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M.G.L. 90D s. 15 & 16 Certificates of Title

Section 15. Transfers; execution of instruments; application for new certificate; lienholder’s rights; compliance.

[Paragraph (a) effective until August 7, 2012. For text effective August 7, 2012, see below.]

Section 15. (a) If an owner of a vehicle for which a certificate of title has been issued under this chapter transfers his interest therein, other than by the creation of a security interest, he shall, at the time of the delivery of the vehicle, execute an assignment including the actual odometer reading and warranty of title to the transferee in the space provided therefor on the certificate, or such other form as the registrar shall prescribe, and cause the certificate and assignment to be mailed or delivered to the transferee or to the registrar.

[Paragraph (a) as amended by 2012, 238, Sec. 46C effective August 7, 2012. For text effective until August 7, 2012, see above.]

a. Except as provided for in subsection (e) of section 20, if an owner of a vehicle for which a certificate of title has been issued under this chapter transfers the owner’s interest therein, other than by the creation of a security interest, the owner shall, at the time of the delivery of the vehicle, execute an assignment including the actual odometer reading and warranty of title to the transferee in the space provided therefor on the certificate, or such other form as the registrar shall prescribe, and cause the certificate and assignment to be mailed or delivered to the transferee or to the registrar.

b. Except as provided in section sixteen, the transferee shall, promptly after delivery to him of the vehicle, execute the application for a new certificate of title in the space provided therefor on the certificate or on such other form as the registrar shall prescribe, and cause the certificate and application to be mailed or delivered to the registrar.

c. Upon request of the owner or transferee, a lienholder in possession of the certificate of title shall, unless the transfer was a breach of his security agreement,
either deliver the certificate to the transferee for delivery to the registrar or, upon receipt from the transferee of the owner’s assignment, the transferee’s application for a new certificate and the required fee, mail or deliver them to the registrar. The delivery of the certificate shall not affect the rights of the lienholder under his security agreement.

d. If a security interest is reserved or created at the time of the transfer, the certificate of title shall be retained by or delivered to the person who becomes the lienholder, and the parties shall comply with the provisions of section twenty one.

e. Except as provided in section sixteen and as between the parties, a transfer by an owner is not effective until the provisions of this section and section eighteen have been complied with; however, an owner who has delivered possession of the vehicle to the transferee and who has complied with the provisions of this section requiring action by him shall not be held liable in any manner whatsoever after delivery of possession of the vehicle for any damages resulting from operation of the vehicle, nor for any automobile law violation which may occur in such operation, even though no new certificate of title has been issued to the transferee.
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§ 16. Dealers; assignment and warranty of title; record of transactions

a. If a dealer buys a vehicle and holds it for resale and procures the certificate of title from the owner or the lienholder after delivery to him of the vehicle, he need not send the certificate to the registrar but, upon transferring the vehicle to another person other than by the creation of a security interest, shall promptly execute the assignment and warranty of title by a dealer, showing the names and addresses of the transferee and of any lienholder holding a security interest created or reserved at the time of the resale and the date of his security agreement, in the spaces provided therefore on the certificate or as the registrar prescribes, and mail or deliver the certificate to the registrar or transferee with the transferee’s application for a new certificate.

b. Every dealer shall maintain for five years a record in such form as the registrar shall prescribe of every vehicle bought, sold or exchanged by him, or received by him for sale or exchange, which shall be open to inspection by the registrar, his agents or by any police officer during reasonable business hours.

Section 2. Registration of motor vehicles and trailers; applications; reciprocal state agreements; transfer of ownership; plates; fraud or misrepresentation; penalties; veterans’ plates; olympic committee plates.

Section 2. Application for the registration of motor vehicles and trailers may be made by the owner thereof. The application shall contain, in addition to such other particulars as may be required by the registrar, a statement of the name, place of residence and address, date of birth of the applicant and the number of the applicant’s license to operate, if one has been issued. The application shall also contain the apartment number or unit number if the applicant’s address is in an apartment house, or family hotel, or a condominium, or a residential flat, or in a combined business and residential property. The application shall also contain a brief description of the motor vehicle or trailer, including the name of the maker, such number or numbers as may be required by the registrar to properly identify the vehicle, the character of the motor power and the type of transmission, and shall also...
contain a statement by the applicant under the penalties of perjury that there are no outstanding excise tax liabilities on said motor vehicle which have been incurred by the applicant, any member of his immediate family who is a member of the applicant’s household, or any business partner of the applicant. The registration fee as required in section thirty-three shall accompany such application. Applicants for registration shall also comply with the provisions of chapter ninety D.

The registrar or his duly authorized agents shall register in a book or upon suitable index cards to be kept for the purpose the motor vehicle or trailer described in the application, giving to the vehicle a distinguishing mark or number to be known as the register number for that vehicle, and shall thereupon issue to the applicant a certificate of registration. The certificate shall contain the name, place of residence and address of the applicant and the register number or mark, and shall be in such form and contain such further information as the registrar may determine.

Notwithstanding any other provisions of law, the registrar is hereby authorized to enter into reciprocal agreements on behalf of the commonwealth with the duly authorized representatives of any state of the United States, the District of Columbia or a state or province of a foreign country, providing for the registration of vehicles on an apportionment or allocation basis. In exercising the authority granted herein, the registrar is expressly authorized to enter into and to become a member of the International Registration Plan, or such other designation that may, from time to time, be given to such a plan. The registrar is further authorized to promulgate and to enforce such rules and regulations as may be necessary to carry out the provisions of the International Registration Plan or any other agreement entered into under authority herein set forth. If the registrar enters into the International Registration Plan or into any other agreement under the authority herein set forth, and if the provisions set forth in said International Registration Plan or other agreements are different from provisions prescribed by law or any rules or regulations promulgated by the registrar pursuant to the authority granted hereunder to the registrar, then the agreement provisions shall prevail. The provisions set forth in this paragraph shall constitute complete authority for the registration of motor vehicles, including the
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registration of fleet vehicles, within the International Registration Plan, upon an apportionment or allocation basis without reference to or application of any other law in the commonwealth.

Upon the transfer of ownership of any motor vehicle or trailer its registration shall expire, and the person in whose name such motor vehicle or trailer is registered shall forthwith return the certificate of registration to the registrar with a written notice containing the date of the transfer of ownership and the name, place of residence and address of the new owner; provided, that, on the death, insolvency of bankruptcy of any owner of a motor vehicle or trailer, its registration shall be deemed to continue in force as a valid registration until the expiration date appearing on the certificate of registration or until the ownership of such motor vehicle or trailer is transferred by the legal representative of the estate of such owner, whichever occurs first, subject otherwise to all provisions of law applicable generally to registrations of motor vehicles or trailers; and provided, further, that if the owner of a motor vehicle or trailer for which a certificate of registration, such motor vehicle or trailer shall be deemed to be validly registered and said registration shall continue in force until the expiration date appearing on the certificate of registration, or whichever occurs first, subject, however, to all provisions of law applicable generally to registrations of motor vehicles or trailers.

A person who transfers the ownership of a registered motor vehicle or trailer owned by him to another or loses possession thereof or desires to transfer the registration from one motor vehicle or trailer owned by him to another motor vehicle or trailer owned by him, upon the filing of a new application and upon payment of the proper substitution fee provided in section thirty-three, may have registered in his name for the period of time remaining before the expiration date appearing on the certificate of registration another motor vehicle or trailer; provided that if the fee provided for registration of the vehicle sought to be registered is more than the fee for registration of the vehicle transferred as aforesaid, the applicant shall pay, in addition to the substitution fee, the difference between said fees for registration. A person who has attained 18 years of age and who transfers the ownership of a registered motor vehicle or trailer owned by
him to another or who loses possession thereof and who intends to transfer the registration of such motor vehicle or trailer to a newly acquired new motor vehicle or newly acquired used motor vehicle of the same type and having the same number of wheels may, subject to other provisions of this chapter, operate such newly acquired new motor vehicle or trailer or newly acquired used motor vehicle or trailer for a period beginning from the date of transfer until five o’clock post meridian of the seventh calendar day following the date of transfer within the period for which the transferred vehicle was registered; provided, however, that the number plates issued upon registration of the transferred motor vehicle or trailer shall be attached to the newly acquired vehicle. During such period any operator of the newly acquired vehicle shall carry an original copy of the bill of sale reciting the registration number to be transferred from the former vehicle to the newly acquired vehicle or the certificate of transfer issued by the dealer on a form approved by the registrar in place of the certificate of registration.

A person who, before the first day of the seventh month next following the effective date appearing on the certificate of registration, for any reason other than suspension or revocation surrender his number plates and registration certificate and does not apply for registration of another vehicle but who, on or before the first day of the month next following which date shall be at least one month prior to the expiration date appearing on said certificate of registration, files in the office of the registrar a written application for a rebate shall be entitled to a rebate of one half the fee paid in excess of fifteen dollars for the registration of a vehicle of which the plates and registration certificate have been surrendered as aforesaid; provided, that no such rebate shall be paid except upon a certificate, filed with the comptroller, setting forth the facts, and signed by the registrar or his authorized agent; and provided, also, that the rebate shall be paid out of the fees received for the registration of motor vehicles and trailers without specific appropriation. The registrar, at his discretion, may assign to the vehicle of any person who surrenders his registration certificate as herein provided, and who desires to register another vehicle, the register number of the vehicle described in the surrendered certificate.
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[Seventh paragraph effective until April 9, 1997. For text effective April 9, 1997, see below.]

The registrar shall furnish at his office, without charge, to every person whose motor vehicle is registered under this chapter, two number plates of suitable design, and to every person whose trailer is so registered, on such number plate, having displayed thereon the register number assigned to that vehicle; provided, that number plates assigned to ambulances, fire engines and apparatus, police patrol wagons and other vehicles used by the police department of any city or town or park board or by the sheriff’s office of any county, solely for the official business of such department, board or office, and pleasure passenger vehicles owned by veterans who, according to the records of the United States Veterans’ Administration, by reason of service in the armed forces of the United States have suffered loss or permanent loss of use of one or both feet; or loss or permanent loss of use of one or both hands; or permanent impairment of vision of both eyes of the following status: central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than twenty degrees in the better eye, or any other disability or handicap of such veterans when may be determined by the medical advisory board as established by section eight C, and to vehicles registered by any member of a foreign diplomatic corps or by any foreign consular officer who is not a citizen of the United States may be of a distinctive type of types. The registrar may, upon payment of the registration fee as required in section thirty-three, furnish at his office such distinctive plates to duly appointed foreign diplomatic representatives or foreign consular officers who are citizens of the United States. The registrar of motor vehicles may issue, without charge, to former prisoners of war, defined as any regularly appointed, enrolled, enlisted, or inducted member of the military forces of the United States who was captured and incarcerated by an enemy of the United States during an armed conflict, upon presentation of satisfactory evidence of such prisoner of war status, as determined by the registrar, distinctive registration plates for one...
Pleasure passenger vehicle owned and principally used by said individual; provided, however, that the surviving spouse of a deceased prisoner of war may elect to retain a distinctive registration plate for personal use until such time as such spouse remarries, fails to renew such registration, or does not wish to retain usage thereof. The registrar may issue, to a member of the Legion of Valor of the United States of America, Inc., upon presentation of satisfactory evidence of such membership, as determined by the registrar, distinctive registration plates for one pleasure passenger vehicle owned and principally used by said member. The registrar may also upon payment of the fee required in section thirty-three, furnish to owners of private passenger motor vehicles special number plates of distinctive types, to be known as distinctive initial plates, which may contain a register number consisting of a group of letters or a combination of numbers and letters; provided, however, that such group or combination shall not consist of more than six letters or numbers or combination thereof; and provided further, that there shall be no duplication of identification. The registrar may determine such standards and qualifications for the issuance of said plates as he deems proper. Any number plate furnished under this chapter shall, except in case the registrar for any valid reason extends the time, be valid only until the expiration date appearing on the certificate of registration. If the registrar extends the time he may make rules and regulations requiring the display of visible evidence upon every motor vehicle that it has been registered and that the plates in use thereon are valid. Any plate becoming illegible because of construction defects shall be replaced by the registrar without cost. All number plates issued by the registrar of motor vehicles under this chapter shall be reflectorized in accordance with specifications prescribed by him.

[Seventh paragraph as amended by 1996, 469, Secs. 2 and 3 effective April 9, 1997. For text effective until April 9, 1997, see above.]

The registrar shall furnish at his office, without charge, to every person whose motor vehicle is registered under this chapter, two number plates of suitable design, and to every person whose trailer is so registered, one such number plate, having displayed thereon the register number assigned to that vehicle; provided, that number
plates assigned to ambulances, fire engines and apparatus, policy patrol wagons and other vehicles used by the police department of any city or town or park board or by the sheriff’s office of any county, solely for the official business of such department, board or office, and pleasure passenger vehicles owned by veterans who, according to the records of the United States Veterans’ Administrations, by reason of service in the armed forces of the United States have suffered loss or permanent loss of use of one or both feet; or loss or permanent loss of use of one or both hands; or permanent impairment of vision of both eyes of the following status: central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than twenty degrees in the better eye, or any other disability of handicap of such veterans which may be determined by the medical advisory board as established by section eight C, and to vehicles registered by any member of a foreign diplomatic corps or by any foreign consular officer who is not a citizen of the United States may be of a distinctive type or types. The registrar may, upon payment of the registration fee as required in section thirty-three, furnish at his office such distinctive plates to duly appointed foreign diplomatic representatives or foreign consular officers who are citizens of the United States. The registrar of motor vehicles may issue, without charge, to former prisoners of war, defined as any regularly appointed, enrolled, enlisted, or inducted member of the military forces of the United States who was captured and incarcerated by an enemy of the United States during an armed conflict, upon presentation of satisfactory evidence of such prisoner or war status, as determined by the registrar, distinctive registration plates for one pleasure passenger vehicle owned and principally used by said individual; provided, however, that the surviving spouse of a deceased prisoner of war may elect to retain a distinctive registration plate for personal use until such time as such spouse remarries or fails to renew or cancels such registration. The registrar may issue, without charge, to a member of the Legion of Valor of the United States of America, Inc., upon presentation of satisfactory evidence of such membership as determined by the registrar, distinctive registration plates for one private passenger motor vehicle owned.
and principally used by such member; provided, however, that the surviving spouse of a deceased member of said Legion of Valor of the United States of America, Inc. may elect to retain such distinctive registration plates for personal use upon payment of the established registration fee for private passenger motor vehicles and an additional annual twenty dollar fee for personal use until such time as such spouse remarries or fails to renew or cancel such registration. The registrar may also, upon payment of the fee required in section thirty-three, furnish to owners of private passenger motor vehicles special number plates of distinctive types, to be known as distinctive initial plates, which may contain a register number consisting of a group of letters or a combination of numbers and letters; provided, however, that such group or combination shall not consist of more that six letters or numbers or combination thereof; and provided further, that there shall be no duplication of identification. The registrar may determine such standards and qualifications for the issuance of said plates as he deems proper. Any number plate furnished under this chapter shall, except in case the registrar for any valid reason extends the time, be valid only until the expiration date appearing on the certificate of registration. If the registrar extends the time he may make rules and regulations requiring the display of visible evidence upon every motor vehicle that it has been registered and that the plates in use thereon are valid. Any plate becoming illegible because of construction defects shall be replaced by the registrar without cost. All number plates issued by the registrar of motor vehicles under this chapter shall be reflectorized in accordance with specifications prescribed by him. (Amended by 1996, 469, Secs. 2 and 3 eff. 4-9-97.)

The registrar may furnish plates displaying the “International Symbol of Access” for a pleasure passenger vehicle or a pick-up truck used exclusively for noncommercial purposes, owned or leased by and used by a blind person or a person who has suffered the loss or permanent loss of use of one or both feet, or of one or both hands, and the medical advisory board as established by section eight C, may determine such other standards of disability and handicap and of qualifications for the issuance of said plates as said board deems proper. The registrar shall make available to the owners of private passenger motor vehicles registered in the counties...
of Barnstable, Dukes, or Nantucket, distinctive number plates which shall display on the face of said plate a design representing the Cape and Islands. Such design shall be selected through a contest to be judged by the Barnstable county commissioners or their designees, and one county commissioner from each of the counties of Nantucket and Dukes. Before selecting a contest winner, said judges shall consult with the registrar of motor vehicles or his designee. There shall be a twenty-five dollar fee for said plate in addition to the established registration fee for passenger motor vehicles. Within thirty days after receipt of said fee, the portion of the fee remaining after the deduction of costs directly attributable to issuing said plate shall be transferred, in amounts proportional to the number of vehicles registered in each county, to the county commissioners of Dukes and Nantucket counties and, in the case of Barnstable county, eighty percent of the Cape Cod Economic Development Council and twenty percent to the Lower Cape Community Development Corporation, provided that all amounts so transferred shall be used to promote tourism and economic development, and provided further that twice annually the Cape Cod Economic Development Council and the Lower Cape Community Development Corporation shall furnish to the Barnstable county commissioners a full accounting of the expenditures of said funds. The registrar may issue plates displaying the “International Symbol of Access” for a motor vehicle owned or leased by and used by, any organization or institution or the commonwealth or its political subdivisions for the transportation of handicapped persons when the registrar determines that such organization or institution or agency or municipality substantially and regularly provides care and transportation to handicapped persons, and prominently displays the name of the organization or institution or agency or municipality on said vehicle; provided, however, that such vehicles shall include those purchased with grants and loans from the federal government for the purpose of providing transportation to meet the special needs of the elderly and the handicapped. The registrar may also furnish a special parking identification plate bearing the “International Symbol of Access” to any person who meets the eligibility requirements for handicapped plates prescribed herein. Said parking identification plate shall be of such size and design as the registrar shall require and shall be numbers and contain the name and a photograph.
of the person to whom such plate is issued, and shall verify that such person is handicapped and eligible to receive such plate. When used by the bearer, said plate shall be displayed so as to be visible through the left portion of the windshield of a private passenger motor vehicle or a pick-up truck used exclusively for noncommercial purposes or a motor vehicle designed and used for the transportation of handicapped persons, and shall be for the exclusive use of the bearer while being transported in said vehicle. Use of the card by any person other than the bearer shall cause for revocation. Anyone who wrongfully displays a special parking identification plate in a motor vehicle shall be subject to a fine of one hundred dollars. At no time shall the registrar issue to any person both plates displaying the International Symbol of Access” and a special parking identification plate prescribed herein.

If the registrar shall determine at any time that, for any reason, a motor vehicle or trailer is unsafe or improperly equipped or otherwise unfit to be operated, he may refuse to register such motor vehicle or trailer or, if it is already registered, may suspend or revoke its registration. The registration of every motor vehicle and trailer registered under this chapter, except those motor vehicles and trailers owned by the commonwealth or any political subdivision thereof that are exempt from the payment of fees provided for by section thirty-three, shall expire at midnight of the expiration date appearing on said certificate of registration as determined by the registrar. In no event shall a registration be valid for less than a period of twelve months.

The registrar shall furnish at his office at no less than cost to members of the council, senate and house of representatives and to constitutional officers, plates bearing facsimiles of the seal of the commonwealth suitable for attachment to a motor vehicle owned solely or in part by those members and officers and registered under this chapter. Whoever, except the members and officers aforesaid, displays or has attached to his motor vehicle while operating on the highways of the commonwealth
such a plate issued by the registrar shall be punished by a fine not exceeding twenty-five dollars.

[Eleventh paragraph effective until April 9, 1997. For text effective April 9, 1997, see below.]

The registrar shall furnish at his office at no cost to all residents of the commonwealth who have been awarded the congressional medal of honor, plates bearing up to three letters designating the recipients initials followed by the letters CMH signifying the congressional medal of honor suitable for attachment to a motor vehicle owned solely or in part by said recipients and registered under this chapter.

[Eleventh paragraph as amended by 1996, 469, Sec. 4 effective April 9, 1997. For text effective until April 9, 1997, see above.]

The registrar shall furnish, at no cost to resident of the commonwealth who have been awarded the Congressional Medal of Honor, distinctive registration plates bearing up to three letters designating the recipient’s initials followed by the letters CMH signifying the Congressional Medal of Honor suitable for attachment to a motor vehicle owned and principally used by such recipient; provided, however, that the surviving spouse of a deceased Congressional Medal of Honor recipient may elect to retain such distinctive registration plates for personal use upon payment of the established registration fee for private passenger motor vehicles and an additional annual twenty dollar fee until such time as such spouse remarries or fails to renew or cancels such registrations. (Amended by 1996, 469, Sec. 4 eff. 4/9/97.)

The registrar may issue without an additional registration fee, distinctive license plates for vehicles used for the transportation of school pupils in accordance with the provisions of section seven D.

The registrar shall not register any motor vehicle which does not comply with the provisions of section one hundred and forty-two K of chapter one hundred and eleven and any regulations promulgated thereunder, or qualify as an exemption under subsection (b) of said section one hundred and forty-two K. Upon a determination
that a motor vehicle is exempt under said section one hundred and forty-two K, it shall forever be exempt and the exemption shall be noted on the title of such vehicle. Said registrar shall not register any motor vehicle which has not complied with any emission system related recall. The registrar shall not issue a registration, or if said registration has already been issued, shall suspend or not renew the registration of any motor vehicle which does not comply with the provisions of sections one hundred and forty-two J and one hundred and forty-two M of chapter one hundred and eleven or any regulation promulgated thereunder. Whoever, through fraud or misrepresentations, procures or attempts to procure the registration of a motor vehicle in violation of the provisions of this paragraph, shall be subject to a fine of not more than twenty-five thousand dollars or by imprisonment for not more than one year or both such fine and imprisonment, and shall be subject to a civil penalty of not more than twenty-five thousand dollars for each such violation. Said penalties shall be in addition to any other penalties provided for any violation hereunder. The civil penalty may be assessed in an action brought on behalf of the commonwealth in any court of competent jurisdiction.

[Fourteenth paragraph effective until April 9, 1997. For text effective April 9, 1997, see below.]

The registrar shall furnish, upon application, to owners or private passenger motor vehicles who are veterans, as defined in clause forty-three of section seven of chapter four, and upon presentation of evidence deemed satisfactory by the registrar, one of the following two types of distinctive registration plates, as applicable, based on the veteran’s request and qualifications: plates bearing on the left side the work “VETERAN”, and for those veterans who have been awarded the Order of the Purple Heart, plates bearing the words, “ORDER OF THE PURPLE HEART RECIPIENT”. There shall be a twenty dollar fee for said plates in addition to the established registration fee for passenger motor vehicles. Said plates shall be known as veterans’ plates. The registrar may determine such standards and qualifications for the issuance of said plates as he deems proper.
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Certificates of Title M.G.L. 90D s. 15 & 16

[Fourteenth paragraph as amended by 1996, 469, Sec. 5 effective April 9, 1997. For text effective until April 9, 1997, see above.]

The registrar shall furnish, upon application, to owners of private passenger motor vehicles who are veterans, as defined in clause Forty-third of section seven of chapter four and upon presentation of evidence deemed satisfactory by the registrar, distinctive registrations plates bearing on the left side the word “VETERAN”. There shall be an annual twenty dollar fee for such “VETERAN” plates in addition to the established registration fee for private passenger motor vehicles. (Amended by 1996, 469, Sec. 5 eff. 4/9/97.)

[Fifteenth through eighteenth paragraphs inserted by 1996, 469, Sec. 5 effective April 9, 1997.]

The registrar shall furnish without charge to owners of private passenger motor vehicles who are veterans as defined in said clause Forty-third of said section seven or said chapter four who have been awarded the Order of the Purple Heart and upon evidence deemed satisfactory by the registrar, distinctive registration plates bearing the works, “ORDER OF THE PURPLE HEART RECIPIENT” for one private passenger motor vehicle owned and principally used by such Purple Heart recipient; provided, however, that the surviving spouse of a deceased recipient of the Purple Heart may elect to retain such distinctive registration plates for personal use upon payment of the established registration fee for private passenger motor vehicles and an additional annual twenty dollar fee until such time as such spouse remarries or fails to renew or cancels such registration.

The registrar shall furnish without charge to owners of private passenger motor vehicles who are survivors of the attack on Pearl Harbor, upon presentation of satisfactory evidence of such status as determined by the registrar, distinctive registration plates for one private passenger motor vehicle owned and principally used by such survivor; provided, however, that the surviving spouse of a deceased survivor may elect to retain such distinctive registration plates for personal use upon payment of the established registration fee for private passenger motor vehicles and
an additional annual twenty dollar fee until such time as such spouse remarries or fails to renew or cancels such registration.

The registrar shall furnish, at the request of an owner of a motor vehicle who has been issued “VETERAN” plates pursuant to this section, a distinctive emblem to be affixed to the left side of such plates which identifies the branch of the armed services in which such owner served, the receipt of the Silver or Bronze Star by such owner or the wartime service in which such owner served as defined in clause Forty-third of section seven of chapter four. The registrar may charge a fee directly attributable to the cost of issuance of such emblem, provided, however, that the registrar shall furnish without charge to owners of private passenger motor vehicles who received the Silver or Bronze star a “VETERAN” plate and an emblem representing the awarding of said Silver or Bronze star for one private passenger motor vehicle owned and principally used by such recipient.

The registrar is hereby authorized and directed to conduct a lottery of any unissued or returned registration plates of not more than four characters which shall be issued to the winners of such lottery at no extra charge. A resident of the commonwealth who is the registered owner or a private passenger motor vehicle registered in the commonwealth may participate in such lottery which shall be held once in each calendar year prior to September fifteenth. The registrar shall promulgate rules and regulations necessary to effectuate the purposes of this paragraph. (Amended by 1996, 469, Sec. 5 eff. 4-9-97.)

The registrar shall furnish upon application to owners of private passenger vehicles distinctive registration plates which shall display on the face of said plate a design representing the official symbol of the United States Olympic committee. There shall be a twenty-five dollar fee for said plate in addition to the established registration fee for passenger motor vehicles. The portion of said fee remaining after the deduction of cost directly attributable to issuing said plate shall be transferred to the Massachusetts United States Olympic Fund established pursuant to section thirty-five O of chapter ten.
COURTESY STAMP CONSIDERATIONS

Agent of Record Considerations:

1. NOTIFICATION FROM INSURED: First and foremost, there should be communication from the insured regarding a change or addition to the policy. The insurance policy is a legal contract between the company and the policyholder, and a car dealer has no authority to order additional coverage or a change of vehicle.

2. BROKER COMMUNICATION: There must be communication between the agent of record and the broker performing the courtesy stamp. The agent of record should confirm coverage by faxing a copy of the declarations page or by phone authorization and authorize the stamping of the RMV-1 by the courtesy broker.

3. PRE-INSURANCE INSPECTION NOTIFICATION: It is the responsibility of the agent of record to notify the policyholder of any pre-insurance inspection requirements.

4. PROCESSING AS USUAL: From this point on, all other responsibilities fall upon the agent of record as they would with any other normal transaction.

Courtesy Broker Considerations:

1. PROPER AUTHORIZATION: It is important to stress that authorization for a change or addition of a vehicle to a policy must come from the policyholder not the car dealer.

2. AGENT OF RECORD CONFIRMATION: Confirmation of coverage and authorization to stamp the application for registration (RMV-1) must come from the agent of record before the RMV-1 is stamped. The courtesy broker should provide a copy of the RMV-1 to the agent of record for his file.

3. PRE-INSURANCE INSPECTION NOTIFICATION: It is the responsibility of the agent of record to notify the policyholder of any pre-insurance inspection requirements.

4. NOTE: The authorization to stamp on a courtesy basis must come from an official representative of the broker of record and NOT a Registry runner.
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General Registration Section 5; 540 CMR 18.00

540 CMR 18.00 REGISTRY OF MOTOR VEHICLES 18.00:MINIMUM STANDARDS FOR THE ISSUANCE AND USE OF GENERAL REGISTRATIONS AND GENERAL REGISTRATION NUMBER PLATES ISSUED UNDER THE PROVISIONS OF M.G.L. c. 90, s. 5

Section
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18.01: Scope and Purpose

540 CMR 18.00 is adopted by the Registrar of Motor Vehicles to provide uniform procedures and requirements for the application and issuance of general registrations and general registration number plates under M.G.L. c. 90, s. 5, and to regulate the use of those plates.

18.02: Application for General Registrations and General Registration Number Plates and Definitions

1. (a) General Requirements: Applicants shall complete and submit to the Registrar the prescribed application form for general registrations and number plates, together with the following:

   1. If the applicant is a corporation, limited liability company or limited liability partnership, a copy of the applicable Articles of Organization, Certificate of Organization, or Registration filed with the Secretary of State for the Commonwealth.
2. If the applicant is either an individual or an entity conducting business under a trade name, a copy of the business certificate issued by the municipality where the applicant conducts or will be conducting business.

3. A copy of any permit, including any occupancy permit or license, required by any federal, state or local law for engaging in the particular business.

4. The applicant’s employer tax identification number (EIN).

5. Any photographs or diagrams of the property where the applicant conducts its business, which reasonably depict the location of buildings and entrances to the property and to the buildings, and photographs of the applicant’s motor vehicles or trailers, if the Registrar believes that the diagrams or photographs may be useful in determining whether the applicant qualifies for the general registration and general registration number plates, or whether any of the motor vehicles or trailers require a compliance decal.

b. Changes in Name, Address, Ownership:

1. A holder shall notify the Registrar, in writing, within 30 days of any of the following:
   a. a change in the name or address of the business;
   b. a transfer of the business or a change of ownership, including a change in the form of ownership: however, a transfer of less than a majority interest in a corporation shall not be considered a change of ownership;
   c. the dissolving of the business or the ceasing of regular business activity;
   d. the termination of a Class I automobile franchise agreement.

2. A holder shall provide the Registrar with copies of the applicable new dealer or repairer’s license, business certificate, Articles of Organization, Certificate of Organization, or Registration, reflecting the change.
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c. **Entry Upon Premises:** Applicants and holders shall permit any law enforcement officer or any agent designated by the Registrar to enter the premises during regular business hours to determine compliance with M.G.L. c. 90, s. 5 or 540 CMR 18.00

d. **Definitions:** As used in 540 CMR 18.00, the following terms have the following meaning:

**Holder:** a person who possesses a validly issued general registration and general registration number plate(s) for the current registration period.

**Owner:** a person who owns a motor vehicle or trailer and, unless otherwise provided by the context, includes a plate holder who is leasing a vehicle at market rates.

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**Principally and substantially engaged in the business of:** an applicant or holder must be engaged in the type of business for which the general registration and general Registration number plates are authorized to the extent that a reasonable person, unfamiliar with the nature of the business would conclude from an inspection of the premises during normal business hours, that the primary or chief activity conducted on the premises is the same activity for which the general registration is authorized.

**Repairer:** shall have the same meaning as repairman as defined by M.G.L. c. 90, s. 1.

2. **Specific Requirements**

a. **Motor Vehicle Dealers:** To receive or retain a dealer’s general registration and general registration number plates, a dealer, as defined in M.G.L. c. 90, s.1, shall satisfy the following conditions
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1. The dealer is licensed under M.G.L. c. 140, s. 59, by the municipality in which the business is or will be conducted, and provides the Registrar with a copy of the then current license upon initial application and at the time of each renewal.

2. The dealer provides the Registrar with a copy of a franchise agreement letter from the manufacturer, if the dealer is a Class 1 licensed dealer.

3. The dealer is principally and substantially engaged in the business of manufacturing, buying, selling or exchanging motor vehicles or trailers and is not in violation of any applicable law.

4. The dealer’s business is situated within a permanent building or permanently affixed structure, including an office trailer, owned or leased by the dealer for the dealer’s exclusive use and located at the address of record noted on the dealer’s license. Except for a dealer who exchanges vehicles or trailers solely on a wholesale basis, the dealer shall be open to the public. The building, structure, or office trailer shall have adequate office space to conduct the business. If more than one business is located within the same building or structure, the dealer shall maintain a separate and exclusive entrance, unless the multiple businesses are owned or controlled by the same principals.

5. Subject to any municipal regulation, ordinance or bylaw, and except for a dealer who exchanges motor vehicles or trailers solely on a wholesale basis, the dealer shall display a permanently affixed exterior sign of sufficient size and design to give the general public notice of the name and nature of the business.

6. Except for a dealer who exchanges motor vehicles or trailers solely on a wholesale basis the dealer shall have an area to display the vehicles offered for sale, which cannot be shared with any other business unless a physical separation exists. Vehicles cannot be offered for sale at any other location;
however, this shall not prohibit a dealer from transporting and offering vehicles for sale at a recognized automobile auction facility, or a combined dealer special sale event.

7. The dealer maintains a system of vouchers, approved by the Registrar, which shall be carried by any operator of a motor vehicle. A copy of the vouchers shall be retained by the dealer on the licensed premises.

8. The dealer complies with the motor vehicle or parts retention requirements of M.G.L. c. 140, s. 61, and records requirements of M.G.L. c. 140, s. 62, by maintaining either a bound record book or printouts produced by a computerized records system, in a form authorized by the Registrar.

b. Motor Vehicle Repairer: To receive or retain a repair’s general registration and general registration number plates, a repairer, as defined in M.G.L. c. 90, s. 1, shall satisfy the following conditions:

1. The repairer is principally and substantially engaged in the occupation of repairing, altering, reconditioning, equipping or towing motor vehicles or trailers for the public.

2. The repairer maintains an established place of business as defined in M.G.L. c. 90, s. 1; however, it is not necessary for every motor vehicle or trailer to be repaired within a building or structure on the premises, if the repairs do not violate local laws and are contained within the premises.

3. If the repairer’s business is classified as a motor vehicle repair shop under M.G.L. c. 100A, the repairer shall have a valid certificate issued by the Director of the Division of Standards pursuant to M.G.L. c. 100A.

4. Subject to any municipal regulation, ordinance or bylaw, the repairer displays a permanently affixed exterior sign of sufficient size and design to give the general public notice of the name and nature of the business.
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5. If the repairer’s business includes the towing and storage of motor vehicles or trailers for the public, the repairer must have adequate storage facilities. The storage facilities shall be physically separated from any area shared with any other business, but need not be located at the main office. The Registrar must be notified of the address of all storage facilities and be allowed to inspect the facilities.

6. The repairer maintains business records on the premises which contain the date(s), description of the motor vehicle, including the vehicle identification number, owner and nature of work completed. A repairer engaged in towing shall maintain records on the premises containing the date of each tow, a description of the motor vehicle or trailer that was towed, the vehicle identification number, registration number and place of registration, and the name of the owner of the towed vehicle.

c. Owner-Contractor:

1. Unless otherwise provided by 540 CMR 18.00, to receive or retain general registration and general registration plates, an owner-contractor, as defined in M.G.L. c. 90, s. 1, shall satisfy the following conditions:

a. The owner-contractor owns or controls a fleet of ten or more motor vehicles, trailers, special mobile equipment, mobile construction cranes or any combination of such vehicles or equipment, which shall include at least one piece of special mobile equipment or at least one motor vehicle or trailer as described in 540 CMR 18.02(2)(c)2.e.

a. The owner-contractor maintains facilities for the repair, alteration or equipping of the vehicles or equipment, which shall:

i. include a permanently constructed building or structure of sufficient size to allow the majority of the motor vehicles or trailers in the fleet to be repaired
within the building or structure, except that the registrar may establish guidelines for alternative compliance by fleets containing very large motor vehicles or trailers unable to fit in the on-site facilities;

ii. contain the tools and equipment necessary to conduct repairs and alterations; and

iii. be conducted as a separate entity, physically segregated from any business not owned or controlled by the owner-contractor

2. Pursuant to authority granted in M.G.L. c. 90, s. 5, the Registrar may issue owner-contractor general registrations and general registration number plates for:

a. use on motor vehicles and trailers owned or controlled by government agencies if a public safety or other public interest is served. No government agency may operate a motor vehicle or trailer with an owner-contractor plate unless a compliance decal has been issued. The Registrar may set further conditions for such registrations.

b. use on trailers owned by a person who is principally and substantially engaged in the business of leasing for hire so called “storage” or “mobile office” trailers, if the person owns at least ten storage or mobile office trailers, or combination thereof, and maintains an establishment as required in 540 CMR 18.02(2)(c)1.b.

c. use on a motor vehicle or trailer owned by a person who is principally and substantially engaged in the business of renting or leasing motor vehicles or trailers to the general public, if the person owns at least 20 motor vehicles or trailers. Motor vehicles or trailers registered under 540 CMR 18.02(2)(c)2.c. may only be operated by the owner or owner’s agent for the repair, alteration, maintenance, delivery, disposal or retrieval of the vehicle or trailer, and not for the transportation of any goods, wares or merchandise by any
person. The owner-contractor is subject to the compliance decal provisions of 540 CMR 18.03(5).

d. use on a motor vehicle or trailer owned by a person who is principally and substantially engaged in the business of short-term renting or leasing to the general public of specialized motor vehicles or trailers designed for use in construction, if the person owns at least 20 such specialized motor vehicles or trailers. The owner-contractor may allow its rented or leased vehicles to be operated or towed with the owner-contractor plates attached providing all of the following conditions are met:

i. the motor vehicle is special mobile equipment or a mobile construction crane as defined in M.G.L. c. 90, s. 1, or is a motor vehicle or trailer described or authorized to be operated on an owner-contractor plate by the provisions of 540 CMR 18.02(2)(c)2.e.;

ii. the required compliance decal is displayed on the motor vehicle or trailer;

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iii. the motor vehicle or trailer is not leased or rented with the owner-contractor plate attached for more than five consecutive days: and

iv. the person operating the motor vehicle or trailer carries a signed and dated copy of the rental or leasing agreement.

e. use on a motor vehicle or trailer which is designed primarily for construction purposes and not for the transportation of passengers or property, and is only incidentally operated on a way, including but not limited to any vehicle or trailer which is designed and used primarily either for grading or paving of highways, earth moving, and other construction work on highways, at a public or private construction site or for construction or maintenance work on railroad rights of way, including air drills, asphalt spreaders, bituminous mixers, bucket loaders, track-type tractors, crawler tractors, ditches,
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leveling graders, finishing machines, motor graders paving mixers, road rollers, scarifiers, earth moving scrapers and carryalls, welders, pumps, water wagons, screening plants, power shovels and draglines, excavators, backhoes, front-end loaders, self-propelled and tractor-drawn earth moving equipment and machinery, and concrete pumpers.

f. use on an enclosed trailer owned or controlled by the general registration holder, which is towed on a way to or from a construction site and is used by the owner-contractor exclusively as a mobile construction office at the site.

3. An owner-contractor may operate on a way any motor vehicle classified as special mobile equipment as defined in M.G.L. c. 90, s. 1 for the sole purpose of snow removal.

d. Farmers: To receive or retain a farmer's general registration and general registration number plates a farmer, as defined in M.G.L. c. 90, s. 1, shall satisfy the following conditions:

1. The farmer is substantially engaged in:
   a. the occupation of farming as defined in M.G.L. c. 90, s.1;
   b. the growing and harvesting of forest products or incidental lumbering operations, including the preparation and transportation of the products prior to retail sale.

2. The farmer is a Massachusetts resident or corporation;

3. The farmer holds any license or permit required by any federal state or local law prior to engaging in the farming or forestry operation;

4. The farmer owns a fleet of two or more vehicles used for and dedicated to conducting the business, excluding passenger vehicles;
5. The farmer conducts the farm activity or forestry operations for an ultimate commercial purpose. For the purposes of 540 CMR 18.00, an ultimate commercial purpose may include conducting farm or forestry operations for profit, not-for-profit or charitable purposes. Compliance with state or federal tax codes will be considered evidence that the farm or forestry operation is being conducted for an ultimate commercial purpose;

6. For registrations initially issued after January 1, 1997, the size of the area devoted to the activity is at least five acres if a farm, and at least ten contiguous acres if devoted to the growing and harvesting of forest products or incidental lumbering operations. The Registrar may waive the requirement of a minimum size of five acres devoted to farming if a person is engaged in the intensive cultivation of crops through alternative forms of farming activity, such as hydroponics. The Registrar may also waive the minimum ten contiguous acres requirement if the applicant has a minimum of ten non-contiguous acres, each of which is devoted to the growing and harvesting of forest products.

7. For the purposes of 540 CMR 18.02(2)(d), substantially engaged in the occupation of farming or growing and harvesting of forest products or incidental lumbering operations shall mean that at least one of the following shall apply:

   a. the applicant derives at least 40% of total income from such operations; or

   b. the applicant demonstrates gross farm, forest product harvesting or incidental lumbering operations related income of at least $1,000 or a net farm related loss of at least $2,000 on Schedule C, D, or F of the prior year’s federal and state income tax returns; or, if the applicant has been engaged in business for less than a full tax year, the applicant produces documents sufficient to demonstrate current-year income or expenses to verify that the applicant’s business is reasonably expected to meet this criteria; or
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c. if the applicant is engaged in the occupation of farming, the land is enrolled in and classified pursuant to M.G.L. c. 61A as being devoted to agricultural or horticultural use or both, and meets the production values in that chapter, and the applicant provides the Registrar with a copy of the then current tax certificate issued by the local assessor: or ii. if a person is engaged in the growing and harvesting of forest products or incidental lumbering operations, the land is classified pursuant to M.G.L. c. 61 as being forest land, a the applicant provides the Registrar with a copy of the current tax certificate issued by the local assessor.

8. A farmer may only operate motor vehicles or trailers principally used and dedicated to the farming activity with the general registration and general registration plates, and not passenger vehicles.

e. Recreational Vehicle Dealers, Recreational Trailer Dealers, Boat Dealers, and Boat Trailer Dealers: To receive or retain a general registration and general registration number plates, a dealer in recreational vehicles or trailers or boats or boat trailers shall satisfy the following conditions:

1. The dealer is principally and substantially engaged in the business of selling recreational vehicles and recreational trailers or boats and boat trailers.

2. The dealer has suitable premises to conduct the business, which shall include an office for the maintenance of records of sale transactions.

3. If the dealer’s business is located within a building or structure shared with another business, the dealer maintains a separate and exclusive entrance unless the multiple businesses are owned by the same principals.

