which no certificate of title has been
96 issued by the registrar shall make application to the
97 registrar for a certificate of title of the vehicle.

98 (b) The registrar shall not register or renew the
99 registration of a vehicle unless an application for a
100 certificate of title has been delivered to the registrar.

101 *Section 5. Optional Certificates of Title.* – The owner
102 of an implement of husbandry or special mobile equip-
103 ment may apply for and obtain a certificate of title on it.
104 All of the provisions of this part are applicable to a
105 certificate of title so issued, except that a person who
106 received a transfer of an interest in the vehicle without
107 knowledge of the certificate of title is not prejudiced by
108 reason of the existence of the certificate, and the
109 perfection of a security interest under this act is not
110 effective until the lienholder has complied with the
111 provisions of applicable law which otherwise relate to the
112 perfection of security interests in personal property.

113 *Section 6. Application for First Certificate of Title.*
114 – (a) The application for the first certificate of title of a
115 vehicle in this state shall be made by the owner to the
116 registrar on the form he prescribes and shall contain:
117 (1) The name, residence and mail address of the owner;
118 (2) A description of the vehicle including, so far as the
119 following data exists: its make, model, identifying number,
120 type of body, the number of cylinders, and whether new
121 or used, (3) The date of purchase by applicant, the name
122 and address of the person from whom the vehicle was
123 acquired and the names and addresses of any lienholders in
124 the order of their priority and the dates of their security
125 agreements; and (4) Any further information the registrar
126 reasonably requires to identify the vehicle and to enable
127 him to determine whether the owner is entitled to a
128 certificate of title and the existence or non-existence of
129 security interests in the vehicle.

130 (b) If the application refers to a vehicle purchased from
131 a dealer, it shall contain the name and address of any
132 lienholder holding a security interest created or reserved at
133 the time of the sales and the date of his security agreement
134 and be signed by the dealer as well as the owner, and the
135 dealer shall promptly mail or deliver the application to the
136 registrar.

137 (c) If the application refers to a vehicle last previously
138 registered in another state or country, the application shall
139 contain or be accompanied by: (1) Any certificate of title
140 issued by the other state or country; (2) Any other
141 information and documents the registrar reasonably re-
142 quires to establish the ownership of the vehicle and the
143 existence or nonexistence of security interests in it, and
144 (3) The certificate of a person authorized by the registrar
145 that the identifying number of the vehicle has been
146 inspected and found to conform to the description given in
147 the application, or any other proof of the identity of the
148 vehicle the registrar reasonably requires.

149 *Section 7. Examination of Records.* — The registrar,
150 upon receiving application for a first certificate of title,
151 shall check the identifying number of the vehicle shown in
152 the application against the records of vehicles required to
153 be maintained by section eight and against the record of
154 stolen and converted vehicles required to be maintained by
155 section thirty-one.

156 *Section 8. Issuance and Records.* — (a) The registrar
157 shall file each application received and, when satisfied as
158 to its genuineness and regularity and that the applicant is
159 entitled to the issuance of a certificate of title, shall issue
160 a certificate of title of the vehicle.

161 (b) The registrar shall maintain a record of all certifi-
162 cates of title issued by him: (1) Under a distinctive title
163 number assigned to the vehicle; (2) Under the identifying
164 number of the vehicle; (3) Alphabetically, under the name
165 of the owner; and, in the discretion of the registrar, in any
166 other method he determines.

167 *Section 9. Contents and Effect.* — (a) Each certificate of
168 title issued by the registrar shall contain: (1) The date
169 issued; (2) The name and address of the owner; (3) The
170 names and addresses of any lienholders, in the order of
171 priority as shown on the application or, if the application
172 is based on a certificate of title, as shown on the
173 certificate; (4) The title number assigned to the vehicles;
174 (5) A description of the vehicle including, so far as the
175 following data exists: its make, model, identifying number,
176 type of body, number of cylinders, whether new or used,
177 and, if a new vehicle, the date of the first sale of the
178 vehicle for use; and (6) Any other data the registrar
179 prescribes.

