SENATE DOCKET, NO. 665 FILED ON: 1/17/2013

SENATE . . . . . No. 155

The Commonwealth of Massachusetts

PRESENTED BY:

James E. Timilty

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 regulating secondary metals dealing.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James E. Timilty	*Bristol and Norfolk*
Attorney General Martha Coakley	*One Ashburton Place*
Kathi-Anne Reinstein	*16th Suffolk*
Michael F. Rush	*Norfolk and Suffolk*
James J. Dwyer	*30th Middlesex*
Jason Lewis	
John W. Scibak	*2nd Hampshire*
Gale D. Candaras	*First Hampden and Hampshire*
Barry R. Finegold	*Second Essex and Middlesex*
Karen E. Spilka	*Second Middlesex and Norfolk*
Daniel B. Winslow	*9th Norfolk*
Eileen M. Donoghue	*First Middlesex*
Richard J. Ross	*Norfolk, Bristol and Middlesex*
Patricia D. Jehlen	*Second Middlesex*
Michael R. Knapik	*Second Hampden and Hampshire*
Thomas M. Stanley	*9th Middlesex*
Jennifer E. Benson	*37th Middlesex*

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SENATE . . . . . No. 155

By Mr. Timilty, a petition (accompanied by bill, Senate, No. 155) of James E. Timilty, Attorney General Martha Coakley, Kathi-Anne Reinstein, Michael F. Rush and other members of the General Court for legislation to regulate secondary metals dealing. Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *145* OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act regulating secondary metals dealing.

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. Chapter 6 of the General Laws is hereby amended by adding the following section:-

Section 216. Subject to distribution from the Secondary Metals Registry Trust Fund, established by section 35LL of chapter 10, the executive office of public safety and security, in cooperation with the criminal history systems board, shall establish a secondary metals registry. The registry shall consist of a central computerized registry of all information relative to metal received or kept pursuant to, or in violation of, chapter 140B½ or which was the subject of a transaction conducted in violation of said chapter 140B½. The registry shall be maintained and updated by the criminal history systems board any may use distributions from said fund for such purpose and no other. With the agreement of the criminal history systems board, information relative to metal which was stolen, or otherwise the subject of a violation of chapter 266, but not the subject of a violation of chapter 140B½, may be submitted for entry into the registry by a law enforcement agent.

The secretary of public safety and security, in cooperation with the criminal history systems board, shall develop standardized forms for use in connection with information collection requirements imposed under chapter 140B½. The department of public safety and

17 security shall make blank copies of such forms available, including electronically, to
18 municipalities and to secondary metal dealers for use by such dealers and may provide for such
19 forms to be transmitted to the registry electronically. Such forms shall prominently include a
20 statement that provision of false information or any other violation of sections 4 or 5 of said
21 chapter 140B½ of the General Laws is punishable by a fine of not more than $2,500 or by
22 imprisonment in the house of correction for not more than 2½ years, or by both such fine and
23 imprisonment for a first offense and by a fine of not less than $2,500 nor more than $10,000 or
24 by imprisonment in the house of correction for not more than 2½ years or in the state prison for
25 not less than 5 years, or by both such fine and imprisonment for a second or subsequent offense.
26 Upon a third or subsequent violation of any provision of said chapter 140B½, the license of a
27 secondary metals dealer shall be void and the licensing authority shall permanently revoke such
28 license.

29 Said secretary shall adopt regulations, consistent with the purposes of said chapter
30 140B½, to collect the information required to be obtained and kept by secondary metal dealers
31 and to maintain that information in the registry for use by law enforcement agencies. Records
32 maintained in the secondary metals registry shall be open to any law enforcement agency in the
33 commonwealth, the United States or any other state. Information in the registry database shall
34 not be a public record under clause Twenty-sixth of section 7 of chapter 4 or section 10 of
35 chapter 66.

36 SECTION 2. Chapter 10 of the General Laws is hereby amended by inserting after
37 section 35SS the following section:-

38 Section 35TT. There is hereby established on the books of the commonwealth a separate
39 fund to be known as the Secondary Metals Registry Trust Fund. The fund shall consist of monies
40 paid to the commonwealth pursuant to chapter 140B½ and any interest or investment earnings on
41 such monies. The state treasurer, ex officio, shall be the custodian of the fund and shall receive,
42 deposit and invest all monies transmitted to him pursuant to this section and shall credit interest
43 and earnings to the fund. The state treasure shall distribute 50 per cent of any fine collected and
44 transferred to the fund, pursuant to said chapter 140B½, to the municipality wherein the violation
45 of said chapter 140B½ occurred and 50 per cent to the criminal history systems board for the
46 establishment and maintenance of the secondary metals registry established under section 216 of
47 chapter 6, without further appropriation.

