SENATE DOCKET, NO. 38 FILED ON: 1/12/2011

SENATE . . . . . No. 1716

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 passage of the accompanying:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Steven A. Baddour	*[District]*
Stephen L. DiNatale	*3rd Worcester*

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SENATE . . . . . No. 1716

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].

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

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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:

SECTION 1. Section 2 of chapter 90 of the General Laws is hereby amended by inserting after the third paragraph the following:-

The registrar is hereby authorized to enter into agreements on behalf of the commonwealth with the duly authorized representatives of any state of the United States or the District of Columbia providing for the establishment of a reciprocal cross-border electronic vehicle titling and registration program that would enable a person purchasing a motor vehicle in a participant state that is other than the person's state of residence to have such vehicle titled and registered electronically in the person's state of residence pursuant to the rules and regulations of such reciprocal electronic titling and vehicle registration program; provided, however, that, notwithstanding the provisions of any other previous agreement, permit, or license in existence between the registrar, the commonwealth, and other parties, no person who sells motor vehicles outside of the commonwealth pursuant to the laws and regulations of the state where said person's place of business is located shall be allowed to engage in the electronic titling and registration of motor vehicles into the commonwealth unless and until such reciprocal cross-border electronic vehicle registration program is executed and established with the 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.