180 (b) Unless a bond is filed as provided in section
181 eleven (b), a distinctive certificate of title shall be issued
182 for a vehicle last previously registered in another state or
183 country the laws of which do not require that lienholders
184 be named on a certificate of title to perfect their security
185 interest. The certificate shall contain the legend "This
186 vehicle may be subject to an undisclosed lien" and may
187 contain any other information the registrar prescribes. If
188 no notice of security interest in the vehicle is received by
189 the registrar within four months from the issuance of the
190 distinctive certificate of title, he shall, upon application
191 and surrender of the distinctive certificate, issue a certifi-
192 cate of title in ordinary form.

193 (c) The certificate of title shall contain forms for
194 assignment and warranty of title by the owner, and for
195 assignment and warranty of title by a dealer, and may
196 contain forms for applications for a certificate of title by
197 transferee, the naming of a lienholder and the assignment
198 or release of the security interest of a lienholder.

199 (d) A certificate of title issued by the registrar is prima
200 facie evidence of the facts appearing on it.

201 (e) A certificate of title for a vehicle is not subject to
202 garnishment, attachment, execution or other judicial pro-
203 cess, but this sub-section does not prevent a lawful levy
204 upon the vehicle.

205 *Section 10. Delivery.* — The certificate of title shall be
206 mailed to the first lienholder named in it or, if none, to the
207 owner.

208 *Section 11. Registration Without Certificate of Title:
209 Bond.* — If the registrar is not satisfied as to the ownership
210 of the vehicle or that there are no undisclosed security
211 interests in it, the registrar may register the vehicle but
212 shall either:

213 (a) Withhold issuance of a certificate of title until the
214 applicant presents documents reasonably sufficient to
215 satisfy the registrar as to the applicant's ownership of the
216 vehicle and that there are no undisclosed security interests
217 in it; or

218 (b) As a condition of issuing a certificate of title, require
219 the applicant to file with the registrar a bond in the form
220 prescribed by the registrar and executed by the applicant,
221 and either accompanied by the deposit of cash with the
222 registrar or also executed by a person authorized to
223 conduct a surety business in this state. The bond shall be
224 in an amount equal to one and one half times the value of
225 the vehicle as determined by the registrar and conditioned
226 to indemnify any prior owner and lienholder and any
227 subsequent purchaser of the vehicle or person acquiring
228 any security interest in it, and their respective successors in
229 interest, against any expense, loss or damage, including
230 reasonable attorney's fees, by reason of issuance of the
231 certificate of title of the vehicle or on account of any
232 defect in or undisclosed security interest upon the right,
233 title and interest of the applicant in and to the vehicle.
234 Any such interested person has a right of action to recover
235 on the bond for any breach of its conditions, but the
236 aggregate liability of the surety to all persons shall not
237 exceed the amount of the bond. The bond, and any
238 deposit accompanying it, shall be returned at the end of
239 three years or prior thereto if the vehicle is no longer
240 registered in this state and the currently valid certificate of
241 title is surrendered to the registrar, unless the registrar has
242 been notified of the pendency of an action to recover on
243 the bond.

244 *Section 12. Refusing Certificate of Title.* — The registrar
245 shall refuse issuance of a certificate of title if any required
246 fee is not paid or if he has reasonable grounds to believe
247 that:

- 248 (a) The applicant is not the owner of the vehicle;
249 (b) The application contains a false or fraudulent
250 statement; or
251 (c) The applicant fails to furnish required information
252 or documents or any additional information the registrar
253 reasonably requires.

254 *Section 13. Lost, Stolen, or Mutilated Certificates.* — (a)
255 If a certificate of title is lost, stolen, mutilated or
256 destroyed or becomes illegible, the first lienholder or, if
257 none, the owner or legal representative of the owner
258 named in the certificate, as shown by the records of the
259 registrar, shall promptly make application for and may
260 obtain a duplicate upon furnishing information satisfac-
261 tory to the registrar. The duplicate certificate of title shall
262 contain the legend "This is a duplicate certificate and may
263 be subject to the rights of a person under original
264 certificate". It shall be mailed to the first lienholder named
265 in it or, if none, to the owner.

