

By Mr. Freeman of Chelmsford, petition of Bruce N. Freeman that the Registry of Motor Vehicles be authorized to abate and/or prevent pollution of the atmosphere by motor vehicles. Natural Resources and Agriculture.

The Commonwealth of Massachusetts

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

AN ACT TO AUTHORIZE THE REGISTRY OF MOTOR VEHICLES TO ABATE AND/OR PREVENT POLLUTION OF THE ATMOSPHERE BY 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 Chapter 90 of the General Laws is hereby amended by
2 inserting after section 7L the following new section: —

3 *Section 7M.* The registrar of motor vehicles, with the co-
4 operation and assistance of the department of public health,
5 may from time to time, after a public hearing, prescribe,
6 establish, amend, or repeal rules and regulations to abate
7 and/or prevent pollution of the atmosphere by motor vehicles
8 as he, with the approval of the department of public health,
9 may deem necessary. Such rules and regulations may include,
10 but shall not be limited to, requirements and specifications for
11 inspectional procedures by agencies of the commonwealth or
12 persons licensed by the registrar to do so, registration and
13 licensure of motor vehicles service facilities, conditions for
14 withholding or revoking by the registrar of motor vehicle regis-
15 trations and licensure of motor vehicle service facilities, and
16 conditions under which devices or elements of design installed
17 on or in motor vehicles may be removed.

18 The registrar shall have authority to issue licenses for motor
19 vehicle service facilities and to revoke such licenses for cause.

20 Personnel of the registry in the performance of their duties
21 under this section may stop and/or detain for inspection any
22 motor vehicle for the purpose of investigating the condition of

23 a motor vehicle actually or suspected of being in violation of
24 the rules and regulations. Personnel of the registry may enter
25 and inspect any premise licensed under provisions of this
26 section for the purpose of ascertaining compliance or non-com-
27 pliance with these regulations.

28 The registrar shall have power to order any person to stop or
29 abate violation of the rules and regulations adopted pursuant to
30 this section. Any person who is so ordered shall be granted,
31 upon request made to the registrar in writing within ten days
32 of issuance of the order, a hearing, before the registrar or his
33 designee, to show cause why such order should be revoked or
34 sustained and the registrar or his designee shall, upon receipt
35 and weighing of relative evidence presented, sustain or revoke
36 such order.

37 Whoever, knowingly violates any such rules or regulation
38 shall be punished by a fine of not less than ten nor more than
39 fifty dollars for each offense.

40 Any person who violates any order of the registrar issued
41 pursuant to provisions of this section shall be punished by a
42 fine of not less than fifty nor more than one hundred dollars
43 for the first offense and not less than two hundred dollars for
44 each succeeding offense.

45 For the purpose of this section each subsequent day or part
46 thereof of violation of a rule or regulation or of an order,
47 whether such violation be continuous or intermittent, shall be
48 construed as a separate and succeeding offense.

49 The registrar or any person designated by the registrar shall
50 have the authority to enforce the provisions of this section.

51 The superior court in equity, on petition of the registrar
52 or any person authorized by the registrar shall have jurisdiction
53 to restrain violations or orders issued to stop violations of any
54 rules or regulations adopted pursuant to this section until such
55 rules and regulations have been complied with.

56 This section shall not operate to abrogate any of the powers
57 and duties, as defined by general or specific law, for the
58 control of air pollution by an agency or political sub-division
59 of the commonwealth.