48 SECTION 3. The General Laws are hereby amended by inserting after chapter 140B, the
49 following chapter:-

50 CHAPTER 140B½

51 SECONDARY METAL DEALING

52 Section 1. For the purposes of this chapter, the following terms shall have the following
53 meanings unless the context clearly requires otherwise:

54 "Engaging in a business", a regular occupation or constant employment; not an isolated
55 or occasional transaction.

56 "Licensing authority", the chief of police or the board or officer having control of the
57 police in a city or town, or persons authorized by them.

58 "Metal" or "metal article", any substance or article consisting of metal or a metal alloy,
59 but excluding: (1) aluminum beverage containers if such containers have a refund value pursuant
60 to section 322 of chapter 94; or (2) firearms, ammunition and feeding devices, as defined by
61 section 121 of chapter 140.

62 "Secondary metals dealer", any business, individual, corporation, association or
63 organization engaged in secondary metals dealing for profit, whether or not licensed pursuant to
64 section 2.

65 "Secondary metals dealing", engaging in a business, from a fixed location or otherwise,
66 of gathering or obtaining metal or metal articles that are no longer in use and the economic value
67 thereof is based upon the metal or metal article's potential for re-use or upon the worth of the
68 raw material of which such metal or metal article is made.

69 Section 2. (a) The licensing authority in any city or town may license suitable persons to
70 engage in secondary metal dealing within the borders of such municipality. A licensing authority
71 may make additional rules, regulations and restrictions, not inconsistent with this chapter, which
72 shall be expressed in all licenses issued pursuant to this section; provided, however, that such
73 regulations shall include a requirement that a license issued pursuant to this section shall expire 1
74 year from the date of issue, may be renewed, and a fee of $250 shall be assessed for the initial
75 license, 50 per cent of which fee shall be forwarded by the collecting municipality to the state
76 treasurer who shall deposit such monies into the Secondary Metals Registry Trust Fund,
77 established by section 35TT of chapter 10 and $75 shall be assessed for renewals for such
78 licenses; and provided further, that any application for licensure or renewal shall designate a
79 resident agent for service of process which designation may only be withdrawn, in writing, and
80 upon designation of a new resident agent for such purpose. A license issued under section 54 or
81 54A of chapter 140 shall not be deemed a valid license for engaging in secondary metals dealing.
82 Licenses issued pursuant to this section may be revoked and shall be subject to sections 202 to
83 205, inclusive, of said chapter 140.

84 (b) A licensing authority shall enter premises used by any licensee to engage in secondary
85 metals dealing, wherein the records required to be maintained under this chapter are stored or
86 maintained, and inspect, in a reasonable manner, such records and inventory at least once per
87 calendar year during regular business hours for the purpose of enforcing this chapter. If the

88 records or inventory contain evidence of a violation of this chapter, the inspecting officer shall
89 produce and take possession of copies of the records. But, if the licensee does not possess the
90 means to provide copies, the inspecting officer shall arrange to obtain copies in a reasonable time
91 and manner, those records that contain evidence of the violation and the costs for obtaining the
92 copies shall be assessed against the owner of the records.

93 (c) The licensing authority, his authorized agent or a police officer may at any time enter
94 upon premises being used for secondary metals dealing to ascertain whether or not the operator
95 thereof is validly licensed, whether such enterprise is being operated in accordance with this
96 chapter and to examine all articles received or stored in or upon the premises and all books,
97 records and inventory relating thereto. A secondary metals dealer shall exhibit to the licensing
98 authority, his authorized agent or a police officer, upon demand, all such articles, books or
99 inventory.

100 (d) The department of state police and municipal police shall enforce this chapter.

101 Section 3. (a) It shall be illegal to engage in secondary metals dealing without a license
102 issued in accordance with section 2.