266 (b) The registrar shall not issue a new certificate of title
267 to a transferee upon an application made on a duplicate
268 until fifteen days after receipt of the application.

269 (c) A person recovering an original certificate of title for
270 which a duplicate has been issued shall promptly surrender
271 the original certificate to the registrar.

272 *Section 14. Transfer.* — (a) If an owner of a vehicle for
273 which a certificate of title has been issued under this
274 chapter transfers his interest therein, other than by the
275 creation of security interest, he shall, at the time of the
276 delivery of the vehicle, execute an assignment and war-
277 ranty of title to the transferee in the space provided
278 therefor on the certificate or as the registrar prescribes,
279 and cause the certificate and assignment to be mailed or
280 delivered to the transferee or to the registrar.

281 (b) Except as provided in section fifteen, the transferee
282 shall, promptly after delivery to him of the vehicle,

283 execute the application for a new certificate of title in the
284 space provided therefor on the certificate or as the
285 registrar prescribes, and cause the certificate and appli-
286 cation to be mailed or delivered to the registrar.

287 (c) Upon request of the owner or transferee, a lien-
288 holder in possession of the certificate of title shall, unless the
289 transfer was a breach of his security agreement, either
290 deliver the certificate to the transferee for delivery to the
291 registrar or, upon receipt from the transferee of the
292 owner's assignment, the transferee's application for a new
293 certificate and the required fee, mail or deliver them to the
294 registrar. The delivery of the certificate does not affect the
295 rights of the lienholder under his security agreement.

296 (d) If a security interest is reserved or created at the
297 time of the transfer, the certificate of title shall be retained
298 by or delivered to the person who becomes the lienholder,
299 and the parties shall comply with the provision of section
300 twenty-one.

301 (e) Except as provided in section fifteen and as between
302 the parties, a transfer by an owner is not effective until the
303 provisions of this section and section seventeen have been
304 complied with; however, an owner who has delivered
305 possession of the vehicle to the transferee and has
306 complied with the provisions of this section requiring
307 action by him is not liable as owner for any damages
308 thereafter resulting from operation of the vehicle.

309 *Section 15. Transfer to or from Dealer; Record.* – (a) If
310 a dealer buys a vehicle and holds it for resale and procures
311 the certificate of title from the owner or the lienholder
312 within ten days after delivery to him of the vehicle, he
313 need not send the certificate to the registrar but, upon
314 transferring the vehicle to another person other than by
315 the creation of a security interest, shall promptly execute
316 the assignment and warranty of title by a dealer, showing
317 the names and addresses of the transferee and of any
318 lienholder holding a security interest created or reserved at
319 the time of the resale and the date of his security
320 agreement, in the spaces provided therefor on the certifi-
321 cate or as the registrar prescribes, and mail or deliver the

322 certificate to the registrar with the transferee's application
323 for a new certificate.

324 (b) Every dealer shall maintain for five years a record in
325 the form the registrar prescribes of every vehicle bought,
326 sold or exchanged by him, or received by him for sale or
327 exchange, which shall be open to inspection by a repre-
328 sentative of the registrar or peace officer during reasonable
329 business hours.

330 *Section 16. Transfer by Operation of Law.* — (a) If the
331 interest of an owner in a vehicle passes to another other
332 than by voluntary transfer, the transferee shall, except as
333 provided in sub-section (b), promptly mail or deliver to the
334 registrar the last certificates of title, if available, proof of
335 the transfer, and his application for a new certificate in the
336 form the registrar prescribes.

