

HOUSE No. 4982

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 11, 1995.

The committee on Public Safety, to whom were referred the petition (accompanied by bill, House, No. 962) of M. Joseph Manning and Mary Jeanette Murray relative to the registration of certain motor vehicles, and the petition (accompanied by bill, House, No. 2436) of Paul E. Caron, Emile J. Goguen, James P. Jajuga and William J. Glodis, Jr., relative to motor vehicle repair plates, reports recommending that the accompanying bill (House, No. 4982) ought to pass.

For the committee,

PAUL E. CARON.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Five.

AN ACT RELATIVE TO REPAIR PLATES.

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 90 of the General Laws, as appearing in
2 the 1992 Official Edition, is hereby amended in section five,
3 clause (e) by adding after the word "registered" the following:—
4 "; provided that the Registrar shall supply to the assessor or tax col-
5 lector of every city and town by February fifteenth of each year a
6 printed copy of all motor vehicle excise tax bills for motor vehicles
7 and trailers issued a decal or sticker in mailable form due in that
8 particular municipality; provided further that the Registrar shall
9 supply to the assessor or tax collector of every city and town a list
10 of all compliance decals issued by him in that particular munici-
11 pality. Such list shall include the serial number, vehicle identifica-
12 tion number, registration number, make, value, model and year of
13 manufacture and the name and address of the owner of the particu-
14 lar vehicle displaying such decals; and provided further that the
15 Registrar shall also provide to the assessor or tax collector of every
16 city and town a list of the businesses within that municipality which
17 have been issued a repair plate and the number of repair plates so
18 issued and the corresponding motor vehicle or trailer which has
19 been issued a decal or sticker, if any. The decal or sticker so issued
20 shall be conspicuously affixed to the corresponding motor vehicle
21 or trailer; provided however, that the decal or sticker shall not be
22 affixed to the general registration plate."

1 SECTION 2. Chapter 90 of the General Laws, as so appearing,
2 is hereby amended by adding to the end of Section five thereof the
3 following:—

4 (i) Notwithstanding the other provisions of this section or any
5 other law to the contrary, general registration number plates issued
6 to a repairman shall only be utilized on the following vehicles.

7 (1) Vehicles controlled but not owned by the repairman, oper-
8 ated for the purpose of repairing, altering, equipping or recondi-
9 tioning of said vehicles or any transportation incidental thereto.

10 (2) Vehicles owned by the repairman, used in the repairman's
11 business displaying the business name and the municipality con-
12 taining the principal place of business inscribed on them with at
13 least 1.5" lettering which is plainly visible from each side or from
14 the front and rear of such vehicles, and being of a type usual and
15 customary to such business. In no event shall a general repair regis-
16 tration plate issued to a repairman be utilized on a vehicle used for
17 the personal use of the repairman, his immediate family or his
18 employees.

1 SECTION 3. Chapter 90 of the General Laws, as appearing in
2 the 1992 Official Edition, is hereby amended by adding after
3 Section 5B thereof the following new section:—

4 Section 5C. (a) Any repairman issued a general registration
5 number plate found to be operating a vehicle in violation of the pro-
6 visions of section 5 or failing to pay an excise or fee required by
7 section 1 of Chapter 60A shall be punished as follows: First
8 offense, fine of \$500 and 20-day suspension of utilized general reg-
9 istration number plate. Second offense, fine of \$2,000 and 60-day
10 suspension of all general repair registration number plates. Third
11 offense, \$3,000 fine and permanent revocation of all general repair
12 registration number plates issued under section five. State law
13 enforcement personnel or the police of the city or town in which the
14 violation occurs shall immediately seize the plate; provided further,
15 that assessors of the city or town in which this violation occurs shall
16 be authorized to order the revocation of said plate or plates upon
17 filing a complaint with the local law enforcement agency.

18 Upon seizure of the general repair registration plate, the alleged
19 violator shall have the right to a hearing within 24 hours or the next
20 business day before the clerk of the district court situated within the
21 jurisdiction where the alleged violation occurred. Upon a prima
22 facie finding by the clerk in favor of the alleged violator, all sanc-
23 tions and proceedings shall be stayed until such time as a hearing
24 before the Registrar is held and whose determination shall be final.
25 The registry shall promulgate rules and regulations that will provide

26 violators notice and an opportunity to be heard within 10 working
27 days of the seizure of said plates.

28 (b) Whoever makes a false statement in an application for a gen-
29 eral repair registration and general repair registration number plate
30 shall be punished by a fine of not less than one hundred nor more
31 than five hundred dollars or by imprisonment for not less than thirty
32 days nor more than two years.

33 (c) One hundred percent of the fines imposed under this section
34 shall be paid over to the Treasury of the city or town wherein the
35 offense was committed.

36 (d) Individuals who duplicate a lost or stolen plate shall be in
37 violation of this section.

38 (e) The Registrar is hereby authorized and directed to promul-
39 gate guidelines to be issued to state and local law enforcement
40 agencies to aid such agencies in recognizing repair plate fraud.

1 SECTION 4. Chapter 90 of the General Laws, as so appearing,
2 is hereby further amended in section five, clause (f) by adding after
3 the word "premises" the following:— " , provided, however, that the
4 Registrar shall require any applicant under this chapter to provide
5 the serial number, vehicle identification number, registration
6 number, make, model, year of manufacture and name and address
7 of the owner."