4. The dealer has an area to display the vehicles or trailers offered for sale.
5. Subject to any municipal regulation, ordinance or bylaw, the dealer displays a permanently affixed exterior sign of sufficient size and design to give the general public notice of the name and nature of the business.

f. **Trailer Dealers:** To receive or retain a dealer’s general registration or general registration number plates, a trailer dealer, as defined in M.G.L. c. 90, s. 1, shall satisfy the following conditions:

1. The dealer is principally and substantially engaged in the business of buying, selling or exchanging trailers.

2. The dealer has suitable premises to conduct the business which shall include an office for the maintenance of records of sales.

3. The dealer has an area to display the trailers offered for sale.

4. Subject to any municipal regulation, ordinance or bylaw, the dealer displays a permanently affixed exterior sign of sufficient size and design to give the general public notice of the name and nature of the business.

g. **Transporter:** To receive or retain a general registration or general registration plates, a transporter, as defined in M G.L. c. 90, s. 1, shall satisfy the following conditions:

1. The transporter is principally and substantially engaged in the business of transporting or delivering motor vehicles not owned by the transporter, under their own power, or trailers not owned by the transporter, or is a person, or agent of a person, licensed to engage in the business of financing the purchase of or insuring motor vehicles, who is required to repossess such motor vehicles or trailers by foreclosure or subrogation of title.

2. The transporter maintains an office for the maintenance of records of all transactions.
h. Manufacturers: To receive or retain a general registration and general registration number plates a manufacturer, as defined in M.G.L. c. 90, s. 1, shall satisfy the following conditions:

1. The manufacturer is principally and substantially engaged in the business of manufacturing motor vehicles, trailers, motor vehicle bodies, or complete mechanical units for excavating or carrying materials and maintains an establishment where the manufacturing activity is conducted.

2. The manufacturer does not incidentally sell used motor vehicles and does not possess a license under M.G.L. c. 140, s. 58.

3. The manufacturer of motor vehicles or trailers produces evidence that the manufacturer issues certificates of origin in conformity with M.G.L. c. 90D, s. 6 and 540 CMR 15.00, except that a manufacturer engaged principally and substantially in purchasing new motor vehicles or trailers for the purpose of making modifications prior to sale to the first purchaser need not issue its own certificates of origin.

The following text is effective 12/27/1996

18.03: Compliance Decals

1. An owner of a motor vehicle or trailer holding a general registration and a general registration number plate issued under M.G.L. c. 90, s. 5, shall, on an annual basis or as otherwise prescribed by the Registrar, apply for a decal which indicates that the owner has complied with the requirements of M.G.L. chs. 90D, 64H and 64L for each motor vehicle or trailer so registered. No decal shall be issued if the owner’s registration is in “non-renewable” status for non-payment of excise tax or parking tickets. The decal shall contain a serial number, vehicle identification number and Registration number of the particular vehicle displaying the decal and shall be displayed according to the Registrar’s instructions. Failure to properly display the decal results in a $25.00 fine.
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compliance decal shall be considered a violation of M.G.L. c. 90, s. 20 for fine and penalty purposes.

2. The decal requirement does not apply to:

a. Motor vehicles or trailers owned by a dealer and held for sale and demonstration purposes only.

b. Motor vehicles or trailers controlled, but not owned, by a repairman that are being either towed, or operated solely for repair, testing, alteration or equipping or transportation incidental thereto.

c. Trailers owned by a dealer of recreational or boat trailers and held for sale and demonstration purposes only.

d. Motor vehicles operated by a transporter or trailers towed by a transporter, under the conditions stated in M.G.L. c. 90, s. 5.

e. Motor vehicles or trailers classified as implements of husbandry under M.G.L. c. 90D, s. 1 and exempt from sales tax under M.G.L. c. 64H and 64I.

3. If any motor vehicle or trailer required to display a compliance decal under 540 CMR 18.03 is not owned by the general registration holder, it shall be the responsibility of the owner of the motor vehicle or trailer to pay any tax pursuant to M.G.L. c. 60N. The owner and general registration holder shall be jointly and severally responsible for any failure to display the compliance decal.

4. A holder operating a newly acquired motor vehicle or trailer subject to the decal requirements of 540 CMR 18.03, who has applied for the decal, may carry a Registry receipt indicating compliance with M.G.L. chs. 90D, 64H, and 64I until the decal is issued. Such receipt shall constitute proof that the owner has complied with the provisions of 540 CMR 18.03.

5. A person who is principally and substantially engaged in the business of renting or leasing non-construction type motor vehicles or trailers to the general public may
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Permanently affix a compliance decal to the back of an owner-contractor registration plate instead of displaying the decal elsewhere on the motor vehicle or trailer. Documentation sufficient to identify the owner-contractor as the owner of the vehicle, to establish that a title has been obtained for the vehicle, and to establish that the vehicle is exempt from sales tax requirements or that the sales tax has been paid, shall be carried by the operator or in a readily accessible place in the vehicle. The provisions of this subsection shall not be applicable to any other category of owner-contractor or any other motor vehicles or trailers authorized to display an owner-contractor registration plate.

6. Compliance with the decal requirements under 540 CMR 18.00 is a condition of being lawfully registered, and a vehicle without a required compliance decal shall be considered unregistered in violation of M.G.L. c. 90, s. 9.

18.04: Display and Use of General Registration Number Plates:

1. Display of Plates.
   a. General registration number plates shall be displayed in accordance with the provisions of M.G.L. c.90, s. s. 5 and 6.
   b. The Registrar may issue a combined temporary general registration number plate and permit to temporarily replace a lost, stolen, illegible or mutilated plate and may set the terms and conditions for the use of a temporary plate and for its return.
   c. Operation of any vehicle displaying a temporary plate after the plate expiration date shall be prima facie evidence that the vehicle is unregistered.

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d. Upon the earlier of the receipt of a permanent replacement general registration number plate, or the expiration date of the temporary plate, the temporary plate and permit shall be void and shall be surrendered to the Registrar.

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2. Use of General Registration Number Plates: General Restrictions.

   a. Unless otherwise authorized in 540 CMR 18.00 no person, business or corporation shall loan, let for hire or rent any general registration number plate or allow such a plate to be attached to a motor vehicle in any manner in violation of 540 CMR 18.00. Such plate misuse shall be considered a violation of M.G.L. c. 90, s. 23.

   b. General registrations, general registration number plates and permits for temporary number plates are not transferable. They shall be surrendered to the Registrar if the business, as described in the registration certificate, is sold, ceases to operate, or if any applicable license or permit is suspended or revoked by the issuing authority.

   c. A general registration plate may not be displayed on a vehicle which is borrowed or which is leased at less than market rates. The holder has the burden of proving that a lease is at market rates. Acceptable evidence may include generally accepted trade publications covering lease transactions in the relevant geographical area for motor vehicles or trailers of a similar year, make, model and lease period.

3. Use of General Registration Plates Specific Restrictions.

   a. 1. A dealer, manufacturer, dealer in boats and boat trailers or a dealer in recreational vehicles and recreational vehicle trailers, who has received a general registration number plate may operate or tow a motor vehicle or trailer which is owned by the dealer or manufacturer and is operated principally for demonstration or sale related purposes. A dealer who has received a general registration number plate may not operate a motor vehicle owned by the dealer as equipment utilized in the operation of the business of said dealer, such as a courtesy bus or parts or service vehicle, using the general dealer’s registration number plate; however, a dealer may operate a motor vehicle owned
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by the dealer using the plate for the purpose of removing snow from the business property.

2. A motorcycle dealer whose inventory includes an automobile or pick-up truck may attach a motorcycle general registration plate to the automobile or pick-up truck if the vehicle is operated for demonstration or sale related purposes; the dealer license issued by the city or town under M.G.L. c. 140, s. 59 authorizes the motorcycle dealer to also sell automobiles of pick-up trucks; and the dealers insurance coverage allows use of the plate or automobiles or pick-up trucks.

3. A motor vehicle dealer whose inventory includes a motorcycle may attach a general registration plate of standard size to the motorcycle if the motorcycle is operated for demonstration or sale related purposes; the dealer license issued by the city or town under M.G.L. c. 140, s. 59 authorizes the dealer to also sell motorcycles; and the dealer’s insurance coverage allows use of the plate on motorcycles.

b. A repairer who has received a general registration and general registration plate may only operate with the registration, motor vehicles, trailers or tractor-trailer combinations:

1. controlled, but not owned by the repairer and operated for the purpose of repairing, altering, equipping or reconditioning the vehicle or any transportation incidental thereto, and not for commuting or other personal use; or

2. owned by the repairer and designed to draw, tow or transport motor vehicles and displaying a compliance decal issued in accordance with 540 CMR 18.03. Such a vehicle may tow or transport an unregistered motor vehicle pursuant to M.G.L. c. 90, s. 9, if the towing vehicle is properly registered, displays a repair plate, and maintains insurance which also provides coverage for the motor vehicle being towed; or

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3. owned by the repairer and used primarily in the repairer’s business, and displaying on the vehicle the business name and the municipality where the business is located in permanent lettering at least 1.5” in size, which is plainly visible from each side or from the front and rear of the vehicle; or

4. owned by the repairer and classified as a total loss salvage motor vehicle as defined in M.G.L. c. 90D, s. 1, if the following conditions are met:
   a. the motor vehicle is being transported for purchase, sale, repair, or testing; and
   b. the operator carries a bill of sale or salvage title for the vehicle; or

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5. purchased by the repairer and transported within ten days of the purchase date and the operator is in possession of the bill of sale and the seller’s certificate of title or a receipt for the repairer’s application for a certificate of title; or

6. owned by the repairer and operated for the purpose of removing snow from the business property.

c. A general registration holder shall display the validation sticker assigned by the Registrar to the left of the general registration number on the general registration plate so that the current year validation sticker covers the prior year’s validation sticker.

18.05: Penalties

1. In addition to any other penalty provided by law, the Registrar, after notice and opportunity for a hearing, may suspend, revoke, or refuse to renew a general registration and general registration number plate(s) if he or she has reason to believe that the holder has violated the provisions of M.G.L. c. 90, s.s. 5 or 6, or 540 CMR 18.00.
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2. Suspension of a general registration or general registration number plate shall be for a fixed period of time; however, if the general registration holder is required to perform specific acts as a term of the suspension, or to provide documentation to bring the holder into compliance with either M.G.L. c. 90, s.s. 5 or 6 or 540 CMR 18.00, the suspension may be for an indefinite period until the Registrar is satisfied that the holder has satisfied the requirements. Upon suspension of a general registration, the holder must return the master certificate of registration and all issued general registration plates to the Registrar. If one or more plates is suspended, only the specific plate(s) that is suspended must be returned to the Registrar. Although a suspension shall be effective as of the date specified in the notice for purposes of prohibiting use of the Affected registration and plates, no time shall be credited to the holder’s suspension period until the holder returns the registration or plates as required. An affidavit subscribed and sworn to under penalties of perjury shall be required from a suspended registration holder who asserts that a master certificate of registration, or one or more registration plates, has been lost or stolen, and if stolen, the holder must also provide a copy of a theft report filed with the appropriate police department. A holder who is under a suspension order may not be granted a general registration of any type, may not renew a suspended registration, and may not be granted additional plates during the suspension period. The Registrar may refuse to issue a general registration to an applicant if the Registrar has reason to believe that the applicant is acting as an undisclosed agent for a holder who is the subject of a current suspension order.

3. Upon revocation of a general registration, the holder must return the master certificate of registration and all general registration number plates to the Registrar. Revocation of a holder’s registration shall be for not less than 12 months. Although a revocation shall be effective as of the date specified in the notice for purposes of prohibiting the use of the registration or plates, no time shall be credited to the holder’s period of revocation until the holder has resumed the master certificate of registration and all registration plates. An affidavit subscribed and sworn to under penalties of perjury shall be required from a revoked
registration holder who asserts that a master certificate of registration, or one or more registration plates, has been lost or stolen, and if stolen, the holder must also provide a copy of a theft report filed with the appropriate police department. A holder who is under a revocation order may not be granted a general registration of any type during the revocation period. The Registrar may refuse to issue a general registration to an applicant if the registrar has reason to believe that the applicant is acting as an undisclosed agent for a former holder who is the subject of a current revocation order.

REGULATORY AUTHORITY

540 CMR 18.00: M.G.L. c. 90, s. 5.
The following text is effective 11/29/1996
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Ignition Interlock Devices 540 CMR 25.00

540 CMR 25.00: CERTIFICATION, INSTALLATION, USE AND MAINTENANCE OF IGNITION INTERLOCK DEVICES

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25.01: Purpose

The purpose of 540 CMR 25.00 is to establish guidelines and procedures for the certification, installation, use and maintenance of Ignition Interlock Devices.

25.02: Statutory Authority

540 CMR 25.00 is issued pursuant to M.G.L. c. 90, s. 24(1)(c)(2),(3) and (3½); M.G.L. c. 90, s. 24S; M.G.L. c. 90, s. 24T; M.G.L. c. 90, s. 28; M.G.L. c. 90, s. 31; and St. 2005, c. 122.
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25.03: Scope and Applicability

540 CMR 25.00 shall apply in all cases in which a Hardship License or right to operate has been granted pursuant to M.G.L. c. 90, s. 24(1)(c), (2), (3) and (3%) either by the Registrar or ordered by the Board of Appeal on Motor Vehicle Liabilities, Policies and Bonds (hereafter “the Board”). 540 CMR 25.00 shall also apply to any person seeking issuance or reinstatement of a license or right to operate on or after January 1, 2006, who has two or more motor vehicle violations for operating under the influence of intoxicants. Motor vehicle violations include convictions under M.G.L. c. 24G(b); M.G.L. c. 24L; M.G.L. c. 265, s. 13½; M.G.L. c. 90B, s. 8(a); M.G.L. c. 90B, s. 8A or 8B, assignments to alcohol or controlled substance abuse education, treatment, or rehabilitation programs, or any like offenses or assignments from other jurisdictions. 540 CMR 25.00 shall also apply in cases in which the Board orders a Hardship License or reinstatement on a suspension or revocation pursuant to: M.G.L. c. 90, s. 24(c)(33A), M.G.L. c. 90, s. 24L, or M.G.L. c. 90, s. 24G and M.G.L. c. 263, s. 13%. 540 CMR 25.00 shall also apply in cases where a chemical test refusal license suspension of five years or greater is reinstated pursuant to the provisions of M.G.L. c. 90, s. 24(1)(f)(l) or s. 24N.

Any person seeking issuance or reinstatement on or after January 1, 2006 of a license or right to operate a motorcycle, as required under M.G.L. c. 90, s. 2, who has two or more motor vehicle violations for operating under the influence of intoxicants, shall not be eligible for Hardship License or full reinstatement until the Ignition Interlock Restriction has been removed from his license or right to operate. Such person may apply for privileges to operate a Class D Vehicle, and the terms and conditions of the Ignition Interlock Restriction shall apply.

540 CMR 25.00 shall apply to any person seeking issuance or reinstatement on or after January 1, 2006 of a license or right to operate a Commercial Motor Vehicle (CMV), defined in federal regulations 49 CFR 383.5 and 49 CMR 390.5, who has two or more motor vehicle violations for operating under the influence of intoxicants, only to the extent that 540 CMR 25.00 permits such person to apply for privileges to
operate a Class D Vehicle, under the terms and conditions of an Ignition Interlock Restriction.

An operator who does not hold a Massachusetts license who incurs a motor vehicle violation involving intoxicants while driving in Massachusetts is subject to the same penalties and restrictions on his right to operate as a driver who is licensed in Massachusetts.

The following text is effective 06/02/06

25.04: Definitions

Blood Alcohol Concentration (BAC). Percentage, by weight, of alcohol in a person’s blood, as measured by a test of the person’s breath or blood.

Circumvention. An overt, conscious attempt to bypass the Ignition Interlock Device by providing samples other than the natural unfiltered breath of the operator, or by starting the car without using the ignition switch, or any other act intended to allow the vehicle to start or continue to operate without the operator first taking and passing a breath test.

Failed Rolling Re-test. A breath test taken by the operator of an IID-equipped vehicle while the vehicle is running that shows the operator has a BAC greater than .02.

Failed Start-up Test. A breath test taken by the operator of an IID-equipped vehicle prior to starting the vehicle’s ignition, registering a BAC greater than .02.

Hardship License. Any driver’s license or right to operate authorized by the Registrar or the Board during a period of license suspension or revocation that allows a person to drive for limited hours during the remaining period of revocation or suspension.
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**Ignition Interlock Devices 540 CMR 25.00**

**Ignition Interlock Device (IID).** An alcohol sensing instrument mounted in an automobile and connected to the ignition system to prevent the vehicle from starting unless the driver first provides a satisfactory deep lung air sample. The device analyzes the deep lung air sample to determine the BAC of the operator. If the measured BAC is above .02, the device prevents the vehicle from starting. Certified IIDs meet the requirements set out in 540 CMR 25.05.

**Ignition Interlock Restriction.** The limitation imposed by the Registrar on an individual’s license or right to operate prohibiting operation of any motor vehicle in the Commonwealth without an Ignition Interlock Device, subject to the terms and conditions set out in M.G.L. c. 90 and 540 CMR 25.00.

**Lockout.** A multiple-step process resulting from an infraction of the Ignition Interlock Restrictions, including a period during which the operator cannot start the vehicle.

**Missed Rolling Re-test.** Failure to take the Rolling Re-test within the time period allotted by the IID. If the breath test is taken after the time period allotted and demonstrates a BAC greater than .02, it shall be deemed a Failed Rolling Re-test.

**Passed Test.** A breath test taken by the operator of an IDs-equipped vehicle prior to starting the ignition or while the vehicle is running that shows the operator’s BAC is equal to or less than .02.

**Registrar.** The Registrar of Motor Vehicles for the Commonwealth of Massachusetts or her designee.

**Rolling Re-test.** A breath test, administered at random intervals, taken by the operator of an IID-equipped vehicle while the vehicle is running.

**Service Period.** The time between Service Visits, which shall be at least 25 days but not more than 30 days.
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Ignition Interlock Devices 540 CMR 25.00

Service Provider. An entity approved by the Registrar that installs and services the operator’s Ignition Interlock Device.

Service Visit. A required visit to the Service Provider by the operator to have the Ignition Interlock Device inspected, monitored or maintained. An initial Service Visit shall be conducted within 30 days of IID installation, and regularly thereafter in Service Periods of 25 - 30 days.

Start-up Test. A breath test taken by the operator of an IID-equipped vehicle to measure the operator’s BAC prior to starting the vehicle’s ignition.

The following text is effective 06/02/06

Tamper. An overt, conscious attempt to physically disable or otherwise disconnect the Ignition Interlock Device from its power source and thereby allow a person to start the engine or continue to operate a motor vehicle without a Passed Test.

25.05: Certification of Types of Ignition Interlock Devices

1. A manufacturer or other entity seeking approval of any type of Ignition Interlock Device in order that it might be used to monitor compliance with Massachusetts Ignition Interlock Restrictions must demonstrate to the satisfaction of the Registrar that the device meets the conditions established in Model Specifications for Breath Alcohol Ignition Interlock Devices (BAIIDs), National Highway Traffic Safety Administration, Federal Register, Vol. 57, No. 67, April 7, 1992. The Registrar shall certify such qualifying types of devices and shall publish a list of certified types of devices.

2. Standards for certification shall include provisions for setting a minimum and maximum calibration range and shall also include, but not be limited to, requirements that the devices:

a. Prevent and IID-restricted operator from starting an IID-equipped vehicle without a Passed Test;
b. Work accurately and reliably in an unsupervised environment;

c. Require at least one Rolling Re-test during any operation of an IID-equipped vehicle lasting ten minutes or longer.

d. Require Rolling Re-tests to be conducted at random intervals during operation of the vehicle.

e. Notify the operator when a Rolling Re-test is required and permit an operator five minutes to blow into the Ignition Interlock Device after the notification.

f. Have features that make Circumvention difficult and that do not interfere with the normal or safe operation of the vehicle;

g. Resist Tampering and give evidence if Tampering is attempted;

h. Operate reliably over the range of automobile environments;

i. Effect a Lockout when an operator violates an IID Restriction, as described in 540 CMR 25.09;

j. Are manufactured by a party covered by product liability insurance.

25.06: Installation of Ignition Interlock Devices

1. An Entity under contract to install and maintain any type(s) of certified IIDs may apply to the Registrar to become an approved Service Provider.

2. The Registrar shall approve only those Service Providers that meet the terms and conditions set out in 540 CMR 25.00.

3. Each Service Provider shall notify the Registrar of every site from which the Service Provider intends to install, monitor and maintain devices, in a format specified by the Registrar. Every site must comply with the requirements set forth in 540 CMR 25.00, as may be determined through site inspection(s) by Registry of Motor Vehicles staff. It shall be the responsibility of the Service Provider to notify the Registrar within 30 days of any change in the information previously provided.
4. A Service Provider who installs Ignition Interlock Devices in vehicles shall comply with the following conditions:

   a. Not allow customers or other unauthorized persons to observe the installation of the devices.

   b. Have all tools, test equipment and manuals needed to install devices and screen vehicles for acceptable mechanical and electrical conditions. These include, but are not necessarily limited to, the following:

      1. tools to make electrical connections in a competent manner and in accordance with accepted trade standards;

      2. heat gun if heat shrink tubing or heat set labels are used;

      3. volt/ohmmeter;

The following text is effective 06/02/06

4. test light

5. battery testing equipment and servicing tools;

6. electrical wiring diagrams and/or reference guide for electrical systems on import and domestic vehicles, 20 years old or less, necessary for the installation and operation of the device; and

7. tools and equipment listed by the device manufacturer(s) to properly install devices.

8. Provide adequate security measures to prevent unauthorized persons from accessing materials key to the integrity of the IID system, including, but not limited to tamper seals and installation instructions.

   c. Appropriately install IIDs on vehicles taking into account each vehicle’s mechanical and electrical conditions, following accepted trade standards and
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the device manufacturer’s instructions, and correcting conditions which interfere with the proper functioning of the device.

d. Not install devices in a manner that could adversely affect the performance of the device or impede the safe operation of the vehicle.

e. Verify that a device is functioning properly after it has been installed in the vehicle.

f. Attach a warning label, approved by the Registrar, in a conspicuous place on the Ignition-Interlock Device, informing the person to whom the Ignition Interlock Restriction applies of the penalties for tampering with or attempting to circumvent operation of the device. The label shall be produced at the expense of the Service Provider. This label shall also warn other individuals of the penalties for blowing into the device on behalf of the restricted operator. On each and every service visit the monitoring entity shall inspect this label, and if it is found to be damaged, loose, obscured or in any other way not clearly legible, replace the label with a new one.

g. Restore the affected mechanical and electrical systems to their original configurations or, if this is not possible, minimally to working order when an ID is removed. All severed wires must be permanently and safely reconnected and insulated.

h. Provide monthly reports to the Registrar on the status of its clients operators.

i. Provide timely reports to the Registrar of any operator Lockout or IID Violations.

j. Abide by any policies established by the Registrar governing the removal of the device(s).

The Registrar shall maintain and publish a list of all approved Service Providers within the Commonwealth. Any Service Provider found not to be in compliance with any of the provisions of 540 CMR 25.00 may be subject to suspension or revocation of approval for any or all its sites, after a hearing before the Registrar. The
Registrar may take into account the nature and extent of the violation(s) and the past performance of the Service Provider.

25.07: Cost and Maintenance

1. The operator shall pay the cost of installing, monitoring, and maintaining the Ignition Interlock Device(s).

2. The operator will be required to appear at the Service Provider’s location for a Service Visit within 30 days of the installation of the device, and regularly thereafter in Service Periods of 25.-30 days, for as long as the device is required by the Registrar. 25 days after each Service Visit, the unit shall alert the operator of the requirement for another Service Visit.

25.08: Conditions of Hardship Licenses and License Reinstatements

1. Any person whose license has been suspended or revoked because of two or more motor vehicle violations for operating under the influence of intoxicants shall have an Ignition Interlock Device installed on every vehicle he owns, leases, or operate, as a condition of the reinstatement of his license or right to operate. This requirement applies to both full reinstatements and Hardship Licenses.

2. Any operator subject to 540 CMR 25.00 shall operate a vehicle only if it is equipped with an Ignition Interlock Device. This requirement applies to all vehicles owned by the operator, as well all other vehicles operated by the individual, including but not limited to any vehicles that are leased, rented, loaned, or used in employment.

The following text is effective 06/02/06

3. No Operator of an IID-equipped vehicle shall be permitted to start the vehicle without a Passed Test.

4. It shall be a condition of any license issued with an Ignition Interlock Restriction, that the operator notify any other person who rents, leases, loans, or permits him to

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operate a motor vehicle during his employment, or otherwise, of the Ignition Interlock Restriction.

5. Before receiving a license or having licensure privileges restored, any individual to whom an Ignition Interlock Restriction applies shall execute a form, promulgated by the Registrar, which clearly indicates the penalties for violating the laws and regulations pertaining to Ignition Interlock Devices. The form shall be signed by the individual under the pains and penalties of perjury, and notarized. The form shall also require the individual to list each and every licensed driver in the household.

6. Each such person listed pursuant to 540 CMR 25.08(5) shall execute, under the pains and penalties of perjury, a notarized statement that he understands that the individual to whom the Ignition Interlock Restriction applies must not operate any vehicle without an Ignition Interlock Device, and that blowing into the device on behalf of any IID-restricted driver is punishable by incarceration. The Registrar, in her discretion, may also list other applicable penalties on this acknowledgement.

7. The Registrar shall apply an Ignition Interlock Restriction code to the license, permit, or right to operate of anyone subject to the terms and conditions of 540 CMR 25.00, signifying that the operator is only licensed to operate motor vehicles that have an Ignition Interlock Device installed.

8. In all cases in which an operator must have an Ignition Interlock Device as a condition of hardship, the requirement shall remain in effect for the balance of the revocation or suspension. Once the period of hardship restriction has ended, the operator may apply for full license reinstatement absent the hardship hours restriction, however the Ignition Interlock Restriction shall remain in effect for no less than two years thereafter.

9. In cases in which an Ignition Interlock Device is required by 540 CMR 25.00, and a person does not seek or is not granted a Hardship License, the operator will be subject to the requirements of 540 CMR 25.00 upon reinstatement for no less than a two-year period.
10. An operator subject to the Ignition Interlock Restriction who lives in or moves to another state or jurisdiction may participate in the Massachusetts ED program as an out-of-state resident. If the operator demonstrates successful completion of the Massachusetts IID program, he may apply to have the Ignition Interlock Restriction removed.

11. Subject only to the exception listed in 540 CMR 25.08(12), an IID-restricted operator who removes the Ignition Interlock Device from his vehicle(s) before successfully completing the IID program, shall have his license or right to operate immediately returned to a suspended or revoked status.

12. An operator subject to the Massachusetts Ignition Interlock Restriction who moves to another state or jurisdiction and does not participate in or does not continue to participate in the Massachusetts IID program may, at the discretion of the Registrar, have the status of his license or right to operate changed to enable him to acquire a legal driver’s license in the new state or jurisdiction. The Registrar shall:

   a. Require the operator to provide proof of out-of-state residency;
   
   b. Require the operator to execute a form acknowledging that the operator is not, under any circumstances, permitted to drive a motor vehicle in Massachusetts unless it is equipped with an IID;
   
   c. Require the operator to execute a form acknowledging that the operator understands the Registrar will notify the destination state or jurisdiction of the operator’s motor vehicle offenses and license restrictions;
   
   d. Notify the destination state or jurisdiction of the operator’s motor vehicle offenses and license restrictions.

The following text is effective 06/02/06
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The Registrar may, on a case by case basis, impose additional conditions she deems necessary to protect public safety.

25.09: Lockouts

1. A Lockout shall commence for any of the following infractions of the Ignition Interlock Restriction:
   a. Two Failed Start-up Tests within one Service Period;
   b. One Failed Rolling Re-test;
   c. One missed Service Visit;
   d. Two Missed Rolling Re-tests within one Service Period;

2. When an infraction of the Ignition Interlock Restriction triggers a Lockout, the operator is immediately notified that a Lockout is in progress and that he has 48 hours to bring the vehicle to the Service Provider for inspection. As at all other times, the operator is prohibited from starting the vehicle until his BAC registers .02 or below on the IID; the LID effects this restriction by disabling the vehicle’s ignition. If the operator fails to bring the vehicle to the Service Provider for inspection during the time allotted, the vehicle’s ignition is permanently locked and only the Service Provider is permitted to release it. The operator is responsible for any and all charges associated with getting the vehicle to the Service Provider in a lawful manner, in addition to any re-set charges incurred for the Lockout.

3. The Service Provider shall provide immediate notice of any Lockout to the Registrar.

4. If an ID-restricted operator believes a Lockout is unjustified, he may request a hearing with the Registry of Motor Vehicles within 30 days of the Lockout. If the Registrar finds the Lockout was not justified, the Lockout shall be excused.
25.10: Ignition Interlock Violations (IID Violations)

An Ignition Interlock Violation consists of any of the following:

1. Any evidence of operating a motor vehicle without an Ignition Interlock Device;

2. Soliciting or allowing any other person to blow into an Ignition Interlock Device, or to start an BID-equipped vehicle for the purpose of providing the person so restricted with an operable motor vehicle;

3. Using any means other than blowing a breath directly from the operator’s mouth into the device, in order to supply an air sample to the device;

4. An attempt to Tamper with or Circumvent the IID;

5. A Failed Rolling Re-test in which the operator’s BAC registered at or above .05;

6. Two Failed Rolling Re-tests within one Service Period in which the operator’s BAC registered between .02 and .05;

7. Two Lockouts due to Missed Rolling Re-tests;

8. Two missed Service Visits.

25.11: Sanctions

1. An operator who is identified as having committed an Ignition Interlock Violation is entitled to a hearing to determine, by a preponderance of the evidence, whether such violation occurred. The Registrar shall notify the operator of this right, and may take into account any and all information she deems relevant. Nothing in 540 CMR 25.11, however, limits the right of the Registrar to take immediate action pursuant to M.G.L. c. 90, s. 22, as warranted by the need to protect public safety.

The following text is effective 11/02/07
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2. If the operator is determined to have committed an Ignition Interlock Violation while operating under the limited privileges of a Hardship License, the Registrar shall revoke the Hardship License for the balance of the original revocation period, plus an additional ten years thereafter. If the operator is determined to have committed an Ignition Interlock Violation while operating under an otherwise fully reinstated license, the Registrar shall revoke the license for ten years.

3. In the event of any two Ignition Interlock Violations based on Failed Rolling Re-tests, the revocation shall be for life.

25.12: Removal of Ignition Interlock Restrictions

An operator applying to have his Ignition Interlock Restriction removed must demonstrate that he has had no Ignition Interlock infractions and no Ignition Interlock Violations for the six months immediately preceding his application. If he cannot so prove, the Ignition Interlock Restriction will be extended until he makes a reapplication that meets this requirement as well as all other licensure requirements.

25.13: Reinstatement of Licenses by Order of the Court

When the Court orders the reinstatement of a license that was suspended due to a chemical test refusal, pursuant to M.G.L. c. 90, s. 24(1)(f)(1) or s. 24N, the Registrar shall, absent any other reason for the license suspension, honor said order for reinstatement. However, if the records of the Registrar indicate that the chemical test refusal suspension period was five years or greater, the Registrar shall reinstate said license with an Ignition Interlock Restriction for no less than two years.
25.14: Registrations

If after a hearing the Registrar determines that the scope and nature of an operator’s violation(s) of the provisions of 540 CMR 25.00 are significant, and the interests of public safety are at risk, the Registrar may also revoke any vehicle registration(s) in the name of the operator, as well as the registration(s) of vehicles that the Registrar has cause to believe the operator may have access to, pursuant to the provisions of M.G.L. c. 90, s.s. 12, 22(a), and 24X, and prevent further registrations from issuing.

REGULATORY AUTHORITY
540 CMR 25.00: M.G.L. c. 90, s. 24(1)(c), (2), (3) and (3½); c. 90, s. 24S; c. 90, s. 24T; c. 90, s. 24U; c. 90, s. 28; c. 90, s. 31 and St. 2005, c. 122. The following text is effective 05/19/06
INSURANCE CERTIFICATION CONSIDERATIONS

1. Suggested Guidelines to Protect Your Customer

2. For your customer’s protection, a dealer should furnish the insurance agent with the following documents:
   a. a copy of the completed RMV-1; and
   b. a copy of the front and back of the title or certificate of origin; and
   c. a copy of the window sticker (new car) or sales agreement showing vehicle options (used car).

3. (NOTE: An insurance policy is a legal contract between your customer and the insurance company. Your insured—and not the dealer—is the only person who can authorize a change in that policy, whether that change involves a change in vehicle or coverage.)

4. If the binder is necessary for a lienholder to release funds, you may include the following statement to clarify when coverage becomes effective: “Coverage becomes effective upon transfer of title.”

5. When issuing a binder for the benefit of a lienholder or dealer, only proof of physical damage coverage (collision and comprehensive) with the deductible required by the lienholder is necessary. Limits of liability are not necessary for this purpose, with the exception of leased vehicles where the lessor may require minimum limits of liability as a part of the lease.
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M.G.L. 90D s. 20E. Junking or Scrapping a Motor Vehicle

Section 20E. Cancellation of Certificate Upon Junking or Scrapping of Vehicle

Section 20E.

a) Any person who takes possession of a motor vehicle for the purpose of junking or scrapping shall within ten days after receipt of delivery, cause the certificate of title, salvage title or any other document required by the registrar as proof of ownership, to be surrendered to the registrar for cancellation. Said person shall maintain an adequate record of said cancellation which shall contain the name and address of the owner, a complete description of the vehicle including the vehicle identification number.

(b) The registrar shall maintain an adequate record of said cancellation, which shall contain the name and address of the owner, a complete description of the vehicle including the vehicle identification number. The vehicle identification number shall remain attached to said vehicle upon destruction.

(c) A motor vehicle for which the certificate of title, salvage title or any other document required by the registrar as proof of ownership, which has been surrendered for cancellation under this section shall not be titled under this chapter or registered to operate under chapter ninety.
540 CMR 2.15: Licensing of Operators of School Buses

1. Purpose, Scope and Applicability. 540 CMR 2.15 establishes uniform standards and requirements for the issuance of a Registry of Motor Vehicles license to operate a school bus pursuant to M.G.L. c. 90, s. 8A. Such license to operate a school bus is also referred to as a school bus operator’s certificate. The Registry of Motor Vehicles may authorize the Department of Public Utilities to serve as its agent for purposes of processing school bus operator’s certificates, provided that the standards contained in 540 CMR 2.15 shall be applicable.

2. General Qualifications. A person seeking a school bus operator’s certificate shall submit such application and additional information as may be required by the Registrar of Motor Vehicles. In addition to satisfying all requirements established by M.G.L. c. 90, s. 8A, in order to obtain and retain a school bus operator’s certificate, a person must:

a. be the holder of a valid Massachusetts license issued under authority of M.G.L. c. 90, s. 8.

b. be competent by reason of driving performance and experience or training, to operate properly and safely the type of school bus which the person will be required to operate;

c. be familiar with the law, rules and regulations pertaining to the operation of motor vehicles;

d. be able to read, write and speak the English Language;

e. pass a skills test in which the person operates a school bus, equipped as provided in M.G.L. c. 90, s. 7B and 540 CMR 7.00, over a definite course or courses designated by the Registrar of Motor Vehicles, or his designee. As part of the test, the operator shall be required to demonstrate his ability to operate the school bus and the safety equipment and devices with which said bus is equipped; and the ability to start, stop, back, park the bus and to turn the bus.
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540 CMR 2.15

around in a safe and proper manner, or perform any other movement as required by the Registrar of Motor Vehicles, or his designee; and

f. satisfy the medical qualifications in 540 CMR 2.15(3).

3. A. Medical Qualifications for Licensing of Operators of School Buses and Operators of School Pupil Transport Vehicles (Class 7D & 7D 1/2). The provisions of 540 CMR 2.15(3A) shall apply to all applicants for a school bus operator certificate or school pupil transport vehicle class 7D and 7D 1/2 license. The terms used in 540 CMR 2.15(3A) shall have the same meaning as defined in 540 CMR 24.00. In order to be eligible for a school, bus operator’s certificate and school pupil transport vehicle license (class 7D and 7D 1/2), a person shall:

a. have a distant visual acuity of at least 20/40 (Snellen) in each eye, with or without corrective lenses (excluding bioptic telescopic lenses); a combined horizontal peripheral field of vision of not less than 120ø; and the ability to distinguish the colors red, green, and amber. Persons requiring corrective lenses shall wear properly prescribed lenses at all times when operating a school bus or school pupil transport vehicle; and

b. first perceive a forced whispered voice in the better ear at not less than five feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1000 Hz, and 2000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA standard); and

c. have an O2 saturation rate of greater than 88%, at rest or with minimal exertion, with or without supplemental oxygen; and

The following text is effective 09/04/09

d. have no current diagnosis of epilepsy; and

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e. not be classified according to the American Heart Association (AHA) functional classification system as an AHA functional Class III or IV heart patient or shall not have had an implanted cardiac defibrillator (AICD) placed for a “sudden death event.” Such applicants shall not be eligible for an active school bus operator’s certificate or class 7D or 7D 1/2 school pupil transport vehicle learner’s permit or license until a six-month period has elapsed during which there is documentation of no episodes of appropriate device firing. Individuals for whom the AICD is placed purely for prophylactic reason will not be subject to this “waiting” period. However, if such individuals are determined to have an AICD that appropriately “fires”, they will be considered the same as an individual who has had a “sudden death event” and be subject to the six-month period during which there is documentation of no episodes of appropriate device firing; and

f. have no loss of foot, leg, hand, or arm likely to interfere with safe driving; have no impairment of use of foot, leg, fingers, hand, or arm likely to interfere with safe driving; or have no other physical condition or limitation likely to interfere with safe driving.

g. have no mental, nervous, organic, or functional disease likely to interfere with safe driving; and

h. have no contagious or communicable disease; and

i. not be addicted to the use of narcotics or habit forming drugs or tranquilizers or stimulants or the excessive use of alcoholic beverages or liquors.

j. if currently diagnosed as having diabetes mellitus, have never had a hypoglycemic episode or spell, as certified by a physician, and not be insulin dependant, subject to the specific exceptions identified in 540 CMR 2.15(3A)(j) “Exceptions”.

Exceptions: Diabetic licensees or applicants who use insulin to control their diabetes or who have had a serious hypoglycemic event are eligible to receive a
school bus operator certificate or class 7D or 7D’/2 school pupil transport vehicle learner’s permit or license upon meeting the following conditions:

1. The individual possesses a currently valid operator’s driver license;

2. The individual is not diagnosed with “hypoglycemic unawareness,” defined as the inability to recognize the early symptoms of hypoglycemia such as sweating, anxiety, forceful heartbeat, light-headedness, and/or confusion;

3. The individual has not had within the last three years a “serious hypoglycemic event,” defined as a hypoglycemic episode or event so severe that it interfered with on-going activities or it required the assistance or aid of another person, as certified by a Massachusetts board certified or board eligible endocrinologist.

4. The individual provides a Massachusetts certified or board eligible endocrinologist with a complete written medical history including, but not limited to, the date insulin use began, all hospitalization reports, consultation notes for diagnostic examinations, all results of studies conducted for diabetes, and follow-up reports and reports of any hypoglycemic insulin reactions within the last three years.

5. The individual is examined by a Massachusetts board certified or board eligible endocrinologist every six months and a complete School Pupil Transport Diabetes Medical Evaluation Form, issued by the Registry of Motor Vehicles, is:
   a. certified by the examining endocrinologist,
   b. signed by the license applicant and
   c. submitted to the RMV every six months.

6. The endocrinologist signed statement on the School Pupil Transport Diabetes Medical Evaluation Form certifies the following medical determinations:
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a. The endocrinologist is familiar with the applicant’s medical history for the past three years either through actual treatment over that time or through consultation with a physician who has treated the applicant during that time. Review of a complete written medical history for the past three years may be substituted for actual consultation with the other physician;

b. If applicable, the applicant has been on a stable insulin regimen to control his/her diabetes on the date of application;

c. The applicant does not have severe serious hypoglycemic episodes events or altered consciousness that interfered with on-going activities or required the assistant assistance of another person to regain control;

The following text is effective 09/04/09

d. The applicant does not have hypoglycemic unawareness or the inability to recognize the early symptoms of hypoglycemia such as sweating, anxiety, forceful heartbeat, and light-headedness and/or confusion;

e. Within the past three years, the applicant has not had an hypoglycemic reaction, at any time, that resulted in any change in mental status that would have been, in the examining endocrinologist’s opinion, detrimental to the safe operation of a school bus or school pupil transport vehicle;

f. Complications of the applicant’s diabetic condition, such as neuropathy, visual impairment or cognitive impairment will not adversely affect his or her ability to operate a school bus or school pupil transport vehicle;

g. The applicant has been educated in diabetes and its management, thoroughly informed of and understands the procedures which must be followed to monitor and manage his/her diabetes and the procedures that should be followed if complications arise by a National Standard for Diabetes Self-Management Education Program; and
h. The applicant has the ability and has demonstrated willingness to properly monitor and manage his or her diabetes including signing the School Pupil Transport Diabetes Medical Evaluation Form, as witnessed by the treating endocrinologist, that the applicant understands his/her medical regime and agrees to comply with all criteria concerning eligibility for the 7D, 7D 1/2 license or School Bus Certificate.

