

HOUSE No. 175

The Commonwealth of Massachusetts

REGISTRY OF MOTOR VEHICLES
100 NASHUA STREET
BOSTON, MASSACHUSETTS 02114, NOVEMBER 4, 1991.

The Honorable Michael J. Connolly, *Secretary of State*
State House, Boston, Massachusetts 02133

Dear Secretary Connolly:

Pursuant to the provisions of Section 33 of Chapter 30 of the General Laws, I hereby submit the attached legislative recommendations by the Registry of Motor Vehicles for consideration during the 1992 legislative session. Accompanying the legislative recommendations is the required explanation of each section.

Sincerely,

JEROLD A. GNAZZO,
Registrar of Motor Vehicles.

*LEGISLATIVE RECOMMENDATIONS OF THE
REGISTRY OF MOTOR VEHICLES FOR 1992*

*SECTION-BY-SECTION SUMMARY OF
REGISTRY LEGISLATION*

SECTION 1. This eliminates the need for the Registry to seek legislative approval each time a modification is made to the excise tax non-payment program.

SECTION 2. This enables municipalities to enter into agreements with the Registry to provide a service and to fund the Registry's expense for that service.

SECTION 3. This facilitates the Registry's ability to collect on a bad check for sales tax.

SECTION 4. This authorizes the Commissioner of the Department of Revenue to promulgate rules to follow regarding the collection of sales tax where the NADA value is not applicable.

SECTION 5. This eliminates the insurance stamp verification process and allows electronic verification.

SECTION 6. This allows passenger pickup trucks to use "combination" rather than commercial plates.

SECTION 7. This allows insurance agents to issue temporary motor vehicle registration plates to new car purchases.

SECTION 8. This reduces the number of annual bus inspections from five to two.

SECTION 9. This enables the Registry to remove unsafe delinquent minors from Massachusetts roadways.

SECTION 10. This increases the time period from six years to ten years the Registry uses in determining license sanctions for convictions of drunk driving.

SECTION 11. This increases the license suspension period for breathalyzer refusals from 120 days to 180 days.

SECTION 12. This permits the local police to enter accident reports directly onto the Registry's computer, thereby eliminating the need for paper reports.

SECTION 13. This allows the Registry to classify certain non-motor vehicle convictions forwarded by the courts as a public record.

SECTION 14. This allows the Registry to permit electronic access to the Registry's computer.

SECTION 15. This facilitates the Registry's ability to collect on a bad check for Registry fees.

SECTION 16. This restricted revenue account will provide the Registry with the necessary funds to sustain a special plates program.

SECTION 17. This provides the Registry with a restricted revenue account for the conversion from green plates to red, white and blue plates.

SECTION 18. This is a technical amendment to the Commercial Driver License statute.

SECTION 19. This is a technical amendment to the Commercial Driver License statute.

SECTION 20. This triggers an automatic three month suspension for any minor convicted of transporting alcohol.

SECTION 21. This authorizes rebuilders of motor vehicles to be able to sell said motor vehicles.

SECTION 22. This mandates that the VIN plate remain attached to salvaged vehicles.

SECTION 23. This facilitates the documentation of vehicle ownership in auto theft cases.

SECTION 24. This establishes a restricted revenue account for the Registry to implement the five surchargeable program.

Recommendation of the Registry of Motor Vehicles (House, No. 175). Public Safety.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE OPERATIONS OF THE REGISTRY OF 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 SECTION 1. Section 2A of Chapter 60A of the General Laws,
2 as appearing in the 1990 Official Edition, is hereby amended by
3 striking out in the fourth sentence the words "and by the Joint
4 Committee on Taxation".

1 SECTION 2. Section 2A of Chapter 60A of the General Laws,
2 as appearing in the 1990 Official Edition, is hereby amended by
3 adding after the fourth paragraph the following paragraph: —
4 The Registry of Motor Vehicles may enter into agreements with
5 municipalities and their agents for the purpose of assisting
6 municipalities to collect revenues and fines.

1 SECTION 3. Section 25 of Chapter 64H of the General Laws,
2 as appearing in the 1990 Official Edition, is hereby amended by
3 striking out the fourth paragraph and inserting in place thereof
4 the following paragraph: —
5 If payment of any such tax due is made by check and said check
6 is not duly paid, the Registrar of Motor Vehicles shall withhold
7 issuance of the certificate of title for the motor vehicle, and shall
8 prohibit the transfer or swap of the registration, and shall suspend
9 or revoke the certificate of registration. The holder of said
10 registration for which said check was tendered may not apply for,

11 receive or renew any learner's permit, license to operate motor
12 vehicles, certificate of registration or title, number plates, stickers,
13 decals or any other items issued under the provisions of chapter
14 ninety or chapter ninety D until said check has been duly paid.