337 (b) If the interest of the owner is terminated or the
338 vehicle is sold under a security agreement by a lienholder
339 named in the certificate of title, the transferee shall
340 promptly mail or deliver to the registrar the last certificate
341 of title, his application for a new certificate in the form
342 the registrar prescribes, and an affidavit made by or on
343 behalf of the lienholder that the vehicle was repossessed
344 and that the interest of the owner was lawfully terminated
345 or sold pursuant to the terms of the security agreement. If
346 the lienholder succeeds to the interest of the owner and
347 holds the vehicle for resale, he need not secure a new
348 certificate of title, but upon transfer to another person,
349 shall promptly mail or deliver to the transferee or to the
350 registrar the certificate, affidavit and other documents
351 required to be sent to the registrar by the transferee.

352 (c) A person holding a certificate of title whose interest
353 in the vehicle has been extinguished or transferred other
354 than by voluntary transfer shall mail or deliver the
355 certificate to the registrar upon request of the registrar.
356 The delivery of the certificate pursuant to the request of
357 the registrar does not affect the rights of the person
358 surrendering the certificate, and the action of the registrar
359 in issuing a new certificate of title as provided herein is not
360 conclusive upon the rights of an owner or lienholder
361 named in the old certificate.

362 *Section 17. Fee.* – (a) An application for a certificate of
363 title shall be accompanied by the required fee when mailed
364 or delivered to the registrar.

365 (b) An application for the naming of a lienholder or his
366 assignee on a certificate of title shall be accompanied by
367 the required fee when mailed or delivered to the registrar.

368 *Section 18. When Registrar to Issue New Certifi-
369 cate.* – (a) The registrar, upon receipt of a properly
370 assigned certificate of title, with an application for a new
371 certificate of title, the required fee and any other
372 documents required by law, shall issue a new certificate of
373 title in the name of the transferee as owner and mail it to
374 the first lienholder named in it or, if none, to the owner.

375 (b) The registrar upon receipt of any application for a
376 new certificate of title by a transferee other than by
377 voluntary transfer, with proof of the transfer, the required
378 fee and any other documents required by law, shall issue a
379 new certificate of title in the name of the transferee as
380 owner. If the outstanding certificate of title is not
381 delivered to him, the registrar shall make demand therefor
382 from the holder thereof.

383 (c) The registrar shall file and retain for five years every
384 surrendered certificate of title, the file to be maintained so
385 as to permit the tracing of title of the vehicle designed
386 therein.

387 *Section 19. Scrapping, Dismantling or Destroying Ve-
388 hicle.* – An owner who scraps, dismantles or destroys a
389 vehicle and a person who purchases a vehicle as scrap or to
390 be dismantled or destroyed shall immediately cause the
391 certificate of title to be mailed or delivered to the registrar
392 for cancellation. A certificate of title of the vehicle shall
393 not again be issued except upon application containing the
394 information the registrar requires, accompanied by a
395 certificate of inspection in the form and content specified
396 in section six (c)(3).

397 *Section 20. Perfection of Security Interests.* (a) A
398 security interest in a vehicle for which a certificate of title
399 is issued under this chapter is perfected by the delivery to
400 the registrar of the existing certificate of title, if any, an
401 application for a certificate of title containing the name

402 and address of the lienholder and the date of his security
403 agreement and the required fee. It is perfected as of the
404 time of its creation if the delivery is completed within ten
405 days thereafter, otherwise, as of the time of the delivery.

406 (b) The validity and perfection of a security interest in a
407 vehicle subject to such security interest when the vehicle is
408 brought into this state is to be determined in accordance
409 with the rules in section nine to one hundred and three of
410 chapter one hundred and six; provided, however, that if
411 the security interest was already perfected under the law
412 of the jurisdiction where the vehicle was located when the
413 security interest attached and before being brought into
414 this state and if the vehicle is not covered by a certificate
415 of title issued under a statute of any state which requires
416 indication on the certificate of any security interest in the
417 vehicle as a condition of perfection, the security interest
418 continues perfected in this state for four months after the
419 first certificate of title of the vehicle is issued in this state
420 and also thereafter if, within the four month period, it is
421 perfected in this state.