7. The following special conditions are required for the issuance of a 7D, 7D 1/2 license or School Bus Certificate to any driver who uses insulin to control their diabetes. Each driver must:

a. Carry, use, and record, in a log, the readings from a portable self-monitoring blood-glucose device (SMBG) that is equipped with a computerized memory including date and time of test. Blood glucose monitoring must be performed immediately prior to driving and every four hours thereafter while on duty. Paper tapes generated by SMBGs having a printing capability may be used in lieu of a log prepared by the driver. Log records of blood glucose values (with time and date) must be available to law enforcement or authorized registry personnel upon request. Log records must also be submitted to the certifying endocrinologist for each renewal application;

b. Carry upon your person at all times and use, as necessary, a source of rapidly absorbable glucose;

c. Not operate a school bus or a school pupil transport vehicle unless blood glucose measures within the target parameters of 80 and 350;

i. If blood glucose measures between 60 and 79 then operator cannot drive operate a school bus or school pupil transport vehicle until blood glucose measure is within the target parameters defined in 540 CMR 2.15(3A)(j)7.c.;
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ii. If blood glucose measures below 60 then the operator cannot operate a school bus or school pupil transport vehicle until certified as “safe to operate” by a Massachusetts board certified or board eligible endocrinologist;

iii. If blood glucose measures 350 or more then the operator cannot operate a school bus or school pupil transport vehicle until certified as “safe to operate” by a Massachusetts board certified or board eligible endocrinologist;

d. Report and surrender his/her 7D, 7D'/2 license, permit or School Bus Certificate immediately to the Registry of Motor Vehicles if a serious hypoglycemic event should occur;

e. Submit a glucose log within 15 days of a serious hypoglycemic event to the treating endocrinologist;

f. Acknowledge every six months through signature and in the presence of their treating endocrinologist that he or she understands and will adhere to the special conditions of his or her 7D, 7D 1/2 license, permit or School Bus Operator Certificate.

The Registrar of Motor Vehicles, or his or her designee, may require such evidence of satisfaction of the medical qualification criteria as he or she deems appropriate, or may modify these standards as an individual case may require.

The following text is effective 09/04/09

3. B. Medical Qualifications Applicable to Existing School Bus Operator’s and School Pupil Transport Operator’s Licenses. Except for those applicants or licensees who are diagnosed as diabetic and who use insulin to control their diabetes and except for those applicants or licensees who have had a serious hypoglycemic event as defined in 540 CMR 2.15(3A)(j), an individual who is unable to meet the medical qualification standards of 540 CMR 2.15(3A), but who held a valid school bus operator certificate or class 7D or 7D 1/2 school pupil transport license as of
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the effective date of 540 CMR 2.15 (3A), shall be eligible to retain or renew such certificate or license, provided:

a. he or she satisfies the following medical qualification standards:

The following text is effective 07/25/08

1. In order to be eligible for a school bus operator’s certificate, a person shall:

a. have no loss of foot, leg, hand, or arm or impairment of use of foot, leg, fingers, hand, or arm, or other physical condition or limitation likely to interfere with safe driving;

b. have no mental, nervous, organic, or functional disease nor any heart disease likely to interfere with safe driving;

c. have no contagious or communicable disease;

d. have visual acuity, either without lenses or by correction, of at least 20/40 (Snellen) in one eye and 20/100 in the other eye; form field of vision in the horizontal meridian of not less than a total of 140; reading ability with both eyes together of at least 20/40 corrected; and the ability to distinguish the colors red, green, and yellow. Persons requiring correction by lenses shall wear properly prescribed lenses at all times when operating a school bus.

e. have hearing of not less than 10/20 in the better ear, for conversational tones without a hearing aid; and

f. not be addicted to the use of narcotics or habit forming drugs, or tranquilizers or stimulants or the excessive use of alcoholic beverages or liquors. The Registrar of Motor Vehicles, or his designee, may require such evidence of satisfaction of the medical qualification criteria as he deems appropriate.
2. In order to be eligible to operate a class 7D or 7Dt school pupil transport vehicle, an individual must:

   a. have the ability to hear normal conversational sounds;
   
   b. not have a loss of foot, leg, hand, or arm, or other physical defect or limitation likely to interfere with safe driving;
   
   c. be free from any mental, nervous, heart, organic, or functional disease likely to interfere with safe driving;
   
   d. be free from addiction to use of narcotics, or habit forming drugs, alcoholic beverages or liquors;
   
   e. not have a “G” restriction (limit to daylight only) on the driver’s license.

b. He or she provides a certification from his or her physician, that, to a reasonable degree of medical certainty, the individual is medically qualified to safely operate a school bus or school pupil transport vehicle, as the case may be, and perform the other functions associated with such operation; and

   c. the Registry has no other cause to believe, based upon the individual’s driving history or otherwise, that the individual cannot safely operate such motor vehicle.

4. Evidence of Certification; Suspension, Revocation of Certificate.

   a. While operating a school bus, operators shall have on their person, or in some easily accessible place, their school bus operator’s certificate, in addition to their motor vehicle operator’s license. On the request of a police officer or other person authorized by the Registrar of Motor Vehicles, a school bus operator shall permit such officer or person to examine the school bus operator’s certificate in hand, and shall sign his or her name if requested to do so by such officer or person.
b. The Registrar of Motor Vehicles may suspend or revoke a school bus operator’s certificate in accordance with the provisions of M.G.L. c. 90, s. 8A. The suspension or revocation of the motor vehicle operator’s license of any holder of a school bus operator’s certificate shall result in the automatic revocation of the school bus operator’s certificate. Any person whose school bus operator’s certificate is suspended or revoked shall immediately surrender the certificate to the Registrar of Motor Vehicles, or his designee.

The following text is effective 07/25/08
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211 CMR 94.00:
PRE-INSURANCE INSPECTION OF PRIVATE PASSENGER MOTOR VEHICLES

Section

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94.01: Authority

211 CMR 94.00 is issued pursuant to the authority granted the Commissioner of Insurance by M.G.L. c. 175, s. 113S.

94.02: Scope and Purpose

The purpose of 211 CMR 94.00 is to establish standards and procedures for the inspection of certain motor vehicles prior to Insurers’ issuance of Physical Damage Coverages. 211 CMR 94.00 applies to all Private Passenger Motor Vehicles insured in the Commonwealth of Massachusetts (Commonwealth), unless specifically exempted or waived under 211 CMR 94.00.
94.03: Definitions

As used in 211 CMR 94.00, the following words will have the meanings indicated:

**Applicant** means the named insured or individual applying as the named insured, as that term is defined in a Motor Vehicle Liability Policy.

**Authorized Representative** means any person or legal entity, other than the Applicant, authorized by an Insurer to conduct pre-insurance inspections pursuant to 211 CMR 94.00 and may include an employee of the Insurer, an insurance producer of the Insurer, or an Inspection Service.

**Book of Business** means all Motor Vehicle Liability Policies written by one insurance producer with one Insurer.

**Certificate of Mailing** means a notice by regular mail with a certificate of mailing endorsed by the United States Postal Service.

**Commissioner** means the Commissioner of Insurance appointed under the provisions of M.G.L. c. 26, s. 6, or his or her designee.

Division means the Division of Insurance created pursuant to M.G.L. c. 26, s. 1.

**Existing Customer** means an Applicant for a Motor Vehicle Liability Policy who has been insured for three years or longer, without interruption, under a Motor Vehicle Liability Policy or Policies which include(s) Physical Damage Coverage, issued by the Insurer to which the Applicant’s application is submitted.

The following text is effective 07/24/09

**Inspection Service** means any person or legal entity, other than the Applicant, authorized by the Insurer to perform inspections required by 211 CMR 94.00. In determining whether to authorize an Inspection Service an Insurer may take into consideration the Inspection Service’s professionalism, efficiency and cost effectiveness.

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**Insurer** means any insurance company authorized to write Motor Vehicle Liability Policies in the Commonwealth.

**Motor Vehicle Liability Policy** means a motor vehicle liability policy, including the coverage selections page and any endorsements, or motor vehicle liability bond, as defined in M.G.L. c. 90, s.s. 34A, 340, and M.G.L. c. 175.

**Nonowned Motor Vehicle** means a Private Passenger Motor Vehicle in the possession of the Applicant, or being operated by the Applicant, which is neither owned by nor furnished for the regular use of either the Applicant or any relative (as defined in a Motor Vehicle Liability Policy), other than a Temporary Substitute Motor Vehicle, as defined in 211 CMR 94.03.

**Physical Damage Coverage** means the optional coverages in a Motor Vehicle Liability Policy for collision or limited collision and/or fire and theft or so-called comprehensive coverages, as defined in M.G.L. c. 90, s. 340 and M.G.L. c. 175, s. 1130.

**Private Passenger Motor Vehicle** means any owned or leased four-wheeled motor vehicle including, but not limited to, sedans, coupes, hatchbacks, station wagons, jeep-type vehicles, pick-up trucks, panel trucks, delivery sedans and vans, except motor vehicles which have a gross weight in excess of 10,000 pounds.

**Temporary Substitute Motor Vehicle** means any Private Passenger Motor Vehicle not owned by the Applicant, which is used by the Applicant, with the permission of the owner, as a temporary substitute due to the breakdown, repair, servicing, loss or destruction of the Applicant’s own motor vehicle.
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94.04: Inspection Requirements

1. No Motor Vehicle Liability Policy for a Private Passenger Motor Vehicle including Physical Damage Coverage shall be issued or renewed in the Commonwealth unless the Insurer has inspected the motor vehicle in accordance with 211 CMR 94.00.

2. Physical Damage Coverage shall not be effective on an additional or replacement Private Passenger Motor Vehicle under an existing Motor Vehicle Liability Policy until the Insurer has inspected the motor vehicle in accordance with 211 CMR 94.00.

94.05: Mandatory Waiver of Inspection Requirements

1. The Insurer shall waive an inspection of a Private Passenger Motor Vehicle under the following circumstances:

   a. the Private Passenger Motor Vehicle is a new, unused motor vehicle from a franchised automobile dealership where the Insurer is provided with either: a copy of the bill of sale which contains a full description of the motor vehicle including all options and accessories; or a copy of the RMV Form 1 provided by the Registry of Motor Vehicles (RMV), which establishes the transfer of ownership from the dealer to the customer and a copy of the window sticker or the dealer invoice showing the itemized options and equipment in addition to the total retail price of the motor vehicle. The Physical Damage Coverage on such new, unused Private Passenger Motor Vehicle shall not be suspended during the term of the Motor Vehicle Liability Policy due to the Applicant’s failure to provide the required documents. Payment of a Physical Damage Coverage claim, however, shall be conditioned upon the receipt by the Insurer of such documents and no Physical Damage Coverage loss occurring after the effective date of the coverage shall be payable until the documents are provided to the Insurer. If the documents are not submitted by the Applicant at least 60 days prior to the Applicant’s policy renewal date, the Insurer, upon renewal of
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the Physical Damage Coverage, shall require an inspection as set forth in 211 CMR 94.00;

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b. the Applicant for Physical Damage Coverage is an Existing Customer;

c. the Private Passenger Motor Vehicle already is insured for such Physical Damage Coverage with the Insurer by the Applicant;

d. the Insurer waives the inspection pursuant to 211 CMR 94.06;

e. the Private Passenger Motor Vehicle is a Temporary Substitute Motor Vehicle;

f. the Private Passenger Motor Vehicle is leased for less than six months,
   provided the Insurer receives a copy of the lease or rental agreement containing a description of the leased motor vehicle including its condition. Payment of a Physical Damage Coverage claim shall be conditioned upon receipt of a copy of the lease or rental agreement;

g. the inspection would cause a serious hardship to the Insurer or the Applicant; or

h. the Insurer has no Authorized Representative or Inspection Service either in the city or town in which the Private Passenger Motor Vehicle is principally garaged, or within five miles of said city or town.

2. An Insurer may require an inspection of a Private Passenger Motor Vehicle otherwise exempt from such inspection pursuant to 211 CMR 94.05(1) provided that the decision to inspect is based on underwriting criteria uniformly applied, and such decision is reasonable and supported by objective facts. The decision to require such an inspection shall not be based on the age, race, sex, marital status, creed, national origin, religion, occupation, income, education, credit information or homeownership of the Applicant or the customary operators of the motor vehicle, the principal place where the motor vehicle is garaged, or the fact that the Motor Vehicle Liability Policy has been issued through the residual market.
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An Insurer shall indicate the reasons for requiring an inspection, pursuant to 211 CMR 94.05(2), in the Applicant’s policy record.

94.06: Optional Waiver of Inspection Requirements

1. An Insurer may waive an inspection of a Private Passenger Motor Vehicle under any of the following circumstances:

   a. for Motor Vehicle Liability Policies issued or renewed with Physical Damage Coverage during the current calendar year, when the difference between the current calendar year and the model year designated by the manufacturer of the motor vehicle is ten years or more. For example, if the calendar year is 2002, the Insurer may waive the inspection for all 1992 and older model year motor vehicles. An Insurer may elect to inspect specified motor vehicles included within this optional waiver. Such exceptions to this optional waiver shall be subject to underwriting criteria uniformly applied, and shall be reasonable and supported by objective facts. The decision to require such an inspection shall not be based on the age, race, sex, marital status, creed, national origin, religion, occupation, income, education, credit information or homeownership of the Applicant or the customary operators of the motor vehicle, the principal place where the motor vehicle is garaged, or the fact that the Motor Vehicle Liability Policy has been issued through the residual market;

   b. where a Nonowned Motor Vehicle is insured under a Motor Vehicle Liability Policy providing Physical Damage Coverage issued by an Insurer which has inspected such motor vehicle in accordance with the provisions of 211 CMR 94.00;

   c. where the Private Passenger Motor Vehicle is insured under a commercially-rated Motor Vehicle Liability Policy;

   d. when an insurance producer is transferring a Book of Business from one Insurer to one or more Insurers;
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e. when an insurance producer is transferring an individual Applicant’s coverage from one Insurer to another Insurer. The new Insurer may require the insurance producer to provide the inspection information completed on behalf of the former Insurer, provided the Private Passenger Motor Vehicle previously was inspected by the former Insurer. If the new Insurer does not receive the inspection information 60 days prior to the first policy renewal date of the Physical Damage Coverages, the new Insurer may require an inspection as set forth in 211 CMR 94.00 prior to the first policy renewal;

f. when the Private Passenger Motor Vehicle is insured for Physical Damage Coverage on the Applicant’s expiring or cancelled Motor Vehicle Liability Policy, providing there is no lapse in coverage, or when the prior pre-insurance inspection information is provided; or

The following text is effective 07/24/09

g. when the Applicant has been the customer of the insurance producer of record or the Insurer for at least three years under a Motor Vehicle Liability Policy which included Physical Damage Coverage.

2. An Insurer also may waive an inspection if it files a plan for waiving pre-insurance inspections on Private Passenger Motor Vehicles, subject to the approval of the Commissioner. Such pre-insurance inspection plans shall comply with the following requirements:

a. the Insurer’s plan shall comply with the provisions in 211 CMR 94.05 and 211 CMR 94.08(4);

b. the Insurer’s plan shall require the following documentation be included in the Insurer’s policy records for the Applicant:

1. The reason for requiring a pre-insurance inspection;

2. The reason for any exceptions to any other provisions of the Insurer’s plan; and
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3. The notification(s) made to the Applicant in connection with any required preinsurance inspections.

c. the decision criteria for waiving the pre-insurance inspections required by 211 CMR 94.00 set forth in the Insurer’s plan shall not consider the Applicant’s membership in any group subject to a group marketing plan approved by the Commissioner pursuant to M.G.L. c. 175, s. 193R;

d. the decision criteria for waiving the pre-insurance inspections required by 211 CMR 94.00 set forth in the Insurer’s plan shall not be based on the loss ratio for an insurance producer, where such loss ratio is calculated using premium and loss experience incurred prior to December 31, 2008 for personally-rated Motor Vehicle Liability Policies;

e. any provisions of the Insurer’s plan that permit the Insurer to elect to inspect a Private Passenger Motor Vehicle for which inspection customarily is waived under such plan shall be based on underwriting criteria uniformly applied, and the decision to inspect such motor vehicle shall be reasonable and supported by objective facts. The decision to require such an inspection shall not be based on the age, race, sex, marital status, creed, national origin, religion, occupation, income, education, credit information or homeownership of the Applicant or the customary operators of the motor vehicle, the principal place where the motor vehicle is garaged, or the fact that the Motor Vehicle Liability Policy has been issued through the residual market; and

f. any provisions of the Insurer’s plan that set forth a period of time for the completion of a pre-insurance inspection following the effective date of a Motor Vehicle Liability Policy shall be based on underwriting criteria uniformly applied, and shall be reasonable and supported by objective facts. The period of time for obtaining the pre-insurance inspection shall not be based on the age, race, sex, marital status, creed, national origin, religion, occupation, income, education, credit information or homeownership of the Applicant or the customary operators of the motor vehicle, the principal place of where the motor
vehicle is garaged, or the fact that the Motor Vehicle Liability Policy has been issued through the residual market.

3. An Insurer’s decision to waive or not to waive a pre-insurance inspection of a Private Passenger Motor Vehicle pursuant to 211 CMR 94.06(1) or (2) shall be based on underwriting criteria uniformly applied and shall be reasonable and supported by objective facts. The decision to require a pre-insurance inspection shall not be based on the age, race, sex, marital status, creed, national origin, religion, occupation, income, education, credit information or homeownership of the Applicant or the customary operators of the motor vehicle, the principal place where the motor vehicle is garaged, or the fact that the Motor Vehicle Liability Policy has been issued through the residual market.

4. When an Insurer does not waive the pre-insurance inspection requirement, the Insurer shall indicate the underlying reason in the Applicant’s policy record.

The following text is effective 07/24/09

94.07: Deferral of Inspection Requirements

1. An Insurer may defer an inspection for ten calendar days (not including legal holidays and Sundays) following the effective date of coverage or the date on which the Insurer or the insurance producer of record issued notice to the Applicant that the Private Passenger Motor Vehicle must be inspected, whichever is later, if an inspection at the time of the request for coverage would create a serious inconvenience for the Applicant.

2. If the Insurer is required, pursuant to M.G.L c. 175, s. 113H, to provide Physical Damage Coverage at the option of the Applicant, it shall provide immediate coverage upon an Applicant’s request for such Physical Damage Coverage, and may defer the inspection for ten calendar days (not including legal holidays and Sundays) following the effective date of such coverage or the date on which the Insurer or the insurance producer of record issued notice to the Applicant that the Private Passenger Motor Vehicle must be inspected, whichever is later.
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3. (a) When an inspection is deferred pursuant to 211 CMR 94.07(1) or (2), an Insurer or its insurance producer, shall either:

1. immediately obtain written acknowledgment from the Applicant if the Applicant has applied for coverage in person; or

2. immediately confirm Physical Damage Coverage on the Private Passenger Motor Vehicle and issue a notice to the Applicant, if the Applicant has applied for coverage either by mail, phone, or internet.

b. In addition to the notice requirements of 211 CMR 94.07(3)(a), the Insurer, or its insurance producer, shall furnish the Applicant, at the time Physical Damage Coverage is effected, with a list of Inspection Services, including location(s), at which the inspection can be conducted. The list of Inspection Services may be provided to the Applicant in writing, through a toll free number or by electronic access, as convenient for the Applicant. The Applicant immediately shall be notified of the location of the Inspection Service(s), as well as the consequences of the Applicant’s failure to obtain a timely inspection of the motor vehicle. Documentation of such notice, including the name of the person providing such notice to the Applicant, shall be contained in the Applicant’s policy record.

4. Insurance producers immediately shall notify the Insurer that the Applicant has acknowledged or has been issued notice that the Private Passenger Motor Vehicle must be inspected in accordance with 211 CMR 94.07(3)(a). In the case of a so-called courtesy transfer, the insurance producer confirming Physical Damage Coverage shall be responsible for obtaining the Applicant’s acknowledgment pursuant to 211 CMR 94.07(3)(a)1., unless the application for Physical Damage coverage is submitted by a person other than the Applicant. In such cases, the insurance producer of record shall remain responsible for notification pursuant to 211 CMR 94.07(3)(a)2 and 94.07(3)(b). The insurance producer confirming coverage shall notify immediately the insurance producer of record who then shall be responsible for notifying the Insurer as required by 211 CMR 94.07(4).
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5. Any decision to defer or not to defer an inspection pursuant to 211 CMR 94.07 shall be based on underwriting criteria uniformly applied and shall be reasonable and supported by objective facts. The decision to defer or not to defer an inspection shall not be based on the age, race, sex, marital status, creed, national origin, religion, occupation, income, education, credit information, or homeownership of the Applicant or the customary operators of the motor vehicle, the principal place where the motor vehicle is garaged, or the fact that the Motor Vehicle Liability Policy has been issued through the residual market.

94.08: Standards and Procedures for Inspection

1. Pre-insurance inspections required or permitted pursuant to 211 CMR 94.00 shall be conducted by an Authorized Representative of the Insurer at a time and place reasonably convenient to the Applicant. A reasonably convenient time shall include, in addition to customary business hours, sufficient early morning, evening and weekend hours. A reasonably convenient place shall not be more than five miles from the city or town where the Private Passenger Motor Vehicle is principally garaged.

The following text is effective 07/24/09

2. a. Any forms issued by the Insurer to the Applicant for presentation to the Authorized Representative shall not contain the Vehicle Identification Number (VIN) of the motor vehicle to be inspected.

b. The inspection shall:

1. be recorded in a format mutually agreeable to the Authorized Representative and the Insurer;

2. include two color photographs of the Private Passenger Motor Vehicle, taken as directed by the Insurer;

3. include a close-up color photograph (using a special camera attachment if necessary) showing the Vehicle Identification Number (VIN) located on
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the Environmental Protection Agency/Federal Certification Label (EPA) sticker affixed to the driver’s side door jamb. The photograph shall be of sufficient clarity that the information contained on the EPA sticker and the VIN is legible. If the EPA sticker is damaged, faded, missing or otherwise not legible, a photograph of the EPA sticker or of the area of the door jamb where the sticker normally is located still is required.

c. The Authorized Representative shall take additional photographs showing any damaged areas of the Private Passenger Motor Vehicle, as required by the Insurer.

d. The inspection information and photographs shall be sent immediately to the Insurer which shall retain this information in the Applicant’s policy record for three years from the date of the inspection, except as provided by 211 CMR 94.08(6)(c). The Authorized Representative shall also provide a receipt to the Applicant at the time of the inspection indicating that the inspection has been completed and the date upon which it has been completed.

3. The Insurer shall maintain an up-to-date list of all Authorized Representatives and Inspection Service(s) performing inspections for the Insurer. The list shall include the names, addresses and business telephone numbers of all Authorized Representatives and Inspection Services, and the Insurer shall make such list available to the Division upon request.

4. There shall be no additional or separate charge to the Applicant in connection with an inspection of a Private Passenger Motor Vehicle.

5. The competency and trustworthiness of all Authorized Representatives in the conduct of the inspections provided by 211 CMR 94.00 shall be the responsibility of the Insurer.

6. An Insurer shall utilize Authorized Representatives who shall:
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a. verify the accuracy, completeness and signature of the inspector for each inspection in writing;

b. maintain a control system on such inspections, and maintain records of the inspection information for a period of time agreed to by the Insurer and the Authorized Representative;

c. provide an optional service, on an additional fee basis, to Insurers whereby the original inspection information and photographs are retained by the Authorized Representative, who shall maintain such original inspection information and photographs in a manner so as to facilitate their rapid retrieval for a period of at least three years from the date of inspection. The inspection information and photographs shall be provided to the Insurer. The Authorized Representative shall, upon the request of the Insurer, mail or otherwise deliver the original inspection information and photographs to the Insurer within two business days of such request.

7. (a) The inspection information and photographs shall be used by the Insurer to document previous damage, prior condition, options and mileage of the Private Passenger Motor Vehicle on Physical Damage Coverage claims whenever:

1. the appraisal of the motor vehicle indicates prior damage; or
2. the motor vehicle is a total loss or unrecovered theft.

b. The inspection information and photographs shall be utilized and made a part of the Insurer’s claim file in the settlement of all total loss claims. The inspection information and photographs shall be made a part of the claim file regardless of whether payment on the claim is reduced based on such information. Such inspection information shall come from the Applicant’s policy record.

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94.09: Standards for Suspension of Physical Damage Coverage for Failure to Inspect

1. If the inspection is not conducted prior to the expiration of the deferral period specified in 211 CMR 94.07(1), Physical Damage Coverage on the Private Passenger Motor Vehicle shall be suspended at 12:01 A.M. of the day following the tenth calendar day allowed by 211 CMR 94.07(1), and shall continue until the inspection is effected. The Insurer shall reinstate Physical Damage Coverage (effective at the time of the inspection) if the Applicant thereafter requests an inspection. The Applicant’s ability to reinstate the Physical Damage Coverage upon inspection, however, shall lapse if the Insurer already has made a pro-rata premium adjustment pursuant to 211 CMR 94.09(2). Thereafter, a reinstatement of Physical Damage Coverage only shall be effective upon inspection and payment by the Applicant to the Insurer of the adjusted premium for the Physical Damage Coverage, either in full or in accordance with the Insurer’s normal premium payment plan, at the Insurer’s option.

2. Whenever Physical Damage Coverage is suspended, the Insurer shall, within five business days from the effective date of suspension, mail to the Applicant, the insurance producer of record, and any lienholders a notice that Physical Damage Coverage has been suspended under the Motor Vehicle Liability Policy. The Insurer shall complete a Certificate of Mailing of such notice of suspension of Physical Damage Coverage to the Applicant and shall include this information in the Applicant’s policy record. Whenever there is a suspension of Physical Damage Coverage for more than ten days, the Insurer shall make a pro-rata premium adjustment (return premium or credit) which shall be mailed to the Applicant no later than 45 days after the effective date of such suspension.

3. If the Private Passenger Motor Vehicle is not inspected pursuant to 211 CMR 94.00 because the Insurer or its insurance producer failed to provide the notice(s) or to obtain the acknowledgement(s) required by 211 CMR 94.07(3), Physical Damage Coverage on the Motor Vehicle Liability Policy shall not be suspended. The

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failure of the Insurer to act promptly does not relieve it of its obligation to inspect the motor vehicle. In the event that the Insurer or its insurance producer fails to comply properly with the notice or acknowledgement required by 211 CMR 94.07(3), the Insurer or the insurance producer shall issue a notice for a pre-insurance inspection and the Applicant has ten calendar days to comply. An Insurer’s failure to comply with the provisions of 211 CMR 94.09(2), however, does not restore Physical Damage Coverage, but shall subject the Insurer to a penalty pursuant to 211 CMR 94.12.

94.10: Inspection Services

1. Inspection Services shall maintain a record of the name, address and signature of all persons authorized by such Inspection Service to perform inspections on motor vehicles, prior to that person performing any inspections on behalf of an Insurer pursuant to 211 CMR 94.00. Such record shall be made available to the Division upon request.

2. An Inspection Service shall be authorized by the Insurer for which it will be conducting inspections. In determining whether to authorize an Inspection Service an Insurer may take into consideration the service’s professionalism, efficiency and cost effectiveness.

94.11: Conflicts of Interest

An Authorized Representative shall not have any conflicts of interest which may prevent him or her from conducting a thorough and accurate pre-insurance inspection on behalf of the Insurer. It shall be a conflict of interest for an Authorized Representative to accept, in connection with an inspection, anything of value for conducting such inspection from any source other than the Insurer.

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94.12: Enforcement

1. A violation of any provision of 211 CMR 94.00 by an Insurer shall be deemed a violation under the statutes or regulations under which such Insurer is licensed and shall be sufficient grounds, after hearing, for the imposition of fines as prescribed in the licensing statutes or regulations. Any such violation also shall be considered an unfair or deceptive act or practice in the business of insurance in violation of M.G.L. c. 176D.

2. A violation of any provision of 211 CMR 94.00 by an Authorized Representative shall be deemed a violation under the statutes or regulations under which such Authorized Representative is licensed by the Division, if so licensed, and shall be sufficient grounds, after hearing, for the suspension or revocation of such license and for the imposition of fines as prescribed in the licensing statutes or regulations. Any such violation also shall be considered an unfair or deceptive act or practice in the business of insurance in violation of M.G.L. c, 176D.

3. The competency and trustworthiness of all Authorized Representatives in the conduct of inspections provided by 211 CMR 94.00 shall be the responsibility of the Insurer.

4. Nothing contained in 211 CMR 94.00 shall be deemed to preclude the Applicant, the Commissioner or the Attorney General from pursuing any other remedy or penalty provided by law for a violation of 211 CMR 94.00, including any remedy or penalty provided under M.G.L. c. 93A or M.G.L. c. 176D.

94.13: Records and Audits

Insurers shall be responsible for auditing pre-insurance inspections received from their Authorized Representatives. Insurers may provide Authorized Representatives with status reports indicating the total number of completed inspections, including the number of inspections that were incomplete or incorrect, at the option of the Insurer.
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Mandatory Pre-Insurance Inspection
211 CMR 94.00

94.14: Severability

If any section or portion of a section of 211 CMR 94.00 or its application to any person, entity or circumstance is held invalid by any court of competent jurisdiction, the remainder of 211 CMR 94.00, or the applicability of such provision to other persons, entities or circumstances, shall not be affected thereby.

REGULATORY AUTHORITY

211 CMR 94.00: M.G.L. c. 175, s. 113S.

The following text is effective 04/21/06
Appendix C-8
Marking on CMV 49 CFR 390.21

390.21 Marking of Self-Propelled CMVs and Intermodal Equipment.

(a) General. Every self-propelled CMV subject to subchapter B of this chapter must be marked as specified in paragraphs (b), (c), and (d) of this section, and each unit of intermodal equipment interchanged or offered for interchange to a motor carrier by an intermodal equipment provider subject to subchapter B of this chapter must be marked as specified in paragraph (g) of this section.

(b) Nature of marking. The marking must display the following information:

(1) The legal name or a single trade name of the motor carrier operating the self-propelled CMV, as listed on the motor carrier identification report (Form MCS-150) and submitted in accordance with §390.19.

(2) The identification number issued by FMCSA to the motor carrier or intermodal equipment provider, preceded by the letters “USDOT.”

(3) If the name of any person other than the operating carrier appears on the CMV, the name of the operating carrier must be followed by the information required by paragraphs (b)(1), and (2) of this section, and be preceded by the words “operated by.”

(4) Other identifying information may be displayed on the vehicle if it is not inconsistent with the information required by this paragraph.

(5) Each motor carrier shall meet the following requirements pertaining to its operation:

(i) All CMVs that are part of a motor carrier’s existing fleet on July 3, 2000, and which are marked with an ICCMC number must come into compliance with paragraph (b)(2) of this section by July 3, 2002.

(ii) All CMVs that are part of a motor carrier’s existing fleet on July 3, 2000, and which are not marked with the legal name or a single trade name on both sides of their CMVs, as shown on the Motor Carrier Identification Report, Form
MCS-150, must come into compliance with paragraph (b)(1) of this section by July 5, 2005.

(iii) All CMVs added to a motor carrier’s fleet on or after July 3, 2000, must meet the requirements of this section before being put into service and operating on public ways.

(c) Size, shape, location, and color of marking. The marking must—

(1) Appear on both sides of the self-propelled CMV;

(2) Be in letters that contrast sharply in color with the background on which the letters are placed;

(3) Be readily legible, during daylight hours, from a distance of 50 feet (15.24 meters) while the CMV is stationary; and

(4) Be kept and maintained in a manner that retains the legibility required by paragraph (c)(3) of this section.

(d) Construction and durability. The marking may be painted on the CMV or may consist of a removable device, if that device meets the identification and legibility requirements of paragraph (c) of this section, and such marking must be maintained as required by paragraph (c)(4) of this section.

(e) Rented CMVs. A motor carrier operating a self-propelled CMV under a rental agreement having a term not in excess of 30 calendar days meets the requirements of this section if:

(1) The CMV is marked in accordance with the provisions of paragraphs (b) through (d) of this section; or

(2) The CMV is marked as set forth in paragraph (e)(2)(i) through (iv) of this section.
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Code of Federal Regulations

(i) The legal name or a single trade name of the lessor is displayed in accordance with paragraphs (c) and (d) of this section.

(ii) The lessor’s identification number preceded by the letters “USDOT” is displayed in accordance with paragraphs (c) and (d) of this section; and

(iii) The rental agreement entered into by the lessor and the renting motor carrier conspicuously contains the following information:

(A) The name and complete physical address of the principal place of business of the renting motor carrier;

(B) The identification number issued the renting motor carrier by the FMCSA, preceded by the letters “USDOT,” if the motor carrier has been issued such a number. In lieu of the identification number required in this paragraph, the following may be shown in the rental agreement:

(1) Information which indicates whether the motor carrier is engaged in “interstate” or “intrastate” commerce; and

(2) Information which indicates whether the renting motor carrier is transporting hazardous materials in the rented CMV;

(C) The entence: “This lessor cooperates with all Federal, State, and local law enforcement officials nationwide to provide the identity of customers who operate this rental CMV”; and

(iv) The rental agreement entered into by the lessor and the renting motor carrier is carried on the rental CMV during the full term of the rental agreement. See the leasing regulations at 49 CFR 376 for information that should be included in all leasing documents.

(f) Driveaway services. In driveaway services, a removable device may be affixed on both sides or at the rear of a single driven vehicle. In a combination driveaway
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operation, the device may be affixed on both sides of any one unit or at the rear of the last unit. The removable device must display the legal name or a single trade name of the motor carrier and the motor carrier’s USDOT number.

(g) Intermodal equipment.

(1) The requirements for marking intermodal equipment apply to each intermodal equipment provider, as defined in § 390.5, that interchanges or offers for interchange intermodal equipment to a motor carrier.

(2) Each unit of intermodal equipment interchanged or offered for interchange to a motor carrier by an intermodal equipment provider subject to subchapter B of this chapter must identify the intermodal equipment provider.

(3) The intermodal equipment provider must be identified by its legal name or a single trade name and the identification number issued by FMCSA, preceded by the letters “USDOT.”

(4) The intermodal equipment must be identified as follows, using any one of the following methods:

(i) The identification marking must appear on the curb side of the item of equipment. It must be in letters that contrast sharply in color with the background on which the letters are placed. The letters must be readily legible, during daylight hours, from a distance of 50 feet (15.24 meters) while the CMV is stationary; and be kept and maintained in a manner that retains this legibility; or

(ii) The identification marking must appear on a label placed upon the curb side of the item of equipment. The label must be readily visible and legible to an inspection official during daylight hours when the vehicle is stationary. The label must be a color that contrasts sharply with the background on which it is placed, and the letters must also contrast sharply in color with the background of the label. The label must be kept and maintained in a manner that retains this legibility; or
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(iii) The USDOT number of the intermodal equipment provider must appear on the interchange agreement so that it is clearly identifiable to an inspection official. The interchange agreement must include additional information to identify the specific item of intermodal equipment (such as the VIN and 4-character SCAC code and 6-digit unique identifying number); or

(iv) The identification marking must be shown on a document placed in a weathertight compartment affixed to the frame of the item of intermodal equipment. The color of the letters used in the document must contrast sharply in color with the background of the document. The document must include additional information to identify the specific item of intermodal equipment (such as the VIN and 4-character SCAC code and 6-digit unique identifying number).

Code of Federal Regulations

(v) The USDOT number of the intermodal equipment provider is maintained in a database that is available via real-time internet and telephonic access. The database must:

(A) Identify the name and USDOT number of the intermodal equipment provider responsible for the intermodal equipment, in response to an inquiry that includes:

( i ) Standard Carrier Alpha Code (SCAC) plus trailing digits, or
( ii ) License plate number and State of license, or
( iii ) Vehicle Identification Number (VIN) of the item of intermodal equipment.

(B) Offer read-only access for inquiries on individual items of intermodal equipment, without requiring advance user registration, a password, or a usage fee.

540 CMR 2.22: Markings on Commercial Vehicles

1. **Marking.** The owner of every motor truck used for the transportation of goods, wares or merchandise for hire, gain or reward, shall have the owner’s name marked on the truck, to be plainly visible from each side or from the front and rear of the vehicle, provided that motor trucks operated under a lease of more than 30 days shall display either the name of the owner or the lessee, and may display both. For the purpose of 540 CMR 2.22(1), Motor Truck shall mean any motor vehicle specially designed or equipped to transport personal property over the ways of the Commonwealth and which has a maximum load carrying capacity of over 2,000 pounds, and which is not a Private Passenger Motor Vehicle under 540 CMR 2.05. To the extent there is any conflict between 540 CMR 2.22 and any federal regulation pertaining to markings on commercial motor vehicles, the federal regulation shall control.

2. **Penalty.** The penalty for a violation of 540 CMR 2.22 is set forth in M.G.L. c. 90, s. 20.
City of Boston—Commercial Vehicle Parking Regulation

Commercial Vehicle: Any vehicle registered for commercial purposes, bearing commercial vehicle number plates, including trailer or semi-trailer, and designed and used primarily for the transportation or delivery of goods, wares, merchandise or equipment, or designed and used for the delivery of utility services or for field services related to maintenance or repair of buildings.

The vehicle must display permanently painted or sealed/adhered and plainly marked on both the vehicle’s body, exclusive of the windows, and on at least three separate line, the name of the business entity owning or utilizing the vehicle, the full business address, and the telephone number. The name of the business entity must be displayed in letters or numbers a minimum of three (3”) inches in height and the full business address and telephone number must be displayed in letters and numbers a minimum of two (2”) inches in height. The business entity may substitute its e-mail address or its web site address for the full business address provided that at least three separate lines are used to display the required information. All lettering and numbers shall have a stroke width of at least three-eighths (3/8”) of an inch and shall be in a color clearly contrasting with the background color of the vehicle’s body and shall be placed on the upper portion of the door panels or the body panels of the vehicle.
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Operator Licensing Requirement 540 CMR 2.06

540 CMR 2.06: Operator Licensing Requirements

1. Purpose, Scope and Applicability. 540 CMR 2.06 is adopted by the Registrar of Motor Vehicles pursuant to M.G.L. c. 90, s. s. 8, 8B and 31, and c. 90F, s. 6 to establish uniform rules governing the issuance and use of learner’s permits, licenses to operate a motor vehicle, and licenses to operate a commercial motor vehicle.

The following text is effective 01/16/15

2. Definitions.

   a. The definitions in M.G.L. c. 90, s. 1 shall apply to 540 CMR 2.06. With regard to Commercial Driver’s License (CDL) matters, if the definitions in M.G.L. c. 90 or 540 CMR 2.06 are inconsistent with the definitions in 49 CFR Part 383, the definitions in 49 CFR Part 383 shall apply.

   b. The following definitions are also used in 540 CMR 2.06:

      CMV. Commercial Motor Vehicle for which a CDL is required to operate.

      FHWA. Federal Highway Administration.

      License or Learner’s Permit. A driver’s license or learner’s permit, issued in Class A, B, C, or M.

The following text is effective 11/26/99

Out Of Service Order. A declaration by an authorized enforcement officer of a federal state, Canadian, Mexican or local jurisdiction that a driver, a commercial motor vehicle, or a motor carrier operation is out-of-service pursuant to 49 CFR Parts 386.72, 392.5, 395.13, 396.9, or any compatible law, or the North American Uniform Out-of-Service Criteria, as provided in M.G.L. c. 90F, s. 1.

a. To obtain, renew, transfer, or upgrade a driver’s license or learner’s permit, an applicant shall submit an application in a form prescribed by the Registrar, and pay the required fees. The application shall be deemed to include the applicant’s response to any request by the Registrar or his agent for information to be included on the applicant’s license or learner’s permit or otherwise necessary to process the applicant’s license or learner’s permit.

b. An applicant for a license or learner’s permit shall submit satisfactory proof of age, signature and residency within the Commonwealth, in a form acceptable to the Registrar. For purposes of establishing proper identity, an applicant shall also provide his or her social security number, the validity of which the Registrar may confirm with the U.S. Social Security Administration.

c. Prior to the issuance of any license, an applicant must pass both a knowledge test and a driving or skills test as prescribed by the Registrar, and must satisfy the Registry’s medical qualification standards as set forth in 540 CMR 24.00, in a manner acceptable to the Registrar. If, at any time before or after the issuance of a license or learner’s permit, the Registrar has any reason to believe that a person is physically or mentally incapable of operating a motor vehicle, the Registrar may require satisfactory proof of that person’s ability to operate a motor vehicle, including, but not limited to, the successful completion of a competency road test.

d. The driving or skills test must be taken in a motor vehicle representative of the type of motor vehicle which the driver operates or expects to operate.

e. The knowledge and driving or skills tests may be administered by a Registry employee or agent designated by the Registrar to administer such tests or by a third party whom the Registrar has authorized to administer such tests; provided that an independent third party contractor may not give the CDL Knowledge Tests.
4. Learner’s Permits and Licenses - Generally.

a. Unless prohibited by the state of issuance, an out-of-state operator with a learner’s permit may operate in Massachusetts. Likewise, a Massachusetts learner’s permit holder may operate in another state, unless otherwise prohibited.

b. Classes.

1. All original operator’s licenses and all operator’s licenses renewals shall be valid only in accordance with the classes of licenses listed in 540 CMR 2.06. The Registrar shall examine each applicant according to the class of license for which application was made. Each license shall indicate the class to which it is assigned.

2. The classes of licenses entitling a licensee to operate motor vehicles or a combination of motor vehicles are as follows:

   **Class A**: Any combination of vehicles with a gross combination weight rating (GCWR) of 26,001 or more pounds provided the GVWR of the vehicle(s) being towed is in excess of 10,000 pounds. (Holders of a Class A license may, with any appropriate endorsements, operate all vehicles within Class B, C, and D.)

   **Class B**: Any single vehicle with a gross vehicle weight rating (GVWR) of 26,001 or more pounds, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR. (Holders of a Class B license may, with appropriate endorsements, operate all vehicles within Class C and D.)

   **Class C**: Any single vehicle or combination of vehicles that does not meet the definition of Class A or Class B, but is either designed to transport 16 or more passengers including the driver, or is required to be placarded for hazardous materials under 49 CFR 172.500 or any other federal regulation. (Holders of a Class C license may operate all vehicles within Class D.)
Class D: Any single vehicle or combination of vehicles that does not meet the definition of Class A, Class B, Class C, or Class M.

Class M: Any motor vehicle defined as a motorcycle in M.G.L. c. 90, s. 1.

