

**SENATE . . . . . No. 1716**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Steven A. Baddour***

*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 adoption of the accompanying bill:

An Act enhancing the administrative operations of the Registry of Motor Vehicles..

PETITION OF:

NAME:

DISTRICT/ADDRESS:

*Steven A. Baddour*

*3rd Worcester*

*Stephen L. DiNatale*

**SENATE . . . . . No. 1716**

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By Mr. Baddour, petition (accompanied by bill, Senate, No. 1716) of Baddour and DiNatale for legislation to enhance the administrative operations of the Registry of Motor Vehicles [Joint Committee on Transportation].

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1882 OF 2009-2010.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Eleven**  
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An Act enhancing the administrative 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 2 of chapter 90 of the General Laws is hereby amended by  
2 inserting after the third paragraph the following:-

3 The registrar is hereby authorized to enter into agreements on behalf of the  
4 commonwealth with the duly authorized representatives of any state of the United States or the  
5 District of Columbia providing for the establishment of a reciprocal cross-border electronic  
6 vehicle titling and registration program that would enable a person purchasing a motor vehicle in  
7 a participant state that is other than the person's state of residence to have such vehicle titled and  
8 registered electronically in the person's state of residence pursuant to the rules and regulations of  
9 such reciprocal electronic titling and vehicle registration program; provided, however, that,  
10 notwithstanding the provisions of any other previous agreement, permit, or license in existence

11 between the registrar, the commonwealth, and other parties, no person who sells motor vehicles  
12 outside of the commonwealth pursuant to the laws and regulations of the state where said  
13 person's place of business is located shall be allowed to engage in the electronic titling and  
14 registration of motor vehicles into the commonwealth unless and until such reciprocal cross-  
15 border electronic vehicle registration program is executed and established with the  
16 commonwealth and such other state.

17 SECTION 2. Section 9 of chapter 90D of the General Laws is hereby amended by  
18 inserting the following subsection:--

19 (c) The registrar shall administer an electronic titling program that permits the recording  
20 of vehicle title information for new, transferred and corrected certificates of title through  
21 electronic media in a cost-effective manner in lieu of the submission and maintenance of paper  
22 documents otherwise required by this chapter. Said electronic titling program shall include, but  
23 not be limited to, methods by which vehicle title information, including the perfection, release,  
24 and assignment of vehicle security interests may be submitted through electronic media. Except  
25 for persons and lienholders who are not normally engaged in the business or practice of  
26 financing vehicle sales or leases, lienholders shall participate in said electronic titling program.

27 SECTION 3. Section 6 of chapter 64H, as appearing in the 2004 Official Edition, is  
28 hereby amended by inserting after paragraph (xx) the following paragraph:--

29 (yy) Sale of a motor vehicle to a person who is not a resident of the commonwealth who  
30 does not register the motor vehicle in the commonwealth, whether the sale or delivery of the  
31 motor vehicle to the nonresident is made in or outside the commonwealth. A motor vehicle sold  
32 to a nonresident whose state of residence does not allow a like exemption to its nonresidents

33 shall not be exempt from the tax imposed under this chapter. In that event the nonresident shall  
34 pay a tax to the commonwealth on the sale at a rate equal to the rate that would be imposed in his  
35 or her state of residence not to exceed the rate that would have been imposed under this chapter.  
36 When a motor vehicle dealer, licensed pursuant to section 58 and 59 of chapter 140, makes a sale  
37 of a motor vehicle to a nonresident as provided in this paragraph, the dealer in computing the tax  
38 shall take into consideration the law of the state of the nonresident as it relates to the trade-in of  
39 motor vehicles. The commissioner may require any licensed motor vehicle dealer to keep  
40 records of sales to bona fide nonresidents as the commissioner deems reasonably necessary to  
41 substantiate the exemption provided in this paragraph, including the affidavit of a licensed motor  
42 vehicle dealer that the purchaser of the motor vehicle was the holder of and had in his or her  
43 possession a valid out of state driver's license. Any nonresident who registers a motor vehicle in  
44 the commonwealth within 90 days of the date of its sale to him or her is deemed to have  
45 purchased the motor vehicle for use, storage, or other consumption in the commonwealth, and is  
46 subject to, and liable for the tax imposed under this chapter.