

# **HOUSE . . . . . No. 4275**

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, May 11, 2016.

The committee on Transportation to whom was referred so much of the message from His Excellency the Governor recommending legislation relative to modernizing municipal finance and government [for message, see House, No. 3905] as relates to Sections 184 through 200 (House, No. 3910), reports recommending that the accompanying bill (House, No. 4275) ought to pass.

For the committee,

WILLIAM M. STRAUS.

**HOUSE . . . . . No. 4275**

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**The Commonwealth of Massachusetts**

**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**

An Act relative to modernize municipal finance and government.

*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 [184]. Section 16A of chapter 83 of the General Laws, as so appearing, is  
2 hereby amended by inserting after the word “deeds”, in line 4, the following words:- , and files a  
3 copy of said certificate with the collector of taxes of the city or town in which the lien hereinafter  
4 mentioned is to take effect, .

5           SECTION 2 [185]. Chapter 90B of the General Laws, as so appearing, is hereby  
6 amended by inserting after section 2 the following section:-

7           Section 2A. The owner of a vessel, which has a valid marine document issued by the  
8 Bureau of Customs of the United States or any federal agency successor thereto and is  
9 homeported in the commonwealth or maintained for usual mooring or dockage during three  
10 consecutive months of the summer season, including July and August in commonwealth waters  
11 by a resident of the commonwealth, shall apply to the director on a form prescribed him for a  
12 registration decal or renewal thereof. The application shall be signed by the owner of the vessel  
13 and submitted to the director together with a fee, as determined annually by the commissioner of

14 administration under the provision of section 3B of chapter 7. Said form shall be available for  
15 submission electronically, by mail or in person.

16 The registration decal shall be displayed, so as to be visible to any law enforcement  
17 officer, on the upper left section of the transom while facing the transom.

18 Registration decal information for such documented vessels shall be maintained by the  
19 department and transmitted to the board of assessors of each city and town for the purposes of  
20 assessing the excise imposed by chapter 60B.

21 This section shall not apply to owners of vessels documented for commercial use.

22 Nothing in this section shall be construed to alter the sales tax provisions of M.G.L. c.  
23 64H, sect. 2, nor shall the form for application for a registration decal or its renewal presume  
24 sales tax is owed.

25 SECTION 3 [186]. Section 3 of said chapter 90B, as so appearing, is hereby amended by  
26 adding the following subsection:

27 (l) Registration information for such motorboats shall be maintained by the department  
28 and transmitted to the board of assessors of each city and town for the purposes of assessing the  
29 excise imposed by chapter 60B.

30 SECTION 4 [187]. Section 1 of chapter 90C of the General Laws, as so appearing, is  
31 hereby amended by striking out the definition of “Audit sheet” and inserting in place thereof the  
32 following definition:-

33 “Audit sheet”, a list of unique numbers assigned to the citations in a particular citation  
34 book or books, or in electronic format, and in such form as the registrar shall determine.

35 SECTION 5 [188]. Said section 1 of said chapter 90C, as so appearing, is hereby further  
36 amended by striking out the definition of “Citation” and inserting in place thereof the following  
37 definition:-

38 “Citation”, a notice, whether issued in handwritten form from a “citation book” or issued  
39 electronically and then printed on paper, upon which a police officer shall record an occurrence  
40 involving all automobile law violations by the person cited. Each citation shall be numbered and  
41 shall be in such form and such parts as determined jointly by the administrative justice of the  
42 district court department and the registrar.

43 SECTION 6 [189]. Said section 1 of said chapter 90C, as so appearing, is hereby further  
44 amended by inserting, in line 60, after the word “town,” the following words:- or his or her  
45 designee,.

46 SECTION 7 [190]. Said section 1 of said chapter 90C, as so appearing, is hereby further  
47 amended by striking out, in lines 61 to 62, inclusive, the words “chairman of the Massachusetts  
48 Department of Transportation” and inserting in place thereof the words:- Secretary of the  
49 Massachusetts Department of Transportation or his or her designee.

50 SECTION 8 [191]. Section 2 of said chapter 90C, as so appearing, is hereby amended by  
51 inserting, in line 9, after the word “issued,” the following words:- The executive office of public  
52 safety and security shall promulgate rules and regulations establishing the standards required by  
53 this section for the issuance of electronic citations, including the proper equipment to be  
54 maintained by each department. In lieu of issuing citation books or in addition thereto, each  
55 police chief whose department issues citations electronically may grant authority to do so to each  
56 police officer of his or her department who has been trained pursuant to the regulations.

57 SECTION 9 [192]. Said section 2 of said chapter 90C, as so appearing, is hereby further  
58 amended by striking out, in line 66, the words “by said police officer and by the violator”, and  
59 inserting in place thereof the following words:- , manually or electronically, by said police  
60 officer.

61 SECTION 10 [193]. Said section 2 of said chapter 90C, as so appearing, is hereby further  
62 amended by striking out, in lines 68 to 70, inclusive, the words “The violator shall be requested  
63 to sign the violation in order to acknowledge that is has been received.”

64 SECTION 11 [194]. Said section 2 of said chapter 90C, as so appearing, is hereby further  
65 amended by inserting, in line 96, after the word “him” the following words:- and except further  
66 that if a citation has been issued electronically, an electronic record shall be made and delivered  
67 to the police chief.

68 SECTION 12 [195]. Said section 2 of said chapter 90C, as so appearing, is hereby further  
69 amended by inserting, in line 104, after the word “citation,” the following words:- or if issued  
70 electronically, shall retain the police department report of the issuance,.

71 SECTION 13 [196]. Said section 2 of said chapter 90C, as so appearing, is hereby further  
72 amended by inserting, in line 106, after the word “citations” the following words:- issued from a  
73 citation book.

74 SECTION 14 [197]. Said section 2 of said chapter 90C, as so appearing, is hereby further  
75 amended by inserting, in line 108, after the word “registrar” the following words:- , or in the case  
76 of citations issued electronically alleging one or more civil motor vehicle infractions, shall  
77 ensure that such citation or citations were electronically forwarded as required.

78 SECTION 15 [198]. Said section 2 of said chapter 90C, as so appearing, is hereby further  
79 amended by inserting, in line 110, after the word “copies” the following words:- or electronic  
80 records.

81 SECTION 16 [199]. Said section 2 of said chapter 90C, as so appearing, is hereby further  
82 amended by inserting, in line 121, after the word “citation” the following words:- issued from a  
83 citation book.

84 SECTION 17 [200]. Said section 2 of said chapter 90C, as so appearing, is hereby further  
85 amended by inserting at the end of said section the following sentence:- If any record of a  
86 citation issued electronically is spoiled, mutilated or voided, the record of such electronic  
87 citation, to the extent it can be recovered, shall be endorsed with a full explanation thereof by the  
88 police officer voiding such electronic citation and it shall be forwarded to the registrar in a  
89 manner approved by him and the officer shall be prepared to account for the void in an electronic  
90 audit trail.