SENATE DOCKET, NO. 22 FILED ON: 1/7/2011

SENATE . . . . . No. 1768

The Commonwealth of Massachusetts

PRESENTED BY:

Michael O. Moore

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to snow and recrational vehicle titles.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Michael O. Moore	
	☐ *[District]*
	☐

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SENATE . . . . . No. 1768

By Mr. Moore, a petition (accompanied by bill, Senate, No. 1768) of Michael O. Moore for legislation relative to snow and recreational vehicle titles. Transportation.

The Commonwealth of Massachusetts

An Act relative to snow and recrational vehicle titles.

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. Chapter 90B of the Massachusetts General is amended by adding after section 38 the following new section.

Section 39. Recreational & Snow Vehicle Title Fees

At the discretion of the director all owners of recreational vehicles and snow vehicles as defined in Section 20 of Chapter 90B shall be required to pay a title fee of not less than $25 to the Department of Environmental Law Enforcement upon the purchasing of a new vehicle or upon transfer of ownership of vehicles.

(a) The Director of the Department shall be required to promulgate regulations relative to design and format of titles for all recreational vehicles and snow vehicles to go into effect six months from the date of enactment. Said titles shall include among other items, the name and address of the owner, a description of the titled vehicle (including, as appropriate, its manufacturer's or builder's number, vehicle identification number and any other information required at the discretion of the Director), name and address of purchaser and date of purchase, name and address of any holder of a security interest and such other information as the division may prescribe. The application shall be accompanied by the prescribed fee and by such evidence as the division shall reasonably require to establish that the applicant or other person is entitled to a certificate of title or a noted security interest. Such evidence may include a certificate of title issued by another state or jurisdiction, manufacturer's or importer's certificate, bill of sale, assignment, contract, promissory note, security agreement, invoice, bill of lading, affidavit, probate or heirship proceedings or information, judgment of a court of competent jurisdiction, or their documents. Every manufacturer or dealer selling or exchanging a titled vehicle to a person not a manufacturer or dealer shall make application for a certificate of title in the name of the purchaser or transferee. In all other cases the purchaser shall make the application for a certificate of title. The application shall be made within twenty days after the date of sale of the

25 titled vehicle. If a dealer acquires a titled vehicle for which a then currently valid certificate of
26 title is issued, the dealer need not secure a certificate of title in his name but may apply for a
27 certificate of title in the name of the person, other than another dealer, to whom he subsequently
28 sells or otherwise transfers the titled vehicle, submitting the certificate of title with an
29 appropriate assignment endorsement.

30 (b) The certificate of title issued by the division shall contain the name and
31 address of the owner of the titled vehicle, the name of each holder of any security interest
32 therein, a description of the titled vehicle, and shall be in a form prescribed by the division. If
33 there is no security interest held in the titled vehicle, the original certificate of title, marked,
34 "Original", shall be delivered to the owner and a copy retained by the division. If there is a
35 security interest held, the original certificate marked "Original", shall be sent to the first lien
36 holder and the duplicate original, marked "Duplicate Original", shall be delivered to the owner
37 and a copy retained by the division. Title may be transferred only by surrender of the "Original"
38 certificate of title properly endorsed to show the transfer.

39 (c) The manufacturer's or importer's certificate shall include the information
40 required by subsection (d) for certificates of title, shall certify to the manufacturer or other origin
41 of the titled vehicle, shall be signed by the manufacturer or the equivalent thereof, and shall show
42 thereon the endorsement of the original and each subsequent transferee thereof including the
43 applicant for the certificate of title. No lien, encumbrance, or security interest or security
44 agreement shall be shown thereon. Any security interest, encumbrance or other lien may be
45 perfected as provided by chapter one hundred and six of the General Laws prior to the issuance
46 of a certificate of title.

47 (d) The provision of subsections (d), (e) and (f) shall apply to the issuance of
48 certificates of title or manufacturer's or importer's certificates for those vessels for which a
49 certificate of title or a manufacturer's or importer's certificate may but need not be issued under
50 subsection (b).

51 (e) A certificate of title shall be required as proof of ownership of a titled
52 vehicle on an application for registration as required by this chapter unless a certificate of title
53 has not otherwise been required by the terms of this section. A certificate of title may be
54 cancelled by the division for due cause under law.

55 (f) (1) If ownership of a title vehicle is transferred by operation of law, such as
56 inheritance, order in bankruptcy, insolvency, replevin, or execution sale, the transferee, within
57 thirty days after acquiring the right to possession of the titled vehicle by operation of law, shall
58 provide to the division such proof of the right to possession as requires, together with an
59 application for a new certificate of title and the required fee. (2) If a lien holder repossesses a
60 titled vehicle by operation of law and holds it for resale, such person shall secure a new
61 certificate of title and shall pay the required fee.

62 (g) The fees for the issuance of certificates of title and the notation of a security
63 interest or other lien or encumbrance shall be fifteen dollars; subject to biannual review by the
64 division. Any alterations in the fee recommended by the division are subject to approval by the
65 house and senate committees on ways and means.

66 (h) No person shall possess or sell a titled vehicle without an original title or a
67 legally transferred title. Persons in violation of this subsection shall be fined one hundred dollars
68 for the first offense. For any subsequent offense, the offender shall be fined an amount not less
69 than two hundred and fifty dollars but not more than five hundred dollars.

70 (i) Section 10. No person shall falsify a vehicle title or sell a motor boat with a
71 falsified title. Persons in violation of this section shall be fined five hundred dollars for the first
72 offense. For any subsequent offense, the offender shall be fined an amount not less than one
73 thousand dollars but not more than two thousand dollars.

74 (j) A security interest in a vehicle for which a certificate of title is issued under
75 this section is perfected by the delivery to the division of the existing certificate of title, if any, an
76 application for a certificate of title containing the name and address of the secured party, any
77 other information required by the division under subsection (d), and the required fee. The
78 security interest is perfected as of the later of the time of delivery and the time of attachment of
79 the security interest.

80 (k) Any person who, while operating a recreational or snow vehicle shall refuse,
81 when requested by any officer empowered to enforce this chapter, to give his name and address
82 or the name and address of the owner of such vehicle or who shall give a false name or address,
83 or who shall refuse or neglect to stop when signaled or requested to do so by any such officer, or
84 who refuses, on demand of such officer, to produce his title, or to permit such officer to take the
85 title in hand for the purpose of examination, or who refuses, on demand of such officer, to sign
86 his name in the presence of such officer, and any person who on the demand of such officer
87 without a reasonable excuse fails to deliver the title of any vehicle operated or owned by him, or
88 who refuses or neglects to produce such certificate when requested by a court or trial justice,
89 shall be punished by a fine of one hundred dollars.