The following text is effective 09/04/09

3. A Class A, B, or C License shall also be known as a Commercial Driver’s License or CDL.

   a. A vehicle without a plate specifying the GVWR of the vehicle shall contain in a readily accessible place, a written statement specifying the GVWR of the vehicle which must be prepared by the manufacturer of the vehicle or by an authorized dealer who buys and sells such vehicles.
   b. If the registered gross weight or actual gross weight of a vehicle or of a combination of vehicles exceeds its GVWR or GCWR, then the registered gross weight or actual gross weight, whichever is higher, shall be used instead of the GVWR or GCWR to determine what license class is required under 540 CMR 2.06.
   c. Temporary Licenses. For administrative convenience, the Registrar may issue temporary licenses without a color photograph for reasonably short, defined periods of time, as determined by the Registrar.
   d. Restrictions.
      1. Restrictions on a license shall be coded as follows:
         A. CMV INTRASTATE ONLY- MEDICAL
         B. CORRECTIVE LENSES
         C. MECHANICAL AID (adaptive devices)
         D. PROSTHETIC AID
         E. AUTOMATIC TRANSMISSION

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F. OUTSIDE MIRROR
G. LIMIT TO DAYLIGHT ONLY
H. HARDSHIP - RESTRICTED HOURS OF OPERATION (hours appear on license)
I. LIMITED - OTHER (Jr. operator not valid under age 18 between 1:00 AM and 4:00 AM unless accompanied by a parent or guardian)
J. RESTRICTION CARD MUST BE CARRIED
K. CDL - LIMIT TO INTRASTATE ONLY
L. VEHICLES WITHOUT AIR BRAKES
M. CDL - EXCEPT CLASS A BUS
N. CDL - EXCEPT CLASS A AND B BUS
O. CDL - EXCEPT TRACTOR TRAILER
P. USE WITH CERTIFIED DRIVING INSTRUCTOR ONLY
Q. MEDICAL WAIVER MUST BE CARRIED
R. BI-OPTIC TELESCOPIC LENS
S. PROOF OF CURRENT BLOOD SUGAR LEVEL
W. CMV INTRASTATE ONLY WITH MEDICAL WAIVER
Y. RESTRICT TO 14 PASSENGER CAPACITY
Z. IGNITION INTERLOCK

2. For purposes of applying the “L” restriction, a vehicle with vacuum brakes is not a vehicle with air brakes, but a vehicle with “air assist” brakes is a vehicle with air brakes.

3. Subject to the provisions of 540 CMR 2.06(9)(c)5.b. an “H” restriction may appear on any license or learner’s permit.

e. Reinstatement - Generally. A Class D or Class M Driver’s License which is revoked, suspended, canceled, or downgraded may be reinstated fully or, when applicable, with an “H” restriction signifying a hardship license for employment use only.

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5. Penalties - Generally.

a. Violations - Application, Testing and Licensing. In addition to any other penalty provided by law, and in order to insure the integrity of the application, testing and licensing processes, the following provisions shall apply:

1. Anyone who without lawful authority possesses, in whole or in part, an original version of a driver’s license knowledge test, a copy of such test, or Information copied from such test, shall be disqualified from holding any class of driver’s license or learner’s permit for 60 consecutive days.

2. Anyone who cheats or attempts to cheat on a driver’s license knowledge test shall be disqualified from holding any class of driver’s license or learner’s permit for 60 consecutive days.

The following text is effective 09/04/09

3. Anyone who falsifies information to obtain, renew, transfer, or upgrade a driver’s license or learner’s permit shall be disqualified from holding any class of driver’s license or learner’s permit for 60 consecutive days. Any driver’s license or learner’s permit, in any class, issued to a driver who has falsified any information shall be void from the date of issuance.

4. Any driver’s license or learner’s permit secured for a driver by an impersonator of that driver, or with the assistance of an impersonator, shall be void from the date of issuance.

5. Anyone who bribes or attempts to bribe any government official with respect to any driver’s license or learner’s permit shall be disqualified from holding any class of driver’s license or learner’s permit for 60 consecutive days.

b. Violations - Statutes, Rules and Regulations.

1. A person who operates a motor vehicle or combination of vehicles not included within the class of license issued to him, or without required
endorsements, or in violation of license restrictions, or who, while holding a learner’s permit operates a motor vehicle in violation of the terms of such permit, or who operates a motor vehicle in violation of an out-of-service order, is deemed to be operating a motor vehicle without being duly licensed and is subject to the penalties for such offense provided in M.G.L. c. 90 and c. 90F, 49 CFR Part 383, and 540 CMR 2.06.

The following text is effective 05/02/08

2. In addition to any other penalty provided by law, unless otherwise provided by regulation or statute, the administrative licensing sanction for violating the rules, regulations, and requirements of M.G.L. c. 90, M.G.L. c. 90F, 540 CMR 2.06, or 49 CFR Part 383 shall be a 60 consecutive day disqualification from holding a license, learner’s permit, CDL or CDL learner’s permit. Any adverse action taken against a license or permit by the Registrar shall not preclude the imposition of criminal penalties or of other civil penalties for the same violation. Likewise, no law enforcement officer is precluded from utilizing criminal law procedure against a driver whose conduct has violated both the criminal law and civil law. At administrative hearings, findings shall be based on a preponderance of the evidence, even if the unlawful conduct is also a violation of a criminal law statute.

3. In addition to any other penalty provided by law, in a case where an employer is the violator of any provision of 540 CMR 2.06, each agent of the employer who knowingly allowed, required, permitted, or authorized the violation shall be subject to a 60 consecutive day disqualification from holding any class of driver’s license or learner’s permit.

4. In addition to any other penalty provided by law, any driver who violates the provision of M.G.L. c. 90, s. 25 shall be disqualified from holding any class of driver’s License or learner’s permit for a period of 60 consecutive days.
5. In addition to any other penalty provided by law, a driver who violates the provisions of M.G.L. c. 90, s. 24B shall be disqualified from holding any class of driver’s license or learner’s permit for a one year period. This period shall commence upon notice of a criminal conviction. If no prosecution is pending, the disqualification period shall be for 60 consecutive days, which shall commence following an administrative determination that a driver has violated the terms of said statute.

c. Notice. Except for a driver under a 24-hour out-of-service order and except pursuant to M.G.L. c. 90, s. 22(a), no driver shall be subjected to any penalties described in 540 CMR 2.00 until reasonable notice is sent to the driver and until there has been a reasonable opportunity for a Registry hearing under 540 CMR 9.00.


a. No Registry-conducted motorcycle skills test shall be required of any holder of a Massachusetts Class M Learner’s Permit, if the holder has been certified as being qualified by the Governor’s Highway Safety Bureau in Massachusetts, and if said holder has successfully completed a course of instruction prescribed by said Bureau. The Registrar shall approve the form of certification to be used under 540 CMR 2.06.

b. Applicants taking a Class M Skill Test on a three-wheeled motorcycle with a sidecar will be restricted to such a vehicle.

8. Additional Particular Provisions Applicable to School Bus Operators. Any person who operates a school bus, as defined in M.G.L. c. 90, s. 1, or a motor vehicle used to transport school pupils under M.G.L. c. 7D, must also comply with all applicable special licensing provisions contained in M.G.L. c. 90 and 540 CMR 2.15.
The following text is effective 11/26/99


   a. Federal Regulations. Unless otherwise provided by statute or regulation, all provisions and definitions found in 49 CFR Part 383, and those in M.G.L. c. 90F, s. 1 to the extent they are not inconsistent with the federal regulations, are incorporated by reference into 540 CMR 2.06 and, for CDL purposes, are applicable to both intrastate and interstate commerce in Massachusetts. Unless otherwise provided by statute or regulation, any federal regulations referenced in 49 CFR Part 383 or any other provision of Title 49 applicable to a holder of a CDL are also incorporated by reference into 540 CMR 2.06 and, for CDL purposes, are applicable to both interstate and intrastate commerce in Massachusetts.

   b. Driving or Skills Tests Waivers.

      1. The Registrar may prescribe forms for use in determining whether a CMV driving skills test may be waived, and may prescribe other forms for use in the license application process. Such forms shall include, but not are not limited to, application forms and affidavits.

      2. A driving or skills test described in 49 CFR s 383.113 shall be waived for a CMV operator who meets the conditions set forth in 49 CFR s 383.77, unless the Registrar acts pursuant to M.G.L. c. 90, s. 22. This includes waiver of the portion of a CMV skills test related to air brakes if the driver already has a CDL without the “L” restriction.

      3. Any authority from the FHWA Administrator to waive all testing for a 180-day CDL to be issued to a seasonal farm worker is expressly declined.
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Operator Licensing Requirement 540 CMR 2.06  

C. CDL Learner’s Permits and Licenses.

1. Eligibility of Out-of-State License Holders. A learner’s permit or CDL learner’s permit may be issued to the holder of an out-of-state CDL or other out-of-state license.

2. Temporary Licenses. The holder of a temporary CDL license assumes the responsibility to verify that all states through which he or she is traveling will honor such a CDL.

3. Restrictions. The holder of a Class “A” CDL with an “O” restriction may not operate a tractor using its fifth wheel to pull a trailer. The holder of a Class “A” CDL with an “O” restriction may operate, but not exclusively, a truck using a fifth wheel to pull a “gooseneck” trailer, and a truck or tractor using a pintle hook to pull a trailer.

4. Endorsements.

   a. Endorsements on a CDL shall be coded as follows:

      H-HAZARDOUS MATERIALS        T--DOUBLES/TRIPLES  
      (“HAZMAT”)                    X--HAZARDOUS  
      N-TANK VEHICLES               MATERIAL AND  
      P-PASSENGER TRANSPORT         TANK VEHICLES

   b. The operator of a truck towing a bus or other vehicle designed to carry 16 or more passengers including the driver, shall not be required to have a Passenger Transport endorsement on any required CDL.

   c. When a CDL is required to operate a particular vehicle, a tank vehicle “N” endorsement is required on the operator’s CDL if the vehicle is designed to transport liquid or gaseous material within a tank or tanks attached to the vehicle or to the chassis of the vehicle. An “N” endorsement is not necessary if the tank has a rated capacity, or if the tanks in the aggregate have total rated capacities under one thousand gallons and if each tank
attached to the vehicle or to the chassis of the vehicle is a temporarily attached portable tank, readily removable from the vehicle and filled, re-filled, and accessed only while on the ground or otherwise off the truck.

d. The operator of a truck towing a vehicle placarded for hazardous materials or transporting liquid or gaseous material in a tank does not need any endorsements on any required CDL, so long as the operator is engaged in an emergency first move to the nearest appropriate repair facility. For any subsequent moves by the operator of a truck towing any such vehicle, the CDL requirements or hazardous materials endorsements and/or tank vehicle endorsements shall be applicable other than as stated in 540 CMR 2.06(9)(c)4.c. and 540 CMR 2.06(9)(c)4.d..

5. Suspension, Revocation and Disqualification.

a. Except when a CDL holder is subjected to a 24 hour out-of-service order, any holder of a CDL which is revoked or canceled may only regain a CDL by passing the CDL Knowledge Tests and CDL Road Test.

The following text is effective 11/26/99

b. The holder of a CDL which has been revoked or canceled exclusively on account of state law may, after passing the CDL Knowledge Test, obtain a CDL learner’s permit, with or without the “H” restriction, if allowed by applicable state law. After passing the CDL Road Test, the holder of a CDL learner’s permit may obtain a CDL and the holder of a CDL learner’s permit with an “H” restriction may receive a CDL with an “H” restriction.

c. A CDL which is revoked or canceled exclusively on account of federal law or on account of both federal and state laws may not be reinstated to any extent as a CDL holder prior to the end of the disqualification period mandated by federal law; therefore, a CDL which is revoked or canceled exclusively on account of federal law, or on account of federal and state
laws together, may not be reinstated with an “H” restriction until the federally mandated disqualification period has terminated.

d. A driver disqualified from holding a CDL may not make an appointment to take the CDL Knowledge Test, take the CDL Knowledge Test, obtain a CDL Learner’s Permit, make an appointment to take the CDL Road Test, or take the CDL Road Test unless the driver has received permission to do so from the Registrar.

e. When a driver is disqualified from holding a CDL but is qualified to hold a Class D License or Class M License, the driver’s CDL may be downgraded to a Class D or Class M License.

f. To the extent a driver’s privilege to hold a passenger vehicle Class D license is suspended, revoked, or canceled, the driver may neither obtain a CDL nor retain a previously issued CDL.

g. The Registrar shall enact and enforce through licensing sanctions the disqualifications prescribed in 49 CFR s. 383.51(b).

h. The Registrar shall give full faith and credit to the disqualification of commercial motor vehicle drivers by other states.

d. Special CDL Exemptions.

1. Intrastate Commerce. With respect to CDL qualifications, a driver engaged only in intrastate commerce may utilize the exemptions provided in 540 CMR 14.04(1)(a) and (b).

2. Operators of Emergency and Firefighting Equipment. Drivers with a Class D License may operate emergency or fire equipment necessary to the preservation of life or property, or the execution of emergency governmental functions. Unless federal guidelines expressly provide otherwise, such exempt drivers shall include:
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a. a civilian mechanic operating emergency or fire fighting apparatus in the employ of a volunteer or paid fire organization, provided the civilian mechanic is subject to the direction and control of a fire department official regarding the means used to accomplish particular objectives;

b. a member of a volunteer or paid fire organization, when responding to an emergency or otherwise performing official duties;

c. an agent of Federal, State or local government operating such equipment in a search and rescue function or as part of disaster relief activities, provided the equipment is government owned or controlled; and

d. the operator of an antique fire engine.

3. Farmers. Class D License holders may operate farm vehicles which are controlled by a farmer and operated by that farmer, his employees, or his family; used to transport agricultural products, farm machinery, and/or farm supplies to or from the farmer’s farm; not used in the operation of a common or contract carrier; and used within 150 air miles of the farmer’s farm. Drivers of vehicles used in lumber operations or nursery operations are considered part of a “tree farm” operation. The term “farmer” also includes one in the business or raising horses, poultry, hogs, or bees. This exemption applies to a farm vehicle of any weight rating, to a farm vehicle required to be placarded for hazardous materials, and to a farm vehicle designed to transport 16 or more persons including the driver.

The following text is effective 11/26/99

4. Military. Military personnel may operate military vehicles for military purposes without any license under 540 CMR 2.06. The lawful operation of any vehicle owned or controlled by the United States Department of Defense is presumed to be a military vehicle operated for a military purpose. Such personnel include any active duty military personnel, and members of the reserves and national guard on active duty including personnel on full-time
national guard duty, personnel on part-time training, and national guard technicians (civilians who are required to wear military uniforms and are subject to the code of military justice). Unless federal guidelines expressly provide otherwise, such personnel shall also include civilian technicians who are either military reservists or members of the National Guard and who operate a National Guard vehicle in a National Guard military uniform. Such civilian technician need not be subject to the code of military justice when operating the National Guard vehicle in order to operate lawfully.

5. Recreational Vehicle Operators. Any vehicle operated solely as a personal or family conveyance for recreational purposes may be operated with a Class D License. To be exempt from CDL requirements, the vehicle must be used exclusively to transport family members or personal friends and/or their effects.

6. Off-Road Construction Equipment Operators. A CDL is not required of a skilled mechanic at a construction site operating off-road motorized construction equipment which by its design, appearance, and function is not intended for use on a public way. Such equipment may also be operated and driven without a CDL:

a. to and from a construction site, on public ways under the immediate direction of a police officer; and

b. on a part of the public way which is under construction or re-construction and which is lawfully marked off so as to detour the general public. Otherwise, such equipment on the public way may only be operated and driven by the holder of a driver’s license in the appropriate class for such equipment. Off-road motorized construction equipment includes, but not exclusively, motorscrapers, backhoes, motorgraders, compactors, excavators, tractors, trenchers, and bulldozers.
7. Waivers. Unless otherwise provided by statute or regulation, all CDL waivers hereafter granted by the FHWA Administrator are, to the same extent, granted by the Registrar.

8. Effect. Any written opinion or regulation of the Registrar to the effect that a certain person or certain category of persons is exempt from CDL requirements shall have effect in another state, provided the other state honors the exemption, unless federal guidelines require otherwise.

e. Other CDL Provisions.

1. The Registrar is the official to receive notice of convictions for driver violations under 49 CFR s. 383.31 (a).

2. Alcohol or Other Drugs.

   a. Each holder of a CDL or CDL learner’s permit, including, but not exclusively, anyone engaged in operations described in either 49 CFR s. 390.3(f) or 49 CFR s. 391.2, is subject to the provisions of M.G.L. c. 90F, s. 10 and 49 CFR s. 392.5.

   b. Any test or tests of blood, breath, or urine, administered to the operator of a commercial motor vehicle as required by a law enforcement officer and aimed at determining that person’s alcohol concentration or the presence of other drugs, shall be administered both in the enforcement of state laws and in the enforcement of 49 CFR s. 383.51(b)(2)(i)(A), s. 383.51(b)(2)(i)(B), and s. 392.5(a)(2).

   c. Each holder of a CDL containing an “intrastate only” restriction consents, by exercising said CDL, to a motor carrier’s testing for the presence of alcohol or other controlled substances if so required by 540 CMR 14.03.

10. Waiver. The Registrar reserves the right to waive any requirement of 540 CMR 2.06 in the public interest, except to the extent that such waiver would violate any state or federal regulation or statute.
Appendix C-11
Plate vs. Policy

Private Passenger Plate Definition

A private passenger motor vehicle for registration purposes is any vehicle:

a. which has a vehicle weight rating or curb weight of six thousand pounds or less as per manufacturer’s description of said vehicle or is a sport utility vehicle or passenger van; or which is a pickup truck or cargo van of the 1/2 TON, 3/4 TON or 1 TON class as per manufacturer’s description of said vehicle; or which is a vehicle used solely for official business by any college or university police department whose officers are appointed as special police officers by the colonel of the state police under M.G.L. c. 22C, s. 63; and,

b. which, if a pickup truck or cargo van, is registered to an individual, or is leased at ordinary market place rates to an individual, and is used exclusively for personal, recreational, or commuting purposes; and

c. which is not described elsewhere in 540 CMR 2.05.

The terms pleasure vehicle, passenger vehicle, passenger car, automobile and pleasure passenger vehicle are synonymous with Private Passenger Motor Vehicle as defined in 540 CMR 2.05: Private Passenger Motor Vehicle. For the avoidance of doubt, Private Passenger Motor Vehicle shall include, but not be synonymous with, Personal Transportation Network Vehicle.

Source: 540 CMR 2.05

Click here for the Plate vs. Policy printable chart.
Appendix C-11
Plate vs. Policy

Private Passenger Insurance Definition

A private passenger automobile for insurance purposes is:

a. A motor vehicle of the private passenger or station wagon type that is owned or leased under contract for a continuous period of at least twelve months by one or more individuals, excluding (1) partnerships, (2) corporations, (3) unincorporated business associations, and (4) other legal business entities with a federal employer identification number, and is not used as a public or livery conveyance nor rented to others. A vehicle which meets the conditions of Rule 31, regarding the transportation of fellow employees, students or others for consideration, is included in this definition, provided such vehicle is not registered for carrying passengers for hire.

b. A motor vehicle that is a pick-up or van, that is owned or leased under contract for a continuous period of at least 12 months by one or more individuals, excluding (1) partnerships, (2) corporations, (3) unincorporated business associations, and (4) other legal business entities with a federal employer identification number, and

1. has a gross vehicle weight rating of less than 10,000 pounds or has a rating symbol assigned to it by the Insurance Services Office (ISO), and

2. is not used for the delivery or transportation of goods or materials unless such use is incidental to the insured’s business of installing, maintaining or repairing furnishings or equipment.

c. Gross Vehicle Weight Rating means the value specified by the manufacturer as the loaded weight of a single vehicle.

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Private Passenger Insurance Definition continued

d. At the option of the company, an eligible vehicle under this rule whose title has been transferred to a trust may be written under the Massachusetts Automobile Insurance Policy, subject to the following requirements: the grantor of the trust must be an individual or lawfully married individuals residing in the same household, and must be the only insured(s) named in Item 1 of the Coverage Selections Page. All vehicle(s) insured under the policy must be owned by the trust. A vehicle owned by a trust in which the grantor is a partnership or corporation must be written under a commercial auto policy.

e. If a motor vehicle is leased as described in the foregoing paragraphs, and the lessee is obtaining the insurance, the policy must be issued to the lessee as named insured and Endorsement M-0070-S, “Coverage For Anyone Renting An Auto To You,” must be attached to the policy.

Appendix C-11
Plate vs. Policy

Commercial Plate Definition

Commercial Vehicle, in connection with registration requirements, is any motor vehicle which is not a private passenger motor vehicle, personal transportation network vehicle, antique motor car, motorcycle, trailer, semi-trailer, auto home, house trailer, taxicab, ambulance, hearse, livery vehicle, bus, school bus, or school pupil transport vehicle. The following are examples of commercial vehicles requiring commercial registration plates:

a. Any vehicle which has a vehicle weight, or curb weight, of more than six thousand pounds, as per the manufacturer’s description of said vehicle, unless such vehicle is a sport utility vehicle or passenger van, or a pickup truck or cargo van meeting the definition of private passenger vehicle;

b. Any vehicle which has five or more wheels on the ground;

c. Any pickup truck or cargo van, owned by a partnership, trust or corporation unless such vehicle meets the definition of private passenger motor vehicle;

d. Any pickup truck or cargo van, if on the bed of the vehicle tools, supplies, materials or equipment are transported to or from a job site, or are stored for use at a job site; provided that transportation to or storage for use at a personal project for which no compensation is received shall not be considered in connection with the “job site”;

e. Any vehicle, if on the roof or sides of the vehicle, tools, supplies, materials or equipment are transported to or from a job site, or are stored for use at a job site; provided that transportation to or storage for use at a personal project for which no compensation is received shall not be deemed in connection with a “job site”;

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Commercial Plate Definition continued

f. A vehicle which has business advertisements or business markings thereon; provided however that markings limited to the name, address, telephone number, and logo of any corporation whose personal property is exempt from taxation under G.L. Chapter 59, §5, Clause Third or Tenth shall not be considered business advertisements or business markings for purposes of 540 CMR 2.05;

g. A vehicle used for hire to plow;

h. A vehicle used for hire to transport or store goods, wares or merchandise, provided that if the vehicle is owned by an individual, has a maximum load carrying capacity of 1,000 pounds or less, and is so used on only a part-time basis, such vehicle shall not be deemed a commercial vehicle under 540 CMR 2.05(3)-commercial vehicle (h). “Part-time basis” shall mean that not more than 40% of the total usage of the vehicle is devoted to the transporting or storing of goods, wares or merchandise.

i. A vehicle used to transport or store goods, wares or merchandise intended for sale in the ordinary course of the vehicle operator’s or owner’s business, provided that if the vehicle is owned by an individual, has a maximum load carrying capacity of 1,000 pounds or less, and is so used on only a part-time basis, such vehicle shall not be deemed a commercial vehicle under 540 CMR 2.05(3)-commercial vehicle (i). “Part-time basis” shall mean that not more than forty percent of the total usage of the vehicle is devoted to the transporting or storing of goods, wares or merchandise.

Source 540 CMR 2.05
Appendix C-11
Plate vs. Policy

Commercial Policy Eligibility

This section applies to all trucks, including pickup, panel and van types, truck-tractors, trailers and semitrailers except for the following:

A. Autos used for public transportation. Refer to the public transportation section.

B. Autos leased or rented to others by leasing or rental concerns. Refer to the leasing or rental concerns rule in the Special Types Section.

C. Individually owned pickups, panel trucks or vans. Refer to the Private Passenger Automobile Insurance Manual.

D. Self-propelled vehicles with the following types of permanently attached equipment. Refer to the special or mobile equipment rule.
   1. Equipment designed primarily for:
      a. Snow removal
      b. Road maintenance, but not construction or resurfacing;
      c. Street cleaning;
   2. Cherry pickers and similar devices mounted on automobile or truck chassis and used to raise or lower workers.
   3. Air compressors, pumps and generators, including spraying, welding, building cleaning, geophysical exploration, lighting and well servicing equipment.

Source: Massachusetts Commercial Automobile Insurance Manual
Appendix C-12
Removal of Snowplow Hitching Mechanisms

M.G.L. Chapter 90, § 19K Hitching Mechanism

[Text of section added by 2004, 149, Sec. 142 effective July 1, 2004. See 2004, 149, Sec. 428.]

Section 19K. For the purposes of this section, the term “hitching mechanism” shall be defined as the lift cylinder and lift arm. Nothing in this section shall apply to state, county or municipally owned or operated vehicles. Between May 15 and October 15 of each year, any vehicle with a gross weight of less than 26,000 pounds which is equipped with a plow shall be required to have removed the plow and hitching mechanism used with the plow. Vehicles equipped with an apparatus that allows the hitching mechanism to be folded flat leaving no protruding surfaces, shall only be required to have the plow itself removed; if the hitching mechanism is in the folded flat position while the vehicle is in operation. If snowfall occurs before October 25 or after May 15 vehicles subject to this act may be re-equipped with the plow and any apparatus necessary for clearing snow. Vehicles shall be required to abide by this section within 72 hours of the conclusion of snowfall.

Any individual found operating a motor vehicle in violation of this section shall be issued a warning for the first offense, shall be fined $250 for the second offense and $500 and revocation of the vehicle’s registration for the third offense. The revocation of the vehicle’s registration due to a third offense shall remain in effect until the time as the vehicle is in compliance with this section. This section shall not apply to hitching mechanisms which are permanently affixed through welding or other means, before the effective date of this section. However, it shall be unlawful, and punishable by the fines and revocations, for any person to permanently affix through welding or other means a hitching mechanism governed under this section after the effective date of this section.
Appendix C-12
Removal of Snowplow Hitching Mechanisms

The registry of motor vehicles shall, within 180 calendar days of the effective date of this act, develop a list of makes, and models of hitching mechanisms that fold flat leaving no protruding surfaces. The registry of motor vehicles shall promulgate and implement regulations governing a system of verification whereby the registry of motor vehicles can ensure a motor vehicle’s compliance with this section following a third offense.
Appendix C-13
Acts 2010, Ch. 155 Act Relative to Safe Driving

Acts, 2010, Chapter 155 AN ACT RELATIVE TO SAFE DRIVING.

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 1 of chapter 90 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the definition of Department the following definition:- Electronic message, a piece of digital communication that is designed or intended to be transmitted between a mobile electronic device and any other electronic device; provided, however, that electronic message shall include, but not be limited to, electronic mail, electronic message, a text message, an instant message, a command or request to access an internet site, or any message that includes a keystroke entry sent between mobile devices.

SECTION 2. Said section 1 of said chapter 90, as so appearing, is hereby further amended by inserting after the definition of Gross vehicle weight rating the following definition:- Hands-free mobile telephone, a hand-held mobile telephone that has an internal feature or function, or that is equipped with a hands-free accessory, whether or not permanently part of such hand-held mobile telephone, by which a user engages in a call without the use of either hand, whether or not the use of either hand is necessary to activate, deactivate or initiate a telephone call.

SECTION 3. Said section 1 of said chapter 90, as so appearing, is hereby further amended by inserting after the definition of Mobile construction crane, the following 2 definitions:- Mobile electronic device, any hand-held or other portable electronic equipment capable of providing data communication between 2 or more persons, including, without limitation, a mobile telephone, a text messaging device, a paging device, a personal digital assistant, a laptop computer, electronic equipment that is capable of playing a video game or digital video disk, equipment on which digital photographs are taken or transmitted or any combination thereof, or equipment that is capable of visually receiving a television broadcast; provided, however, that mobile electronic device shall not include any audio equipment or any equipment installed, or affixed, either temporarily or permanently, in a motor vehicle for the purpose of...
providing navigation or emergency assistance to the operator of such motor vehicle or video entertainment to the passengers in the rear seats of such motor vehicle. Mobile telephone, a handheld or portable cellular, analog, wireless, satellite or digital telephone, including a telephone with 2-way radio functionality, capable of sending or receiving telephone communications and with which a user initiates, terminates or engages in a call using at least 1 hand. For the purposes of this chapter, mobile telephone shall not include amateur radios operated by those licensed by the Federal Communications Commission to operate such radios, or citizen band radios.

SECTION 4. The fourteenth paragraph of section 8 of said chapter 90, as so appearing, is hereby amended by adding the following sentence:—An applicant for the renewal of a license 75 years of age or older shall apply for a renewal in person at a registry branch office.

SECTION 5. Said section 8 of said chapter 90, as so appearing, is hereby further amended by adding the following paragraph:— An applicant for a license or renewal thereof appearing in person at a registry branch shall take and pass a vision test administered by the registry; provided, however, that except as required by the registrar in regulations, instead of passing the vision test an applicant may provide a vision screening certificate, signed by an optometrist or ophthalmologist to demonstrate compliance with minimum visual standards to obtain and hold license.

SECTION 6. Said chapter 90 is hereby further amended by inserting after section 8L the following section:— Section 8M. No person under 18 years of age shall use a mobile telephone, hands-free mobile telephone or mobile electronic device while operating a motor vehicle on any public way. For the purposes of this section, a junior operator shall not be considered to be operating a motor vehicle if the vehicle is stationary and not located in a part of the public way intended for travel. A junior operator who violates the preceding paragraph shall be punished by a fine of $100 and shall have his license or permit suspended for 60 days for a first offense and shall not be eligible for license reinstatement until he also completes a program selected by the registrar.
that encourages attitudinal changes in young drivers; for a second offense by a fine of $250 and shall have his license or permit suspended for 180 days; and for a third or subsequent offense by a fine of $500 and shall have his license or permit suspended for 1 year. It shall be an affirmative defense for a junior operator to produce evidence that the use of a mobile telephone, hands-free mobile telephone or mobile electronic device that is the basis of the alleged violation was for emergency purposes. For the purpose of this section, an emergency shall mean that the junior operator used the hands-free mobile telephone or mobile electronic device to communicate with another to report any of the following: (i) that the motor vehicle was disabled; (ii) that medical attention or assistance was required; (iii) that police intervention, fire department or other emergency service was necessary for the personal safety of the operator or a passenger; or (iv) that a disabled vehicle or an accident was present in the public way. A penalty under this subsection shall not be a surchargeable offense under section 113B of chapter 175.

SECTION 7. Said chapter 90 is hereby further amended by inserting after section 12 the following section:- Section 12A. (a) No operator of a vehicle or vessel used in public transportation, including a train, passenger bus, school bus or other vehicle used to transport pupils, passenger ferry boat, water shuttle or other equipment used in public transportation owned by, or operated under the authority of the Massachusetts Bay Transportation Authority, the Woods Hole, Martha’s Vineyard and Nantucket Steamship Authority, Massachusetts Port Authority, or the Massachusetts Department of Transportation, shall use a mobile telephone, hands-free mobile telephone or other mobile electronic device while operating such vehicle or vessel; provided, however that this section shall not apply to the operator of a vehicle or vessel used in public transportation using a mobile telephone, hands-free mobile telephone or mobile electronic device in the performance of the operators official duties; provided, however, that in order for the use of any such device to be made in the performance of the operators official duties, such use must have been made in conformance with applicable written guidelines issued by a public entity listed in this paragraph relative to circumstances when operators are permitted to use said devices in

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the performance of their official duties or pursuant to directives from federal authorities having regulatory jurisdiction over such public entity's operations. Whoever violates this section shall be punished by a fine of $500. A violation of this section shall not be a moving violation for purposes of the safe driver insurance plan under section 113B of chapter 175. (b) It shall be an affirmative defense for an operator under this section to produce evidence that the use of a mobile telephone that is the basis of the alleged violation was in the case of an emergency. For the purpose of this paragraph, an emergency shall mean that the operator needed to communicate with another to report any of the following: (1) that the vehicle or vessel was disabled; (2) that medical attention or assistance was required on the vehicle or vessel; (3) that police intervention, fire department or other emergency services was necessary for the personal safety of a passenger or to otherwise ensure the safety of the passengers; or (4) that a disabled vehicle or an accident was present on a roadway.

SECTION 8. Section 13 of said chapter 90, as appearing in the 2008 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:— No person, when operating a motor vehicle, shall permit to be on or in the vehicle or on or about his person anything which may interfere with or impede the proper operation of the vehicle or any equipment by which the vehicle is operator or controlled, except that a person may operate a motor vehicle while using a federally licensed 2-way radio or mobile telephone, except as provided in sections 8M, 12A and 13B, as long as 1 hand remains on the steering wheel at all times.

SECTION 9. Said chapter 90 is hereby further amended by inserting after section 13A the following section:— Section 13B. (a) No operator of a motor vehicle shall use a mobile telephone, or any handheld device capable of accessing the internet, to manually compose, send or read an electronic message while operating a motor vehicle. For the purposes of this section, an operator shall not be considered to be operating a motor vehicle if the vehicle is stationary and not located in a part of the public way intended for travel. (b) A violation of this section shall be punishable by a
fine of $100 for a first offense, by a fine of $250 for a second offense and by a fine of $500 for a third or subsequent offense. (c) A penalty under this section shall not be a surchargeable offense under section 113B of chapter 175.

SECTION 10. Said chapter 90 is hereby further amended by inserting after section 22H the following section:– Section 22I. (a) For the purposes of this section, health care provider shall mean a registered nurse, licensed practical nurse, physician, physician assistant, psychologist, occupational therapist, physical therapist, optometrist, ophthalmologist, osteopath or podiatrist who is a licensed health care provider under chapter 112. (b) If a health care provider acting in his professional capacity or law enforcement officer has reasonable cause to believe that an operator is not physically or medically capable of safely operating a motor vehicle or has a cognitive or functional impairment that will affect that person's ability to safely operate a motor vehicle, the health care provider or officer may make a report to the registrar, requesting medical evaluation of the operator's ability to safely operate a motor vehicle; provided, however, that such report shall not be made solely on the basis of age. The report shall state the health care providers or officers' good faith belief that the operator cannot safely operate a motor vehicle and shall disclose the medical information underlying his good faith belief in his report to the registrar. The good faith belief shall be based upon personal observation, physical evidence, or, in the case of a law enforcement officer, an investigation which shall be described in the report. A report regarding an operator's ability to safely operate a motor vehicle shall not be based solely on the diagnosis of a medical condition or cognitive or functional impairment, but shall be based on observations or evidence of the actual affect of that condition or impairment on the operator's ability to safely operate a motor vehicle. A health care provider or law enforcement officer who reports, in good faith, pursuant to this section shall be immune from civil liability that might otherwise result from making the report. A health care provider or law enforcement officer who does not report shall be immune from civil liability that might otherwise result from not making the report. (c) Not later than 30 days after receipt of the report, the registrar shall conduct a review to determine the operator's capacity for continued licensure to operate a motor vehicle.
The commissioner of public health shall, in consultation with the registrar and with medical experts on cognitive or functional impairments, and with the medical advisory board established in section 8C, promulgate regulations designating the cognitive or functional impairments that are likely to affect a persons ability to safely operate a motor vehicle. The registrar shall consider information contained in a report under subsection (b) in determining whether to issue or suspend a license to operate a motor vehicle. (d) A report to the registry pursuant to this section shall be confidential and shall be used by the registrar only to determine a persons qualifications to operate a motor vehicle. All reports made and all medical records reviewed and maintained by the registry under this section shall be confidential, or upon written request of the respondent to examine any medical records or reports made about the respondent under this section. A report made under this section shall not be a public record as defined in section 7 of chapter 4. The registrar shall include the information about the procedures authorized in this section on the electronic website of the registrar.

SECTION 11. Section 24 of said chapter 90, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word vehicle, in line 730, the following words:- or whoever while operating a motor vehicle in violation of section 8M, 12A or 13B, such violation proved beyond a reasonable doubt, is the proximate cause of injury to any other person, vehicle or property by operating said motor vehicle negligently so that the lives or safety of the public might be endangered.

SECTION 12. Section 113B of chapter 175 of the General Laws, as so appearing, is hereby amended by striking out the fourteenth paragraph and inserting in place thereof the following paragraph:- Upon receiving notification from the merit rating board that a driver has had 3 surchargeable incidents within the past 24 months, the registrar shall, after a hearing based solely on the accuracy of the merit rating boards records, require the driver to participate in and complete a driver education program satisfactory to the registrar. If the driver fails to provide to the registrar proof of completion of the driver education program within 90 days after the registrar mails to
the driver notice of the requirement, the registrar shall suspend the drivers license or right to operate a motor vehicle until the registrar receives proof of completion of the driver education program.

SECTION13. Notwithstanding any general or special law to the contrary, the registrar of motor vehicles shall not impose any additional fee for transactions conducted by telephone or in person at any registry location in excess of those fees charged for transactions conducted through the commonwealths website.

SECTION14. The registrar of motor vehicles, in cooperation with the highway safety division, shall develop and implement a public awareness campaign for both junior and adult operators which shall include, but not be limited to, the dangers and consequences of distracted driving, information on the restrictions of mobile telephone and mobile electronic device use while operating a motor vehicle under sections 8M, 12A and 13B of chapter 90 of the General Laws, and information on the fines and punishments which may be imposed for violations of said chapter 90. Said campaign shall commence not later than January 1, 2011.

SECTION15. Section 12 shall apply to surchargeable offenses that occur on or after the effective date of this act.
Appendix C-14
Safe Driver Insurance Plan 211 CMR 134.00

211 CMR 134.00: SAFE DRIVER INSURANCE PLAN

Section
134.01: Authority
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Appendix A: Traffic Law Violations
Appendix C-14
Safe Driver Insurance Plan 211 CMR 134.00

134.01: Authority

211 CMR 134.00 is promulgated in accordance with the authority granted to the Commissioner of Insurance under M.G.L. c. 175, s. 113B; M.G.L. c. 175A, s. 15; and M.G.L. c. 175E, s. 10.

134.02: Purpose, Scope and Responsibility

1. Purpose and Scope. All Insurers issuing Private Passenger Motor Vehicle insurance Policies shall comply with 211 CMR 134.00. 211 CMR 134.00 incorporates and merges the provisions of 1990 through 1996 Safe Driver Insurance Plans (SDIP), previously codified at: 211 CMR 125.00; 211 CMR 126.00; 211 CMR 127.00; 211 CMR 128.00; 211 CMR 130.00; 211 CMR 132.00; and 211 CMR 134.00, is referred to as the Safe Driver Insurance Plan and is promulgated, in part, to implement the Safe Driver Insurance Plan required by M.G.L. c. 175, s. 113B. The purpose of 211 CMR 134.00 is to define the surcharges and credits that apply in the Safe Driver Insurance Plan required during Fixed-and-established Markets, and to provide for the continuous, timely, accurate and uniform collection and exchange of Private Passenger Motor Vehicle insurance claim and traffic law violation data during Fixed-and-established and Competitive Markets to facilitate the operation of the SDIP or Insurer Merit Rating Plans.

2. Responsibilities of the Merit Rating Board. The Merit Rating Board shall collect and report Private Passenger Motor Vehicle insurance claim and traffic law violation data and respond to insurance company requests for such information.

134.03: Definitions

As used in 211 CMR 134.00, the following words shall mean:

At Fault Accident. An accident involving a vehicle subject to 211 CMR 134.00 wherein the Involved Operator was more than 50% at fault, as determined by the application of the Standards of Fault of the Board of Appeal.

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Board of Appeal. The Board of Appeal on Motor Vehicle Liability Policies and Bonds established pursuant to M.G.L. c. 26, s. 8A.

The following text is effective 05/16/08

Bodily Injury Liability Coverage. The insurance coverage designated as such in a Massachusetts Private Passenger Motor Vehicle insurance Policy.

Collision Coverage. The insurance coverage designated as such in a Massachusetts Private Passenger Motor Vehicle insurance Policy.

Commissioner. The Commissioner of Insurance appointed pursuant to M.G.L. c. 26, s. 6.

Competitive Market. A market in which Private Passenger Motor Vehicle insurance rates are not fixed and established pursuant to M.G.L. c. 175, s. 113B.

Comprehensive Coverage. The insurance coverage designated as such in a Massachusetts Private Passenger Motor Vehicle insurance Policy.

Coverage Selections Page. The coverage selections page of a Massachusetts Private Passenger Motor Vehicle insurance Policy, or a replacement Coverage Selections Page.

Credit Code. The code representing the number of consecutive Incident-free Years within the Incident-free Period applicable to any operator as approved by the Commissioner in the Statistical Plan.

Credit Points. Except as otherwise provided by 211 CMR 134.00, one Credit Point is earned by an operator with a valid driver’s license for each Incident-free Year within the Policy Experience Period.

Designated Statistical Agent. The rating organization or other agency designated by the Commissioner as the statistical agent for the Division of Insurance pursuant to M.G.L. c. 175A, s. 15(a).
Excellent Driver Discount. The percentage value assigned by the Commissioner at the time Private Passenger Motor Vehicle insurance rates are fixed-and-established pursuant to M.G.L. c. 175, s. 113B reflecting the lower expected loss experience of operators with Incident-free Periods of more than five and less than six years, which may vary according to the affected liability coverages and Collision Coverage, irrespective of the class and territory of the Policy.

Excellent Driver Discount Plus. The percentage value assigned by the Commissioner at the time Private Passenger Motor Vehicle insurance rates are fixed-and-established pursuant to M.G.L. c. 175, s. 113B reflecting the lower expected loss experience of operators with Incident-free Periods of at least six years, which may vary according to the affected liability coverages and Collision Coverage, irrespective of the class and territory of the Policy.

Experienced Operator. An operator licensed at least six years as defined in the Commissioner’s 2007 Manual of Private Passenger Automobile Rates, including operators defined in that manual rated for business use.

Fixed-and-established Market. A market in which premiums for Private Passenger Motor Vehicle insurance are based on rates fixed-and-established by the Commissioner pursuant to M.G.L. c. 175, s. 113B, following a hearing and decision pursuant to M.G.L. c. 175E, s. 5 finding that competition in the Private Passenger Motor Vehicle insurance market is, with respect to any territory or to any kind, subdivision or class of insurance, either insufficient to assure that rates would not be excessive, or so conducted as to be destructive of competition or detrimental to the solvency of Insurers.