422 *Section 21. Security Interest.* — If an owner creates a
423 security interest in a vehicle:

424 (a) The owner shall immediately execute the applica-
425 tion, in the space provided therefor on the certificate of
426 title or on a separate form the registrar prescribes, to name
427 the lienholder on the certificate, showing the name and
428 address of the lienholder and the date of his security
429 agreement, and cause the certificate, application and the
430 required fee to be delivered to the lienholder.

431 (b) The lienholder shall immediately cause the certifi-
432 cate, application and the required fee to be mailed or
433 delivered to the registrar.

434 (c) Upon request of the owner or subordinate lien-
435 holder, a lienholder in possession of the certificate of title
436 shall either mail or deliver the certificate to the subordi-
437 nate lienholder for delivery to the registrar or, upon
438 receipt from the subordinate lienholder of the owner's
439 application and the required fee, mail or deliver them to
440 the registrar with the certificate. The delivery of the

441 certificate does not affect the rights of the first lienholder
442 under his security agreement.

443 (d) Upon receipt of the certificate of title, application
444 and the required fee, the registrar shall either endorse on
445 the certificate or issue a new certificate containing the
446 name and address of the new lienholder, and mail the
447 certificate to the first lienholder named in it.

448 *Section 22. Assignment by Lienholder.* — (a) A lien-
449 holder may assign, absolutely or otherwise, his security
450 interest in the vehicle to a person other than the owner
451 without affecting the interest of the owner or the validity
452 of the security interest, but any person without notice of
453 the assignment is protected in dealing with the lienholder
454 as the holder of the security interest and the lienholder
455 remains liable for any obligations as lienholder until the
456 assignee is named as lienholder on the certificate.

457 (b) It is not necessary for the assignee to have the
458 certificate of title endorsed or issued with the assignee
459 named as lienholder in order to continue the perfected
460 status of the security interest against creditors of the
461 transferees from the owner. The assignee may, however,
462 have the certificate of title endorsed or issued with the
463 assignee named as lienholder, upon delivering to the
464 registrar the certificate and an assignment by the lien-
465 holder named in the certificate in the form the registrar
466 prescribes.

467 *Section 23. Release of Security Interest.* — (a) Upon the
468 satisfaction of a security interest in a vehicle for which the
469 certificate of title is in possession of the lienholder, he
470 shall, within ten days after demand and, in any event,
471 within thirty days, execute a release of his security
472 interest, in the space provided therefor on the certificate
473 or as the registrar prescribes, and mail or deliver the
474 certificate and release to the next lienholder named
475 therein, if none, to the owner or any person who delivers
476 to the lienholder an authorization from the owner to
477 receive the certificate. The owner, other than a dealer
478 holding the vehicle for resale, shall promptly cause the
479 certificate and release to be mailed or delivered to the

480 registrar, which shall release the lienholder's rights on the
481 certificate or issue a new certificate.

482 (b) Upon the satisfaction of a security interest in a
483 vehicle for which the certificate of title is in the possession
484 of a prior lienholder, the lienholder whose security interest
485 is satisfied shall within ten days after demand and, in any
486 event, within thirty days execute a release in the form the
487 registrar prescribes and deliver the release to the owner or
488 any person who delivers to the lienholder an authorization
489 from the owner to receive it. The lienholder in possession
490 of the certificate of title shall either deliver the certificate
491 to the owner, or the person authorized by them, for
492 delivery to the registrar, or, upon receipt of the release,
493 mail or deliver it with the certificate to the registrar,
494 which shall release the subordinate lienholder's rights on
495 the certificate or issue a new certificate.

496 *Section 24. Duty of Lienholder.* — A lienholder named
497 in a certificate of title shall, upon written request of the
498 owner or of another lienholder named on the certificate,
499 disclose any pertinent information as to his security
500 agreement and the indebtedness secured by it.

501 *Section 25. Exclusiveness of Procedure.* — The method
502 provided in this act of perfecting and giving notice of
503 security interests in vehicles for which certificates of title
504 are issued under this chapter is exclusive.