1 SECTION 4. Section 4 of Chapter 64I of the General Laws,
2 as most recently amended by chapter 6 of the acts of 1991, is
3 hereby amended by deleting the last sentence of the second
4 paragraph and inserting thereof the following: —

5 "Average Value" for a motor vehicle shall mean the trade-in
6 price that corresponds to a particular make, model type, and the
7 year of the motor vehicle or trailer, as listed in the most recent
8 edition of any used car trade publication, guidebook, or similar
9 price listing that the Commissioner has specifically approved or
10 designated. The Commissioner may promulgate regulations to
11 reduce the sales price below said "average value" where the actual
12 amount paid for a motor vehicle is less than the average trade-
13 in price because the vehicle has high mileage, is titled as a salvage
14 vehicle or is extensively damaged.

1 SECTION 5. Section 1A of Chapter 90 of the General Laws,
2 as appearing in the 1990 Official Edition, is hereby amended by
3 inserting after the words "thirty-four A" in line twelve, the
4 following: — ", or unless the Registrar is otherwise satisfied that
5 the provisions of compulsory motor vehicle liability insurance
6 have been met for such applicant and vehicle".

1 SECTION 6. Section 2 of Chapter 90 of the General Laws, as
2 appearing in the 1990 Official Edition, is hereby amended by
3 adding after the twelfth paragraph the following paragraph: —

4 The Registrar of Motor Vehicles may assign "Combination"
5 plates to vehicles designed to transport goods, wares and
6 merchandise and having a registered weight of not more than five
7 thousand pounds. A one-time "Combination" plate fee of fifteen
8 dollars shall be collected and retained by the Registry of Motor
9 Vehicles for the purpose of issuing these plates.

1 SECTION 7. Section 2D of Chapter 90 of the General Laws,
2 as appearing in the 1990 Official Edition, is hereby amended by

3 inserting in the second sentence after the word “dealers” in line
4 three the following words: — “and insurance agents”.

1 SECTION 8. Section 7A of Chapter 90 of the General Laws,
2 as appearing in the 1990 Official Edition, is hereby amended by
3 deleting in the third paragraph the words “January, March, May,
4 September, and November” and inserting in place thereof the
5 following words: — “August or September and March or April
6 and when the Registrar determines that additional inspections are
7 necessary”.

1 SECTION 9. Section 22 of Chapter 90 of the General Laws,
2 as appearing in the 1990 Official Edition, is hereby amended by
3 adding the following paragraph: —

4 (g) If any child is adjudged a delinquent child by reason of
5 having violated any statute, bylaw, ordinance or regulation
6 relating to the operation, use or transfer of a motor vehicle, such
7 adjudication shall operate as a conviction for the purposes of
8 operator license and registration suspensions by the Registrar.

1 SECTION 10. Section 24 of Chapter 90 of the General Laws
2 as appearing in the 1990 Official Edition, is hereby amended by
3 deleting the word “six” in lines 12, 33, 58, 114, 122, 130, 197, 217,
4 226, 243, 266 and substituting therefor the word “ten”.

1 SECTION 11. Section 24 of Chapter 90 of the General Laws,
2 as appearing in the 1990 Official Edition, is hereby amended by
3 deleting the word “twenty” in line 372 and substituting therefor
4 the word “eighty”.

1 SECTION 12. Section 29 of Chapter 90 of the General Laws,
2 as appearing in the 1990 Official Edition, is hereby amended by
3 deleting the words “upon blanks furnished” in line 14 and inserting
4 in place thereof the following: — “in a form prescribed”.

1 SECTION 13. Section 30 of Chapter 90 of the General Laws,
2 as appearing in the 1990 Official Edition, is hereby amended by
3 deleting the second sentence and inserting in place the
4 following: — The Registrar shall maintain a record, in the main

5 office, of all convictions of persons charged with violations of the
6 laws relating to motor vehicles or resulting in suspension or
7 revocation of driving licenses or right to operate and,
8 notwithstanding any law to the contrary, all such records shall
9 be public and open to the inspection of any persons during
10 business hours.

1 SECTION 14. Section 30A of Chapter 90 of the General Laws,
2 as appearing in the 1990 Official Edition, is hereby amended by
3 adding after the first paragraph the following paragraph: —

4 Notwithstanding the provisions of the preceding paragraph, the
5 Registrar may allow direct or indirect access into any Registry
6 computer data files which, under the laws of the Commonwealth,
7 comprise only public records; including, but not limited to, the
8 entire driver license file, registration file, title file and driver
9 history file. The Registrar shall promulgate regulations
10 establishing procedures which ensure that only public records are
11 accessed, that the appropriate public record fees are collected and
12 that such access does not adversely affect the performances of the
13 Registrar's other legal responsibilities and duties. In the event such
14 access must be prioritized, priority shall be given to those entities
15 furthering a public purpose, as determined by the Registrar.