Incident-free Period. The number of consecutive Incident-free Years immediately preceding the Policy Effective Date and within the Policy Experience Period of the Policy for which an operator with a valid driver’s license had no Surchargeable Incidents.

The following text is effective 05/16/08
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Safe Driver Insurance Plan 211 CMR 134.00

**Incident-free Year.** Any of the series of one-year periods immediately preceding the Policy Effective Date and within the policy Experience Period of the Policy for which the licensed operator had no Surchargeable Incidents.

**Inexperienced Operator.** An operator licensed less than six years as defined in the Commissioner’s 2007 Manual of Private Passenger Automobile Rates.

**Insurer.** Any corporation, association, partnership, group or individual engaged as a principal authorized to write Private Passenger Motor Vehicle insurance in the Commonwealth.

**Involved Operator.** Any person determined to have been operating a motor vehicle subject to 211 CMR 134.00 at the time of, and involved in, an accident subject to 211 CMR 134.00, or any person having a traffic law violation subject to 211 CMR 134.00, as specified by 211 CMR 134.04.

**Limited Collision Coverage.** The insurance coverage designated as such in Massachusetts Private Passenger Motor Vehicle insurance Policy.

**Listed Operator.** The Policyholder and any person listed on the new or renewal application for the Policy covering one or more vehicles subject to 211 CMR 134.00.

**Merit Rating Board (MRB).** The Motor Vehicle Insurance Merit Rating Board established pursuant to M.G.L. c. 6, s. 183.

**Merit Rating Information.** Motor vehicle insurance claim and traffic law violation information provided to an Insurer by the Merit Rating Board that will be used by Insurers in the application of the Insurer’s Merit Rating Plan that Insurers may submit pursuant to M.G.L. c. 175E during Competitive Markets.

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**Merit Rating Plan.** A rating procedure used for calculating Private Passenger Motor Vehicle insurance premiums by Insurers in a Competitive Market that utilizes past motor vehicle insurance claim and traffic law violation experience of the operators insured under a Policy to forecast future losses by measuring their loss experience against the loss experience of operators in the same classification to produce a prospective premium.

**MRB Manual(s).** The Manual(s) prepared by the Merit Rating Board in accordance with 211 CMR 134.18.

**Neutral Step.** Operator SDIP Step 15 (no Credit or Surcharge Points).

**Operator Information.** The driver’s license number, license state, name and date of birth as they appear on the driver’s license of the Policyholder and of all Listed Operators on a Massachusetts Private Passenger Motor Vehicle insurance Policy.

**Operator SDIP Step.** The SDIP Step of a Listed Operator resulting from adjustments to the Neutral Step (Step 15) by the addition of Surcharge Points and the subtraction of Credit Points earned during the Policy Experience Period.

**Personal Injury Protection Coverage.** The insurance coverage designated as such in a Massachusetts Private Passenger Motor Vehicle insurance Policy.

**Policy.** For the policy year and each year thereafter, any motor vehicle liability Policy as defined in M.G.L. c. 90, s. 34A applicable to Private Passenger Motor Vehicles; including any Massachusetts motor vehicle insurance Policy written in accordance with a Private Passenger Motor Vehicle insurance manual.

**Policy Effective Date.** The date on which the Massachusetts Private Passenger Motor Vehicle insurance Policy takes effect.

The following text is effective 05/16/08
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**Policy Experience Period.** The six year period immediately preceding the effective date of the Policy.

**Policy Number.** A unique number, up to 16 characters long, that does not change throughout the life of the Policy.

**Policyholder.** The principal named insured(s) on a Policy.

**Private Passenger Motor Vehicle.** Any vehicle, except motorized vehicles not normally driven on public ways, that is subject to rating in accordance with a Private Passenger Motor Vehicle insurance manual, regardless of whether a Competitive Market or a Fixed-and-established Market is in place.

**Property Damage Liability Coverage.** The insurance coverage designated as such in a Massachusetts Private Passenger Motor Vehicle insurance Policy, also known as “Damage to Someone Else’s Property.”

**Safe Driver Insurance Plan or SDIP.** The adjustment of insurance rates and premiums during Fixed-and-established Markets for Private Passenger Motor Vehicles subject to 211 CMR 134.00 on the basis of motor vehicle insurance claims arising from At Fault Accidents, traffic law violations and Comprehensive Coverage claims.

**Safe Driver Insurance Plan (SDIP) Statement.** For Policies subject to the Safe Driver Insurance Plan during Fixed-and-established Markets on and after January 1, 2006, the notification from an Insurer to a Policyholder with one or more vehicles not assigned the Excellent Driver Discount Plus (best credit) for Property Damage Liability Coverage, mandatory Bodily Injury Liability Coverage, Personal Injury Protection Coverage, or Collision Coverage. For policies subject to the SDIP prior to January 1, 2006, the notification from an Insurer to a Policyholder with one or more vehicles not assigned the lowest Operator SDIP Step (best credit) for Property Damage Liability Coverage, mandatory Bodily Injury Liability Coverage, Personal Injury Protection Coverage, or Collision Coverage.
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**SDIP Information.** Information provided to an Insurer by the Merit Rating Board which is the basis upon which Private Passenger Motor Vehicle insurance premium adjustments that are required to be made under the Safe Driver Insurance Plan during Fixed-and-established Markets, including but not necessarily limited to Surchargeable Incidents (and the Surcharge Points applicable thereto), number of Incident-free Years or Credit Points and driver’s license status.

**SDIP Step Values.** For Policies subject to the Safe Driver Insurance Plan prior to January 1, 2006, the percentage values assigned by the Commissioner to Operator SDIP Steps, which may vary according to the affected liability coverages and Collision Coverage, irrespective of the class and territory of the Policy.

**Starting Step Date.** For Policies subject to the Safe Driver Insurance Plan prior to January 1, 2006, the beginning date of the Policy Experience Period (six years), or a later date if the operator has less than six years of driving experience.

**Statistical Plan.** The Massachusetts automobile statistical plan promulgated by the Commissioner pursuant to the authority granted under M.G.L. c. 175A, s. 15(a).

**Surchargeable Incident.** An At Fault Accident, traffic law violation, or Comprehensive Coverage claim, which may result in an increase in the Policyholder’s premium during Fixed-and-Established Markets.

The following text is effective 05/16/08

**Surcharge Date.** The date of notice entered by an Insurer on the Surcharge Notice required by 211 CMR 134.05, the date of payment on the Comprehensive Coverage claim notice required by 211 CMR 134.06, the disposition date entered by a court on the citation for a traffic law violation, or the date the payment of the fine assessed for civil motor vehicle infractions is received by the Registry of Motor Vehicles.

**Surcharge Notice.** The notice of an At Fault Accident provided to the Involved Operator and/or the Policyholder.
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**Surcharge Percentage.** The percentage value assigned by the Commissioner when Private Passenger Motor Vehicle insurance rates are fixed and established pursuant to M.G.L. c. 175, s. 113B to be applied to the total number of Surcharge Points for each Surchargeable Incident during the Policy Experience Period, which may vary according to the affected liability coverages and Collision Coverage, irrespective of the class and territory of the Policy.

**Surcharge Points.** The point values assigned by the Commissioner for each Surchargeable Incident set forth in 211 CMR 134.15.

All other items in 211 CMR 134.00 shall be construed as defined in M.G.L. c. 90, s.s. 34A and 340, M.G.L. c. 175 and M.G.L. c. 175A, or, if not defined in these chapters, in accordance with common usage.

134.04: Relevant Vehicles, Policies, Accidents, Traffic Law Violations and Claims

1. **Vehicles.** Any Private Passenger Motor Vehicle that is rated in accordance with a Private Passenger Motor Vehicle insurance manual shall be a vehicle subject to 211 CMR 134.00.

2. **Policies.** Any Policy meeting the definition in 211 CMR 134.03 that provides the mandatory liability coverages (Property Damage Liability Coverage, Bodily Injury to Others Coverage, Personal Injury Protection Coverage) and/or Collision Coverage for one or more vehicles subject to 211 CMR 134.00 shall be a Policy subject to 211 CMR 134.00.

3. **Accidents.** Any At Fault Accident shall be an accident subject to 211 CMR 134.00 if it results in a Collision, Limited Collision, Property Damage Liability claim payment of more than $500 in excess of any applicable deductible for damage to or caused by a vehicle subject to 211 CMR 134.00. In addition, for accidents occurring on or after January 1, 2006, an accident will be subject to 211 CMR 134.00 if it results in a Bodily Injury Liability claim payment of more than $500 caused by a vehicle subject to 211 CMR 134.00.

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4. Traffic Law Violations. Any conviction of an operator, including payments made or assessed pursuant to M.G.L. c. 90C, or any assignment of the operator to a driver alcohol education program or controlled substance abuse treatment or rehabilitation program, for a traffic law violation as listed in 211 CMR 134.00: Appendix A shall be subject to 211 CMR 134.00. 211 CMR 134.00 also shall take into consideration certain major and minor out-of-state traffic law violations as specified in 211 CMR 134.00: Appendix A, as well as convictions reported to the Registry of Motor Vehicles as the result of any compact entered into by the Secretary of Public Safety and Security for the exchange of information between states.

5. Comprehensive Coverage Claims. Any claim made under Comprehensive Coverage for which payment is made shall be a Comprehensive Coverage claim subject to 211 CMR 134.00, as specified in 211 CMR 134.06.

6. Personal Injury Protection Claims. Any claim made on or after April 1, 2008 under Personal Injury Protection Coverage for which the Involved Operator was determined to be more than 50% at fault shall be subject to 211 CMR 134.00, as specified in 211 CMR 134.06.

The following text is effective 05/16/08

134.05: Notification of At Fault Accidents

All Insurers shall report to the Merit Rating Board all claims arising from At Fault Accidents in accordance with the MRB Manual(s) under the following circumstances during Fixed-and-established and Competitive Markets:

   Notification of a Bodily Injury Liability Coverage claim is required only when such claim is not associated with any Property Damage Liability Coverage or Collision Coverage claim reported pursuant to 211 CMR 134.05(2) or 211 CMR 134.05(3) in connection with the same At Fault Accident. Within 20 working days of the payment of any Bodily Injury Liability Coverage claim in excess of the amounts
specified in 211 CMR 134.04(3) that resulted from an accident involving only one vehicle where that vehicle was a vehicle subject to 211 CMR 134.00, the Insurer shall report an At Fault Accident to the Merit Rating Board and shall notify the Involved Operator of the report. If the Policyholder is a person other than the Involved Operator, the Insurer shall send the Policyholder a copy of the notice.

2. Claims Under Property Damage Liability Coverage - Single Vehicle Accidents. Within 20 working days of the payment of any Property Damage Liability Coverage claim in excess of the amounts specified in 211 CMR 134.04(3) that resulted from an accident involving only one vehicle where that vehicle was a vehicle subject to 211 CMR 134.00, the Insurer shall report an At Fault Accident to the Merit Rating Board and shall notify the Involved Operator of the report. If the Policyholder is a person other than the Involved Operator, the Insurer shall send the Policyholder a copy of the notice.

3. Claims Under Collision Coverage - Single Vehicle Accidents. Within 20 working days of the payment of any Collision Coverage claim in excess of the amounts specified in 211 CMR 134.04(3) that resulted from an accident involving only one vehicle, where that vehicle was a vehicle subject to 211 CMR 134.00, the Insurer shall report an At Fault Accident to the Merit Rating Board and shall notify the Involved Operator of the report unless the claim resulted from damage to the vehicle caused by flying gravel, missiles or falling objects. If the Policyholder is a person other than the Involved Operator, the Insurer shall send the Policyholder a copy of the notice.

4. Claims Under Bodily Injury Liability Coverage - Multiple Vehicle Accidents. Notification of a Bodily Injury Liability Coverage claim is required only when such claim is not associated with any Property Damage Liability Coverage or Collision Coverage claim reported pursuant to 211 CMR 134.05(5) or 211 CMR 134.05(6) in connection with the same At Fault Accident. Within 20 working days of the payment of any Bodily Injury Liability Coverage claim in excess of the amounts specified in 211 CMR 134.04(3) that resulted from an accident involving more
than one vehicle, where at least one vehicle was a vehicle subject to 211 CMR 134.00, the Insurer shall report an At Fault Accident to the Merit Rating Board and shall notify the Involved Operator of the report. No such notification shall be sent by the Insurer if the sole reason for filing the claim is that a vehicle owned by the person filing the claim was being driven by some other person at the time that it was involved in the accident. If the Policyholder is a person other than the Involved Operator, the Insurer shall send the Policyholder a copy of the notice.

5. Claims Under Property Damage Liability Coverage - Multiple Vehicle Accidents. Within 20 working days of the payment of any Property Damage Liability Coverage claim in excess of the amounts specified in 211 CMR 134.04(3) that resulted from an accident involving more than one vehicle, where at least one vehicle was a vehicle subject to 211 CMR 134.00, the Insurer shall report an At Fault Accident to the Merit Rating Board and shall notify the Involved Operator of the report. No such notification shall be sent by the Insurer if the sole reason for filing the claim is that a vehicle owned by the person filing the claim was being driven by some other person at the time that it was involved in the accident. If the Policyholder is a person other than the Involved Operator, the Insurer shall send the Policyholder a copy of the notice.

The following text is effective 05/16/08

6. Claims Under Collision Coverage - Multiple Vehicle Accidents. Within 20 working days of the filing of any Collision Coverage claim in excess of the amounts specified in 211 CMR 134.04(3) that resulted from an accident involving more than one vehicle, where at least one vehicle was a vehicle subject to 211 CMR 134.00, there shall be a conference of the Insurer with whom the claim has been filed and all Insurers of operators who were involved in the accident and who might be alleged to have been at fault, unless the Insurer with whom the claim has been filed has denied the claim or has determined that the operator of its insured vehicle is more than 50% at fault. A telephone conference among the Insurers shall satisfy the requirement that a conference be held. If no conference is held, the Insurer
shall report the At Fault Accident to the Merit Rating Board in accordance with 211 CMR 134.05(3). Within 45 working days of any conference, the Insurers shall determine which operator, if any, was at fault in excess of 50%. If any Involved Operator is determined to have been at fault in excess of 50%, the Insurer of that Involved Operator shall report an At Fault Accident to the Merit Rating Board, and shall notify the Involved Operator of the report unless this Insurer has denied each Property Damage Liability Coverage or Collision Coverage claim resulting from the accident or closed each such claim resulting from the accident with a payment of less than the amounts specified in 211 CMR 134.04(3). If the Policyholder is a person other than the Involved Operator, the Insurer shall send to the Policyholder a copy of the notice within 60 working days of the date the claim was filed.

7. Claims Under Limited Collision Coverage - Multiple Vehicle Accidents. Within 20 working days of the payment of any Limited Collision Coverage claim in excess of the amount specified in 211 CMR 134.04(3) that resulted from an accident involving more than one vehicle, where at least one vehicle is a vehicle subject to 211 CMR 134.00, there shall be a conference of the Insurer with whom the claim has been filed and all Insurers of operators who were involved in the accident and who might be alleged to have been at fault. A telephone conference among the Insurers shall satisfy the requirement that a conference be held. Within 45 working days of any conference, the Insurers shall determine which operator, if any, was at fault in excess of 50%. If any Involved Operator is determined to have been at fault in excess of 50%, the Insurer of that Involved Operator shall report an At Fault Accident to the Merit Rating Board and shall notify the Involved Operator of the report unless this Insurer has denied each Property Damage Liability Coverage or Collision Coverage claim resulting from the accident or closed each such claim with a payment of less than the amounts specified in 211 CMR 134.04(3). If the Policyholder is a person other than the Involved Operator, the Insurer shall send to the Policyholder a copy of the notice within 60 working days of the date the claim was filed.
8. **Disputed Claims.** Notice required by 211 CMR 134.05(6) or (7) may be deferred up to one year from the date of the accident, if:

   a. the Insurer has determined after any conference required by 211 CMR 134.05(6) or (7) that the Involved Operator was not at fault in excess of 50%; and

   b. an inter-company arbitration petition has been filed or a civil action has been initiated following denial of a Property Damage Liability Coverage claim.

9. **Form of Surcharge Notice.** Any notice of an At Fault Accident to the Merit Rating Board shall be made using the Surcharge Notice in accordance with the MRB Manual(s). The Surcharge Notice shall include an appeal form that may be used by the Policyholder or the Involved Operator to appeal the At Fault Accident to the Board of Appeals pursuant to M.G.L. c. 175, s. 113P. The Surcharge Notice shall be completed by the Insurer in the manner prescribed in the MRB Manual(s).

10. **Failure to Submit.** Failure to accurately complete and submit, within the specified time, the Surcharge Notice required by 211 CMR 134.05(1) through (7) to the Merit Rating Board may subject the Insurer to the penalty set forth in 211 CMR 134.19.

11. **Correction of Surcharge Notice.** Failure to correct and return a Surcharge Notice found to be in error in the manner specified in the MRB Manual(s) may subject the Insurer to the penalty set forth in 211 CMR 134.19.

The following text is effective 05/16/08

**134.06: Notification of a Claim Under Comprehensive Coverage or Personal Injury Protection Coverage**

All Insurers shall report to the Merit Rating Board claims under Comprehensive Coverage and Personal Injury Protection Coverage in accordance with the MRB Manual(s) in the following circumstances during Fixed-and-established and Competitive Markets:
1. **Claims Under Comprehensive Coverage.** Within 30 working days of the payment of any Comprehensive Coverage claim for a vehicle subject to 211 CMR 134.00, the Insurer shall notify the Merit Rating Board in the manner specified in the MRB Manual(s).

2. **Claims Under Personal Injury Protection Coverage Occurring On or After April 1, 2008.** Within 30 working days of the final payment of any Personal Injury Protection Coverage claim under the Policy for the vehicle involved in the accident and providing coverage to the operator, occupants or pedestrians occurring on or after April 1, 2008 for a vehicle subject to 211 CMR 134.00, where the Involved Operator is more than 50% at fault for the accident, the Insurer shall notify the Merit Rating Board in the manner specified in the MRB Manual(s). For the purposes of 211 CMR 134.06(2), an at fault Personal Injury Protection Coverage claim paid under the Policy for the vehicle involved in the accident and providing coverage to the operator, occupants or pedestrians shall be any claim made following a single vehicle At Fault Accident or a multiple vehicle At Fault Accident.

3. **Form of Notice to the Merit Rating Board.** The Merit Rating Board shall specify in the MRB Manual(s) the form of the Comprehensive Coverage claim notice and the Personal Injury Protection Coverage claim notice, the manner of completing said notices, and the timing of the submission of said notices to the Merit Rating Board.

4. **Failure to Submit.** Failure to accurately complete and submit, within the specified time, the Comprehensive Coverage claim notice or the Personal Injury Protection Coverage claim notice required by 211 CMR 134.06(3) to the Merit Rating Board may subject the Insurer to the penalty set forth in 211 CMR 134.19.

5. **Correction of Claim Notices.** Failure to correct and return a Comprehensive Coverage claim notice or a Personal Injury Protection Coverage claim notice found to be in error in the manner specified in the MRB Manual(s) may subject the Insurer to the penalty set forth in 211 CMR 134.19.
134.07: Notice Following Traffic Law Violations

1. No Notice by Insurer or Merit Rating Board. Citation for any traffic law violation subject to 211 CMR 134.00 shall serve as sufficient notice to the Involved Operator that premium adjustments may be applied. There shall be no right of appeal to the Board of Appeal pursuant to M.G.L. c. 175, s. 113P.

2. Notice on Citation. The Merit Rating Board shall take reasonable steps to ensure that each citation issued for a traffic law violation informs the Involved Operator that election of any of the alternatives afforded by M.G.L. c. 90C may result in an adjustment of premium.

134.08: Operator Information

1. Collection of Operator Information. Prior to requesting SDIP Information or Merit Rating Information for any Policy subject to 211 CMR 134.00, an Insurer shall obtain, from the Policyholder, Operator Information for the Policyholder and for any Listed Operator covered by the Policy. Each Insurer shall require its Policyholders to indicate whether a Listed Operator also is the Policyholder of or listed as an operator on any other Policy subject to 211 CMR 134.00.

2. Correction of Operator Information. Following the rejection by the Merit Rating Board of a request for SDIP Information or Merit Rating Information because of incorrect Operator Information, the Insurer must correct the Operator Information in the manner specified in the MRB Manual(s).

The following text is effective 05/16/08

3. Penalties. Failure to collect or correct Operator Information in accordance with 211 CMR 134.08(1) and (2) and applicable portions of the MRB Manual(s) may subject the Insurer to the penalty set forth in 211 CMR 134.19.
134.08: Operator Information

1. Collection of Operator Information. Prior to requesting SDIP Information or Merit Rating Information for any Policy subject to 211 CMR 134.00, an Insurer shall obtain, from the Policyholder, Operator Information for the Policyholder and for any Listed Operator covered by the Policy. Each Insurer shall require its Policyholders to indicate whether a Listed Operator also is the Policyholder of or listed as an operator on any other Policy subject to 211 CMR 134.00.

2. Correction of Operator Information. Following the rejection by the Merit Rating Board of a request for SDIP Information or Merit Rating Information because of incorrect Operator Information, the Insurer must correct the Operator Information in the manner specified in the MRB Manual(s).

The following text is effective 05/16/08

3. Penalties. Failure to collect or correct Operator Information in accordance with 211 CMR 134.08(1) and (2) and applicable portions of the MRB Manual(s) may subject the Insurer to the penalty set forth in 211 CMR 134.19.

134.09: Acquisition of SDIP Information or Merit Rating Information from the Merit Rating Board

1. Insurers shall acquire SDIP Information from the Merit Rating Board, as set forth in 211 CMR 134.09(2) through 211 CMR 134.09(6), during Fixed-and-established Markets. Insurers may acquire Merit Rating Information from the Merit Rating Board at any time, at the discretion of the Insurer, during Competitive Markets. Insurers are not required to obtain Merit Rating Information from the Merit Rating Board for calculating Private Passenger Motor Vehicle insurance premiums pursuant to a Merit Rating Plan filed by the Insurer for use in a Competitive Market.
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2. Initial Inquiries.
   a. New Policies. Insurers shall acquire SDIP Information for a new Policy subject to 211 CMR 134.00 from the Merit Rating Board no earlier than 45 days before the first day of the month of the effective date of the Policy and no later than 15 days after the date the Policy is issued. The inquiry shall be made in the manner prescribed in the MRB Manual(s).
   
b. Renewal Policies. Insurers shall acquire SDIP Information for a renewal Policy subject to 211 CMR 134.00 from the Merit Rating Board no earlier than 75 days before the first day of the month of the effective date of the Policy and prior to issuing the Policy. The inquiry shall be made in the manner prescribed in the MRB Manual(s).

3. Inquiries for New Operators. In the event a Policy subject to 211 CMR 134.00 is endorsed to add an operator as a Listed Operator during the first 245 days of the Policy term, the Insurer shall acquire SDIP Information for the operator that is being added from the Merit Rating Board in the manner prescribed in the MRB Manual(s).

4. Inquiries for “Add Property Damage Liability Coverage”. Insurers shall acquire SDIP Information for a Policy subject to 211 CMR 134.00 when Property Damage Liability Coverage is added to a Policy that previously had no Property Damage Liability Coverage no earlier than 45 days before the first day of the month of the endorsement date and no later than 15 days after the effective date of the endorsement. The inquiry shall be made in the manner prescribed in the MRB Manual(s).

5. Inquiries for “Add Collision Coverage”. Insurers shall acquire SDIP Information for a Policy subject to 211 CMR 134.00 when Collision Coverage is added to the Policy that previously had no Collision Coverage no earlier than 45 days before the first day of the month of the endorsement date and no later than 15 days after the effective date of the endorsement. The inquiry shall be made in the manner prescribed in the MRB Manual(s).

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6. **Reinquiries.** Following the receipt of a Notice to Reinquire from the Merit Rating Board, an Insurer must submit a request for SDIP Information to the Merit Rating Board for the Policyholder and for each Listed Operator in the manner prescribed in the MRB Manual(s).

7. **Policy Numbers.** Insurers must assign policy numbers unique to each Policy being issued within a particular policy year. This number must be consistently reported and/or used on the Coverage Selections Page, inquiries to the Merit Rating Board, Surcharge Notices, Comprehensive Coverage claim notices, Personal Injury Protection Coverage claim notices, premium and loss statistical records, Policy data reported to the Registry of Motor Vehicle’s Uninsured Motorist System (UMS), and any other document calling for identification utilizing a Policy number. Upon written request by an Insurer, the Commissioner may grant a one-year waiver of the requirements of 211 CMR 134.09(6) if the Insurer demonstrates that compliance would result in undue hardship.

The following text is effective 05/16/08

8. **Use of Surcharge Points to Determine Eligibility for Placement in the Massachusetts Insurance Plan (MAIP).** For Policies with effective dates on or after April 1, 2008 through March 31, 2009, Insurers shall use the Surcharge Points described in 211 CMR 134.15(2) through (5) to determine whether an insured under the Policy has 10 or more Surcharge Points to determine eligibility for placement in the MAID. Insurers also shall use At Fault Accident claim and traffic law violation information, including Personal Injury Protection Coverage claim data, to determine whether an operator is a “Clean-In-Three Risk”, as defined in the MAID Rules of Operation.
134.10: Posting of At Fault Accidents. Traffic Law Violations and Claims

1. Posting of At Fault Accidents. Upon receipt of a Surcharge Notice sent by an Insurer in accordance with 211 CMR 134.05, the Merit Rating Board shall post the At Fault Accident to the account of the Involved Operator.

2. Posting of Traffic Law Violations. Upon receipt of a citation for a traffic law violation which is listed on the schedule of violations specified in 211 CMR 134.00: Appendix A, and for which payment has been made pursuant to M.G.L. c. 90C, or for which payment is legally in default, or for which the court either has found the Involved Operator guilty or responsible, or has assigned the operator to an alcohol education program or controlled substance abuse treatment or rehabilitation program, the Merit Rating Board shall post the traffic law violation to the account of the Involved Operator, unless the violation was deemed to be an owner violation, in which case the Merit Rating Board shall post the traffic law violation to the account of the owner of the vehicle.

3. Determination of the Incident Type. When posting an At Fault Accident claim or traffic law violation to the account of an Involved Operator or a Policyholder, the Merit Rating Board shall assign it a type and a point value in accordance with 211 CMR 134.15.

a. Major Accident. An At Fault Accident wherein the claim payment, exclusive of any deductible, exceeds $2,000 under either:

1. Property Damage Liability Coverage;
2. Collision Coverage;
3. Limited Collision Coverage; or
4. for accidents occurring on after or January 1, 2006, Bodily Injury Liability Coverage if there is neither a surchargeable Property Damage Liability Coverage claim nor a surchargeable Collision Coverage claim.
pursuant to 134.10(3)(a)1. or 2. as a result of the incident with the Bodily Injury Liability Coverage claim.

b. **Minor Accident.** An At Fault Accident wherein the claim payment, exclusive of any deductible, exceeds $500 but is no more than $2,000 under either:

1. Property Damage Liability Coverage;
2. Collision Coverage;
3. Limited Collision Coverage; or
4. for accidents occurring on or after January 1, 2006, Bodily Injury Liability Coverage if there is neither a surchargeable Property Damage Liability Coverage claim nor a surchargeable Collision Coverage claim pursuant to 134.10(3)(b)1. or 2. as a result of the incident with the Bodily Injury Liability Coverage claim.

c. **Major Traffic Law Violation.** Those traffic law violations so designated by the Commissioner for use in the Safe Driver Insurance Plan and set forth in 211 CMR 134.00: Appendix A.

d. **Minor Traffic Law Violation.** Those traffic law violations so designated by the Commissioner for use in the Safe Driver Insurance Plan and set forth in 211 CMR 134.00: Appendix A.

4. **Posting of Comprehensive Coverage Claims.** Upon receipt of a Comprehensive Coverage claim notice from an Insurer in accordance with 211 CMR 134.06, the Merit Rating Board shall post a Comprehensive Coverage claim to the account of the Policyholder. In the case where two individuals are listed as the Policyholders and joint owners of the insured vehicle(s), the first person listed on the Policy shall be considered to be the Policyholder for the purpose of 211 CMR 134.10(4).

The following text is effective 05/16/08
5. Posting of Personal Injury Protection Coverage Claims. Upon receipt of a Personal Injury Protection Coverage claim notice from an Insurer in accordance with 211 CMR 134.06, the Merit Rating Board shall post a Personal Injury Protection Coverage claim to the account of the Involved Operator.

6. Multiple Incidents. If an Involved Operator or Policyholder has two or more At Fault Accident claims or traffic law violations on file at the Merit Rating Board, all of which arose from the same incident, the Merit Rating Board shall assign a point value to the At Fault Accident claim or traffic law violation with the greatest number of points as specified in 211 CMR 134.15 and shall assign zero points to the remaining At Fault Accident claims or traffic law violations arising from the same incident.

134.11: Computation of Safe Driver Insurance Plan Surcharges and Credits

1. 211 CMR 134.11(2) through 211 CMR 134.11(10) shall be required only for Policies issued during a Fixed-and-established Market.

2. Information Used for Computation.

   a. For Policies Subject to the Safe Driver Insurance Plan on or after January 1. 2006. In response to a request from an Insurer for SDIP Information for a Policy subject to 211 CMR 134.00, the Insurer shall use the total number of Surcharge Points or Credit Code for each Listed Operator as reported by the Merit Rating Board to calculate the applicable operator surcharge factor or operator credit factor in accordance with 211 CMR 134.11(3). The Insurer shall use the resulting factor to adjust the Policyholder’s premium accordingly.

   b. For Policies Subject to the Safe Driver Insurance Plan Prior to January 1. 2006. In response to a request from an Insurer for SDIP Information for a Policy subject to 211 CMR 134.00, the Merit Rating Board shall compute and report to the Insurer the Operator SDIP Step for each Listed Operator. The Insurer shall adjust the premium to the Policyholder by using the Operator SDIP Step for each Listed Operator as reported by the Merit Rating Board.
3. **Operator Surcharge Factor or Operator Credit Factor.** For Policies subject to the Safe Driver Insurance Plan on or after January 1, 2006, each Listed Operator shall be assigned an operator surcharge factor or an operator credit factor based on the operator’s driving history record. The surcharge factor is equal to one plus the product of the total number of SDIP Surcharge Points, calculated pursuant to 211 CMR 134.11(5)(a), and the Surcharge Percentage. The credit factor is equal to one minus either the Excellent Driver Discount or the Excellent Driver Discount Plus, as applicable.

4. **Operator SDIP Step.** For Policies subject to the Safe Driver Insurance Plan prior to January 1, 2006, each Listed Operator is assigned an Operator SDIP Step based on the operator’s driving history record. Each operator starts with an Operator SDIP Step 15 (Neutral Step). Surcharge Points for Surchargeable Incidents in the Policy Experience Period are added to the starting SDIP Step Value; and then Credit Points earned by the operator during the Policy Experience Period are subtracted.

5. **Calculation of Total Operator SDIP Points.**

   a. For Policies Subject to the Safe Driver Insurance Plan on or after January 1. 2006.

      1. When the Incident-free Period is less than or equal to three, the total number of Surcharge Points applicable to the operator shall be the sum of the Surcharge Points identified for each Surchargeable Incident in the Policy Experience Period.

      2. When the Incident-free Period is greater than three, and the total number of Surchargeable Incidents in the most recent five years of the Policy Experience Period is three or less, the Surcharge Points applicable to each incident shall be reduced by one and the total number of Surcharge Points applicable to the operator shall be the sum of those reduced Surcharge Points. In no event shall the Surcharge Points for any single incident be reduced below zero.
The following text is effective 05/16/08

b. For all Policies Subject to the Safe Driver Insurance Plan. Only Surchargeable Incidents that are within the Policy Experience Period shall be used in calculating Surcharge Points, however, Surcharge Points for Surchargeable Incidents in the sixth year of the Policy Experience Period shall be set at zero. The Merit Rating Board shall use the Surcharge Date of a Surchargeable Incident to determine which Surchargeable Incidents are within the Policy Experience Period. The Surcharge Points assigned for each major accident, each minor accident, each minor traffic law violation and each major traffic law violation, as designated in 211 CMR 134.00: Appendix A, are set forth in 211 CMR 134.15.

6. Credit for Incident-free Years.

a. For Policies Subject to the Safe Driver Insurance Plan on or after January 1, 2006.

1. When the Incident-free Period is at least five, but less than six years, a unique Credit Code shall be assigned to the operator.

2. When the Incident-free Period is at least six years, a unique Credit Code shall be assigned to the operator.

3. For operators with at least five full years of driving experience, when the Incident-free Period is greater than three, and the only Surchargeable Incident within the Policy Experience Period is a minor traffic law violation, the disposition of which was noncriminal under M.G.L. c. 90C, the Credit Code assigned to the operator shall be the same as that assigned to operators in 211 CMR 134.11(6)(a)1.

b. For Policies Subject to the Safe Driver Insurance Plan prior to January 1, 2006. Based on each Listed Operator’s Starting Step Date, one Credit Point is earned by an operator with a valid driver’s license for each Incident-free Year within the Policy Experience Period.
c. For Policies Effective in 2005. Experienced Operators with exactly one Surchargeable Incident during the Policy Experience Period resulting in an Operator SDIP Step of 10, 11, 12, 13, 14, or 15, shall receive an additional Credit Point if the Surcharge Date is more than three years prior to the 2005 Policy Effective Date.

7. Operator SDIP Ranges.

a. For Policies Subject to the Safe Driver Insurance Plan on or after January 1, 2006. The total number of SDIP Points range from 0 to 45. The maximum number of SDIP points is 45.

b. For Policies Subject to the Safe Driver Insurance Plan prior to January 1, 2006. The Operator SDIP Step ranges from 9 to 35. The lowest Operator SDIP Step is 9 (best credit); the highest Operator SDIP Step is 35.

8. Policy Experience Period.

a. For Policies Subject to the Safe Driver Insurance Plan on or after January 1, 2006. A Surchargeable Incident in the sixth year of the Policy Experience Period (as determined by the Surcharge Date) will not be assigned Surcharge Points. A Surchargeable Incident in the sixth year will prevent an operator from earning an Incident-free Year.

b. For Policies Subject to the Safe Driver Insurance Plan prior to January 1, 2006. A Surchargeable Incident in the sixth year of the Policy Experience Period (as determined by the Surcharge Date) will not be assigned Surcharge Points. Incidents in the sixth year will not prevent an Experienced Operator from earning an Incident-free Year if the most recent consecutive five year period (as determined by the Surcharge Date) preceding the effective date of the Policy is incident-free.
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9. Clean Slate Rule. For Policies subject to the Safe Driver Insurance Plan Prior to January 1, 2006, an operator is assigned Credit Points to reduce the Operator’s SDIP Step to 14 if all of the following conditions are met:

a. the operator has a three-year period of incident-free driving within the Policy Experience Period;

b. the three-year period occurs before December 31, 2004; and

c. the Operator’s SDIP Step at the end of the Incident-free Period is greater than 14. Points for Surchargeable Incidents within the Policy Experience Period which have Surcharge Dates that are recorded after this three-year Incident-free Period are added to Operator SDIP Step 14.

The following text is effective 05/16/08

10. Incarcerated Operators. Notwithstanding any other provision of 211 CMR 134.00, where sufficient information is available, operator credits and surcharges shall be determined in accordance with the provisions of St. 1997, c. 43, s. 130.

134.12: Application of Safe Driver Insurance Plan or Merit Rating Plan

1. 211 CMR 134.12(2) through 211 CMR 134.12(5) shall be required only for Policies issued during a Fixed-and-established Market.

2. Policy Issuance. No Policy subject to 211 CMR 134.00 shall be issued without SDIP Information, except as approved by the Commissioner, and as specified in the MRB Manual(s).

3. Coverage Selections Page. Each Insurer shall assure that the first Coverage Selections Page sent to a Policyholder shows the total premium, correctly adjusted for the operator credit factor, operator surcharge factor or Operator SDIP Step, as applicable, unless an explicit provision of the MRB Manual(s) allows, or the Insurer has requested, and has received from the Commissioner, in writing, a waiver that allows the Insurer to display the total premium adjustment amount for the Policy
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either on a replacement Coverage Selections Page or on an invoice for the Policy, in lieu of displaying it on the initial Coverage Selections Page, as required by 211 CMR 134.12(2).

4. Safe Driver Insurance Plan (SDIP) Statement. For Policies subject to the SDIP during Fixed-and-established Markets, each Insurer shall assure that each Policyholder not eligible for the best credit available, either the Excellent Driver Discount Plus or Operator SDIP Step 9, as applicable, receives a SDIP Statement, which includes an itemization on a form approved by the Commissioner of the total number of operator SDIP points or Operator SDIP Step, respectively, assigned to each Listed Operator. The SDIP Statement and the method of mailing the SDIP Statement to the Policyholder shall conform to the requirements specified in the MRB Manual(s).

5. Policy Application.

   a. For Policies subject to the Safe Driver Insurance Plan on or after January 1, 2006. The process for assigning operators to vehicles shall be consistent with the rules prescribed in the Private Passenger Motor Vehicle insurance manual from which the premium is generated.

   b. For Policies subject to the Safe Driver Insurance Plan prior to January 1, 2006. The Operator SDIP Step will be applied on a per vehicle basis. Operators will be assigned to vehicles using the ratio that one operator-year of exposure equals one vehicle-year of exposure. The Operator SDIP Step for each operator will be calculated by adding to the Neutral Step (Operator SDIP Step 15) the number of points assigned to each Surchargeable Incident classification within the Policy Experience Period and then subtracting one Credit Point for each Incident-free Year.

   1. For Policies Effective in 2005 and Prior. Single Vehicle Policies. The premium adjustment shall be computed by assigning the Listed Operator with the highest Operator SDIP Step to the vehicle producing the highest combined
premium for Parts 1, 2, 4, and 7 of the Massachusetts Private Passenger Motor Vehicle insurance Policy and shall not reflect the Operator SDIP Step of any other Listed Operator. In cases where separate Policies are issued by the same Insurer to the common owner of two or more vehicles, the Listed Operator with the highest Operator SDIP Step is assigned to the vehicle producing the highest combined premium.

The following text is effective 05/16/08

2. For Policies Effective in 2005 and Prior, Multi-vehicle Policies. The premium adjustment shall be computed by assigning the Listed Operator with the highest Operator SDIP Step to the vehicle producing the highest combined premium for Parts 1, 2, 4, and 7 of the Massachusetts Private Passenger Motor Vehicle insurance Policy. For each subsequent vehicle, the premium adjustment shall be computed by assigning the Listed Operator with the next highest Operator SDIP Step to the vehicle producing the next highest combined premium for Parts 1, 2, 4, and 7 of the Massachusetts Private Passenger Motor Vehicle insurance Policy until all vehicles are exhausted. If the number of vehicles exceeds the number of Listed Operators, such excess vehicles shall be assigned to the Operator SDIP Step of the operator with the lowest Operator SDIP Step unless such Operator SDIP Step is above Operator SDIP Step 15. In such case, the excess vehicles shall be assigned to Operator SDIP Step 15. 211 CMR 134.12(5)(b)2. also applies in cases in which separate Policies are issued by the same Insurer to the common owner of two or more vehicles.

3. For Policies Effective in 2005 and prior, Multi-vehicle Billings. An individual’s Operator SDIP Step, if greater than 15, may not be applied on more than one Policy in effect at the same time by either the same or different Insurers.
6. Refunds.

a. For Policies Subject to Merit Rating Plans during Competitive Markets on or after April 1, 2008. Whenever responsibility for an At Fault Accident or a traffic law violation of an Involved Operator is reversed by a court of competent jurisdiction or the Board of Appeal for an incident previously reported and billed, Insurers shall re-rate Policies to exclude the effect of such incident in the calculation of Private Passenger Motor Vehicle insurance premiums.

b. For Policies Subject to the Safe Driver Insurance Plan during Fixed-and-established Markets on or after January 1, 2006. Whenever the number of SDIP Points is decreased by reason of a reversal by the Superior Court or the Board of Appeal of an incident previously reported and billed, Insurers shall re-rate policies to exclude the effect of such accident in the calculation of Private Passenger Motor Vehicle insurance premiums.

c. For Policies Subject to the Safe Driver Insurance Plan during Fixed-and-established Markets Prior to January 1, 2006. Whenever the Operator SDIP Step is decreased by reason of a reversal by the Superior Court or the Board of Appeal of an incident previously reported and billed, Insurers shall re-rate policies to exclude the effect of such accident in the calculation of Private Passenger Motor Vehicle insurance premiums.

7. Affirmative Duty. All Insurers and their producers have an affirmative duty to correctly apply the Safe Driver Insurance Plan’s operator surcharge factor, operator credit factor, Credit Code or Operator SDIP Step, or the premium adjustment calculated in accordance with the Insurer’s Merit Rating Plan, as applicable, for each Listed Operator.
8. Penalties. Failure to correctly apply the Safe Driver Insurance Plan’s operator surcharge factor, operator credit factor, Credit Code or Operator SDIP Step, or the premium adjustment calculated in accordance with the Insurer’s Merit Rating Plan, as applicable, for each Listed Operator may subject the Insurer to penalty set forth in 211 CMR 134.19.

134.13: Earned Premium Not Paid

1. Policies Canceled. In the event of the cancellation of a Policy subject to 211 CMR 134.00 for which the Insurer has billed but failed to collect monies from the Policyholder equal to the earned premium, the Insurer may report the earned but unpaid premium amount to the Merit Rating Board as provided in the MRB Manual(s) within 120 days of cancellation. The Merit Rating Board may reject any submission later than 120 days from the cancellation date.

2. Posting of Unpaid Premium. Upon notification of unpaid earned premium from an Insurer in accordance with 211 CMR 134.13(1), the Merit Rating Board shall post to the account of the Policyholder, a record which so indicates.