505 *Section 26. Suspension or Revocation of Certifi-
506 cates.* — (a) The registrar shall suspend or revoke a certifi-
507 cate of title, upon notice and reasonable opportunity to be
508 heard in accordance with section twenty-nine, when
509 authorized by any other provision of law or if he finds:
510 (1) The certificate of title was fraudulently procured or
511 erroneously issued, or (2) The vehicle has been scrapped,
512 dismantled or destroyed.

513 (b) Suspension or revocation of a certificate of title does
514 not, in itself, affect the validity of a security interest noted
515 on it.

516 (c) When the registrar suspends or revokes a certificate
517 of title, the owner or person in possession of it shall,

518 immediately upon receiving notice of the suspension or
519 revocation, mail or deliver the certificate to the registrar.

520 (d) The registrar may seize and impound any certificate
521 of title which has been suspended or revoked.

522 *Section 27. Fees.* — (a) The registrar shall be paid the
523 following fees: (1) For filing an application for a first
524 certificate of title, one dollar and fifty cents; (2) For each
525 security interest noted upon a certificate of title, one
526 dollar and fifty cents; (3) For a certificate of title after a
527 transfer, one dollar and fifty cents; (4) For each assign-
528 ment of a security interest noted upon a certificate of title,
529 one dollar and fifty cents; (5) For a duplicate certificate of
530 title, one dollar and fifty cents; (6) For an ordinary
531 certificate of title issued upon surrender of a distinctive
532 certificate, one dollar and fifty cents; (7) For filing a
533 notice of security interest, one dollar and fifty cents; and
534 (8) For a certificate of search of its records for each name
535 or identifying number searched against, one dollar and
536 fifty cents.

537 (b) If an application, certificate of title or other
538 document required to be mailed or delivered to the
539 registrar under any provisions of this chapter is not
540 delivered to the registrar within ten days from the time it
541 is required to be mailed or delivered, the registrar shall
542 collect, as a penalty, an amount equal to the fee required
543 for the transaction.

544 *Section 28. Powers of Registrar.* — (a) The registrar shall
545 prescribe and provide suitable forms of applications,
546 certificates of title, notices of security interests, and all
547 other notices and forms necessary to carry out the
548 provisions of this chapter.

549 (b) The registrar may: (1) Make necessary investigations
550 to procure information required to carry out the pro-
551 visions of this chapter; (2) Adopt and enforce reasonable
552 rules and regulations to carry out the provisions of this
553 chapter; (3) Assign a new identifying number to a vehicle
554 if it has none, or its identifying number is destroyed or
555 obliterated, or its motor is changed, and shall either issue a

556 new certificate of title showing the new identifying
557 number or make an appropriate endorsement on the
558 original certificate.

559 *Section 29. Hearings; Review.* — A person aggrieved by
560 an act or omission to act the registrar under this chapter is
561 entitled, upon request, to a hearing, and to review thereof,
562 in accordance with the provisions of chapter thirty A.

565 *Section 30. Offenses Relating to Certificates.* – (a)
566 Whoever, with fraudulent intent: (1) Alters, forges or
567 counterfeits a certificate of title; (2) Alters or forges an
568 assignment of a certificate of title, or an assignment or
569 release of a security interest, on a certificate of title or a
570 form the registrar prescribes; (3) Has possession of or uses
571 a certificate of title knowing it to have been altered, forged,
572 or counterfeited; or (4) Uses a false or fictitious name or
573 address, or makes a material false statement, or fails to
574 disclose a security interest, or conceals any other material
575 fact, in an application for a certificate of title; shall be
576 punished by a fine of not less than twenty nor more than
577 two hundred dollars or by imprisonment in the state
578 prison for not more than five years, or both.

579 (b) Whoever: (1) With fraudulent intent, permits an-
580 other, not entitled thereto, to use or have possession of a
581 certificate of title; (2) Wilfully fails to mail or deliver a
582 certificate of title or application therfor to the registrar
583 within ten days after the time required by this chapter;
584 (3) Wilfully fails to deliver to his transferee a certificate of
585 title within ten days after the time required by this
586 chapter; or (4) Wilfully violates any other provision of this
587 chapter, except as provided in sub-section (a); Shall be
588 punished by a fine of not more than one hundred dollars
589 or by imprisonment for not more than six months, or
590 both.

