

HOUSE No. 1805

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas J. Calter

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 relative to antique boats, automobiles and motorcycles.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>	<i>1/19/2017</i>
<i>Viriato M. deMacedo</i>	<i>Plymouth and Barnstable</i>	<i>2/1/2017</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>1/23/2017</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/3/2017</i>
<i>Mathew Muratore</i>	<i>1st Plymouth</i>	<i>1/23/2017</i>
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>	<i>2/2/2017</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>2/3/2017</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>1/23/2017</i>

HOUSE No. 1805

By Mr. Calter of Kingston, a petition (accompanied by bill, House, No. 1805) of Thomas J. Calter and others relative to antique boats, automobiles and motorcycles. Transportation.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2956 OF 2015-2016.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to antique boats, automobiles and motorcycles.

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 1 of chapter 90 of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by inserting after the definition of “ambulance” the
3 following 3 definitions:-

4 “Antique motor car”, any motor vehicle over twenty-five years old which is maintained
5 solely for use in exhibitions, club activities, parades and other functions of public interest and
6 which is not used primarily for the transportation of passengers or goods over any way, provided
7 that the application for registration thereof is accompanied by an affidavit upon a form provided
8 by the registrar which shall include a statement of the age and intended use of such motor
9 vehicle.

10 “Antique motor vehicle”, any motor vehicle that is over 25 years old that is substantially
11 maintained in original or restored condition intended to be operated upon any highway or public
12 way.

13 “Antique motorcycle”, any motorcycle that is over 25 years old that is substantially
14 maintained in original or restored condition intended to be operated upon any highway or public
15 way.

16 SECTION 2. Chapter 90 of the General Laws, as so appearing, is hereby amended by
17 inserting after section 2I the following section:-

18 Section 2J. (a) For purposes of this section, the word “owner” shall mean a person
19 entitled to possession of an antique motor vehicle or antique motorcycle.

20 (b) If the owner of an antique motor vehicle or antique motorcycle is unable to register
21 such vehicle or motorcycle because a certificate of title does not exist or the vehicle or
22 motorcycle has not previously been registered by the registrar, the registrar may issue a
23 certificate of ownership in accordance with the provisions of this section.

24 (c)(1) An owner of an antique motor vehicle or antique motorcycle may apply for a
25 certificate of ownership upon a blank application form to be furnished by the registrar, which
26 shall contain such information as the registrar shall determine necessary. The registrar may
27 waive any information requested on the form if it is not available.

28 (2) Within 15 days of receipt of an application for certificate of ownership, the registrar
29 may inspect the antique motor vehicle or motorcycle. If upon inspection the registrar has reason

30 to believe that the motor vehicle or motorcycle was stolen or is comprised of stolen parts the
31 registrar shall not issue the certificate of ownership.

32 (3) A certificate of ownership issued pursuant to this section shall be delivered to the
33 applicant and shall contain the words “antique motor vehicle” or “antique motorcycle” and any
34 additional information as the registrar shall deem necessary. Upon the reverse side, the certificate
35 of ownership shall contain a blank form for assignment of ownership.

36 (4) The fee for each original certificate of ownership so issued shall be \$40. The
37 certificate of ownership shall be good for the life of the antique motor vehicle or antique
38 motorcycle, so long as the same is owned or held by the original holder of the certificate of
39 ownership. In the event of a sale or transfer of ownership of an antique motor vehicle or antique
40 motorcycle for which a certificate of ownership has been issued, the seller shall endorse the
41 reverse side of the certificate of ownership, as prescribed by the registrar, and deliver the
42 certificate to the buyer at the time of delivery of the antique motor vehicle or antique motorcycle.
43 The buyer shall then present the assigned certificate of ownership to the registrar, whereupon a
44 new certificate of ownership shall be issued to the buyer, the fee therefore being \$40.

45 (d) Notwithstanding section 4 of chapter 90D or any other general or special law to the
46 contrary, an owner of an antique motor vehicle or antique motorcycle for which a certificate of
47 ownership has been issued pursuant to this section may apply for registration of the antique
48 motor vehicle or antique motorcycle and the registrar shall accept such certificate of ownership
49 in lieu of certificate of title for purposes of registering such vehicle or motorcycle pursuant to
50 this chapter.

51 (e) The registrar shall promulgate rules and regulations necessary to carry out this
52 section.

