

HOUSE No. 3553

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act Relative To Motor Boat Registration..

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 90B of the General Laws is hereby amended by
2 inserting, after subsection (5), the following subsection:-

3 “(5 ½) (a) Any person claiming to be a nonresident for purposes of section 2, subsection
4 5 of Chapter 90B, shall be deemed to be a resident of the commonwealth during any period in
5 which such person:

6 obtained an exemption pursuant to clause 17, 17C, 17C ½ , 17D, 18, 22, 22A, 22B, 22C,
7 22D, 22E, 37, 37A, 41, 41A, 41B, 41C, 42, or 43 of section 5 of chapter 59;

8 obtained an exemption pursuant to Section 5C of said Chapter 59;

9 filed a Massachusetts resident income tax return pursuant to Chapter 62;

10 obtained a rental deduction pursuant to subparagraph (9) or paragraph (a) of Part B of
11 section 3 of chapter 62;

declared in a home mortgage settlement document that the mortgage property located in the commonwealth would be occupied as his principal residence;

obtained homeowners liability insurance coverage on property that was declared to be occupied as a principal residence;

filed a certificate of residency and identified his place of residence in a city or town in the commonwealth in order to comply with residency ordinance as a prerequisite for employment with a government entity;

paid on his own behalf, or on the behalf of a child or dependent for whom the person has custody, resident in-state tuition rates to attend a state sponsored college, community college or university;

applied for and received public assistance from the commonwealth for himself or his child or dependent of whom he has custody;

has a child or dependent of whom he has custody who is enrolled in a public school in a city or town in the commonwealth, unless the cost of such education is paid for by him, such child or dependent, or by another education jurisdiction;

is registered to vote in the commonwealth;

obtained any benefit, exemption, deduction, entitlement, license, permit or privilege by claiming principal residence in the commonwealth; or

is a resident under any other written criteria under which the commissioner of revenue may determine residency in the commonwealth.

(b) Any person who improperly registers a motorboat, vessel or recreational vehicle in another state or misrepresents the place of garaging or mooring of the motorboat vessel or recreational vehicle within the commonwealth, for purpose of evading the payment of motorboat, vessel or recreational vehicle excise, sales and use taxes or insurance premiums, or to reduce the amount of such payment, shall be punishable by a fine of not less than \$200.00 and not more than \$1,000.00 for each offence. For purposes of this section, each taxable year that a motorboat, vessel or recreational vehicle is improperly registered shall be considered a separate offence, but no more than 3 years shall be the subject of prosecution. The fines imposed to this section shall be divided as follows: 75 per cent of the fines shall be paid over to the treasury of the city or town in whose jurisdiction the motorboat, vessel or recreational vehicle is customarily garaged or moored; and 25 per cent of the fines shall be paid over to the treasurer of the commonwealth to be used by the Secretary of Environmental Affairs, and deposited in the Marine Theft Bureau of the Massachusetts Environmental Police to offset costs associated with the implementation of this section.

(c) Violation of this section may be prosecuted as a non-criminal motorboat infraction in the amount of \$500.00. Fines recovered under this paragraph shall be divided as follows: 50 per cent of the fines shall be paid over to the treasury of the city or town in whose jurisdiction the motorboat, vessel or recreational vehicle is customarily garaged or moored, of which not less than 40 per cent of the city or town share shall be appropriated to the police department in the city or town; and 50 percent of the fines shall be paid over to the treasurer of the commonwealth to be used by the Secretary of Environmental Affairs, and deposited in the Marine Theft Bureau of the Massachusetts Environmental Police to offset costs associated with the implementation of this section.