591 *Section 31. Stolen, Converted, Recovered and Unclaim-
592 ed Vehicles.* — (a) Peace Officer's Report. A peace officer

593 who learns of the theft of a vehicle not since recovered, or
594 of the recovery of a vehicle whose theft or conversion he
595 knows or has reason to believe has been reported to the
596 registrar, shall forthwith report the theft or recovery to the
597 registrar.

598 (b) Owner's or Lienholder's Report. An owner or a
599 lienholder may report the theft of a vehicle or its
600 conversion if a crime, to the registrar, but the registrar may
601 disregard the report of a conversion unless a warrant has
602 been issued for the arrest of a person charged with the
603 conversion. A person who has so reported the theft or
604 conversion of a vehicle shall, forthwith after learning of its
605 recovery, report the recovery to the registrar.

606 (c) Garage Operator's Report. An operator of a place of
607 business for garaging, repairing, parking or storing vehicles
608 for the public, in which a vehicle remains unclaimed for a
609 period of thirty days, shall, within five days after the
610 expiration of that period, report the vehicle as unclaimed
611 to the registrar. A vehicle left by its owner whose name
612 and address are known to the operator or his employee is
613 not considered unclaimed. Whoever fails to report a vehicle
614 as unclaimed in accordance with this sub-section forfeits
615 all claims and liens for its garaging, parking or storing and
616 shall be punished by a fine of not more than twenty-five
617 dollars for each day his failure to report continues.

618 (d) Registrar's Record. The registrar shall maintain and
619 appropriately index weekly and cumulative public records
620 of stolen, converted, recovered and unclaimed vehicles
621 reported to him pursuant to this section. The registrar may
622 make and distribute copies of the weekly records so
623 maintained to peace officers upon request without fee and
624 to others for the fee, if any, the registrar prescribes.

625 (e) Registrar's Action. The registrar may suspend the
626 registration of a vehicle whose theft or conversion is
627 reported to him pursuant to this section; until the registrar
628 learns of its recovery or that the report of its theft or
629 conversion was erroneous, he shall not issue a certificate of
630 title for the vehicle.

631 *Section 32. False Report of Theft or Conversion.* — A
632 person who knowingly makes a false report of the theft or
633 conversion of a vehicle to a peace officer or to the registrar
634 shall be punishable by a fine of not more than one
635 hundred dollars.

636 *Section 33. Licensing of Used Parts Dealers, Wreckers
637 and Rebuilders.* — (a) License Required. No person shall,
638 except as an incident to the sale or service of vehicles,
639 carry on or conduct the business of: (1) Selling used parts
640 of or used accessories for vehicles; (2) Wrecking or
641 dismantling vehicles for resale of the parts thereof; or
642 (3) Rebuilding wrecked or dismantled vehicles; unless
643 licensed to do so by the registrar under this section.

644 (b) Application. Application for a license shall be made
645 on the form the registrar prescribes, containing the name
646 of the applicant, the address or addresses where business is
647 to be conducted, the kind or kinds of business, enumera-
648 ted in sub-section (a), to be conducted, the residence
649 address of the applicant if an individual, the names and
650 residence addresses of the partners of the applicant if a
651 partnership, the names and residence addresses of the
652 principal officers of the applicant and the state of its
653 incorporation if a corporation, and any other information
654 the registrar requires. The application shall be verified by
655 the oath or affirmation of the applicant or, if the applicant
656 is a partnership or a corporation, by a partner or officer of
657 the applicant and shall be accompanied by a fee of
658 twenty-five dollars.