53 SECTION 3. Section 7A of said chapter 90, as so appearing, is hereby amended by
54 inserting after the first paragraph the following paragraph:-

55 The registrar shall establish rules and regulations providing for the periodic inspection of
56 all antique motor vehicles and antique motorcycles; provided, however, that the periodic
57 inspection for antique motor vehicles shall be staggered and the periodic inspection for antique
58 motorcycles shall not be staggered, and shall run from June 1 of each year until May 31 of the
59 following year, inclusive. The registrar shall establish rules and regulations to govern the annual
60 safety and emissions inspections, which shall ensure that an antique motor vehicle or antique
61 motorcycle meets, at a minimum, the required emissions standards, as applicable, in effect at the
62 time of manufacture. The registrar may adopt additional standards to ensure that other parts or
63 components of the antique motor vehicle or antique motorcycle, as equipped, are in good
64 working order and that the antique motor vehicle or antique motorcycle is safe to operate.

65 SECTION 4. Section 1 of chapter 90B of the General Laws, as so appearing, is hereby
66 amended by inserting after the definition of "Vessel" the following definition:-

67 "Antique motorboat", a motorboat of 14 feet or greater in length that is over 25 years old
68 and is substantially maintained in original or restored condition.

69 SECTION 5. Said chapter 90B, as so appearing, is hereby amended by inserting after
70 section 3 the following section:-

71 3A. (a) For purposes of this section, the word “owner” shall mean a person entitled to
72 possession of an antique motorboat.

73 (b) Notwithstanding section 2 or any other general or special law to the contrary, if the
74 owner of an antique motorboat is unable to obtain a certificate of number for such motorboat
75 because a certificate of title does not exist or the motorboat has not previously been issued a
76 certificate of number by the registrar, the registrar shall issue a certificate of number for such
77 motorboat in accordance with the provisions of this chapter; provided, however, that the registrar
78 has issued a certificate of ownership pursuant to this section prior to the owner’s application for a
79 certificate of number.

80 (c) (1) An owner of an antique motorboat may apply for a certificate of ownership upon a
81 blank application form to be furnished by the registrar, which shall contain such information as
82 the registrar shall deem necessary. The registrar may waive any information requested on the
83 form if it is not available.

84 (2) Within 15 days of receipt of an application for certificate of ownership, the registrar
85 may inspect the antique motorboat. If, upon inspection, the registrar has reason to believe that the
86 motorboat was stolen or is comprised of stolen parts the registrar shall not issue the certificate of
87 ownership.

88 (3) A certificate of ownership issued pursuant to this section shall be delivered to the
89 applicant and shall contain the words “antique motorboat” or “antique motorboat” and any
90 additional information as the registrar shall deem necessary. Upon the reverse side, the certificate
91 of ownership shall contain a blank form for assignment of ownership.

92 (4) The fee for each original certificate of ownership so issued shall be \$40. The
93 certificate of ownership shall be good for the life of the antique motorboat provided that the
94 motorboat is owned or held by the original holder of the certificate of ownership. In the event of
95 a sale or transfer of ownership of an antique motorboat for which a certificate of ownership has
96 been issued, the seller shall endorse the reverse side of the certificate of ownership, as prescribed
97 by the registrar, and deliver the certificate to the buyer at the time of delivery of the antique
98 motorboat. The buyer shall then present the assigned certificate of ownership to the registrar,
99 whereupon a new certificate of ownership shall be issued to the buyer, the fee therefore being
100 \$40.

101 SECTION 6. Section 142K of chapter 111 of the General Laws, as so appearing, is
102 hereby amended by striking out subsection (b) and inserting in place thereof the following
103 subsection:-

104 (b) No corporation, person or other entity shall sell or offer for sale a motor vehicle or
105 motor vehicle engine, manufactured during or after the first model year that the motor vehicle
106 emissions standards specified in subsection (a) are in effect which is intended for use primarily
107 in the commonwealth and which has not been certified according to regulations promulgated by
108 the department; provided, however, that reasonable exemptions may be made by the department
109 for: (1) out-of-state registered vehicles transferred by inheritance, or by decree of divorce,
110 dissolution or legal separation entered by a court of competent jurisdiction; (2) vehicles
111 purchased by nonresidents prior to establishing residency in the commonwealth; (3) used
112 vehicles, as defined by regulations of the department, which were originally purchased in states
113 with emission standards different from the standards of the commonwealth; and (4) antique
114 motor vehicles and antique motorcycles, as defined in section 1 of chapter 90, which were

115 originally manufactured, in other states or the commonwealth, with emission standards different
116 from the current standards of the commonwealth. Upon the granting of an exemption from the
117 provisions of this section, a motor vehicle shall forever be exempt. The department may
118 promulgate regulations including, but not limited to, prohibitions on the purchase, importation,
119 delivery, receipt, rental, leasing or acquisition of motor vehicles or motor vehicle engines not in
120 compliance with the provisions of this section.