103 (b) Whoever violates this section shall be punished, for a first offense, by a fine of not
104 more than $2,500 or 2½ years in the house of correction. Whoever commits a second or
105 subsequent violation of this section shall be punished by 2½ years in the house of correction or a
106 fine of not more than $5,000 or by not more than 5 years in state prison and a fine of not more
107 than $5,000, or by both such fine and imprisonment.

108 Section 4. (a) Whoever engages in secondary metals dealing shall keep, for each
109 transaction, the following records together in a book, register or electronic archive for 2 years:

110 (1) a legible statement to be recorded in a book or register, and signed by the person from
111 whom the metal is received, stating such person's name, current address and date and place of
112 birth and a statement from such person providing when, where and from whom such person
113 obtained that metal;

114 (2) a photocopy of a government issued identification card, issued to the person from
115 whom the metal is received; provided, however, that if a photograph of such person does not
116 appear on the identification card, a photo of the person's face shall be taken and retained;

117 (3) a photograph and a record of the weight of each individual metal article with a fair
118 market value in excess of $250, unless such article bears an identifying number or mark
119 imprinted or embossed on such article during the manufacturing process and unique to such
120 object or to the object from which the metal was taken including, but not limited to, a vehicle
121 identification number; provided, however, that any photograph depicting more than 1 such article
122 shall be sufficiently clear so as to distinguish each article from any other article in the

123 photograph; provided further, that if a unique identifying number or mark is imprinted or
124 embossed on an article, that number or mark shall be recorded and neither a photograph nor the
125 recorded weight of such article shall be required unless the article is gold, silver or platinum with
126 a fair market value over $250 in the condition in which it was received, in which case such
127 article shall be photographed notwithstanding any such unique number or mark thereon;

128 (4) forward, not later than 48 hours from the time of receipt, the information required
129 under clauses (1) to (3), inclusive, to the criminal history systems board on forms provided by
130 said board or by the municipality in which the metal is received; and

131 (5) retain any metal or metal article received for 10 days following the postmark on, or
132 the date of electronic transmission of, the information sent to the criminal history systems board
133 as required under clauses (1) to (3), inclusive, and preserve such metal or article during such 10
134 days in the exact form in which it was received, without processing, tearing down, shredding,
135 crushing, cutting, recycling, compacting, melting or otherwise alteration thereof.

136 (b) It shall be illegal to engage in secondary metals dealing and to:

137 (1) knowingly, and with the intent to profit economically thereby, accept a false name,
138 address, date of birth or proof of identification or a false source from which metal or metal
139 articles were obtained from any person seeking to exchange metal or metal articles for money or
140 some other thing of value, with the intent to profit economically thereby;

141 (2) refuse the licensing authority, his authorized agent or a police officer entry onto the
142 premises used for secondary metals dealing, fail to exhibit to the licensing authority, his
143 authorized agent or a police officer, upon demand, all articles, books or inventory, or willfully
144 hinder, obstruct or prevent the licensing authority, his authorized agent or a police officer from
145 entering such premises for the purpose of conducting an examination of records or inventory or
146 the validity of any license purportedly issued pursuant to section 2;

147 (3) receive, with the intent to profit economically thereby, any street sign, manhole cover,
148 beer keg, propane container for fueling forklifts, street light, guard rail, water meter cover,
149 railroad track, railroad spike, funeral or memorial marker, any metal item bearing the mark of
150 any government entity, utility company or brewer, or copper wire, the insulation around which
151 such dealer knew, or reasonably should have known, had been burned or stripped away;
152 provided, however, that the manufacturer or authorized distributor of these metal articles shall be
153 exempt from this clause if such manufacturer or distributor refills, reuses or recycles such
154 articles of its own manufacture or that it distributes; or

155 (4) receive, with the intent to profit economically thereby, any motor vehicle or trailer, or
156 part thereof, which such dealer knew, or reasonably should have known, that the identifying
157 number or mark thereon had been removed, defaced, altered, destroyed or obliterated.

158 (c) It shall be illegal to knowingly provide a false name, address, date of birth or proof of
159 identification, or a false source from which metal or metal articles were obtained to a secondary
160 metals dealer, with the intent to exchange metal or metal articles for money or some other thing
161 of value.

