

SENATE No.

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 bill:

An Act Enhancing the Administrative Operations of the Registry of Motor Vehicles.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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:

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

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

15 SECTION 2. Section 9 of chapter 90D of the General Laws is hereby amended by inserting the following
16 subsection:--

17 (c) The registrar shall administer an electronic titling program that permits the recording of vehicle title
18 information for new, transferred and corrected certificates of title through electronic media in a cost-

19 effective manner in lieu of the submission and maintenance of paper documents otherwise required by
20 this chapter. Said electronic titling program shall include, but not be limited to, methods by which
21 vehicle title information, including the perfection, release, and assignment of vehicle security interests
22 may be submitted through electronic media. Except for persons and lienholders who are not normally
23 engaged in the business or practice of financing vehicle sales or leases, lienholders shall participate in
24 said electronic titling program.

25 SECTION 3. Section 6 of chapter 64H, as appearing in the 2004 Official Edition, is hereby amended by
26 inserting after paragraph (xx) the following paragraph:--

27 (yy) Sale of a motor vehicle to a person who is not a resident of the commonwealth who does not register
28 the motor vehicle in the commonwealth, whether the sale or delivery of the motor vehicle to the
29 nonresident is made in or outside the commonwealth. A motor vehicle sold to a nonresident whose state
30 of residence does not allow a like exemption to its nonresidents shall not be exempt from the tax imposed
31 under this chapter. In that event the nonresident shall pay a tax to the commonwealth on the sale at a rate
32 equal to the rate that would be imposed in his or her state of residence not to exceed the rate that would
33 have been imposed under this chapter. When a motor vehicle dealer, licensed pursuant to section 58 and
34 59 of chapter 140, makes a sale of a motor vehicle to a nonresident as provided in this paragraph, the
35 dealer in computing the tax shall take into consideration the law of the state of the nonresident as it relates
36 to the trade-in of motor vehicles. The commissioner may require any licensed motor vehicle dealer to
37 keep records of sales to bona fide nonresidents as the commissioner deems reasonably necessary to
38 substantiate the exemption provided in this paragraph, including the affidavit of a licensed motor vehicle
39 dealer that the purchaser of the motor vehicle was the holder of and had in his or her possession a valid
40 out of state driver's license. Any nonresident who registers a motor vehicle in the commonwealth within
41 90 days of the date of its sale to him or her is deemed to have purchased the motor vehicle for use,
42 storage, or other consumption in the commonwealth, and is subject to, and liable for the tax imposed
43 under this chapter.