The following text is effective 05/16/08

3. Reporting of Unpaid Premium. In response to a request from an Insurer for SDIP Information or Merit Rating Information for a Policy subject to 211 CMR 134.00, the Merit Rating Board shall report to the Insurer any unpaid earned premium, as listed on the Merit Rating Board’s records at time of inquiry, for any Listed Operator.

4. Policy Application. When an Insurer receives a response record from the Merit Rating Board indicating that one or more of the Policy’s Listed Operators has unpaid earned premium due a previous Insurer within the previous year, the current Insurer may take such action, including the refusal to insure, as allowed by law. If the current Insurer does not take any action, the Merit Rating Board shall refuse to accept any unpaid earned premium record for the current Policy.
5. **Offsetting Records.** Each Insurer that has submitted an unpaid premium record to the Merit Rating Board as provided in 211 CMR 134.13(1), and subsequently collects that unpaid earned premium, must, within 30 days of said collection, submit an offsetting record to the Merit Rating Board as prescribed in the MRB Manual(s).

6. **Reporting.** At the Commissioner’s request, the Merit Rating Board shall issue a report to the Commissioner summarizing the following:

   a. The total dollar value of all unpaid earned premium records reported to the Merit Rating Board in the preceding year that have not been offset as provided in 211 CMR 134.13(5).

   b. The total dollar value of all cases in the preceding year wherein unpaid earned premium due a previous Insurer was reported to the current Insurer and the current Insurer did not take any steps to promote the collection of this premium.

134.14: **Reporting of Information**

Insurers shall submit to the Commissioner, to the Merit Rating Board or to the Designated Statistical Agent, such records, statistics, or other compilations of data pertaining to the Safe Driver Insurance Plan, as the Commissioner or the Merit Rating Board may require, in Fixed-and-established and Competitive Markets. The Commissioner shall prescribe the form of such submissions. The Designated Statistical Agent shall send to the Merit Rating Board copies of statistical records and copies of any statistical records forwarded to the Automobile Insurers Bureau of Massachusetts for all policies subject to 211 CMR 134.00, as directed by the Commissioner.

134.15: **Schedule of Surcharge Points**

1. During Fixed-and-established Markets, Surcharge Points will be assigned for each Surchargeable Incident. During a Competitive Market, an Insurer may adopt a Merit Rating Plan with a different system for adjusting premiums for At Fault Accidents.
and traffic law violations than the point system set forth in 211 CMR 134.15(2) through (5). Policies issued during Fixed-and-established Markets with effective dates on or after January 1, 1990 will be assigned the Surcharge Points for each incident type described in 211 CMR 134.15(2) through (5).

2. **Major Accident.** Four Surcharge Points shall be assigned to each major accident, as defined in 211 CMR 134.10(3)(a), that is within the Experience Period of the Policy.

3. **Minor Accident.** Three Surcharge Points shall be assigned to each minor accident, as defined in 211 CMR 134.10(3)(b), that is within the Experience Period of the Policy.

4. **Major Traffic Law Violation.** Five Surcharge Points shall be assigned to each major traffic law violation, as defined in 211 CMR 134.10(3)(c), that is within the Experience Period of the Policy.

The following text is effective 05/16/08

5. **Minor Traffic Law Violation.** Two Surcharge Points shall be assigned to each minor traffic law violation, as defined in 211 CMR 134.10(3)(d), that is within the Experience Period of the Policy. No Surcharge Points shall be assigned to a minor traffic law violation which is the first traffic law violation, as determined by Surcharge Date, within the Policy Experience Period if the disposition of the violation was non-criminal under M.G.L. c. 90C.

6. **Comprehensive Coverage Claims.** During Fixed-and-established Markets, Surcharge Points for Comprehensive Coverage claims may be assigned to policies affording Comprehensive Coverage; however, no points may be assigned unless four or more Comprehensive Coverage claims totaling $2,000 or more have occurred. In establishing the four or more Comprehensive Coverage claims totaling $2,000 or more, claims for damages caused by acts of God shall be excluded.
134.16: Merit Rating Board Liaison

1. Designation. Each Insurer with one or more Policies subject to 211 CMR 134.00 shall designate an employee as its Merit Rating Board liaison and shall notify the Commissioner and the Merit Rating Board in writing of its designation in the manner prescribed in the MRB Manual(s). Within ten working days of the reassignment of a Merit Rating Board liaison, an Insurer shall replace or re-designate its Merit Rating Board liaison and notify the Commissioner and the Merit Rating Board in writing of the replacement or re-designation.

2. Information. Each Insurer shall be responsible for ensuring that its Merit Rating Board Liaison becomes and remains informed of the provisions of 211 CMR 134.00 and of the MRB Manual(s).

134.17: Industry Advisory Committee

The Commissioner shall establish an Industry Advisory Committee that shall consist of at least 12 Merit Rating Board Liaisons and other interested parties appointed by the Commissioner. The Committee shall provide advice to the Commissioner or to the Merit Rating Board concerning 211 CMR 134.00, and to the Merit Rating Board concerning the contents of the MRB Manual(s).

134.18: MRB Manual(s) of Administrative Procedures

The Merit Rating Board shall prepare and distribute, with the assistance of the Industry Advisory Committee specified in 211 CMR 134.17, manual(s) setting forth the administrative rules to be followed by all Insurers in implementing the provisions of 211 CMR 134.00. Copies of any new MRB Manual(s) or any proposed amendment to the MRB Manual(s) prepared in accordance with 211 CMR 134.18 shall be sent to each Merit Rating Liaison and to any other interested party.
134.19:  Penalties

1. Any Insurer or person violating 211 CMR 134.00 shall be subject to a fine of not more than $500 for each violation in accordance with M.G.L. c. 175, s. 194.

2. Any Insurer or person who disseminates or uses SDIP Information or Merit Rating Information from the Merit Rating Board for any purpose other than for motor vehicle insurance purposes or criminal law enforcement purposes shall be subject to a fine of not more than $1,000 for each offense or by imprisonment for not more than one year, or both, in accordance with M.G.L. c. 6, s. 183.

The following text is effective 05/16/08

134.20:  Severability

If any section or portion of a section of 211 CMR 134.00, or its application to any person, entity or circumstance is held invalid by any court, the remainder of 211 CMR 134.00 or the application of such provision to other persons, entities or circumstances shall not be affected thereby.

REGULATORY AUTHORITY

211 CMR 134.00: M.G.L. c. 175, s. 113B; c. 273, s. 38;. c. 175A, s. 15; and c. 175E, s. 10.

The following text is effective 05/16/08
APPENDIX A: TRAFFIC LAW VIOLATIONS
The following abbreviations are used in Appendix A:

M.G.L. c..., s. ...                  Chapter and Section of the
Massachusetts General Laws
“...CMR...”,                        Code of Massachusetts
Regulations

MAJOR TRAFFIC VIOLATIONS

Driving to endanger or reckless driving                                M.G.L. c. 90, s. 24
Leaving Scene of Accident after Injuring                                 M.G.L. c. 90, s. 24
a Person
Leaving Scene of Accident after Injuring                                 M.G.L. c. 90, s. 24
a Property
Leaving Scene of Personal Injury and Death                               M.G.L. c. 90, s. 24 Liquor
and narcotics, operating under the
influence of (including assignment to a
driver alcohol education program or
controlled substance treatment or
rehabilitation program under

M.G.L. c. 90, s. 24D
M.G.L. c. 90, s. 24

Liquor and Narcotics, operating under the
influence of and reckless operation
causing serious injury
Operating after revocation of license                                     M.G.L. c. 90, s. 23
Operating after Suspension of Driver's License                            M.G.L. c. 90, s. 23
Refusing to Stop for Officer                                              M.G.L. c. 90, s. 25
Vehicular homicide                                                         M.G.L. c. 90, s. 24G
Manslaughter (only if by Motor Vehicle)                                   M.G.L. c. 265, s. 13

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Out-of-state incidents to be counted as Major Violations:
Operating under the influence of liquor and/or narcotics,
(including assignment to a driver alcohol education program)
Vehicular homicide

ADDITIONAL
MAJOR TRAFFIC VIOLATIONS FOR INCIDENTS
THAT OCCUR ON OR AFTER OCTOBER 28, 2005

OUI while license suspended for OUI M.G.L. c. 90, s. 23
Child endangerment while OUI M.G.L. c. 90, s. 24V
Manslaughter while OUI M.G.L. c. 265, s. 13

ADDITIONAL
MAJOR TRAFFIC VIOLATIONS FOR INCIDENTS
THAT OCCUR ON OR AFTER JANUARY 1, 2006

Permit unlicensed suspended operation of MV M.G.L. c. 90, s. 12(b)
Permit operation without ignition interlock M.G.L. c. 90, s. 12(c)
Operate without ignition interlock M.G.L. c. 90, s. 24S(a)
Tamper with ignition interlock M.G.L. c 90, s. 24T(a)
Bypass ignition interlock for another M.G.L. c. 90, s. 24U(a)(1)

MINOR TRAFFIC VIOLATIONS

Accident, hit and run M.G.L. c. 90, s. 24
Alleys and driveways, emerging from, must stop 720 CMR 9.06(20)
Allowing vehicle to stand unattended, motor running M.G.L. c. 90, s. 13
Anything on or in vehicle or on person interferes with operation M.G.L. c. 90, s. 13
Attempting a speed record M.G.L. c. 90, s. 13
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Entry into excluded area - construction zone

Entry into restricted area - general

Entry into restricted area - left lane restrictions

Exhibit another license

Failure to ascertain if it is safe to change lanes

Failure to comply with orders

Failure to keep to the right when turning right

Failure to fasten a trailer to a tow vehicle with proper safety chains

Failure to give proper stopping or turning signals

Failure to keep in right lane

Failure to keep to right when view is obstructed up to 400 feet

M.G.L. c. 89, s. 7

730 CMR 7.08(12)(b)

730 CMR 7.08(11)(a)

730 CMR 7.08(11)(b)

M.G.L. c. 90, s. 23

M.G.L. c. 89, s. 4A

730 CMR 7.08(1)(b)

M.G.L. c. 90, s. 14

350 CMR 4.01(4)

720 CMR 9.06(16)

730 CMR 7.08(17)(c)

M.G.L. c. 90, s. 14

M.G.L. c. 90, s. 7

M.G.L. c. 90, s. 14

350 CMR 4.01(4)

730 CMR 7.08(17)(c)

M.G.L. c. 89, s. 4B

350 CMR 4.01(4)

720 CMR 9.06(16)

730 CMR 7.08(13)(a) & (b)

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   lowered                                    
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Hit and run, property damage                 M.G.L. c. 90, s. 24
Horn, improper use of                        730 CMR 7.08(21)
Horn, operating without                      M.G.L. c. 90, s. 7
Horn, sound when necessary                   720 CMR 9.06(15)
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   vehicle                                   
Improper entry to a way                      730 CMR 7.08(7)
Improper passing                             M.G.L. c. 89, s. 1
Improper use of cutouts                      730 CMR 7.08(20)
Inadequate equipment (brakes, directional     730 CMR 7.08(27)
signals, lights or safety devices)           
Inspection sticker, failure to display        M.G.L. c. 90, s. 20
   730 CMR 7.08(26)                           
Inspection sticker, operating without         M.G.L. c. 90, s. 7A
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Interfering with sign                         730 CMR 7.08(1)(a)
Intersecting way, slow down when              M.G.L. c. 90, s. 14
   approaching                                
Junior operator’s license, operating in       M.G.L. c. 90, s. 8
   violation of                               
Keeping to the right when overtaking another  730 CMR 7.08(13)(a) & (b) 
   vehicle
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The following text is effective 05/16/08

| Making a turn from the wrong lane of traffic | M.G.L. c. 90, s. 14 |
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| Meeting other vehicles, exercise due care when | M.G.L. c. 89, s. 1 |
| Minimum separation | 730 CMR 7.06(5)(f)4. |
| Mirrors and reflectors, operating without proper | 730 CMR 7.06(6)(e)4. |
| Motorcycle, operating without proper equipment, lights and headgear | M.G.L. c. 90, s. 7 |
| Motorcycle, no more than two abreast | M.G.L. c. 89, s. 4A |
| Motorcycle, no passenger unless machine so designed | M.G.L. c. 90, s. 13 |
| Motorcycle, single file when passing | M.G.L. c. 89, s. 4A |

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Negligently operating M.G.L. c. 90, s. 24
No stopping 730 CMR 7.08(5)(a)
730 CMR 7.06(5)(f)5.
730 CMR 7.06(6)(e)5.
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Not yielding to oncoming vehicles when
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730 CMR 7.08(6)(c)

Speed, operating at dangerous speed  
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Speed, school bus  
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The following text is effective 05/16/08

Tailgating  
720 CMR 9.06(7)

Television in operator’s view  
M.G.L. c. 90, s. 13

Throughways, right of way  
M.G.L. c. 89, s. 9

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M.G.L. c. 89, s. 4C
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M.G.L. c. 89, s. 8
Violation of gubernatorial by-laws on ways of the Commonwealth  
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Wrong direction in Sumner, Callahan, or Ted Williams Tunnel  
730 CMR 7.05(2)
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730 CMR 7.05(1)
“Yield sign,” failure to surrender to oncoming traffic, stop if necessary  
720 CMR 9.06(14)

All out-of-state minor traffic violations which can be classified in any one of the above categories shall be counted as minor traffic violations for the purposes of 211 CMR 134.00.

ADDITIONAL MINOR TRAFFIC VIOLATIONS FOR INCIDENTS THAT OCCUR ON OR AFTER JANUARY 1. 2006

Employ unlicensed operator  
M.G.L. c. 90, s. 12(a)

The following text is effective 11/22/13

Click here for the Commonwealth of Massachusetts listing of Citable Motor Vehicle Offenses and CMVI Assessments.

Click here for FAQ’s on Motor Vehicle Citations.
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Safety & Emissions Inspection 540 CMR 4.00

540 CMR 4.00 Periodic Annual Staggered Safety & Combined Safety & Emissions Inspection for all Motor Vehicles, Trailers, Semi-trailers and Converter Dollies

4.01: Scope and Applicability
4.02: Special Definitions
4.03: Requirements for Initial and Subsequent Annual Inspection
4.04: Procedures for Inspections of Non-commercial Motor Vehicles
4.05: Procedures for Inspection of Commercial Motor Vehicles
4.06: Procedures for Inspection of Motorcycles
4.07: Issuance of Certificates of Inspection, Rejection, and Waiver Procedure
4.08: Licensure of Inspection Stations
4.09: Licensure of Inspectors - License Application Procedures and Fees

4.01: Scope and Applicability

540 CMR 4.00 is adopted by the Registrar of Motor Vehicles pursuant to the authority of M.G.L. c. 90, s. 31. 540 CMR 4.00 establishes Rules and Regulations for the Safety and Combined Safety and Emissions Inspections of all motor vehicles registered in the Commonwealth of Massachusetts under the authority of M.G.L. c. 90, s. 7A. 540 CMR 4.00 also establishes regulations for the issuance of various inspection certificates pursuant to M.G.L. c. 90, s. 7V(a), (b) and (c), and Regulations for the licensing of stations and inspectors pursuant to M.G.L. c. 90, s. 7W. The failure of a motor vehicle to meet the requirements of the Safety and Combined Safety and Emissions Inspections will result in the suspension of the vehicle’s certificate of registration pursuant of M.G.L. c. 90, s. 20.

4.02: Special Definitions

In addition to the definitions set forth in M.G.L. c. 90, s. 1, the following special definitions shall also apply:

Antique Motor Car shall mean any motor vehicle which has been assigned an antique registration plate.

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ALARS shall mean the Automated Licensing and Registration Systems used by the Registry of Motor Vehicles.

Certificate of Inspection shall mean a serially numbered, adhesive sticker, device, document or symbol, as may be prescribed by the Registrar, indicating a motor vehicle or motorcycle has met the inspection requirements established by the Registrar. The Registrar may prescribe the use of one or more categories of said Certificates.

Certificate of Rejection shall mean a serially numbered, adhesive sticker, device, document or symbol, as may be prescribed by the Registrar, indicating a motor vehicle or motorcycle has failed to meet the Safety and Combined Safety and Emissions Inspection requirements.

Certificate of Waiver shall mean a serially numbered device or symbol, as may be prescribed by the Registrar, indicating that the requirement of passing the Emissions portion of the Combined Safety and Emissions Inspection has been waived for a vehicle pursuant to 540 CMR 4.00.

Class A License shall mean the license issued to a Public or Fleet inspection station conducting non-commercial light duty gas and diesel inspections of vehicles 10,000 lbs Gross Vehicle Weight Ratings (GVWR) or less.

Class B License shall mean the license issued to a Public or Fleet inspection station conducting commercial and non-commercial light and medium duty gas and diesel inspections of vehicles 26,000 lbs. (GVWR) or less including light-duty pole or pull trailers only.
The following text is effective 09/05/08

**Class C License** shall mean the license issued to a Public or Fleet inspection station conducting all commercial medium and heavy duty inspections of vehicles over 10,000 lbs, (GVWR) including all trailers, semi-trailers and converter dollies.

**Class D License** shall mean the license issued to a Public or Fleet inspection station conducting all commercial and non-commercial light, medium and heavy duty inspections of all vehicles including all trailers, semi-trailers and converter dollies.

**Class E License** shall mean the license issued to a Public or Fleet inspection station conducting heavy duty commercial inspection of vehicles over 26,000 lbs. (GVWR) including all trailers, semi-trailers and converter dollies.

**Class F License** shall mean the license issued to an individual or corporation performing inspections on commercial vehicles or school pupil transport vehicles of all fuel types and weights, including all trailers, semi-trailers and converter dollies, owned or leased by a fleet, using mobile equipment for the performance of such vehicle inspections. The performance of commercial vehicle inspections at multiple repair and maintenance facilities owned by the fleet shall be subject to the following conditions:

a. The repair facility shall consist of a building on-site with a discernible address for the purposes of fleet administration. Said fleet is contracting the inspection of existing commercial vehicles with gross vehicle weight ratings of 10,001 pounds or more, including all trailers, semi-trailers and converter dollies to the Class F Licensee at the same physical location.

b. Vehicles owned or leased by said fleet and registered as “noncommercial” motor vehicles shall not be eligible for inspection by Class F Licensees.
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c. Noncommercial motor vehicles furnished for regular use by individual employees of said fleet shall not be eligible for inspection by Class F Licensees.

d. All Class F Licensees utilizing mobile equipment for the testing of such commercial vehicles, trailers, semi-trailers or converter dollies owned or leased by said fleet shall have on-site OBD, opacity or any other emissions equipped workstation capable of performing such emissions inspections as required by 310 CMR 60.02.

e. The annual number of commercially registered vehicles, trailers, semi-trailers or converter dollies inspected by Class F Licensees with gross vehicle weight ratings of less than 10,001 lbs shall not exceed the annual number of commercially registered vehicles with gross vehicle weight ratings of more than 10,001 lbs. (GVWR)

**Class M License** shall mean the license issued to a Public or Fleet Inspection Station conducting motorcycle inspections.

**Commercial Motor Vehicle Inspector** shall mean an individual licensed by the Registrar as properly qualified under 540 CMR 4.08(1)(h).

**Commercial Motor Vehicle** shall mean any motor vehicle which is not a private passenger motor vehicle, antique motor car, motorcycle, auto home, house trailer, taxicab, ambulance, hearse, livery vehicle, or school pupil transport vehicle. A commercial motor vehicle shall include the following vehicles:

a. The vehicle has a gross vehicle weight rating or gross combination weight rating of 10,001 or more pounds; or

b. The vehicle is designed to transport more than 15 passengers, including the driver; or

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c. The vehicle is used in the transportation of hazardous materials in a quantity requiring placarding in accordance with the Hazardous Materials Regulations of the United States Department of Transportation. Any commercial motor vehicle that singularly has a gross vehicle weight rating of 10,001 pounds or less and is designed to meet emissions standards, shall be submitted for an emissions inspection in addition to all applicable safety inspection requirements; or

d. A single, full or semi-trailer, used in commerce, with a manufacturer’s gross vehicle weight rating over 3,000 lbs; or

e. Any vehicle which has a vehicle weight, or curb weight, of more than 6,000 pounds, as per the manufacturer’s description of said vehicle, unless such vehicle is a sport utility vehicle or passenger van, or a pickup truck or cargo van meeting the definition of private passenger vehicle; or

f. Any vehicle which has five or more wheels on the ground.

The following text is effective 09/05/08

**Commissioner** shall mean the Commissioner of the Department of Environmental Protection for the Commonwealth.

**DEP** shall mean Department of Environmental Protection. Dynamometer shall mean a device which applies a load to a vehicle’s drive wheels during an emissions inspection while the vehicle is being operated in a stationary, secure position to simulate actual driving conditions.

**Exempt Vehicles From Emission Standards** shall mean any motor vehicle exempted under 310 CMR 60.02 and in accordance with M.G.L. c. 111, s. 142M.
Federal Motor Carrier Safety Regulations shall mean the most current published edition of Title 49 U.S.C. Parts 390 to 397 including appendix G as identified by USDOT/FHWA/OMC.

Fleet Inspection Station shall mean a business which owns or maintains a fleet of at least 25 motor vehicles and maintains a garage for the repair and maintenance of those vehicles and is licensed by the Registrar to perform the Safety or Combined Safety and Emissions Inspection on its motor vehicles or motor vehicles owned by other fleets that are in the same vehicle class.

Fleet Inspection Station for Commercial Motor Vehicles shall mean an Inspection Station licensed by the Registrar to perform Safety or Combined Safety and Emissions Inspections on Commercial Motor Vehicles.

General Registration Holder shall mean any manufacturer, dealer, repairman, owner-contractor, transporter, farmer, dealer in recreational vehicles, trailers, boat trailers, or forester, all as defined in M.G.L. c. 90, s. 1 and regulated by 540 CMR 18.00, who has been issued a general registration plate pursuant to M.G.L. c. 90, s. 5.

Inspection Station Agreement shall mean the contract between the Network Contractor and the Inspection Stations which sets forth their respective responsibilities and duties.

Licensed Inspector shall mean an individual licensed by the Registrar in accordance with 540 CMR 4.00 as properly trained to perform a Massachusetts Motor Vehicle Safety and/or Emissions Inspection.

Licensee shall mean a holder of an Inspection Station License of any Class issued in accordance with 540 CMR 4.00.
Mobile Commercial Motor Vehicle Inspector shall mean an individual, certified and licensed, who meets the requirements of 540 CMR 4.00 who may inspect commercial motor vehicles and school pupil transport vehicles at a repair facility of any commercial motor vehicle operation that meets the minimum requirements for inspections prescribed for Commercial Vehicle Inspection Facilities by the Registrar.

Network Contractor shall mean the private entity which contracts with the DEP and RMV to develop, manage and implement the enhanced emissions and safety inspection program on accordance with St. 1997, c. 240.

New Car Endorsement shall mean an endorsement to a class A, B or D license which permits class 1 automobile dealers to inspect new vehicles under 10,000 GVWR prior to delivery to a customer in accordance with 310 CMR 6.02: Initial Inspection of New Motor Vehicles and in accordance with all regulations, policies and procedures promulgated by the Registrar.

Out of Service Criteria shall mean the most current “Out of Service Criteria” as prescribed in the North American Uniform Out-of-service Criteria published by the Commercial Vehicle Safety Alliance (CVSA).

The following text is effective 09/05/08

Referee Station shall mean a location which may be designated by the Registrar to verify the accuracy of inspections performed by Licensed Inspection stations and to grant certificates of waiver.

Registrar shall mean the Registrar of Motor Vehicles.

Semi-trailer shall mean a trailer designed and used in combination with a tractor so that some part of the weight of the trailer and that of its load rests upon, and is carried by, the tractor.
Trailer shall mean any vehicle or object on wheels and having no motor power of its own, but is drawn by, or used in combination with, a motor vehicle.

Turnaway Document shall mean a document created by a Workstation and provided to an operator by an inspection station explaining the reason(s) a particular vehicle can not be tested.

Windshield Replacement Certificate shall mean a serially numbered adhesive sticker, device or symbol as prescribed by the Registrar to be used in conjunction with any legible valid Certificate of Inspection, irrespective of any void displayed, removed due to the replacement of a windshield and displayed on the newly installed windshield on the same vehicle. Such Certificate shall be issued in accordance with all regulations, policies and procedures established by the Registrar.

Workstation shall mean the complete set of inspection equipment approved by the Department and required by the Registrar for an inspection station.

7D Endorsement shall mean an endorsement to a class A, B, D or F license which permits the Licensee to inspect 7D (pupil transport) vehicles in accordance with M.G.L. c. 90, s. 7D and 540 CMR 21.00.

4.03: Requirements for Initial and Subsequent Annual Inspection

1. General Provisions. Every owner or person in control of a Massachusetts registered motor vehicle shall submit the vehicle for inspection under 540 CMR 4.03(1)(a) through (i):

a. Inspection Upon Registration. Every owner or person in control of a motor vehicle which is newly acquired in the Commonwealth shall submit such motor vehicle for a required inspection within seven days of the date on which the motor vehicle is registered to said owner in the Commonwealth.
Section 2: Inspection and Requirements

b. **Subsequent Inspection.** Every owner or person in control of a Massachusetts registered motor vehicle shall submit the vehicle for the required inspection annually, no later than the date of expiration on the previously issued Certificate of Inspection or as notified in a manner prescribed by the registrar. Early renewals are permitted.

c. **Validity of Certificates of Inspection.** Certificates of Inspection displaying void(s) due to a windshield replacement, which are also displaying a duly issued Windshield Replacement Certificate, shall be valid until the expiration of the Certificate of Inspection or when ownership of the vehicle is transferred, or as notified in a manner prescribed by the Registrar, whichever occurs first.

d. **General Registration Holders.** Every motor vehicle owned by a General Registration holder, except for motor vehicles held for sale and demonstration by a dealer, shall be inspected pursuant to 540 CMR 4.00.

e. **Farm Tractor.** Any tractor or other self-propelled vehicle used exclusively for agricultural or farming purposes, except automobiles and trucks, the use of which is declared by the owner or person in control thereof to be restricted to the period from a half hour before sunrise to a half hour after sunset and which is operated in or upon any way during such period shall be inspected and shall be equipped with one stop light and with brakes as manufactured, including a stationary brake with ratchet and pawl.

f. **Temporary Registration Plates.** Motor vehicles bearing temporary registration plates shall be inspected in accordance with the 540 CMR 4.00.

g. **Out of State Registration.** Motor vehicles submitted for inspection that are registered in any other state or jurisdiction shall be inspected in accordance with the applicable provisions of 540 CMR 4.00 and the policies and procedures established by the Registrar.
h. Inspection upon Return to Commonwealth. A motor vehicle which is not garaged or operated within the Commonwealth during its assigned inspection period may be operated for 15 days after its return to the Commonwealth if the motor vehicle bears satisfactory proof of adequate Emissions or Safety and Emissions Inspection from another jurisdiction. The owner or person in control of the vehicle shall submit the vehicle for required inspection within said 15 days. A motor vehicle which is not garaged or operated within the Commonwealth during its assigned inspection period may be operated for three days after its return to the Commonwealth if the motor vehicle does not bear satisfactory proof of inspection from another jurisdiction. The owner or person in control of the vehicle shall submit the vehicle for required inspection within said three days. All vehicles actively registered which are either not garaged or operated within the Commonwealth or temporarily off the road and unable to be inspected during their assigned inspection period must notify the registrar no later than the date of expiration on the previously issued Certificate of Inspection in a manner prescribed by the registrar.

i. Common Carrier Motor Vehicles. The mandatory inspection requirements of 540 CMR 4.00 are not a substitute for any inspection which may be required by the Department of Public Utilities pursuant to M.G.L. c. 159A.

4.04: Procedures for Inspection of Non-commercial Motor Vehicles

1. Prior to beginning inspection, a visual check of the vehicle shall be made to determine that ice and snow accumulation or the condition of the suspension system will not impede or interfere with the proper aiming of headlamps, or that any space saver temporary spare tire is mounted on any axle.

a. The Certificate of Registration shall be inspected and the information contained thereon, including license plate, vehicle description, and vehicle identification number, shall be verified by observation of the subject vehicle. The information
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Safety & Emissions Inspection 540 CMR 4.00

contained on the Certificate of Registration shall also be matched with the vehicle information accessible to the workstation. The data appearing on the Registration Certificate, the data accessible on the Workstation, the data appearing on the vehicle license plate, and the vehicle identification number and description must match in order for the inspection to proceed. No fee shall be assessed for an inspection which does not proceed due to a data match failure.

b. Turnaway Document must be given to the operator of any vehicle refused for inspection due to an incorrect vehicle identification number, registration number, or for any reason a vehicle is otherwise refused for inspection.

c. No certificate of registration need be produced for a vehicle having a general registration issued in accordance with the provisions of M.G.L. c. 90, s. 5. Either a photocopy of the original certificate of registration or the original certificate of registration may be produced for all other motor vehicles.

d. A licensed inspector may refuse to conduct an inspection if the motor vehicle’s registration is determined to be invalid.

2. Inspection of the Vehicle. All inspections must be performed in accordance with the applicable provisions of 540 CMR 4.00 and 310 CMR 60.02 by licensed inspectors in the inspection bay or area approved for inspections by the Registrar.

a. Inspectors must first collect the proper fee for the inspection.

b. License plate(s), shall be undamaged, securely mounted, clean and clearly visible. No bumper, trailer hitch or other accessory may interfere with a clear view of the license plates. The license plate must be mounted in the proper location on the rear of the vehicle if the vehicle has been issued one plate. Both license plates must be mounted in the proper location on the rear and front of the vehicle, if the vehicle has been issued two plates. Any decorative license plate or license plate replica not issued by the Registry of Motor Vehicles on which any jurisdiction name appears must be removed from the vehicle.

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c. General Registration Holders, every motor vehicle in possession of a general registration shall be checked for the proper display of the compliance decal issued pursuant to 540 CMR 18.03. The Vehicle Identification Number (V.I.N.) and Registration Number indicated on the decal shall correspond with such numbers as observed by the inspector on the vehicle inspected. This requirement does not apply to motor vehicles owned or registered by a dealer and displaying a dealer plate.

The following text is effective 09/05/08

d. Upon the successful completion of the inspection and determination by the inspector that the vehicle meets all inspection requirements, the inspector shall remove the old Certificate of Inspection from the windshield and affix the new Certificate of Inspection and provide the motorist with all inspection documentation and program literature as required.

e. A vehicle which is determined not to meet all inspection requirements shall be issued a Certificate of Rejection.


a. Exemptions. The following motor vehicles are exempt from emissions testing: Any vehicle exempted pursuant to 310 CMR 60.02(3)(b) and in accordance with M.G.L. c. 111, s. 142

b. Conformance with Environmental Standards. All Emissions Inspections shall be performed in accordance with the applicable provisions of 310 CMR 60.02 and 540 CMR 4.00, and any written policies or procedures provided by the Registrar or the Commissioner.

4. Brakes. (Non Commercial Vehicles)

a. The inspector shall operate the vehicle to test the parking and service brake. The parking brake on all vehicles will be tested by accelerating the motor to approximately 1,200 to 1,300 RPMs with the vehicle in the lowest forward
gear against the brake in the applied position. The vehicle will be rejected if the parking brake will not hold. The service brakes will be tested at a speed of between four and eight MPH. Service brakes must be reasonably equalized so that the vehicle does not pull to either side when applied. A test with the brake meter shall be made at a speed of 15 to 25 MPH in all questionable cases.

b. Brakes shall be adequate to stop the vehicle from a speed of 20 MPH in not more than the following distances:

<table>
<thead>
<tr>
<th>Type of Brake</th>
<th>Category</th>
<th>Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Service (foot) Brake</td>
<td>Pleasure Vehicles</td>
<td>30 feet</td>
</tr>
<tr>
<td></td>
<td>Trucks and Buses</td>
<td>40 feet</td>
</tr>
<tr>
<td>Parking (hand) Brake</td>
<td>All Vehicles</td>
<td>80 feet</td>
</tr>
</tbody>
</table>

c. Additional Requirements For Types of Brake Systems.

1. Hydraulic Brake Systems. While the vehicle is stopped, apply approximately 125 pounds foot-force to the brake pedal and hold for ten seconds. Reject the vehicle if the brake pedal height cannot be maintained or if less than 20% of the total available brake pedal travel remains or if the brake failure warning light on vehicles so equipped illuminates.

2. Power Brake Systems. Stop the vehicle engine and depress the brake pedal several times to eliminate all vacuum in the system. Depress pedal with a light force, approximately 25 pounds foot-force and while maintaining this force on pedal, start the vehicle engine and observe if pedal moves slightly with engine running. The vehicle will be rejected if the pedal does not move slightly as the engine is started while pressure on the brake pedal is maintained. During the inspection of the vehicle, the condition of visible hydraulic components should be checked. The vehicle shall be rejected if evidence of fluid leaks or chafing, cracking, swelling, restriction or other damage exists on hydraulic tubing or hoses or if they are not securely fastened or improperly retained.
5. **Muffler and Exhaust System.** Accelerate motor to test for prevention of unnecessary noise and emission of any unreasonable amount of smoke. The exhaust system, exhaust manifold(s), exhaust pipe(s), muffler(s), and tailpipe(s), if designed to be so equipped, shall be tight and free of leaks. System components shall be securely fastened with fasteners in place and undamaged. All motor vehicle exhaust systems shall discharge the exhaust beyond operator, passenger, and/or trunk compartment. Unnecessary noise is herein defined as any noise which is louder than that emitted by the vehicle when equipped with the original manufacturer’s equipment. A gas or diesel vehicle will be rejected if, at normal operating temperature, when at idle or any constant speed, visible black or blue exhaust emissions are evident.

6. **Steering and Suspension.**

   a. Check for free steering by turning the steering wheel through a full right and left turn. Reject a vehicle if binding or interference occurs during the procedure. With the front wheels in the straight ahead position (and the engine running on vehicles equipped with power steering) measure lash or lost movement at the steering wheel rim.

   The following text is effective 09/05/08

   b. Lash or lost movement on passenger cars and station wagons, as measured at the steering wheel rim, should not exceed two inches if the vehicle is equipped with manual steering. Lash or lost movement on antique motor vehicles will be measured by steering wheel diameter in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Steering Wheel Diameter</th>
<th>Lash (shall not exceed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>16 inches</td>
<td>2 inches</td>
</tr>
<tr>
<td>18 inches</td>
<td>2 1/4 inches</td>
</tr>
<tr>
<td>20 inches</td>
<td>2 1/2 inches</td>
</tr>
<tr>
<td>22 inches</td>
<td>2 3/4 inches</td>
</tr>
<tr>
<td>Antique Motor Vehicles</td>
<td>Over 1/8 turn</td>
</tr>
</tbody>
</table>
c. The front end (each side) of all vehicles will be raised by jacking and visually
examined. Vehicles equipped with ball joints will be raised and checked in
accordance with the applicable manufacturer’s specifications.

d. Reject a vehicle with excessive wear or play in any part of the steering
mechanism or of the vehicle that would affect proper steering.

e. Reject a vehicle with broken, bent or missing shock absorbers or suspension
springs.

7. Horn. Sound horn to test for adequate signal. The horn must be securely fastened
to the vehicle.

8. Glazing, Mirrors and Windshield Wiper(s).

a. All glazing originally equipped on the vehicle must be in place.

b. Windshield Critical Viewing Area is the area covered by the sweep of the
wiper(s) exclusive of the outer two inches within the perimeter of the wiper(s)
sweep, provided by the vehicle manufacturer.

c. Windshields having any of the following defects will be rejected:

1. Any broken glass with sharp or jagged edges inside or outside.

2. Any stone bruise, star break, or bulls eye, damage in excess of one inch in
diameter within the critical viewing area or larger than two inches outside
the critical viewing area, or multiple such damage.

3. Single line cracks which extend more than three inches into the critical
viewing area.

4. Multiple cracks, having one or more which extends into the critical viewing
area.

5. Wiper scrape(s) in excess of 1/4 inch wide within the critical viewing area.
6. Clouding extending more than three inches within the perimeter of the exposed glass.

7. No poster, sticker decal or any other item shall be attached to the windshield in such a manner so as to obstruct the vision of the operator.

8. Any tinting or reflective material applied by brush, spray, or adhesive which is below the uppermost six inches of the windshield or which may encroach upon the drivers direct forward viewing area. (All such tinting provided by the original manufacturer in compliance with applicable Federal Motor Vehicle Safety Standards is acceptable.)

d. Rear Windows. Rear windows, if originally equipped, must allow an unobstructed view to the rear, unless the vehicle is equipped with two outside rear view mirrors.

e. Windshield Wiper(s). Test for Proper Operation. Windshield wipers must work as originally designed. If the vehicle was equipped with two wipers, as furnished by the manufacturer, both must be maintained in good working order. Wiper blades must properly contact the windshield and, be of the same length as those furnished as original equipment. The rubber elements shall be free from damage or tears.

f. Windshield Cleaner. If the vehicle was equipped with windshield cleaner equipment as furnished by the manufacturer, units must be maintained in good working order.

g. Window Tinting. Aftermarket tinting or alterations that do not change the transparency beyond that of the standards set forth in 49 CFR Part 571.205 is acceptable on windows immediately adjacent to the operator and front passenger seat, the windows immediately to the rear of the operator and front passenger seat and the rear window. If the rear window has any aftermarket tinting or alterations, the vehicle must be equipped with two outside rear view mirrors. The windshield may only be tinted down to the AS-I line usually located...
in the uppermost six inches of the windshield. 540 CMR 4.04(8)(g) shall not apply to the following:

1. All window tinting as provided by the original manufacturer that is in compliance with applicable Federal Motor Vehicle Safety Standards.

The following text is effective 09/05/08

2. Authorized vehicles used to transport K-9 teams.

3. Vehicles registered out of state.

4. Vehicles for which a medical exemption has been issued by the Registry of Motor Vehicles.

5. All windows to the rear of the operator’s seat on vehicles used for public livery, except taxicabs.

6. Any vehicle registered to the federal, state or local law enforcement agencies.

7. Vehicles registered to watch guard or patrol agencies licensed under the provisions of M.G.L. c. 147, s. 20 or M.G.L. c. 122, s. 63.

9. **Rear View Mirrors.** Each motor vehicle shall be equipped with at least one mirror so placed and adjusted as to afford the operator a clear, reflected view of the highway to the rear and left side of the motor vehicle. All mirrors as furnished by the manufacturer must be in place and maintained in good working order. Check mirrors) and reject if:

a. Mirror is cracked, broken, tarnished or reflective surface is peeled.

b. Mirror will not hold adjustment or is not mounted securely to prevent excessive vibration. The mirror contains sharp edges, projections or irregular indents capable of producing injury.
10. Lighting Devices.

a. Tail Lights. Every motor vehicle, except a two wheeled motorcycle, an antique motor car, and a farm tractor, shall be equipped with two red lights (tail lamps) mounted one at each side of the rear of the vehicle so as to show two red lights from behind and equipped with two stop lights (stop lamps) mounted and displayed in a like manner. A single lamp may combine both of the above functions. Every motor vehicle shall be equipped with a white light so arranged as to illuminate the rear number plate so that it is plainly visible at 60 feet.

b. Directional. Front and rear directional signals will be operable on every vehicle originally equipped with such signals. Every motor vehicle registered in the Commonwealth, which was manufactured for the model year 1967 and for subsequent model years, shall be equipped with a device to permit the front and rear directional signals to flash simultaneously.

c. Headlamps. Headlamp aim shall be checked in accordance with the specifications as most recently provided by the Registrar.

d. Sighting Devices and Reflectors. All lighting devices and reflectors required by applicable Federal Motor Vehicle Safety Standards for all motor vehicles when the particular vehicle was originally manufactured and such devices required by Massachusetts General Law or Rules and Regulations applicable to the particular vehicle inspected shall be securely attached to the vehicle and capable of performing their design functions. Lenses must be intact, clean, unobstructed, and free from cracks. The use of adhesive tape to repair lenses is prohibited.

e. Aftermarket Lighting. Any aftermarket lighting inconsistent with FMVSS 108 or M.G.L. c. 90 shall be removed or the vehicle shall be rejected.
11. **Tires.**

a. A certificate of rejection shall be issued to any vehicle submitted for inspection with a tire mounted which exhibits any of the following conditions:

1. Fabric break or cut in excess of one inch; bump or knot evidencing deterioration of the tire structure; or any ply or cord structure visible.

2. For tires without tread wear indicators: Measurement taken with tread depth gauge reveals less than 2/32 inch of tread depth is present in any original tread groove.

3. For tires with tread depth indicators: Tire is worn so that any tread wear indicator contacts the road.

4. Studded tires between May 1” and November 1” unless approved by the Registrar.

5. Restricted markings indicating usage limited to any condition other than permanent highway use.

6. Radial ply tire(s) on the same axle with non radial tire(s); Radial tire(s) on the front axle with non-radial tire(s) on the rear axle (Exception: Vehicles equipped with dual rear wheels may have radial and non radial tires on any axle provided they are not intermixed on the same axle).

7. Tire size shall be the same on each side of the front and/or rear axle. Tire size may be different between front and rear axles as determined by vehicle manufacturer.

The following text is effective 09/05/08

b. **Wheels.** Wheel Bolts, Nuts or Lugs. A certificate of rejection shall be issued to any vehicle submitted for inspection which exhibits any of the following conditions:
1. Any part of any mounted wheel is bent, cracked, rewelded, damaged or has elongated bolt holes which may affect safe operation of the vehicle.