162 (d) Whoever violates any provision of this section shall be punished, for a first offense,
163 by a fine of not more than $2,500 or by imprisonment in the house of correction for not more
164 than 2½ years, or by both such fine and imprisonment. Whoever commits a second or subsequent
165 violation of this section shall be punished by a fine of not less than $2,500 nor more than
166 $10,000 or by imprisonment in the house of correction for not more than 2½ years or in the state
167 prison for not less than 5 years, or by both such fine and imprisonment.

168 (e) Upon a third or subsequent violation of this chapter, the license of a secondary metals
169 dealer shall be void and the licensing authority shall permanently revoke such license and such
170 license revocation may be imposed in addition to any criminal penalties imposed as a result of a
171 violation of this chapter.

172 (f) Whoever engages in secondary metals dealing may knowingly violate this chapter for
173 the purpose of reporting the transaction and turning over all relative records and metal materials
174 to the local licensing authority provided that they in no way profit from the transaction.

175 Section 5. Notwithstanding any general or special law to the contrary, 100 per cent of the
176 fines imposed pursuant to a violation of this chapter shall be transferred by the court to the state
177 treasurer for deposit into the Secondary Metals Registry Trust Fund, established under section
178 35TT of chapter 10.

179 Section 6. Any premises used for secondary metals dealing and operated in violation of
180 this chapter shall be deemed a nuisance and the licensing authority, the state police or local
181 police department of the municipality in which such premises are located, the applicable district
182 attorney or the attorney general may make application to the superior court in the county wherein
183 the secondary metals dealing operation is established or maintained for an injunction to abate
184 such nuisance.

185 Section 7. (a) The following property shall be subject to forfeiture:

186 (1) all metal or metal articles which have been received, maintained, transferred or
187 altered or in any manner obtained or kept in violation of this chapter;

188 (2) all materials, products and equipment of any kind used, or intended for use, in
189 processing, transporting, purchasing, exchanging or recycling metals or metal articles in
190 violation of this chapter;

191 (3) all conveyances used, or intended for use, to transport, conceal or otherwise facilitate
192 the processing, transporting, purchasing, exchanging or recycling of metals or metal articles in
193 violation of this chapter;

194 (4) all money, negotiable instruments, securities or other things of value furnished, or
195 intended to be furnished, by any person in exchange for metal or metal articles in violation of
196 this chapter, all proceeds traceable to such an exchange, including real estate and any other thing
197 of value, and all moneys, negotiable instruments and securities used, or intended to be used, to
198 facilitate any violation of this chapter;

199 (5) all real property, including any right, title and interest in the whole of any lot or tract
200 of land and any appurtenances or improvements thereto, which is used in any manner or part, to
201 commit or to facilitate the commission of a violation of this chapter; and

202 (6) all property which is used, or intended for use, as a container for property described in
203 clauses (1) or (2).

204 (b) No forfeiture under this section shall extinguish a perfected security interest held by a
205 creditor in a conveyance or in any real property at the time of the filing of the forfeiture action.

206 (c) Property subject to forfeiture under subsection (a) shall, upon motion of the petitioner,
207 be declared forfeit by any court having jurisdiction over such property or having final
208 jurisdiction over any related criminal proceeding brought under this chapter.

209 (d) The court shall order forfeiture of all conveyances and of all real property subject to
210 subsection (a), except as follows:

211 (1) no conveyance used by any person as a common carrier in the transaction of business
212 as a common carrier shall be forfeited unless it shall appear that the owner or other person in
213 charge of such conveyance was a consenting party to, or privy to, a violation of this chapter;

214 (2) no conveyance shall be forfeited by reason of any act or omission established by the
215 owner thereof to have been committed or omitted by any person other than such owner while
216 such conveyance was unlawfully in the possession of a person other than the owner in violation
217 of the criminal laws of the United States, of the commonwealth or of any other state; and

218 (3) no conveyance or real property shall be subject to forfeiture unless the owner thereof
219 knew, or should have known, that such conveyance or real property was used in and for the
220 business of secondary metals dealing in violation of this chapter. Proof that the conveyance or
221 real property was used to facilitate a violation of this chapter on 3 or more different dates shall be
222 prima facie evidence that the conveyance or real property was used in and for the business of
223 unlawful secondary metals dealing.