659 (c) Issuance. The registrar shall file each application
660 received by him with the required fee and, when satisfied
661 that the applicant, if an individual, or each of the partners
662 or principal officers of the applicant, if a partnership or
663 corporation, is of good moral character and, that the
664 applicant, so far as can be ascertained, has complied and
665 will comply with the provisions of this section and the
666 laws of the state relating to registration of the certificates
667 of titles of vehicles, shall issue to the applicant a license to
668 carry on and conduct the kind or kinds of business,
669 enumerated in sub-section (a), specified in the application

670 at the address or addresses therein specified, until the
671 December thirty-first following the date on or as of which
672 the license is issued.

673 (d) Suspension and Revocation. The registrar shall
674 suspend or revoke a license, upon notice and reasonable
675 opportunity to be heard in accordance with section
676 twenty-nine, when so authorized under any other pro-
677 vision of law or if he finds: (1) The license was fraud-
678 ulently procured or erroneously issued; (2) The applicant,
679 or any partner or principal officer of the applicant, if a
680 partnership or a corporation, has failed to comply with the
681 provisions of this section and the laws of the state relating
682 to registration of the certificates of title of vehicles.

683 (e) Licensee's Records. Every licensee shall maintain for
684 three years, in the form the registrar prescribes, a record
685 of: (1) Every vehicle or used part, accessory, body, chassis
686 or engine of or for a vehicle received or acquired by him,
687 its description and identifying number, the date of its
688 receipt or acquisition, and the name and address of the
689 person from whom received or acquired; (2) Every vehicle
690 or vehicle body, chassis or engine disposed of by him, its
691 description and identifying number, the date of its
692 disposition, and the name and address of the person to
693 whom disposed of; and (3) Every vehicle wrecked or
694 dismantled by him, and the date of its wrecking or
695 dismantling.

696 Every such record shall be open to inspection by any
697 representative of the registrar or peace officer during
698 reasonable business hours.

699 PART 4. PREVIOUSLY REGISTERED VEHICLES.

700 *Section 34. Previously Registered Vehicle Defined.* - A
701 "previously registered vehicle" means a vehicle registered
702 in this state when this chapter takes effect or a vehicle
703 whose last registration before this chapter takes effect was
704 in this state.

705 *Section 35. Deferred Application of Chapter to Previously Registered Vehicles.* — Part two of this chapter does
706 not apply to previously registered vehicle until:

708 (a) It is purchased from a dealer in this state after this
709 chapter takes effect;

710 (b) The registrar issues a certificate of title for the
711 vehicle;

712 (c) The owner creates a security interest in the vehicle
713 after this chapter takes effect;

714 (d) A lienholder who when this chapter takes effect has
715 an unperfected security interest in the vehicle notifies or
716 has notified the owner that he wants the security interest
717 perfected; or

718 (e) Four years elapse from the date this chapter takes
719 effect.

720 *Section 36. Distinctive Certificate.* — If the registrar is
721 not satisfied that there are no undisclosed security
722 interests, created before this chapter takes effect, in a
723 previously registered vehicle, he may, in addition to his
724 options under section eleven, issue a distinctive certificate
725 of title of the vehicle containing the legend "This vehicle
726 may be subject to an undisclosed lien" and any other
727 information the registrar prescribes.

728 *Section 37. Unsatisfied Security Interest in Previously
729 Registered Vehicle.* — If a security interest in a previously
730 registered vehicle is perfected under any other applicable
731 law of this state at the time this chapter takes effect, the
732 security interest continues perfected:

733 (a) Until its perfection lapses under the law under which
734 it was perfected; or

735 (b) Until earlier lapse of four years from the date this
736 chapter takes effect; and

737 (c) Thereafter if previously perfected under part two of
738 this chapter.

SECTION 2.

1 The penal provisions of this act in no way repeal or
2 modify any existing provisions of criminal law but are
3 additional and supplementary thereto.

SECTION 3.

1 If any provision of this act or the application thereof to
2 any person or circumstances is held invalid, the invalidity
3 shall not affect other provisions or applications of the act
4 which can be given effect without the invalid provisions or
5 application, and to this end the provisions of this act are
6 declared to be severable.