2. Wheel bolts, nuts, studs or lugs are loose, missing, damaged or are not compatible for use with wheel design.

12. **Bumpers, Fenders, External Sheet Metal and Fuel Tank.** A Certificate of Rejection shall be issued if any of the following conditions are evident:

   a. **Bumpers.** Broken or bent bumpers, fenders, exterior sheet metal or moldings, having sharp edges or abnormal protrusions extending beyond normal vehicle extremities so as to constitute a danger to pedestrians and other motor vehicle traffic. If bumper face plates are removed, bumper brackets must also be removed. On vehicles equipped with air bags, the front bumpers may not be removed. The vehicle hood, door(s), luggage compartment lid, and battery or engine compartment doors or lids, if so equipped, must operate as originally designed.

   b. **Fenders.** Front and rear fenders must be in place on all vehicles manufactured after model year 1949 if such vehicles were designed and manufactured to be operated with front and rear fenders. Every passenger motor vehicle under 10,000 lbs. (GVWR), except four wheel drive vehicles which are equipped with tires which extend beyond the fenders or body of such vehicle shall be equipped with flaps or suitable guards to reduce such spray or splash to the rear and side.

   c. **Floor Pans.** Holes or cracks, due to rust or otherwise, in the floor pans or other body panels which would permit the passage of exhaust gases into the passenger or trunk compartments.

   d. **Fuel Tanks.** Fuel tanks and all fuel system components including fuel caps which are not securely attached to the vehicles body or chassis, or that are leaking.
13. **Altered Vehicle Heights.** The original manufacturers specified height of motor vehicles with an original manufacturers gross vehicle weight rating of 10,000 pounds or less shall not be altered by elevating or lowering the chassis or body by more than two inches, except that four-wheel drive motor vehicles with a original manufacturer’s gross vehicle weight rating of 10,000 pounds or less may be altered in accordance with the provisions of 540 CMR 6.00. The Registrar may periodically provide approved altered vehicle height specifications for said four-wheel drive vehicles. Any motor vehicle altered, modified, or changed beyond the aforementioned two inches, or the Registrar’s approved altered height specifications, shall be rejected.

14. **Safety Belts.** Lap Belts and Shoulder Restraints. Safety belts, lap belts and shoulder restraints originally installed in motor vehicles manufactured after July 1, 1966 shall be inspected to assure that all are maintained in good order. It shall be the responsibility of the motorist that the safety belts are readily accessible for inspection.

15. **Air Bags.** Vehicles so equipped must comply with 49 CFR, Parts 571 through 595. Effective beginning October 1, 2008, the inspector shall check for proper operation of the airbag malfunction indicator lamp. If not operating as designed, or if the lamp indicates a malfunction in the airbag system, or if any airbag originally equipped in the vehicle is deployed or is missing the vehicle shall be rejected.

16. **Fuel Tank Cap Visual Check.** The vehicle shall fail the gas cap visual check if the cap is missing, defective, or does not properly fit the vehicle.
4.05: Procedures for Inspection of Commercial Motor Vehicles

1. Prior to beginning inspection, a visual check of the vehicle shall be made to determine that ice and snow accumulation or the condition of the suspension system will not impede or interfere with the proper aiming of headlamps.

The following text is effective 09/05/08

a. The Certificate of Registration shall be inspected and the information contained thereon, including license plate, vehicle description, and vehicle identification number, shall be verified by observation of the subject vehicle. The information contained on the Certificate of Registration shall also be matched with the vehicle information accessible to the workstation. The data appearing on the Registration Certificate, the data accessible to the Workstation, the data appearing on the vehicle license plate, and the vehicle identification number and description must match in order for the inspection to proceed. No fee shall be assessed for an inspection which does not proceed due to a data match failure.

b. A Turnaway Document must be given to the operator of any vehicle refused for inspection due to an incorrect vehicle identification number, registration number, or for any reason a vehicle is otherwise refused for inspection.

c. No certificate of registration need be produced for any vehicle having a general registration issued in accordance with the provisions of M.G.L. c. 90, s. 5. Either a photocopy of the original certificate of registration or the original certificate of registration may be produced for other motor vehicles.

d. A licensed inspector may refuse to conduct an inspection if the motor vehicle’s registration is determined to be invalid.

2. Inspection of the Vehicle. All inspections must be performed in accordance with the applicable provisions of 540 CMR 4.00 and 310 CMR 60.02 by licensed inspectors in the inspection bay or area approved for inspections by the Registrar.
a. Inspectors must first collect the proper fee.

b. License plate(s), shall be undamaged, securely mounted, clean and clearly visible. No bumper, trailer hitch or other accessory may interfere with a clear view of the license plates. The license plate must be mounted in the proper location on the rear of the vehicle if the vehicle has been issued one plate. Both license plates must be mounted in the proper location on the rear and front of the vehicle if the vehicle has been issued two plates. Any decorative license plate or license plate replica not issued by the Registry of Motor Vehicles on which any jurisdiction name appears must be removed from the vehicle.

c. General Registration Holders. Every motor vehicle in possession of a general registration holder shall be checked for the proper display of the compliance decal issued pursuant to 540 CMR 18.03. The Vehicle Identification Number (V.LN.) and Registration Number indicated on the decal shall correspond with said numbers of the vehicle inspected. This requirement does not apply to motor vehicles owned and registered by a dealer and displaying a dealer plate.

d. Upon the completion of the inspection, the inspector will remove the old Certificate of Inspection from the windshield, and affix the new Certificate of Inspection and provide the motorist with all inspection documentation and program literature as required.

e. A vehicle which is determined not to meet all inspection requirements shall be issued a Certificate of Rejection.

3. Perform Emissions Testing Requirements and Procedures. The following motor vehicles are exempt from emissions testing:

a. Any vehicle exempted pursuant to 310 CMR 60.02(3)(b) and in accordance with M.G.L. c. 111, s. 142M.
b. ‘Conformance with Environmental Standards. All Emissions Inspections shall be performed in accordance with the applicable provisions of 310 CMR 60.02 and 540 CMR 4.00, and any written policies or procedures provided by the Registrar or the Commissioner.

4. Reflectors. Every commercial motor vehicle or trailer weighing, with its load, more than 12,000 pounds shall be equipped with a red reflector at the rear.

5. Chock Blocks. Every bus having a seating capacity of more than seven passengers, every truck weighing, unloaded, more than 4,000 pounds and every tractor, trailer, semi-trailer or combination which is not equipped with positive spring loaded, air parking brakes, shall be equipped with one pair of adequate safety chock blocks.

6. Splash Guards. Every motor vehicle or trailer, except passenger motor vehicles, shall be equipped with suitable guards which will effectively reduce the spray or splash, to the rear, of mud, water, or slush, caused by the rear wheels.

The following text is effective 09/05/08

7. Marker Light. Commercial motor vehicles and trailers, having a registered carrying capacity of three tons or over, shall have an amber light attached to the extreme left of the front of the vehicle, so attached and adjusted as to indicate the extreme left lateral extension of the vehicle or load.

8. Horn. Sound horn to test for adequate signal. The horn must be securely fastened to the vehicle.
9. **Warning Devices.** Every commercial motor vehicle or trailer that is required to have a backup warning device shall be checked for proper operation of said device. Every commercial motor vehicle equipped with a dump body shall be equipped with an adequate audible warning system to alert the operator when the dump body is in an upright and elevated position.

10. **Bumpers.** The existence of broken or bent bumpers, fenders, exterior sheet metal or moldings having sharp edges or abnormal protrusions extending beyond normal vehicle extremities so as to constitute a danger to pedestrians and other motor vehicle traffic shall be reason for rejection. If bumper face plates are removed, bumper brackets must also be removed. On vehicles equipped with air bags the front bumper may not be removed. The vehicle hood, door(s), luggage compartment lid, and battery or engine compartment doors or lids, if so equipped, must be capable of being firmly latched.

11. **Fenders.** Front and rear fenders must be in place. Every commercial motor vehicle which is equipped with tires which extend beyond the fenders or body of such vehicle shall be equipped with flaps or suitable guards to reduce such spray or splash to the rear and side.

12. **Seat Belts.** Shall be inspected to assure that all are maintained in good order. The Requirements of 49 CFR, Part 393.93 shall apply.

13. **Air Bags.** Effective beginning October 1, 2008, vehicles so equipped must comply with 49 CFR, Parts 571 through 595. The inspector shall check for proper operation of the airbag malfunction indicator lamp. If not operating as designed, or if the lamp indicates a malfunction in the airbag system, or if any airbag originally equipped in the vehicle is deployed or is missing the vehicle shall be rejected.
14. Procedures for Inspecting Certain Commercial Motor Vehicles and Trailers Pursuant to Federal Regulation. 49 CFR Parts 390 through 397, including Appendix G to Sub-chapter B, as appearing or as may be revised in the Code of Federal Regulations, as related to the inspection of Commercial Motor Vehicles or any activity related thereto, are hereby adopted as the Regulations of the Registry of Motor Vehicles. Said regulations are applicable to trucks with a gross vehicle weight rating of over 10,000 pounds, buses transporting more than 15 passengers including the driver or any motor vehicle transporting hazardous materials in a quantity requiring placarding in accordance with the Hazardous Material Regulations of the United States Department of Transportation, 49 CFR Parts 171 through 180. In the event of any conflict between 540 CMR 4.00 and any other regulations or law of the Commonwealth of Massachusetts, the stricter more stringent standard shall apply. A Certificate of Rejection shall be issued to any vehicle or trailer submitted for inspection if any of the following conditions exist:

a. Air Brake Systems.

1. Leakage Test. Start the vehicle engine and run at fast idle until air pressure on gauge reaches cut-off point. Cut-off must occur at 90 pounds per square inch (PSI) or more, or manufacturer specifications. Stop engine and observe pressure gauge. With service brakes in released position, if drop in pressure exceeds 2 PSI in one minute for a single vehicle or 3 PSI for a combination vehicle or if audible leakage is evident, the vehicle will be rejected. Start engine and allow system to reach maximum pressure. Stop engine and apply service brakes, at which time a pressure drop of 5 PSI to 15 PSI will occur and system will be stabilized. With brakes in applied position, if drop in pressure exceeds 3 PSI in one minute for a single vehicle, or 4 PSI per minute for a combination vehicle, or of audible leakage is evident, the vehicle will be rejected.
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2. Low Pressure Warning Device Test. Apply service brakes repeatedly until the audible and visual low pressure indicator comes on. Reject vehicle if indicator comes on above 70 PSI or below 50 PSI or if the indicator is inoperable. A gauge indicating pressure is not deemed to be an adequate low pressure indicator.

The following text is effective 09/05/08

3. Condition of Air Brake Components. During the inspection of the vehicle, the conditions of visible air brake components should be checked. The vehicle shall be rejected if tubing or hoses are cracked, chafed, or restricted or are insecurely fastened or improperly retained.

b. Brake System.

1. Service Brakes.

a. All brake systems are to be inspected in accordance with the manufacturer(s) recommended procedures. Absence of braking action of any axle required to have brakes upon application of the service brakes (such as missing brakes or brake shoe(s) failing to move upon application of a wedge, S-cam, cam, or disc brake).

b. Missing or broken mechanical components including shoes, lining, pads, springs, anchor pins, spiders, cam rollers, push rods, and air chamber mounting bolts.

c. Loose brake components including air chamber spiders, and cam shaft support brackets.

d. Audible air leak at brake chamber (example-ruptured diaphragm, loose chamber clamp, etc.).

e. Re-adjustment Limits. The maximum stroke at which brakes should be readjusted is given below. Any brake’/4 inch or more past the re-adjustment
limit or any two brakes at the readjustment limit or less than 1/4 inch beyond the re-adjustment limit shall be cause for rejection. Stroke shall be measured with the engine off and reservoir pressure of 80 to 90 PSI with brakes fully applied.

### BOLT TYPE BRAKE CHAMBER DATA

<table>
<thead>
<tr>
<th>Type</th>
<th>Effective area (sq. in.)</th>
<th>Outside dia. (in.)</th>
<th>Maximum stroke at which brakes should be readjusted</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>12</td>
<td>6 15/16</td>
<td>1 3/8</td>
</tr>
<tr>
<td>B</td>
<td>24</td>
<td>9 3/16</td>
<td>1 3/4</td>
</tr>
<tr>
<td>C</td>
<td>16</td>
<td>8 1/16</td>
<td>1 3/4</td>
</tr>
<tr>
<td>D</td>
<td>6</td>
<td>5 1/4</td>
<td>1 1/4</td>
</tr>
<tr>
<td>E</td>
<td>9</td>
<td>6 3/16</td>
<td>1 3/8</td>
</tr>
<tr>
<td>F</td>
<td>36</td>
<td>11</td>
<td>2 1/4</td>
</tr>
<tr>
<td>G</td>
<td>30</td>
<td>9 7/8</td>
<td>2</td>
</tr>
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</table>

### ROTOCHAMBER DATA

<table>
<thead>
<tr>
<th>Type</th>
<th>Effective area (sq. in.)</th>
<th>Outside dia. (in.)</th>
<th>Maximum stroke at which brakes should be re-adjusted</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>9</td>
<td>4 9/32</td>
<td>1 1/2</td>
</tr>
<tr>
<td>12</td>
<td>12</td>
<td>4 13/16</td>
<td>1 1/2</td>
</tr>
<tr>
<td>16</td>
<td>16</td>
<td>5 13/32</td>
<td>2</td>
</tr>
<tr>
<td>20</td>
<td>20</td>
<td>5 13/16</td>
<td>2</td>
</tr>
<tr>
<td>24</td>
<td>24</td>
<td>6 13/32</td>
<td>2</td>
</tr>
<tr>
<td>30</td>
<td>30</td>
<td>7 1/16</td>
<td>2 1/4</td>
</tr>
<tr>
<td>36</td>
<td>36</td>
<td>7 5/8</td>
<td>2 3/4</td>
</tr>
<tr>
<td>50</td>
<td>50</td>
<td>8 7/8</td>
<td>3</td>
</tr>
</tbody>
</table>

The following text is effective 09/05/08
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CLAMP TYPE BRAKE CHAMBER DATA

<table>
<thead>
<tr>
<th>Type</th>
<th>Effective area (sq. in.)</th>
<th>Outside dia. (in.)</th>
<th>Maximum stroke at which brakes should be re-adjusted</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>6</td>
<td>4 1/2</td>
<td>1 1/4</td>
</tr>
<tr>
<td>9</td>
<td>9</td>
<td>5 1/4</td>
<td>1 3/8</td>
</tr>
<tr>
<td>12</td>
<td>12</td>
<td>5 11/16</td>
<td>1 3/8</td>
</tr>
<tr>
<td>16</td>
<td>16</td>
<td>6 3/8</td>
<td>1 3/4</td>
</tr>
<tr>
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<td>20</td>
<td>6 24/32</td>
<td>1 3/4</td>
</tr>
<tr>
<td>24</td>
<td>24</td>
<td>7 7/32</td>
<td>1 3/4[1]</td>
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<tr>
<td>30</td>
<td>30</td>
<td>8 3/32</td>
<td>2</td>
</tr>
<tr>
<td>36</td>
<td>36</td>
<td>9</td>
<td>2 1/4</td>
</tr>
</tbody>
</table>

[1] Note (2 inches for long stroke design)

Wedge Brake Data. Movement of the scribe mark on the lining shall not exceed 1/16 inch.

f. Brake linings or pads.
   i. Lining or pad is not firmly attached to the shoe;
   ii. Saturated with oil, grease, or brake fluid; or
   iii. Non-steering Axles: Lining with a thickness less than ‘inch at the shoe center for air drum brakes,’/16 inch or less at the shoe center for hydraulic and electric drum brakes, and less than 1/a inch for air disc brakes.
iv. Steering Axles: Lining with a thickness less than 3/16 inch at the shoe center for drum brakes, less than 1/e inch for air disc brakes and 3/16 inch or less for hydraulic disc and electric brakes.

g. Missing brake on any axle required to have brakes.

h. Mismatch across any power unit steering axle of:
   i. Air chamber sizes.
   i. Slack adjuster length.

2. Parking Brake System. No brakes on the vehicle or combination are applied upon actuation of the parking brake control, including driveline hand controlled parking brakes. The inspector shall operate the vehicle to test the parking and service brake. The parking brake on all vehicles shall be tested by sufficiently accelerating the motor with the vehicle in the lowest forward gear against the brake in the applied position. The vehicle will be rejected if the parking brake will not hold. The service brakes will be tested at a speed of between four and eight MPH. Service brakes must be reasonably equalized so that the vehicle does not pull noticeably to either side when applied. A test with the brake meter shall be made at a speed of 15 to 25 MPH in all questionable cases. Service and parking brakes shall be adequate to stop the vehicle from a speed of 20 MPH in not more than the following distances

   Service (foot) Brake  
   Pleasure Vehicles  30 feet  
   Trucks and Buses  40 feet  
   Parking (hand) Brake  
   All Vehicles  80 feet

3. Brake Drums or Rotors.

   a. With any external crack or cracks that open upon brake application (do not confuse short hairline heat check cracks with flexural cracks).
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b. Any portion of the drum or rotor missing or in danger of falling away.

4. Brake Hose.
   a. Hose with any damage extending through the outer reinforcement ply. (Rubber impregnated fabric cover is not a reinforcement ply). (Thermoplastic nylon may have braid reinforcement or color difference between cover and inner tube. Exposure of second color is cause for rejection.)

The following text is effective 09/05/08

b. Bulge or swelling when air pressure is applied.

   c. Any audible leaks.

   d. Two hoses improperly joined (such as a splice made by sliding the hose ends over a piece of tubing and clamping the hose to the tube.

   e. Air hose cracked, broken or crimped.

5. Brake Tubing.
   a. Any audible leak.

   b. Tubing cracked, damaged by heat, broken or crimped.

6. LowPressure Warning Device missing, inoperative, or does not operate at 55 PSI and below, or 1h the governor cut-out pressure, whichever is less.

7. Tractor Protection Valve. Inoperable or missing tractor protection valve(s) on power unit.

8. Air Compressor.
   a. Compressor drive belts in condition of impending or probable failure.

   b. Loose compressor mounting bolts.
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c. Cracked, broken or loose pulley.
d. Cracked or broken mounting brackets, braces or adapters.

a. Absence of braking action on any wheel required to have brakes.
b. Missing or inoperative breakaway braking device.

a. Master cylinder less than 1/2 full.
b. No pedal reserve with engine running except by pumping pedal.
c. Power assist unit fails to operate.
d. Seeping or swelling brake hose(s) under application of pressure.
e. Missing or inoperative check valve.
f. Has any visually observed leaking hydraulic fluid in the brake system.
g. Has hydraulic hose(s) abraded (chafed) through outer cover to fabric layer.
h. Fluid lines or connections leaking, restricted, crimped, cracked or broken.
i. Brake failure or low fluid warning light on and/or inoperative.

11. Vacuum Systems. Any vacuum system which:
a. Has insufficient vacuum reserve to permit one full brake application after engine is shut off.
b. Has vacuum hose(s) or line(s) restricted, abraded (chafed) through outer cover to cord ply, crimped, cracked, broken or has collapse of vacuum hose(s) when vacuum is applied.
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c. Lacks an operative low-vacuum warning device as required.

(c) Coupling Devices.

1. Fifth Wheels.
   a. Mounting to Frame.
      i. Any fasteners missing or ineffective.
      ii. Any movement between mounting components.
      iii. Any mounting angle iron cracked or broken.
   b. Mounting Plates and Pivot Brackets.
      i. Any fasteners missing or effective.
      ii. Any welds or parent metal cracked.
      iii. More than % inch horizontal movement between pivot bracket pin and bracket.
      iv. Pivot bracket pin missing or not secured.
   c. Sliders.
      i. Any latching fasteners missing or ineffective.
      ii. Any fore or aft stop missing or not securely attached.
      iii. Movement more than 3/s inch between slider bracket and slider base.
      iv. Any slider component cracked in parent metal or weld.
   d. Lower Coupler.
      i. Horizontal movement between the upper and lower fifth wheel halves exceeds inch.
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ii. Operating handle not in closed or locked position.

iii. Kingpin not properly engaged.

The following text is effective 09/05/08

iv. Separation between upper and lower coupler allowing light to show through from side to side.

v. Cracks in the fifth wheel plate, excepting cracks in fifth wheel approach ramps and casting shrinkage cracks in the ribs of the body of a cast fifth wheel.

vi. Locking mechanism parts missing, broken, or deformed to the extent the kingpin is not securely held.

2. Pintle Hooks.

a. Mounting to Frame.

i. Any missing or ineffective fasteners (a fastener is not considered missing if there is an empty hole in the device but no corresponding hole in the frame or vice versa).

ii. Mounting surface cracks extending from point of attachment (e.g. cracks in the frame at mounting bolt holes.).

iii. Loose mounting.

iv. Frame cross member providing pintle hook attachment cracked.

b. Integrity.

i. Cracks anywhere in pintle hook assembly.

ii. Any welded repairs to the pintle hook.

iii. Any part of the horn section reduced by more than 20%.

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iv. Latch insecure.

3. **Drawbar/Towbar Eye.**
   a. Mounting.
      i. Any cracks in attachment welds.
      ii. Any missing or ineffective fasteners.
   b. Integrity.
      i. Any cracks.
      ii. Any part of the eye reduced by more than 20%.

4. **Drawbar/Towbar Tongue.**
   a. Slider (power or manual).
      i. Ineffective latching mechanism.
      ii. Missing or ineffective stop.
      iii. Movement of more than 1A inch between slider and housing.
      iv. Any leaking, air or hydraulic cylinders, hoses, or chambers (other than slight oil weeping normal with hydraulic seals).
   b. Integrity.
      i. Any cracks.
      ii. Movement of/4 inch between subframe and drawbar at point of attachment.
5. **Safety Devices.**

a. Safety devices missing.

b. Unattached or incapable of secure attachment.

c. Chains and hooks.
   i. Worn to the extent of a measurable reduction in link cross section.
   ii. Improper repairs including welding, wire, small bolts, rope and tape.

d. Cable.
   i. Kinked or broken cable strands.
   ii. Improper clamps or clamping.

6. **Saddle-mounts.**

a. Method of Attachment.
   i. Any missing or ineffective fasteners.
   ii. Loose mountings.
   iii. Any cracks or breaks in a stress or load bearing member.
   iv. Horizontal movement between upper and lower saddle-mount halves exceeds 1/ inch.

(d) **Exhaust System.**

1. Any exhaust system determined to be leaking at a point forward of or directly below the driver/sleeper compartment.

2. A bus exhaust system leaking or discharging to the atmosphere:
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a. Gasoline powered. In excess of six inches forward of the rearmost part of the bus. See 540 CMR 7.00 for school buses.

The following text is effective 09/05/08

b. Other than gasoline powered. In excess of 15 inches forward of the rearmost part of the bus. See 540 CMR 7.00 for school buses

c. Other than gasoline powered forward of a door or window designed to be opened, excepting emergency exits.

3. No part of the exhaust system of any motor vehicle shall be so located as would be likely to result in burning, charring, or damaging the electrical wiring, the fuel supply, or any combustible part of the motor vehicle.

4. The exhaust system, exhaust manifold(s), exhaust pipe(s), muffler(s), and tailpipe(s), if designed to be so equipped, shall be tight and free of leaks. System components shall be securely fastened with fasteners in place and undamaged.

5. A gas or diesel vehicle will be rejected if, at normal operating temperature, and at any constant speed over 15 MPH. (approximately 1,000 to 1200 RPM’s) visible black or blue exhaust emissions are evident.

(e) Fuel System.

1. A fuel system with a visible leak at any point.

2. A fuel tank filler cap missing.

3. A fuel tank not securely attached to the motor vehicle by reason of loose, broken or missing mounting bolts or brackets (some fuel tanks use springs or rubber bushings to permit movement).
(f) **Lighting Devices.** All lighting devices and reflectors required by Section 393 shall be operable (See Part 393 in Reference Section).

(g) **Safe Loading.**

1. Part(s) of vehicle or condition of loading such that the spare tire or any part of the load or dunnage can fall into the roadway.

2. **Protection Against Shifting Cargo.** Any vehicle without a front-end structure or equivalent device as required.

(h) **Steering Mechanism.**

1. **Steering Wheel Free Play.** The engine must be running on vehicles equipped with power steering.

<table>
<thead>
<tr>
<th>Steering Wheel Diameter</th>
<th>Manual Steering System</th>
<th>Power Steering System</th>
</tr>
</thead>
<tbody>
<tr>
<td>16 inches</td>
<td>2 inches</td>
<td>4 1/2 inches</td>
</tr>
<tr>
<td>18 inches</td>
<td>2 1/4 inches</td>
<td>4 3/4 inches</td>
</tr>
<tr>
<td>20 inches</td>
<td>2 1/2 inches</td>
<td>5 1/4 inches</td>
</tr>
<tr>
<td>22 inches</td>
<td>2 3/4 inches</td>
<td>5 3/4 inches</td>
</tr>
</tbody>
</table>

2. **Steering Column.**
   a. Any absence or looseness of U-bolt(s) or positioning part(s).
   b. Worn, faulty or obviously repair welded universal joint(s).
   c. Steering wheel not properly secured.

3. **Front Axle Beam and All Steering Components Other Than Steering Column.**
   a. Any crack(s) in gear box or mounting brackets.
b. Any obvious weld or repair(s).

4. Steering Gear Box.
   a. Any mounting bolts lose or missing.
   b. Any crack(s) in gear box or mounting brackets.

5. Pitman Arm. Any looseness of the pitman arm on the steering gear output shaft.


7. Ball and Socket Joints.
   a. Any movement under steering load of a stud nut.
   b. Any motion, other than rotational between any linkage member and its attachment point of more than 1/e inch.

8. Tie Rods and Drag Links.
   a. Loose clamp(s) or clamp bolt(s) on tie rods or drag links.
   b. Any looseness in any threaded joint.

The following text is effective 09/05/08

9. Nuts. Nut(s) loose or missing on tie rods, pitman arm, drag link, steering arm or tie rod arm.

10. Steering System. Any modification or other condition that interferes with free movement of any steering component.
11. King Pin. Reject vehicle if measured movement at top or bottom of tire is greater than:

Wheel Size:
- 16 inches or less......1/4 inch (6.5mm)
- 17 to 18 inches.........3/8 inch (9.5mm)
- Over 18 inches........1/2 inch (13mm)

KINGPIN PLAY PROCEDURE: Relative to vehicles equipped with Kingpins. MVMA recommended procedures as noted in 540 CMR 4.05(13)(h)11.

Be sure wheel bearing movement is eliminated by applying service brake during checking procedure. Procedure: First eliminate all wheel bearing movement by applying service brake. With front end lifted, as illustrated for inspecting wheel bearings, grasp the tire at the top and bottom and attempt to move in and out to detect looseness. A pry bar may be necessary on heavy wheels. Measure the movement at the top or bottom of the tire at the outer circumference. Reject vehicle if measured movement at top or bottom of tire is greater than the distances described below:

Wheel size:
- 16 inches or less......1/4 inch (6.5mm)
- 17 to 18 inches.........3/8 inch (9.5mm)
- Over 18 inches........1/2 inch (13mm)

The registration of the vehicle will be suspended if thrust bearings or kingpin lock or draw keys are missing or if examination of the vehicle reveals that steering knuckles are excessively worn or cracked. Measured movement in excess of the following amounts will result in the suspension of the vehicle registration:

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16 inches or less...........1/2 inch (13.0 mm)
17 to 18 inches............3/4 inch (19.0 mm)
Over 18 inches............1.0” (26.0 mm)

(i) Suspension System.

1. Any U-bolt(s), spring hanger(s), or other axle positioning part(s) cracked, broken, loose or missing resulting in shifting of an axle from its normal position. (After a turn, lateral axle displacement is normal with some suspensions. Forward or rearward operation in a straight line will cause the axle to return to alignment.)

2. Spring Assembly.
   a. Any leaves in a leaf spring assembly broken or missing.
   b. Any broken main leaf in a leaf spring assembly, (include assembly with more than one main spring).
   c. Coil spring broken.
   d. Rubber spring missing.
   e. One or more leaves displaced in a manner that could result in contact with a tire, rim, brake drum or frame.
   f. Broken torsion bar spring in a torsion bar suspension.
   g. Deflated air suspension, i.e., system failure, leak, etc.

3. Torque, Radius, or Tracking Components. Any part of a torque, radius or tracking component assembly or any part used for attaching the same to the vehicle frame or axle that is cracked, loose, broken or missing. (Does not apply to loose bushings in torque or track rods).

4. Shocks. Any broken, bent, missing shock absorbers or suspension springs.

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(j) Frame.

1. Frame Members.
   a. Any cracked, broken, loose, or sagging frame member.
   b. Any loose or missing fasteners including fasteners attaching functional component such as engine, transmission, steering gear, suspension, body parts, and fifth wheel.

The following text is effective 09/05/08

2. Tire and Wheel Clearance. Any condition, including loading, that causes the body or frame to be in contact with a tire or any part of the wheel assemblies.

3. Adjustable Axle Assemblies (Sliding Subframes). Adjustable axle assembly with locking pins missing or not engaged.

(k) Tires.

1. Any tire on any steering axle of a power unit.
   a. With less than 4/32 inch tread when measured at any point on a major tread groove.
   b. Has body ply or belt material exposed through the tread or sidewall.
   c. Has any tread or sidewall separation.
   d. Has a cut where the ply or belt material is exposed.
   e. Is labeled “Not For Highway Use” or displaying other marking which would exclude use on steering axle (except for farm vehicles, implements of husbandry, and off-road equipment is used on highway at restricted speeds).
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f. A tube-type radial tire without radial tube stem markings. These markings include a red band around the tube stem, the word “radial” embossed in metal stems, or the word “radial” molded in rubber stems.

g. Mixing bias and radial tires on the same axle

h. Tire flap protrudes through valve slot in rim and touches stem.

i. Re-grooved tires on buses, trucks and truck tractors, except for trucks and truck tractors equipped with front tires with a load carrying capacity of less than that of 8.25-20 8 ply-rating tires.

j. Boot, blowout patch or other ply repair.

k. Weight carried exceeds tire load limit. This includes overloading tire resulting from low air pressure.

l. Tire is flat or has noticeable (e.g., can be heard or felt) leak.

m. Any bus equipped with recapped or re-treaded tire(s).

n. So mounted or inflated that it comes in contact with any part of the vehicle.

o. Tire size shall be the same on each side of the front and/or rear axle. Tire size may be different between front and rear axles as determined by vehicle manufacturer.

2. All tires other than those found on the steering axle of a power unit:

a. Weight carried exceeds tire load limit. This includes overloaded tire resulting from low pressure.

b. Tire flat or has noticeable (e.g., can be heard or felt) leak.

c. Has body ply or belt material exposed through the tread or sidewall.

d. Has any tread or sidewall separation.
e. Has a cut where ply or belt material is exposed.

f. So mounted or inflated that it comes in contact with any part of the vehicle. (This includes a tire that contacts its mate.)

g. Is labeled “Not For Highway Use” or displaying other marking which would exclude use on steering axle (except for farm vehicles, implements of husbandry, and if off-road equipment is used on highway at restricted speeds).

h. With less than 2/32 inch tread when measured at any point on a major tread groove.

i. Tire size shall be the same on each side of the front and/or rear axle. Tire size may be different between front and rear axles as determined by vehicle manufacturer.

(l) Wheels and Rims.

1. Jock or Side Ring. Bent, broken, cracked, improperly seated, sprung or mismatched ring(s).

2. Wheels and Rims. Cracked or broken or has elongated bolt holes.

3. Fasteners (both Spoke and Disc Wheels). Any loose, missing, broken, cracked, stripped or otherwise ineffective fasteners.

   a. Any cracks in welds attaching disc wheel disc to rim.
   b. Any cracks in welds attaching tubeless demountable rim to adapter.
   c. Any welded repair on aluminum wheel(s) on a steering axle.
d. Any welded repair other than disc to rim attachment on steel disc wheel(s) mounted on the steering axle.

The following text is effective 09/05/08

(m) Windshield Glazing.

1. Windshield Critical Viewing Area is the area covered by the sweep of the wiper(s) exclusive of the outer two inches within the perimeter of the wiper(s) sweep, provided by the vehicle manufacturer.

2. Windshields having any of the following defects will be rejected:
   a. Any broken glass with sharp or jagged edges inside or outside.
   b. Any stone bruise, star break, or bulls eye, damage in excess of one inch in diameter within the critical viewing area or larger than two inches outside the critical viewing areas, or multiple such damage.
   c. Single line cracks which extend more than three inches into the critical viewing area.
   d. Multiple cracks, having one or more which extends into the critical viewing area.
   e. Wiper scrape(s) in excess of inch wide within the critical viewing area.
   f. Clouding extending more than three inches within the perimeter of the exposed glass.
   g. No poster, sticker decal, etc. shall be attached to the windshield in such a manner so as to obstruct the vision of the operator.
   h. i. Any tinting or reflective material applied by brush, spray, or adhesive which is below the uppermost six inches of the windshield or which may
encroach upon the driver’s direct forward viewing area. (All such tinting provided by the original manufacturer in compliance with applicable Federal Motor Vehicle Safety Standards is acceptable.)

ii. Window Tinting. Aftermarket tinting or alterations that do not change the transparency beyond that of the standards set forth in 49 CFR Part 571205 is acceptable on windows immediately adjacent to the operator and front passenger seat and the windows immediately to the rear of the operator and front passenger seat. The rear window may also be so tinted provided the vehicle is equipped with two outside rear view mirrors. The windshield may only be tinted down to the AS-1 line usually located in the uppermost six inches of the windshield. 540 CMR 4.05(14)(m)2.h. shall not apply to the following:

a. All window tinting as provided by the original manufacturer that is in compliance with applicable Federal Motor Vehicle Safety Standards.

b. Authorized vehicles used to transport K-9 teams.

c. Vehicles registered out of state.

d. Vehicles for which a medical exemption has been issued by the Registry of Motor Vehicles.

e. All windows to the rear of the operator’s seat on vehicles used for public livery, except taxicabs.

(n) Windshield Wipers.

1. Any power unit that has an inoperative wiper, or missing or damaged parts that render it ineffective.
2. Test for Proper Operation. If the vehicle was equipped with two wipers as furnished by the manufacturer, both must be maintained in good working order. Wiper blades must properly contact the windshield, be of the same length as those furnished as original equipment and the rubber elements must be free from damage or tears.

3. If the vehicle was equipped with windshield cleaner equipment as furnished by the manufacturer, units must be maintained in good working order.

(o) Fuel Tank Cap Visual Check. The vehicle shall fail the gas cap visual check if the cap is missing, defective or does not properly fit the vehicle.

4.06: Procedures for Inspection of Motorcycles

1. Prior to Beginning Inspection. A visual check of the motorcycle shall be made to determine that under-inflated tires, condition of suspension and other conditions visible to the inspector will not impede or interfere with the proper aiming of headlamps. In order to proceed with inspection, a properly functioning side stand or center stand must be able to support the weight of the motorcycle while wheels, front end and swing arm are examined. Passenger foot rests should be put in an upright stored position, if possible, to prevent interference with the inspection.

The following text is effective 09/05/08

2. Inspection of the motorcycle. 540 CMR 4.06 shall apply to two wheeled motorcycles or two wheeled motorcycles with a side car. All inspections must be performed in accordance with the applicable provisions of 540 CMR 4.00 by certified inspectors in the approved inspection area only. Inspectors must first collect the proper fee and secure the proper Certificate of Registration. The Certificate of Registration shall be inspected and the information contained thereon, including license plate, vehicle description, and vehicle identification number, shall be verified by observation of the subject motorcycle. The information
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contained on the Certificate of Registration shall also be matched with the vehicle information accessible to the workstation. The data appearing on the Certificate of Registration, the data accessible on the Workstation, the data appearing on the vehicle license plate, and the vehicle identification number and motorcycle description must match in order for the inspection to proceed. No fee shall be assessed for an inspection which does not proceed due to a data match failure. The following inspection shall then be completed:

a. The number plate must be undamaged, securely horizontally mounted on the rear of the motorcycle, clean and clearly visible. No accessory mounted on the motorcycle may interfere with a clear view of the number plate. Any decorative number plate or number plate replica not issued by the Registry of Motor Vehicles for the motorcycle being inspected on which appears any jurisdictional name must be removed from the motorcycle.

b. A Turnaway Document must be given to the operator of any motorcycle refused for inspection due to an incorrect vehicle identification number, registration number, or for any reason a motorcycle is otherwise refused for inspection.

c. Upon the completion of the inspection and a determination by the inspector that the motorcycle meets all inspection requirements, the inspector shall affix a new Certificate of Inspection to the license plate and provide the operator with all inspection documentation and program literature as required.

d. A motorcycle which is determined by the Inspector not to meet all inspection requirements shall be issued a Certificate of Rejection document in accordance with any regulations, policies or procedures of the Registrar.
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a. Brakes must be adequate to stop a motorcycle from a speed of 20 m.p.h. in not more than 19 feet. Each motorcycle shall have either a split service brake system or two independently actuated service brake systems which, upon application, act on front and rear wheels. Any motorcycle which has a number plate issued under the provisions M.G.L. c. 90, s. 6A (Plates for antique motor cars) which was not manufactured with either a split service brake system or two independently actuated service brake systems shall be required to have one brake system adequate to stop said motorcycle within the aforementioned distances. For more recent model motorcycles observe whether the motorcycle utilizes a brake anti-lock equalizer system which proportionately controls braking pressure to the front and rear wheels.

b. Mechanical Brake System. Inspect the linkage, cables, pivots and bearings for high friction, wear and broken or missing parts. Reject motorcycle if:

1. Brake adjustment changes under any steering or loading.
2. Cotter pins are missing.
3. Pins or devises are worn more than 25% of the original diameter.
4. The cam operating lever has been repositioned on the shaft as a means of avoiding replacement of worn cam, shoes or lining.
5. Any cables are frayed (two or more broken strand).
6. Any brake adjustment mechanism which will not maintain an adjusted position or is adjusted to its maximum extent.
7. Front brake cable is routed so as to be pinched between fork and frame.
8. There is any roughness, binding, or jamming in levers or pedals.
9. Less than 1/3 reserve remains in hand or foot brake when brakes are applied.
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10. Modifications make the pedal or lever inaccessible for adequate leverage or operation.

11. Any portion of the brake hand lever is broken or missing.

(c) Hydraulic Brake System. Visually inspect the condition of the hydraulic system. Note: Do Not Remove Wheels. Reject the motorcycle if:

The following text is effective 09/05/08

1. Hoses or tubing leaks or they are cracked, chafed, flattened, restricted or are improperly fastened.

2. Master cylinder leaks or the reservoir capacity is less than the manufacturer’s recommended safe level if known or less than viz total capacity.

3. There is any leakage in the brake system.

4. The push rod is improperly adjusted.

5. Wheel cylinder or caliper leaks or fails to function.

(d) Hydraulic System Tests. Test motorcycle in a standing position. The inspector should be able to maintain brake or hand lever reserve under moderate force (40-60 lbs.) for 15 seconds. Reject the motorcycle if brake reserve cannot be maintained for 15 seconds or if there is less than approximately % of the total available pedal or brake lever travel remains. The brake lever and pedal should exhibit smooth, firm and responsive action. Allow wheels to turn freely when not in the braking mode. Reject the motorcycle if binding occurs and wheels do not turn freely.

(e) Visual Inspection of Brake Pads and Discs. Where pads and discs are visible check and reject if:

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1. There is any substantial crack extending to the edge of the disc or pad.
2. There is evidence of mechanical damage other than wear.
3. Friction surface of disc or pad is contaminated with oil, grease or brake fluid.
4. There is excessive roughness to the disc.
5. The disc is warped or bent.
6. Pad is broken, loose or worn beyond replacement indicators.

(4) Muffler and Exhaust System.

a. The motorcycle shall be equipped with a muffler to prevent excessive and
   unnecessary noise which is in good working order and in constant operation.
   Accelerate motor to half throttle position to test for unnecessary noise and
   emission of any unreasonable amount of smoke. Reject a motorcycle which has
   a muffler cut-out or by-pass of the baffle plates, screens or other original internal
   parts have been removed and not replaced. Unnecessary noise is herein defined
   as any noise which is louder than that emitted by the motorcycle with original
   manufacturers muffler and exhaust system equipment.

b. The exhaust system includes the exhaust manifold, the piping leading from the
   flange at the exhaust manifold to and including the muffler and tail piping.
   Visually and audibly inspect the exhaust system and reject the motorcycle if:

1. Tail pipe end is pinched or obstructed.
2. System components are not securely fastened with proper clamps or
   hangers.
3. The exhaust system is not shielded to prevent riders from being burnt while
   riding in normal seated position.
(5) **Steering. Alignment, and Suspension of Front End.**

a. Wheel Axle Bearings. Place motorcycle on motorcycle accessory lift or center stand and slowly spin the wheels. Reject the motorcycle if:

1. There is noticeable play or roughness when wheel is rotated or a growl is heard when wheel is rotated.

2. Wheel bearing seals are cracked, torn, cut or are discolored a reddish-brown color.

b. Wheel Run-out and Alignment. Inspect front to rear wheel alignment, front wheel to fork tube alignment and wheel run-out. Reject motorcycle if:

1. Front to rear wheel misalignment exceeds one inch.

2. Front wheel is not vertical and parallel to front fork tubes.

3. Front fork tubes are bent or damaged preventing full travel and free action of front forks.

4. Wheel (rim) run-out is greater than manufacturer’s suggested serviceable limit or, if unavailable, greater than .060 inch.

c. Steering Head Bearing or Bushings. With front wheel slightly off the ground, turn handlebars side to side. Reject motorcycle if front fork binds.

d. Front Fork Tube Suspension. Inspect and reject if:

1. Front fork suspension has been removed and replace with a solid connection.

2. There is severe leakage (not slight dampness) of front fork tube seal.

3. Dampening effect is diminished indicating loss of shock absorber function.

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e. Handlebars. Inspect handlebars and reject if:

1. Handlebars or grips are higher than operator’s shoulder level when properly seated upon motorcycle.

2. Handlebars are not of sturdy construction or if of lightweight bicycle quality.

3. Handlebars do not provide a minimum of 18 inches between grip ends.

4. Handlebars are not equipped with grips of non-slip design and material.

5. Handlebars prevent front fork from rotating from stop to stop.

6. Handlebars are cracked or deformed.

7. Handlebars are improperly aligned with front wheel.

8. Handlebars are not securely fixed, however, rubber mounted handlebars may have slight movement.

9. Handlebars that have been modified or repaired in an unsafe manner.

(6) Horn. Sound horn and test for adequate signal. The horn must be securely fastened to the motorcycle and shall not require removal of the operator’s hand from the handlebar for use. The horn shall be distinctly audible at a distance of 200 feet under normal atmospheric conditions. The horn shall have a steady, non-oscillating tone which shall sound only during the time the activating switch is manually applied. The horn shall not be unreasonably loud or harsh.