224 (e)(1) The attorney general, a district attorney or a municipality may petition the superior
225 court in the name of the commonwealth or, in the case of a municipality, in such municipality's
226 name, in the nature of a proceeding in rem to order forfeiture of property subject to forfeiture
227 under subsection (a). Such petition shall be filed in the court having jurisdiction over such
228 property or having final jurisdiction over any related criminal proceeding brought under this
229 chapter. If the property is claimed by any person, other than the commonwealth, the plaintiff in
230 all such suits shall have the burden of proving to the court the existence of probable cause to
231 institute the action and any such claimant shall then have the burden of proving that the property
232 is not forfeitable pursuant to subsection (a). The owner of such property, or other person
233 claiming thereunder, shall have the burden of proof as to the exceptions set forth in subsections
234 (d) and (i). The court shall order the forfeiture petitioner to give notice, by certified or
235 registered mail, to the owner of the property which is the subject of the forfeiture proceeding and
236 to such other persons as appear to have an interest therein and the court shall promptly, but not
237 less than 2 weeks after notice, hold a hearing on the petition. Upon the motion of the owner of
238 such property, the court may continue the hearing on the petition pending the outcome of any
239 criminal trial related to the violation of this chapter. At such hearing, the court shall hear
240 evidence and make conclusions of law and shall thereupon issue a final order from which the
241 parties shall have a right of appeal. In all such suits in which a final order results in an order of
242 forfeiture, the final order shall provide for disposition of such property by the commonwealth, or
243 any subdivision thereof, in any manner not prohibited by law, including official use by
244 authorized law enforcement or other public agency, sale at public auction or by competitive
245 bidding. The proceeds of any such sale shall be used to pay the reasonable expenses of the
246 forfeiture proceedings, seizure, storage, maintenance of custody, advertising and notice and the
247 balance thereof shall be distributed as provided in subparagraph (2).

248 (2) The final order of the court shall provide that moneys and the proceeds of any sale
249 conducted pursuant to subparagraph (1) shall be distributed equally among the prosecuting
250 district attorney or attorney general, the municipal or state police department involved in the
251 seizure and the municipality in which such property is located. If more than 1 police department
252 was substantially involved in the seizure, the court having jurisdiction over the forfeiture
253 proceeding shall equitably divide, among each of the departments involved, the 1/3 share of the
254 money and proceeds of such sale that would be distributed as if a single department was involved
255 in the seizure.

256 (3) There shall be established, within the office of the state treasurer, separate special law
257 enforcement trust funds for each district attorney and for the attorney general. All such monies
258 and proceeds received by the attorney general or any prosecuting district attorney pursuant to this
259 subsection shall be deposited into such a trust fund and may be expended without further
260 appropriation to defray the costs of protracted investigations, to provide additional technical
261 equipment or expertise, to provide matching funds to obtain federal grants, or such other law
262 enforcement purposes as the attorney general or such district attorney deems appropriate.

263 All such moneys and proceeds received by any police department pursuant to this
264 subsection shall be deposited into a special law enforcement trust fund and may be expended
265 without further appropriation to defray the costs of protracted investigations, to provide
266 additional technical equipment or expertise, to provide matching funds to obtain federal grants,
267 or to accomplish such other law enforcement purposes as the colonel of state police or applicable
268 chief of police deems appropriate, but such funds shall not be considered a source of revenue to
269 meet the operating needs of such department.

270 (f) Any officer, department, or municipality having custody of any property subject to
271 forfeiture under this chapter or having disposed of such property shall keep and maintain full and
272 complete records showing from whom it received such property, under what authority it held or
273 received or disposed of such property, to whom it delivered such property, the date and manner
274 of destruction or disposition of such property, and the exact kind, quantity and form of such
275 property. The records shall be open to inspection by the attorney general and state officers
276 charged with enforcement of this chapter. Persons making final disposition or destruction of such
277 property under court order shall report, under oath, to the court the exact circumstances of such
278 disposition.

279 (g) (1) During the pendency of forfeiture proceedings, the court may issue, at the request
280 of the petitioner, ex parte, any preliminary order or process as is necessary to seize or secure the
281 property for which forfeiture is sought and to provide for its custody including, but not limited
282 to: an order that the petitioner remove the property, if possible, and safeguard it in a secure
283 location in a reasonable fashion; that monies be deposited in an interest-bearing escrow account;
284 and that a substitute custodian be appointed to manage such property or a business enterprise.
285 Property taken or detained under this section shall not be repleviable, but once seized shall be
286 deemed to be lawfully in the custody of the petitioner pending forfeiture, subject only to the
287 orders and decrees of the court having jurisdiction thereof. Process for seizure of such property
288 shall issue only upon a showing of probable cause, and the application therefore and the
289 issuance, execution, and return thereof shall be subject to chapter 276, so far as applicable.

