

By Messrs. Marzilli of Arlington and Scaccia of Boston, petition of J. James Marzilli, Jr., Angelo M. Scaccia, Robert A. Havern, John A. Stefanini and Gloria L. Fox for legislation to ensure the collection of motor vehicle excise taxes. Taxation.

The Commonwealth of Massachusetts

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

AN ACT TO ENSURE THE COLLECTION OF MOTOR VEHICLE EXCISE TAX.

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 one of Chapter 60A of the General Laws,
2 as appearing in the 1990 Official Edition, is hereby amended by
3 inserting, in line 59, the following sentences: —

4 An unregistered motor vehicle or trailer operated under a test
5 registration number plate by a repairman to whom has been issued
6 a test registration and test registration number plate under section
7 5C of chapter ninety, but not owned by said repairman, shall be
8 exempt from the excise imposed by this section if and so long as
9 such motor vehicle or trailer is operated or propelled over the
10 highways solely in accordance with the provisions of section 5C
11 of chapter ninety. All other motor vehicle or trailers owned or
12 operated by a repairman, whether operated under a test,
13 commercial, or private passenger registration number plate, shall
14 be subject to the excise imposed by this section.

1 SECTION 2. Section one of Chapter 90 of the General Laws,
2 as amended by Chapter 489 of the Acts of 1991, is hereby amended
3 in the definition of "Repairman" by striking out the words
4 "equipping or towing" and inserting in place thereof the words: —
5 "or equipping."

1 SECTION 3. Section one of Chapter 90 of the General Laws,
2 as so appearing, is hereby further amended in the definition of

3 “Established place of business” by striking out the words “Unless
4 said business is limited solely to the towing of motor vehicles or
5 trailers for the public.”

1 SECTION 4. Section five of said Chapter 90 of the General
2 Laws, as so appearing, is hereby amended by striking out
3 subsection (a), clause (3).

1 SECTION 5. Section 5B of Chapter 90 of the General Laws,
2 as appearing in the 1990 Official Edition, is hereby amended by
3 adding the following new section: —

4 Section 5C. (a) The registrar may issue test registrations and
5 test registration number plates in such form as described in
6 subsection (b) to a repairman who meets the eligibility
7 requirements stated in subsection (c) and who certifies in writing
8 under the pains and penalties of perjury that the test registration
9 number plate(s) will be used in compliance with the conditions
10 of used stated in subsection(d).

11 (b) The registrar may make rules and regulations relative to the
12 issuance and display of test registrations and test registration
13 number plates, provided that the test registration number plates
14 are hunter orange and that the number of plates issued does not
15 exceed the number of employees employed in the repair business
16 of the repairmann who is to be issued the test registration and
17 the test registration number plate(s). The test registration and the
18 test registration number plate(s) are to be renewed annually with
19 the registrar.

20 (c) No repairman shall be eligible for a test registration and test
21 registration number plate(s) unless said repairman holds the
22 necessary license or permit required by any federal, state or local
23 law for engaging in said occupation, and provides truthful and
24 complete information in the application for test registration and
25 test registration number plate(s) in the form prescribed by the
26 registrar. No repairman shall be eligible for a test registration and
27 test registration number plate(s) unless he is principally engaged
28 in performing major repairs affecting the functional mobility of
29 a motor vehicle or trailer. Ineligible repairmen include, but are
30 not limited to, those whose businesses principally involve work
31 of the following types: decorative paint work; installation and

32 repair of glass; installation and repair of upholstery and interiors;
33 and installation and repair of motor vehicle stereo equipment.

34 (d) Unless prohibited by this chapter or any rule or regulation
35 of the registry, any motor vehicle or trailer operated by a
36 repairman who has been issued a test registration which properly
37 displays the valid corresponding test registration number plate
38 shall be regarded as registered under this chapter provided that
39 all of the following conditions of use are complied with:

40 (1) No test registration number plate shall be attached to any
41 motor vehicle which is registered to any person pursuant to section
42 two of chapter 90 of the General Laws. No test registration plate
43 shall be attached to any motor vehicle owned or leased by the
44 repairman holding the test registration, or to any motor vehicle
45 owned or leased by a member of said repairman's immediate
46 family, or to any motor vehicle owned or leased by a member of
47 said repairman's immediate family, or to any motor vehicle owned
48 or leased by an employee of said repairman.