1 SECTION 15. Section 33 of Chapter 90 of the General Laws,
2 as appearing in the 1990 Official Edition, is hereby amended by
3 striking out the second sentence in line 209 of the twenty-fourth
4 paragraph of subdivision (7) and inserting in place thereof the
5 following sentence: —

6 If payment of any fee required under this chapter or chapter
7 ninety D is made by check and said check is not duly paid, the
8 Registrar of Motor Vehicles shall withhold issuance of the
9 certificate of title for the motor vehicle, and shall prohibit the
10 transfer or swap of the registration, and shall suspend or revoke
11 any learner's permit, license to operate motor vehicles, certificate
12 of registration or title, number plate, sticker, decal or other item
13 for which the check was tendered and order the return of same
14 forthwith. The holder of said item for which said check was
15 tendered may not apply for, receive or renew any other learner's
16 permit, license to operate motor vehicles, certificate of registration

17 or title, number plates, stickers, decals or any other items issued
18 under the provisions of chapter ninety or chapter ninety D until
19 said check has been duly paid.

1 SECTION 16. Section 33 of Chapter 90 of the General Laws,
2 as appearing in the 1990 Official Edition, is hereby amended by
3 adding at the end the following new paragraph: —

4 The Registry of Motor Vehicles is hereby authorized to expend
5 for the issuance of registrations and licenses a maximum of two
6 million dollars from fees charged for the issuance of special
7 registration plates.

1 SECTION 17. Section 33 of Chapter 90 of the General Laws,
2 as appearing in the 1990 Official Edition, is hereby amended by
3 adding after the first paragraph the following new paragraph: —

4 Notwithstanding the provisions of any general or special law
5 to the contrary, the Registrar shall retain a portion of any
6 registration fee collected under this section in an amount not to
7 exceed the cost of issuing number plates which portion shall be
8 deposited in a restricted revenue account for the Registry to be
9 expended for the sole purpose of issuing number plates.

1 SECTION 18. Section 1 of Chapter 90F of the General Laws,
2 as appearing in the 1990 Official Edition, is hereby amended by
3 deleting the definition of “commerce” and inserting in place
4 thereof the following new definition of “commerce”: —

5 “Commerce” means (1) any trade, traffic or transportation
6 within the jurisdiction of the United States between a place in a
7 state and a place outside of such state, including a place outside
8 the United States and; (2) trade, traffic and transportation in the
9 United States which affects any trade, traffic and transportation
10 described in subsection (1) of this definition.

1 SECTION 19. Section 6 of Chapter 90F of the General Laws,
2 as appearing in the 1990 Official Edition, is hereby amended by
3 deleting the letter “C” in lines 39 and 40 of the seventh paragraph
4 and substituting therefor the letter “D”.

1 SECTION 20. Section 58 of Chapter 140 of the General Laws,
2 as appearing in the 1990 Official Edition, is hereby amended by
3 inserting after the word “rebuilding” in line 29 the words “and
4 selling”.

1 SECTION 21. Section 34C of Chapter 138 of the General
2 Laws, as appearing in the 1990 Official Edition, is hereby amended
3 by deleting the word “may” in line 13 and substituting therefor
4 the word “shall”.

1 SECTION 22. Section 67A of Chapter 140 of the General
2 Laws, as appearing in the 1990 Official Edition, is hereby amended
3 by striking out the first sentence and inserting in place the
4 following new sentence: — Any person licensed under section
5 fifty-four or fifty-nine of this chapter shall comply with the
6 provisions of section twenty E (a) of chapter ninety D.

1 SECTION 23. Section 4G of Chapter 147 of the General Laws,
2 as appearing in the 1990 Official Edition, is hereby amended by
3 striking out said section and inserting in place thereof the
4 following new section: —

5 Section 4G. In proceeding under sections twenty-seven A,
6 twenty-eight, twenty-nine, one hundred and eleven A and one
7 hundred and thirty of chapter two hundred and sixty-six, certified
8 copies of any motor vehicle or trailer ownership records, including
9 computer records, in the possession of the Registrar of Motor
10 Vehicles, attested by the Registrar or his designee or, if the motor
11 vehicle or trailer is registered or titled in another state, such
12 records similarly certified by the keeper of records of the
13 appropriate motor vehicle department, shall be admissible as
14 proof of ownership of a motor vehicle or trailer and shall be
15 *prima facie* evidence that the use of the motor vehicle or trailer
16 was unauthorized. If the defendant rebuts such evidence, the
17 Commonwealth may be granted a reasonable continuance to
18 enable the owner of the motor vehicle or trailer to be brought into
19 court to testify.

1 SECTION 24. Section 113B of Chapter 175 of the General
2 Laws, as appearing in the 1990 Official Edition, is hereby amended

3 by adding after the last sentence in the fourteenth paragraph the
4 following: — In addition, the Registrar shall charge a ten dollar
5 processing fee which shall be retained by the Registry for the sole
6 purpose of administering said program.