290 (2) The office of seized property management within the division of capital asset
291 management and maintenance, established under section 47 of chapter 94C, shall preserve and
292 manage property seized pursuant to this chapter, in a reasonable fashion, dispose of such
293 property upon a judgment ordering forfeiture issued pursuant to this chapter and enter into
294 contracts to preserve, manage and dispose of such property. The office of seized property
295 management shall be funded by a portion of the proceeds of each sale of such managed property
296 to the extent provided as payment of reasonable expenses under subsection (e).

297 (h) The owner of any real property which is the principal domicile of the immediate
298 family of the owner and which is subject to forfeiture under this section may file a petition for
299 homestead exemption with the court having jurisdiction over such forfeiture. The court may, in
300 its discretion, allow the petition exempting from forfeiture an amount allowed under section 1 of

301 chapter 188. The value of the balance of such principal domicile, if any, shall be forfeited as
302 provided in this section. Such homestead exemption may be acquired on only 1 principal
303 domicile for the benefit of the immediate family of the owner.

304 (i) A forfeiture proceeding affecting the title to real property, or the use and occupation
305 thereof, or the buildings thereon, shall not have any effect except against the parties thereto and
306 persons having actual notice thereof, until a memorandum containing the names of the parties to
307 such proceeding, the name of the municipality wherein the affected real property lies, and a
308 description of such real property sufficiently accurate for identification is recorded in the registry
309 of deeds for the county or district wherein the real property lies. At any time after a judgment on
310 the merits, or after the discontinuance, dismissal or other final disposition is recorded by the
311 court having jurisdiction over such matter, the clerk of such court shall issue a certificate of such
312 judgment, discontinuance, dismissal or other final disposition and that certificate shall be
313 recorded in the registry in which the original memorandum recorded pursuant to this section was
314 filed.

315 SECTION 4. Section 202 of said chapter 140, as appearing in the 2010 Official Edition,
316 is hereby amended by striking out, in line 2, the words “, old metals.”

317 SECTION 5. Said section 202 of said chapter 140, as so appearing, is hereby further
318 amended by inserting after the word “pawnbrokers”, in line 2, the words “, secondary metals
319 dealers”.

320 SECTION 6. Chapter 266 of the General Laws is hereby amended by striking out section
321 142A, as so appearing.

322 SECTION 7. Section 70C of chapter 277 of the General Laws, as so appearing, is hereby
323 amended by inserting after the second sentence the following sentence:- This section shall apply
324 to a violator of chapter 140B½ once only; provided, however, that any such violator who agrees
325 to treat such violation as a civil offense shall be assessed a fine of $500, which fine shall not be
326 waived; and provided further, that notwithstanding any general or special law to the contrary,
327 100 per cent of such fine shall be forwarded to the state treasurer for deposit into the Secondary
328 Metals Registry Trust Fund, established under section 35PP of chapter 10.

329 SECTION 8. Notwithstanding any general or special law to the contrary, the
330 commissioner of banks shall establish a 2-year pilot program to implement a state
331 “Massachusetts abandoned property registry”, hereinafter referred to as MAP. Such registry shall
332 require all property owners, including lenders, trustees and service companies, to properly
333 register and maintain vacant or foreclosing properties located in the Commonwealth. Law
334 enforcement entities, including, but not limited to, the attorney general and municipalities shall
335 have access to the MAP.

336 The commissioner of banks shall have enforcement authority of the pilot program
337 including, but not limited to, the authority to impose civil assessments. Said commissioner shall
338 establish rules and regulations governing the implementation and administration of the MAP
339 pilot program.

340 The MAP pilot program shall be implemented 120 days after the effective date of this act
341 and shall expire 2 years thereafter.

342 SECTION 9. The provisions set forth in this act shall not apply to any entity
343 subject to the regulation and reporting requirements of the National Motor Vehicle Title
344 Information System as set forth in 49 U.S.C. 30501.

345 SECTION 10. Section 2 of chapter 140B½ of the General Laws shall take effect 6
346 months after the effective date of this act. The remainder of this bill shall take effect 1 year after
347 the effective date of this act.