49 (2) The motor vehicle or trailer operated under the test
50 registration number plate shall not be operated for the personal
51 use of the repairman holding the test registration and the test
52 registration number plate nor for the personal use of his employees
53 or his immediate family, but shall only be operated for the
54 purposes of test driving a customer's unregistered vehicle under
55 functional repair or for transporting a customer's unregistered
56 vehicle. A motor vehicle or trailer requiring repairs that are solely
57 of a decorative or aesthetic nature, or repairs that do not affect
58 the functional mobility of the motor vehicle or trailer shall not
59 be operated under the test registration number plate.

60 (3) The motor vehicle or trailer operated under the test
61 registration number plate shall not be operated by a minor and
62 shall only be operated during repairman's business hours or
63 between the hours of 6:00 a.m. to 8:00 p.m. within the
64 geographical region enclosed by a 25 mile radius of the established
65 place of business of the repairman holding the test registration
66 and the test registration number plate.

67 (4) The test registration number plate shall not be loaned for
68 any purpose.

69 (5) The repairman holding the test registration and test
70 registration number plate(s) shall keep a log book documenting

71 a proper record of every motor vehicle or trailer controlled by
 72 him which is operated or propelled over the highways using the
 73 test registration number plate issued to him. The repairman shall
 74 keep adequate records of the services performed with respect to
 75 the motor vehicles or trailers controlled by him which are operated
 76 or propelled over the highway and registered under the test
 77 registration number plate assigned to him. The book shall have
 78 columns and headings substantially as follows:

Date & Time Out	Date & Time Return	Test Plate Number/ Make & Year of Vehicle		Operator or Chauffeur's Name/ Driver's License	Purpose of Motor Vehicle Travel/ Mileage	
Date	Date	Number		Name	Purpose	
a.m. p.m.	a.m. p.m.	Make	Year	Lic. No.	State	Mileage

79 All entries in the log book shall be made legibly in ink or with
 80 indelible pencil. The log book shall be kept in a convenient place
 81 located on the established place of business of the repairman, and
 82 the book, the repairman's established place of business, and all
 83 unregistered motor vehicles and trailers stored at the repairman's
 84 established place of business may be inspected at any time for
 85 purposes of enforcing this section by the registrar, his agents, or
 86 by a law enforcement official.

87 The repairman or any of his authorized employees who operate
 88 or propel a motor vehicle or trailer over the highways with a test
 89 registration number plate in accordance with this section shall
 90 have in his possession documentation of the purpose for operation
 91 and the intended destination of the motor vehicle or trailer bearing
 92 the test registration number plate.

93 Any repairman found to be in violation of the provisions of
 94 this subsection shall be punished by a 60 day suspension of the
 95 test registration number plate(s) for each violation discovered.

96 (e) Whoever makes a false statement in an application for a test
97 registration and test registration number plate(s) shall be punished
98 by a fine of not less than one hundred nor more than five hundred
99 dollars or by imprisonment for not less than thirty days nor more
100 than two years. In addition to any penalty provided by law, the
101 registrar shall revoke, after notice and an opportunity for a
102 hearing, any test registration or test registration number plate(s)
103 if he has reason to believe that the holder thereof has violated the
104 provisions of this section or the rules and regulations of the
105 registry made pursuant hereto more than three times.

1 SECTION 6. Section nine of said Chapter 90 of the General
2 Laws, as amended by Chapter 489 of the Acts of 1991, is hereby
3 further amended by striking out the second sentence, and inserting
4 in place thereof the following sentence: — “Any motor vehicle or
5 trailer which is disabled and is being towed, assisted or retrieved
6 by a motor vehicle which has been issued a certificate by the
7 department of public utilities pursuant to paragraph (b) of section
8 three of chapter one hundred and fifty-nine B and which displays
9 a commercial plate that has been properly assigned and issued by
10 the registrar shall be deemed registered under said commercial
11 plate under the provisions of this chapter.”

1 SECTION 7. Section eleven of said Chapter 90 of the General
2 Laws, as so appearing, is hereby amended by striking out, in line
3 5, the word “repairmen” and inserting in place thereof the
4 words: — “repairmen holding test registrations and test
5 registration number plate(s) pursuant to section 5C of chapter 90.”

1 SECTION 8. Section thirty-three of said Chapter 90 of the
2 General Laws, as so appearing, is hereby amended by striking out,
3 in line 124, the word “repairman” and inserting in place thereof
4 the words: — “repairman holding a test registration and test
5 registration number plate(s) pursuant to section 5C of chapter 90.”

1 SECTION 9. Section thirty-four C of said Chapter 90 of the
2 General Laws, as so appearing, is hereby amended by striking out,
3 in line 3, the words “or repairman” and inserting, in line 4, after
4 the word “five”, the words: — “or repairman applying for
5 registration of motor vehicles under section 5C.”