(7) Windshield or Windscreen. Windshield or windscreen are not required, but if installed, they shall be free of cracks, discoloration or scratches which would create any vision obstruction and they shall have no sharp edges. Only approved plexi-glass is permitted. No sign, poster, decal, other non-transparent material or mounting hardware shall be allowed on a windshield or windscreen which would obstruct the vision of the operator.

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(8) **Tires.** Only pneumatic rubber tires shall be permitted. Inspect tires and reject motorcycle if:

a. There is a fabric break or cut, bulge, bump or knot related to the deterioration of the tire structure.

b. There is any ply or cord structure visible.

c. There is less than 2/32 inch of tread depth-measured in a major tread groove nearest the tire center using a tire tread depth gauge.

d. Tire is worn so that a tread wear indicator contacts the road surface in any two adjacent grooves.

e. Tire has been repaired with a sidewall plug or patch. Tire tube, if known, has been patched.

f. There is any combination of radial ply tire with non-radial tire, unless approved by tire or motorcycle manufacturer.

g. Tires designated as front or rear only are improperly mounted or tires with directional arrow indication are mounted with arrow in improper rotating direction.

h. Tire is not type approved by the Department of Transportation and/or does not have a “D.O.T.” designation on the sidewall, or is labeled “Not For Highway Use,” “For Racing Purposes Only” or displays other similar marking (except for farm vehicles, implements of husbandry, and if off-road equipment is used on highway at restricted speeds).

i. Tire is obviously under or over-inflated.

j. Tire is smaller than manufacturer’s specified minimum or a size that causes tire to contact with the body or chassis.

k. There are rusted or rotted valve stems.
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I. A tube type tire is used in a tubeless application.

(9) Wheels. Inspect wheels and reject motorcycle if:

a. Wheel bolts, nuts or lugs are loose, missing or damaged.

b. Any part of wheel is bent, cracked, welded or damaged so as to affect safe operation of the motorcycle.

c. There is more than one missing, bent or broken spoke on spoke style wheels.

d. Any wheel is not at least the minimum size recommended by the manufacturer.

e. There is not enough thread engagement fork leg clamps or threads are stripped.

The following text is effective 09/05/08

(10) Alignment and Suspension of the Rear End.

a. Swing Arm Bushing. Bearing, or Rubber Mount. Place motorcycle on motorcycle accessory lift or center stand with rear wheel raised and inspect for wear and looseness. Check for lateral movement of swing arm by applying side to side force against rear wheel. Reject motorcycle if there is more than slight side to side movement of the swing arm or if rubber mounts are cracked, broken or torn.

b. Shock Absorbers. If originally equipped with rear shock absorbers inspect and reject motorcycle if:

1. Shock absorber is missing.

2. Shock absorber mounting bolts or mounts are missing, broken or loose.

3. There is severe leakage of shock absorber or associated hydraulic hoses if so equipped.

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4. Dampening effect is diminished indicating loss of shock absorber function.

(11) Lighting Devices and Reflectors.

a. In General. All lighting devices and reflectors required by applicable Federal Motor Vehicle Safety Standards when the particular motorcycle was originally manufactured and such devices required by Massachusetts General Law or Rules and Regulations applicable to the particular motorcycle inspected shall be securely attached to the vehicle and capable of performing their design functions. Lenses must be intact, clean, unobstructed and free from cracks. All lenses on stop lamps, tail lamps, turn signal lamps and reflectors must be approved by the Society of Automotive Engineers (SAE) and as evidence of such approval indicate the symbol “SAE” on the lens. All replacement lighting devices and reflectors shall meet applicable Federal Motor Vehicle Safety Standard at the time they were installed. No additional lamp, reflective device or other motor vehicle equipment shall be installed that impairs the effectiveness of lighting equipment required under 540 CMR 4.00. Two or more lamps, reflectors or items of associated equipment may be combined if the requirements for each lamp, reflector or item of associated equipment are met.

b. Headlamps. Each motorcycle shall be equipped with at least one and not more than two white headlamps whose beam shall be checked in accordance with the specifications provided by the Registrar. The motorcycle headlamp shall be mounted on the front of the motorcycle on the vertical centerline, except that if two headlamps are used, they shall be symmetrically distant from the vertical centerline and equal in height. The height of the headlamps measured from the road surface to the center of the lamp shall be not less than 22 inches nor more than 54 inches. Headlamps on motorcycles manufactured in the year 1986 or later shall throw sufficient light ahead to make clearly visible all vehicles, persons or substantial objects upon the roadway within a distance of 350 feet on a straight highway of uniform

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grade under normal atmospheric conditions. Headlamps on motorcycles manufactured before 1986 shall throw sufficient light ahead to make clearly visible all vehicles, persons or substantial objects upon the roadway within a distance of 115 feet under the same conditions.

c. Tail Lamps and Stop Lamps. Each motorcycle shall be equipped with at least one red tail light and at least one red stop lamp. The motorcycle tail lamp and stop lamp shall be mounted on the rear of the motorcycle on the vertical centerline, except that if two are used, they shall be symmetrically distant from the vertical centerline and of equal height. The height of the tail lamps and stop lamps measured from the road surface to the center of the lamp shall be not less than 15 inches nor more than 72 inches. Stop lamps shall be activated with the application of front or rear brakes. Tail lamps shall be activated when the headlamps are activated. Tail lamps and stop lamps shall be visible under normal night time conditions at a distance of 500 feet and stop lamps shall be visible in normal sunlight at a distance of 200 feet.

d. Plate Light. Each motorcycle shall be equipped with a white light so arranged as to illuminate the rear number plate so that it is plainly visible at a distance of 60 feet. Such light shall not emit a tailing glare.

The following text is effective 09/05/08

e. Reflectors. Each motorcycle shall have at least one rear red reflector mounted on the vertical center line except that, if two are used, they shall be symmetrically distant from the vertical center line and of equal height. The reflector height above the road surface measured to the center of the reflector shall not be less than 15 inches, nor more than 60 inches. Note: reflector(s) may be combined with other rear lamps. Motorcycles manufactured on or after January 1, 1968 shall be equipped with two red side reflectors mounted on each side at or near the rear of the motorcycle and shall be equipped with two amber side reflectors mounted on each side at or near the front of the
motorcycle. The side reflector height above the road surface measured to the center of the reflector shall not be less than 15 inches, nor more than 60 inches.

f. Turn Signals. Each motorcycle manufactured on or after January 1, 1973 shall be equipped with front and rear turn signal lamps. Front turn signal lamps shall be amber mounted at or near the front of the motorcycle on each side of the vertical center line at the same height and shall have a minimum horizontal separation distance (measured from center of lamps) of 16 inches. Minimum edge to edge separation distance between turn signal lamp and head lamp shall be four inches. Rear turn signals shall be red or amber mounted on each side of the vertical center line at the same height and having a minimum horizontal separation distance (measured from center of lamps) of nine inches. All turn signal lamps shall be mounted at a height from the road surface of not less than 15 inches nor more than 83 inches. Turn signal lamps shall flash at a rate of 60 to 120 flashes per minute. The turn signal lamp activating control shall be positioned so as to be operated without removing the hand from the handlebar and shall properly indicate right and left when so switched. Turn signal lamps shall be visible at a distance of 200 feet under normal daylight conditions. Every motorcycle shall be equipped with a device to permit the front and rear directional signals to flash simultaneously if originally equipped by the manufacturer.

g. Auxiliary Diving Lamps and Fog Lamps. These lamps are not required, however, if so equipped shall be aimed in accordance with specifications provided by the Registrar. Reject motorcycle if:

1. Auxiliary equipment is placed in front of or obstructs any required lamp or reflector.

2. Fog lamps operate with high beam of headlamp.

3. Auxiliary driving lamps operate with high beam of headlamp or alone.
4. Equipped with more than two fog lamps or more than two auxiliary driving lamps.

5. Auxiliary driving lamps or fog lamps are not mounted at a height above the road surface between 12 inches and 42 inches.

(12) **Body Components.**

a. Fenders. Front and rear fenders shall be mounted over both wheels to adequately protect rider from road debris and water. All fenders shall cover the width of the tire and a minimum of 1/4 of a wheel circumference. Reject the motorcycle if fenders come in contact with tires or if fenders have sharp edges.

b. Exterior Sheet Metal. Moldings and Body Panels. Reject motorcycle if there are sharp edges or abnormal protrusions extending beyond normal vehicle extremities so as to constitute a danger to pedestrians, rider, passenger or other vehicular traffic. Safety bars or highway bars without sharp protrusions and which do not extend beyond the widest portion of the motorcycle and which are not further than 15 inches from the foot controls are permitted.

c. Seats. Each rider shall have a firmly secured seating area. Reject motorcycle if:

   1. Seats are not properly secured or have springs or parts protruding which constitute a hazard.

   2. Foot rests for each designated seating position are not provided.

d. Chain Driven Motorcycle. Rotate chain to locate tightest position. Inspect chain under simulated road condition and reject if:

   1. Not Adjusted to Manufacturers Specifications. If specifications are unavailable the following shall apply:
Rigid frame models: minimum y inch to maximum one inch total up and down movement measured on the lower section of the chain midway between the sprockets.

Swing arm models: minimum inch to maximum two inches total up and down movement measured on the lower section of the chain midway between the sprockets.

The following text is effective 09/05/08

2. The chain guard or other covering device is missing, broken, cracked or is not the original equipment or equivalent replacement.

3. Chain or sprockets are excessively worn.

e. Side or Center Stand. Inspect and reject if:

   1. The side or center stand will not remain in the stored position.

   2. The side or center stand is cracked, broken or apparent structural weakness is present which would not allow the stand to support the motorcycle.

(13) Frame. Inspect the frame in all areas which would not require the disassembly of any components. Reject the motorcycle if:

   a. Any part of the frame has been removed so as to weaken the original structure.

   b. Repairs are made in any temporary manner.

   c. Frame components are cracked, rotted, broken or are in deteriorated or dangerous condition.

   d. Frame is bent out of alignment causing front to rear wheel misalignment to exceed one inch.
e. Front steering stops do not prevent the front end from contacting the fuel tank and the tire from rubbing against the frame or body panels.

(14) **Fuel System.** Check fuel system and controls and reject motorcycle if:

a. There is fuel leakage at any point in the system.

b. Any part of fuel hoses are not securely fastened or fuel tank is not securely mounted.

c. Fuel tank cap is missing or can not be properly secured.

d. Throttle does not return to idle position when activating force is removed, if so equipped.

e. Fuel hoses are chafed, cracked, split or swollen or are not a fuel resistant type.

f. Fuel hoses are routed in proximity to or in contact with high temperature engine parts.

(15) **Engine.** Inspect and reject motorcycle if:

a. Motor mounts are broken.

b. There is any leakage of oil or other fluids which create tire traction problems or contaminate brake pads or shoes.

(16) **Battery.** Check battery and reject motorcycle if not securely fastened or if vent tube is not properly routed or fastened.

(17) **Rear View Mirror.** Each motorcycle shall be equipped with at least one mirror so placed and adjusted as to afford the operator a clear, reflected view of the highway to the rear and left side of the motorcycle. Check mirror(s) and reject if:

a. Mirror is cracked, broken, tarnished or reflective surface is peeled.
b. Mirror will not hold adjustment or is not mounted securely to prevent excessive vibration.

c. The mirror contains sharp edges, projections or irregular indents capable of producing injury.

d. Mirror does not provide a minimum of ten sq. inches of reflective surface for a convex mirror or 12 sq. inches for a flat mirror.

(18) Controls.

a. Clutch. If equipped with a clutch, reject if any portion of the lever is broken or missing.

b. Ignition Kill Switch. An ignition kill switch shall be mounted in a secure manner in a readily accessible position, if equipped.

c. Ignition. Each motorcycle shall be equipped with a locking ignition to prevent the motorcycle from being used by unauthorized persons.

(19) Side Car. Check side car and reject motorcycle if:

a. Side car is not securely attached to motorcycle.

b. There is a hole in the floor board larger than $\frac{1}{2}$ inch in diameter or the floor board is rotted, rusted or deteriorated to a degree that creates a hazard to the rider or passenger.

c. The side car does not contain a seat which is securely fastened.

The following text is effective 09/05/08

d. Side car not equipped with rear red tail lamp and stop lamp.

e. Side car not equipped with at least one white headlamp on the front of the side car.
f. Side car fitted with brake which does not operate properly.

g. Mudguard not fitted over sidecar wheel.

4.07:  **Issuance of Certificates of Inspection. Rejection, and Waiver Procedure**

1. **General Provisions.**

a. A separate and distinct charge, as established by the Secretary of Administration and Finance, shall be made for each inspection required in accordance with the provisions of 540 CMR 4.00 and the provisions of M.G.L. c. 90.

b. All certificates of inspection or rejection shall be issued in sequential order from lowest to highest serial number.

c. All Certificates of Inspection or Rejection shall be issued and affixed to the motor vehicle in accordance with the regulations, policies or procedures established by the Registrar. All Certificates of Inspection or Rejection for Trailers will be issued in accordance with the Registrar’s regulations, policies or procedures relating thereto.

2. **Certificate of Inspection.** Any motor vehicle subject to Safety Inspection only, Combined Safety and Emissions Inspection, or Commercial Motor Vehicle Safety and Emissions Inspection, which, after inspection, is found to be in compliance with all Safety or Safety and Emissions Inspection requirements will be issued a Certificate of Inspection, valid for a period of time to be determined by the Registrar in accordance with regulations, policies or procedures established by the Registrar and Commissioner.

a. Any motor vehicle submitted for inspection that fails to meet all applicable inspection requirements shall be issued a Certificate of Rejection, in accordance with the Registrar and Commissioner’s policy relating thereto.

b. A Certificate of Rejection authorizes the operation of a motor vehicle for a period of 60 calendar days after inspection, 20 days for motorcycles, provided that all safety related equipment defect(s) have been corrected prior to continued operation. Safety related equipment defects are items of inspection exclusive of emissions inspection items. 7D vehicles must display a current 7D inspection sticker in order to transport pupils.

c. A Certificate of Rejection shall entitle the owner or operator to one free re-inspection, provided that the vehicle is submitted for re-inspection at the same inspection station which issued the Certificate of Rejection within 60 calendar days for motor vehicles and 20 days for motorcycles and 7D vehicles after the date of issue.

4. Suspension of Registration. Failure to meet these requirements or obtain a waiver under 540 CMR 4.00 shall result in the suspension of the motor vehicle’s registration pursuant to the authority provided in M.G.L. c. 90, s. 2 and in accordance with the procedures set forth in M.G.L. c. 90, s. 22.


1. Any commercial motor vehicle submitted for inspection that fails to meet the applicable Safety and Emissions inspection requirements shall be issued a Certificate of Rejection provided the safety defects are not identified and listed in the current North American Uniform Vehicle Out of Service Criteria as being an out of service condition or restricted service condition.
2. Upon inspecting a Commercial Motor Vehicle, if any item is found to not comply with 540 CMR 4.00, the inspector shall nevertheless complete the inspection of all other required items. The inspector shall provide a list of the items for which the vehicle is being rejected and advise the vehicle owner, custodian and/or operator of the violation(s) noted. Copies of all rejection slips shall be kept at the place of inspection and/or stored electronically for one year from the date of inspection. Copies of all such rejection slips or data shall be made available for inspection by the Registrar or any of his authorized personnel. The rejection slip shall contain the following information:

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a. Name of inspection station and station number.
b. Date of inspection and signature of the inspector.
c. Vehicle registration number, make, year and vehicle identification number.
d. Reason for rejection
e. Any other information that may be required by the Registrar.

3. Out of Service Commercial Motor Vehicle. If in the course of inspection of a Commercial Motor Vehicle or trailer, an inspector finds an unsafe vehicle that has a safety hazard as defined in the current North American Uniform Vehicle Out of Service Criteria, said inspector shall immediately notify the Registry of Motor Vehicles by mailing that same day the rejection slip noting the out of service violations. Said owner or custodian of said vehicle that was rejected by reasons of having safety defects of an out of service nature be notified that the said vehicle shall not be operated until all necessary repairs have been made. A Commercial Motor Vehicle placed out of service
may be operated to the nearest repair facility if in the opinion of the inspector it may be safe to do so. This operation is restricted to a five day period from the date of rejection. Said inspector shall so state on the rejection slip, in the appropriate space, if the vehicle is safe to move for the purpose of repairs. No commercial motor vehicle may be operated with a rejection certificate with an out of service condition under any circumstances unless it is being moved for the purpose of repairs. Any person who operates or any owner or custodian, who permits a commercial motor vehicle to be operated in an out of service condition except for the movement of said vehicle for repairs, shall be punished by a fine as provided in M.G.L. c. 90, s. 20.

4. Procedure For Waiver. A motorist may apply for a waiver of emission inspection standards in accordance with the provisions of 310 CMR 60.02(11).

5. Inspection Within Seven Days of Purchase (Lemon Aid Law).

a. A Certificate of Rejection must be issued to the new owner of a motor vehicle within seven days of the date of purchase in order to permit the new owner to void the sale of said vehicle or to require the seller to make repairs pursuant to the specified conditions enumerated in M.G.L. c. 90, s. 7N.

b. In order to invoke M.G.L. c. 90, s. 7N, owner/operators who have submitted the motor vehicle for inspection within seven days of the date of purchase, shall, upon request be provided a written statement, issued by an authorized agent of the inspection station, stating the reasons why the motor vehicle failed to pass the Safety or Combined Safety and Emissions Inspection and an estimate of the cost necessary for repairs in accordance with the provisions of M.G.L. c. 90, s. 7N.
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4.08:  Licensure of Inspection Stations


   a. Applications. Application for a license to operate a Class A, B, C, D, E, F and M inspection station, with any endorsements as appropriate, or other inspection license as may be issued by the Registrar may be filed with the Registrar by a person engaged in the business of servicing, maintaining or repairing motor vehicles or their components.

   1. An applicant for a class M inspection station license must be a Motorcycle Dealer licensed pursuant to M.G.L. c. 140, s. 58 or a motorcycle repairman who possesses a license required by law to carry on a repair business and who has received factory training or equivalent training as required by the Registrar.

The following text is effective 09/05/08

   2. Selection Criteria. Once the Inspection Station Network is at capacity, as determined by the Registrar, stations wishing to become licensed shall be placed on a waiting list established and maintained by the Registrar. Applicants shall be selected for licensure from any such list as established by the Registrar as Inspection Station Network capacity warrants. Applicants shall first be selected from the list for licensure in accordance with a determination of geographic need as determined by the Registrar in the exercise of the Registrar’s sole discretion.

   Inspection Station Network geographic need shall be evaluated on the basis of criteria including, but not limited to, factors such as the density of the population of motor vehicle owners in a geographic area and the distance between existing Licensed Inspection Stations as measured by either or both miles and travel time. If Inspection Station Network geographic needs are determined to be adequately met by the Registrar, then Inspection Station Licenses shall be issued in...
accordance with placement on a waiting list of applicants for Inspection Station Licenses compiled in chronological order by date of submission of application for licensure.

b. **Information Required.** Each application for licensure shall contain such information as the Registrar shall require on the application form and be accompanied by a business certificate issued to the applicant by the city or town in which the premises is located.

c. **Application and License Fees.** A non-refundable application fee of $50.00 made payable by cash, certified check or money order to the Registry of Motor Vehicles shall accompany each application. When an application is approved by the Registrar, and upon the payment of an additional fee of $100.00, the applicant shall be granted a license which shall be valid for a period of one year from the date of issuance. The annual renewal fee shall be determined by the Secretary of Administration and Finance. An applicant applying for a license at more than one location will be required to file a separate application for each location. A licensee may change his station location upon payment of a $50.00 application fee and the approval of the new location. Licenses are not transferable. In the event of any change of ownership or interest in the business, an application for a new license must be filed. The Registrar must be notified immediately by the licensee in the event that arrangements are made for the transfer of the business to another person. Upon the transfer of ownership or termination of the business, the station license, all unused Certificates of Inspection, Rejection, and records required to be kept in accordance with the provisions of 540 CMR 4.00 shall be surrendered and returned to the Registry of Motor Vehicles forthwith. Unused Certificates of Inspection will be rebated.

d. **Certificate of License and Display Requirements.** The licensee shall conspicuously display the numbered class license issued by the Registrar.
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in an area that is reserved for inspection purposes. In case of loss, mutilation or destruction of the license, the Registrar shall issue a duplicate license upon proper proof thereof and payment of a fee of $25.00.

e. Requirements to Purchase and Security of Certificates of Inspection. Each licensee shall maintain adequate security, acceptable to the Registrar, which will prevent the misappropriation of Certificates of Inspection or Rejection. Missing or stolen Certificates of Inspection or Rejection must be reported forthwith to the Registry of Motor Vehicles and local law enforcement.

f. Supplies. Each Licensee shall maintain, if required, an adequate supply of Certificates of Inspection, test authorizations, if required, and sticker and sticker stock to assure that motorists will not be denied inspections, or unnecessarily inconvenienced. Said documents shall be purchased from the Registry of Motor Vehicles or its designated agent in accordance with the applicable policies established by the Registrar and may not be sold or transferred from one station to another.

The following text is effective 09/05/08

g. Requirements for Personnel Who Administer Inspections. Inspections must be performed by the licensee or permanent employees of the licensee who are in possession of a valid motor vehicle operator license. A person who performs safety inspections shall be licensed by the Registrar. That license shall be renewed annually. A permanent employee shall, for purposes of 540 CMR 4.00, be defined as a person regularly employed by the licensed inspection station for a minimum of 20 hours per week. Persons performing inspections must be able to demonstrate their proficiency in inspecting motor vehicles and in operating, calibrating, and maintaining items or equipment required for the inspection of motor vehicles, to personnel authorized by the Registrar, the Massachusetts
Commissioner of the Department of Environmental Protection assigned to program administration and enforcement and the Network Contractor. Any person conducting a Class M inspection must provide proof that he has received either factory training, or training approved by the Registrar. The inspector must have a valid motorcycle license.

h. Requirements For Personnel Who Administer Commercial Motor Vehicle Inspections. It shall be the licensed commercial motor vehicle inspection station’s or the mobile commercial motor vehicle inspector’s responsibility to ensure that the individual(s) performing an annual inspection as contained herein are qualified as follows:

1. Understands the inspection criteria set forth in 49 CFR Part 393 and Appendix G to Part 396 and can identify defective components;

2. Is knowledgeable of and has mastered the methods, procedures, tools and equipment used when performing an inspection; and

3. Is capable of performing an inspection by reason of experience, training, or both as follows:

   a. Successfully completed a State or Federal sponsored training program or has a certificate from a State or Canadian Province which qualifies the person to perform commercial motor vehicle safety inspections, or

   b. Have a combination of training and/or experience totaling at least one year. Such training and/or experience may consist of:

      i. Participation in a truck manufacturer-sponsored training program or similar commercial training program designed to train students in truck operation and maintenance;

      ii. Experience as a mechanic or inspector in a motor carrier commercial motor vehicle maintenance program;
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iii. Experience as a mechanic or inspector in commercial motor vehicle maintenance at a commercial garage, fleet leasing company or similar facility; or

iv. Experience as a commercial vehicle inspector for a State, Provincial or Federal Government agency.

4. All personnel who perform any part of the actual commercial vehicle inspection shall be in possession of a valid Commercial Driver’s License (CDL).

a. Written evidence of that individual’s qualifications under 540 CMR 4.08(1)(h) shall be retained by the commercial motor vehicle inspection station for the period during which that individual is performing annual motor vehicle inspections for the commercial motor vehicle inspection station and for one year thereafter.

b. All Commercial Motor Vehicle Inspectors shall be subject to testing and shall be licensed by the Registrar. Said license shall be renewed annually.

5. Availability of Premises and Records to Authorized Personnel. All licensees shall record and retain records pertaining to the inspection performed in accordance with the policies and procedures established by the Registrar. Facilities, records, and equipment shall, during the licensee’s normal business hours, be available at the address recorded on the Class A, B, C, D, E, F, M License (with any additional endorsements) to enforcement personnel of the Executive Office of Transportation, Registry of Motor Vehicles, and/or Department of Environmental Protection and the Network Contractor.

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2. Facility. Equipment, and Inspection Station Requirements.

a. Promotions. No licensed inspection facility may advertise the Massachusetts vehicle safety and emissions inspection program in conjunction with any offer, promotion or discount of any product, service or commodity to any Customer. Nothing in the preceding sentence shall prohibit a licensed inspection facility from including in any advertisement that it is a licensed inspection facility.

The following text is effective 09/05/08

b. Signs. The facilities of public station Licensees should be available for the convenience of the public. Public station Licensees shall conspicuously post and display identification as a Massachusetts Inspection Station” on a sign not less than 24 inches by 36 inches, including the station’s license number and the regular hours of inspection. Hours of inspection may be posted on a separate sign. All stations performing Commercial Motor Vehicle Inspections must post their commercial motor vehicle inspection labor rate. Such signs must be removed or covered whenever inspections cannot be performed during the posted hours.

c. Inspection Area. A specific unobstructed area approved by the Registrar within which the complete motor vehicle inspection shall be performed, must be enclosed in a building in the primary service facility of the licensees’ premises. The inspection area of all classes of inspection stations except M, must be at least 30 feet in length and 12 feet in width, and said inspection area must exceed by five feet in width the width of the widest vehicle inspected. The inspection area for class M Inspections shall be 30 feet or less in length, or as determined by the Registrar. Exceptions to these standards may be provided by the Registrar or his designee in his sole discretion. All inspection stations first licensed on or after October 1, 2008 shall meet the new inspection bay size requirements. All
inspection stations licensed before October 1, 2008 shall be required to meet the bay size requirements in effect at the time of licensure. Designated areas shall be suitably marked or otherwise outlined and include a smooth, level, substantial floor on which the wheels of the vehicle will stand evenly while being inspected and must be maintained in a neat manner. The Registrar, in his sole discretion, may also approve an additional specifically designated area on the licensees’ premises convenient to the approved inspection bay to be used for the inspection of vehicles and/or trailers and converter dollies. Any modification of the inspection area or approved additional area must be approved by the registrar.

d. Equipment Required.

1. General Requirements. All Inspection station licensees must possess the necessary tools and equipment, and shall maintain same in good working order, and shall possess facilities necessary for the ordinary repair and adjustment of motor vehicles or components on which inspection is required. In addition to the preceding, Licensees must be equipped with the following equipment that has been approved by the Registrar, applicable to the particular class license as noted.

a. Headlamp aiming screen or device as approved by the Registrar for Class A, B, C, D, E, F, and M licenses.

b. Dial indicator gauge. All classes except M.

c. Registry approved brake meter. All classes except M.

d. Tire tread depth gauge, marked 32nds of an inch. All classes.

e. Jack of sufficient capacity to lift the front axle of the heaviest vehicle inspected. All classes.
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f. Two jack stands; with a minimum rated capacity capable of holding the vehicle to be inspected. All classes except M.

g. Inspector workstation equipment. All classes.

h. Registry of Motor Vehicles Inspection Manual. All classes.

i. Registry approved 48 inch long headlight aiming stick unless approved mechanical headlight aiming device is used.

j. Registry approved tint meter for glass. All classes except M and fleet stations.

k. Air, power and phone lines or communication link to operate the inspection equipment properly.

l. A commercial motor vehicle inspection station is required to have a current copy of FMCSR Parts 390 397 and Appendix G available for inspector use.

2. Fleet Inspection Stations. Licensees are limited to the inspection of motor vehicles owned or maintained by the licensee or other fleets.

The following text is effective 09/05/08

**Inspection Area.** The licensed Fleet Inspection Station must provide a specific area within which the complete inspection shall be performed except where additional testing is required for brakes. The area must be in a building, enclosing an area at least 30 feet in length and 12 feet in width and said inspection area must exceed by five feet in width the width of the widest vehicle inspected except as otherwise approved by the Registrar. All fleet inspection stations first licensed on or after October 1, 2008 shall meet the new inspection bay size requirements. All inspection stations licensed before October 1, 2008 shall be required
to meet the bay size requirements in effect at the time of licensure. The designated area shall be suitably marked or otherwise outlined and include a smooth, substantial level floor on which all the wheels of the longest vehicle inspected will stand evenly while being inspected. Additional adequate space must be available within the building for repairing and maintaining motor vehicles.

3. **Public Commercial Motor Vehicle Inspection Facility.** Class C, D and E and Facilities Utilizing Services of Class F Licensees using mobile equipment. A commercial motor vehicle inspection station shall have a specific area approved by the Registrar within which the complete inspection of all commercial motor vehicles so defined shall be performed. The area shall be a suitably marked, smooth, level, unobstructed concrete flooring. The dimensions of a public commercial motor vehicle inspection facility shall at a minimum be: a length ten feet longer than the longest single or combination commercial motor vehicle to be inspected, with a minimum of at least 45 feet in length and a minimum of at least 14 feet in width. All axles of any single or combination commercial motor vehicle inspected must be on the same flat, level flooring. The area shall be equipped to provide regulated air supply of sufficient pressure and electrical power to any non-self powered commercial motor vehicle which in combination cannot be accommodated in the designated area. The designated area shall be enclosed in a building having an entrance door of no less than 12 feet in width and 12 feet in height or as approved by the Registrar. All public commercial motor vehicle inspection facilities first licensed on or after October 1, 2008 shall meet the new inspection bay size requirements. All inspection stations licensed before October 1, 2008 shall be required to meet the bay size requirements in effect at the time of licensure.
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3. Revocation, Suspension or Denial of Licenses.

a. The Registrar may, after the applicant, licensee or person licensed by
the Registrar to perform safety inspections has been granted a
hearing held at such time and place as the Registrar may prescribe and
duly notice to the licensee, refuse to issue a license, suspend or revoke
a license or refuse to issue the renewal of a license for any of the
following causes:

1. Failure to comply with any of the Rules and Regulations or the written
   Policies and Procedures of the Registrar or Commissioner pertaining
to License Class A, B, C, D, E, F and M Inspection Stations.

2. Failure to inspect vehicles during posted inspection hours.

3. Failure to have on hand at all times an adequate supply of Certificates
   of Inspection.

4. Failure to maintain that portion of premises utilized as an inspection
   area in a proper manner.

5. Failure to properly maintain equipment utilized in inspections procedures.

6. Engaging in fraudulent practices or conduct during the inspection of
   motor vehicles.

7. The issuance of a Certificate of Inspection or Certificate of Rejection
   without performing the required emissions test, if applicable.

8. For any action deemed by the Registrar or Commissioner of the
   Department of Environmental Protection to violate the terms and
   public purpose of the vehicle inspection program.

b. Mailing, by first class mail, postage prepaid, of a notice of a hearing to
the last known address of a licensee or applicant, 14 days prior to the
date of the hearing, shall be deemed proper notice.
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c. Second, third, and subsequent infractions shall be infractions committed within the three years immediately preceding the date of the infraction for which the Registrar orders another suspension or revocation. The total number of prior infractions, in any combination, shall determine if a second or subsequent offense exists.

The following text is effective 09/05/08

d. If the licensee appeals the Registrar’s decision to revoke or suspend a license, the Registrar, upon a timely request, may allow the suspension or revocation to be stayed pending a hearing before the Motor Vehicle Board of Appeal on Motor Vehicle Liability, Policies and Bonds if said suspension is not based upon activity which would constitute a threat to the public safety.

e. The Registry shall suspend the license of an inspector or a station for a minimum of 180 days for intentionally improperly passing a motor vehicle for the emissions test required pursuant to 310 CMR 60.02. A second or subsequent violation within three years shall result in a license revocation.

f. Suspensions or revocations of the license of any Class A, B, C, D, E, F and M inspection station, in addition to that identified in 540 CMR 4.08(3)(e) shall be in accordance with the following chart:
### SUSPENSION PERIODS FOR VIOLATIONS OF INSPECTION PROCEDURE REQUIREMENTS

(Certificates of Inspection, as used herein, includes Certificates of Rejection)

<table>
<thead>
<tr>
<th>Type of Offense</th>
<th>1st Infraction</th>
<th>2nd Infraction</th>
<th>3rd or Subsequent Infraction</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Failure to maintain inspection bay in proper manner.</td>
<td>Up to 60 Days</td>
<td>Up to 120 Days</td>
<td>Up to 240 Days</td>
</tr>
<tr>
<td>2. Failure to maintain adequate supply of Certificates of Inspection or Rejection.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Failure to maintain adequate security of Certificates of Inspection and test authorizations.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Failure to properly keep required records or properly complete required entries on Certificate of Inspection.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Failure to charge the established inspection fee.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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6. Failure to comply with any provisions of 540 CMR 4.00 or the Registrar’s written policies or procedures relating thereto not otherwise specified herein.

7. Unauthorized person performing inspection.

------------------------------------------------------------------

1. Failure to apply Certificates of Inspection, or Rejection to vehicle as required.

2. Issuing Certificates of Inspection without performing a complete inspection.

3. Failure to perform complete inspection in designated inspection bay.

4. Failure to have on hand required equipment in proper working condition.

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1. Suggesting or requiring that unnecessary repairs or adjustments be made in order for vehicle to pass inspection
   - Up to 280 Days
   - Up to 360 Days
   - Up to 540 Days

2. Falsification or alteration of recorded data pertaining to inspection.

1. Licensee or employee performing inspections while under the influence of liquor or drugs
   - Revoke
   - Revoke
   - Revoke
   - Revoke

The following text is effective 09/05/08
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Safety & Emissions Inspection 540 CMR 4.00

4.09: Licensure of Inspectors - License Application Procedures and Fees

1. To obtain a license to conduct motor vehicle inspections from the Registrar, a person must be trained and certified by the Registrar and DEP pursuant to 310 CMR 60.02 and 540 CMR 4.00.

2. The applicant must provide proof of certification and a valid driver license together with a non-refundable fee which shall be established by the Secretary of Administration and Finance pursuant to M.G.L. c. 90, s. 33 and 801 CMR 4.02.

3. The fee is payable to the Registry of Motor Vehicles and shall accompany each application.

4. When the application is approved by the Registrar, the applicant shall be granted a license which shall be valid for a period of one year from the date of issuance. The license shall be renewable annually at a fee which shall be established by the Secretary of Administration and Finance pursuant to M.G.L. c. 90, s. 33 and 801 CMR 4.02.

REGULATORY AUTHORITY

540 CMR 4.00: M.G.L. c. 90, s.s. 7A, 7V(a), (b) and (c), 7W and 31; and 310 CMR 60.02: M.G.L. c. 111, s. 142M.

The following text is effective 05/28/99.
Appendix C-16
Sale of Involuntarily Towed Vehicle. Vehicles; sale for storage; procedure M.G.L. 255 s. 39A

Section 39A. Sale of Involuntarily Towed Vehicle

Section 39A. Any motor vehicle removed from the scene of an accident and placed for storage in the care of a garage, which in this section shall also include a parking lot or other place for the storage of motor vehicles, by a member of the state police force, by a member of the metropolitan district police, by a member of the police force of any city or town or by any inspector, supervisor, investigator, examiner or instructor appointed by the registrar of motor vehicles under section twenty-nine of chapter ninety, shall be so stored at the prevailing rates. At the time such motor vehicle is so placed the officer or person placing it shall furnish the owner or operator of such garage the name and address of the registered owner of said motor vehicle; and if such information is not then available, said officer or person shall obtain such information and forthwith notify in writing the said owner or operator.

Upon receipt of such information the owner of the garage shall notify the registered owner of the motor vehicle by registered mail, return receipt requested, that such motor vehicle has been placed in his care as provided by this section, and shall inform him of the storage rates therefor, and shall inquire if he is to continue to hold the motor vehicle subject to such storage rates.

If the registered owner of the motor vehicle assents to the continued storage of such motor vehicle, the owner of the garage shall continue to hold said motor vehicle in storage and shall have a lien thereon, as provided in section twenty-five.

If the registered owner of the motor vehicle fails to answer said notice within twenty-one days after receipt thereof, the motor vehicle shall continue to be stored at the prevailing rates.

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If, after the expiration of sixty days from the date when the vehicle was brought to
the garage or placed in the care of the owner of said garage, the owner of the motor
vehicle has not claimed said vehicle, the owner of the garage may give notice to the
owner by registered mail at his last known place of abode stating the amount of the
storage charges and informing him that if the vehicle is not claimed within twenty-
one days the vehicle will be sold. If the owner does not claim the vehicle within said
twenty-one days, the owner of the garage may sell said motor vehicle at public or
private sale after publishing notice of such sale for three successive weeks in a news-
paper published or having a circulation in the city or town in which the property is
located; provided that he shall notify the chief of police in the city or town in which
the garage is located at least five days prior to such sale that the vehicle is to be sold.
Upon such sale the owner of the garage is located at least five days prior to such sale
that the vehicle is to be sold. Upon such sale the owner of the garage may deduct
therefrom his charges for storage and the costs of sending notices and of holding the
sale, and shall furnish the registered owner of such motor vehicle a statement of the
amount received at such sale, together with the amount of his charges and costs, and
the balance, if any. If the owner of the garage knows the address of the registered
owner of said motor vehicle he shall pay such balance to him; if not, he shall deposit
the same with the clerk of the district court who shall give him a receipt therefor and
deposit said balance in a savings bank in the name of the justice of the district court
in trust for said owner of the motor vehicle.
Appendix C-17
Standard of Fault 211 CMR 74.00

211 CMR 74.00:
STANDARDS OF FAULT TO BE USED BY THE BOARD OF APPEAL ON MOTOR
VEHICLE LIABILITY POLICIES AND BONDS AND INSURERS IN PRESUMING
FAULT WHEN MAKING AT FAULT DETERMINATIONS

Section
74.01: Authority
74.02: Purpose and Scope
74.03: Definitions
74.04: Situations in Which Fault: Circumstances in Which an Operator’s Fault is
Presumed to Be More than 50 Percent
74.05: Violations
74.06: Severability

74.01: Authority
211 CMR 74.00 is promulgated in accordance with the authority granted the Board
of Appeal on Motor Vehicle Liability Policies and Bonds by M.G.L. c. 26, s. 8A, and
M.G.L. c. 175, s. 113P; and the authority granted the Commissioner of Insurance by
M.G.L. c. 175E, S.s. 7A and 10.

74.02: Purpose and Scope
The Standards of Fault contained in 211 CMR 74.04 shall be applied by Insurers and
the Board of Appeal on Motor Vehicle Liability Policies and Bonds when determining
whether to presume an Operator of a Private Passenger Motor Vehicle is more than
50% at fault for an Accident.

74.03: Definitions

Accident, an unexpected, unintended event arising out of the ownership, main-
tenance or use of a Private Passenger Motor Vehicle that results in a claim to the
Insurer under a Private Passenger Motor Vehicle insurance policy.
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Standard of Fault 211 CMR 74.00

**At Fault Accident.** An Accident involving a Private Passenger Motor Vehicle in which its Operator was more than 50% at fault.

**Board,** Board of Appeal on Motor Vehicle Liability Policies and Bonds established pursuant to M.G.L. c. 26, s. 8A.

**Center line,** pavement marking, imaginary, drawn, or otherwise designated, which separates traffic moving in opposite directions.

**Collision, Collides.** The accidental upset of a vehicle or any physical contact of a vehicle with an object or a person.

**Commissioner.** The Commissioner of Insurance appointed pursuant to M.G.L. c. 26, s. 6.

**Insurer.** Any corporation, association, partnership, group or individual authorized to write Private Passenger Motor Vehicle insurance in Massachusetts.

**Operator,** any person who operates is operating a Private Passenger Motor Vehicle, whether or not the Operator owns the vehicle.

**Private Passenger Motor Vehicle.** Any vehicle, except a motorized vehicle not normally driven on public ways, that is insured by a Private Passenger Motor Vehicle Insurance Policy.

**Standard of Fault.** The standards referred to in M.G.L. c. 175E, s. 7A, and M.G.L. c. 715, s. 113P, which are contained in 211 CMR 74.04

The following text is effective 12/20/13
74.04: Standards of Fault: Circumstances in Which an Operator’s Fault is Presumed to Be More than 50 percent

The following Standards of Fault shall be considered determinative that an Operator of a Private Passenger Motor Vehicle was more than 50% at fault for an Accident, unless a showing to the contrary is demonstrated by the evidence presented in the course of review of the At Fault Accident.

- **(01) Collision with a Person or a Lawfully or Unlawfully Parked Vehicle** The operator collides with a person or a lawfully or unlawfully parked vehicle.

- **(03) Rear End Collision.** The operator collides with the rear section of another vehicle.

- **(05) Out of Lane Collision.** The operator, when operating a vehicle, which is partially or completely out of its proper lane, thereafter collides with another vehicle:
  a. while being passed by the other vehicle, the passing vehicle being in its proper lane; or
  b. while passing the other vehicle, the other vehicle being in its proper lane; or
  c. while changing or turning into or across the other vehicle’s lane.

- **(07) Failure to Signal.** The operator collides while failing to signal as required by law before turning or changing lanes.

- **(08) Failure to Proceed with Due Caution from a Traffic Control Signal or Sign.** The operator fails to proceed with due caution from a traffic control signal or sign, and thereafter collides with another vehicle.

- **(09) Collision on Wrong Side of Road.** The operator collides with another vehicle which is moving in the opposite direction on the proper side of the roadway or center line.
(10) **Operating in the Wrong Direction.** The operator, when operating a vehicle in the wrong direction on a travel lane, one-way street, or highway, thereafter collides with another vehicle.

(11) **Collision at an Uncontrolled Intersection.** The operator collides with another vehicle at an uncontrolled intersection and;

a. the operator’s vehicle entered a main road from a secondary road; or

b. both vehicles entered the intersection at the same time, and the operator’s vehicle entered the intersection from the left of the other vehicle, failing to allow the vehicle on the right to proceed; or

c. the operator’s vehicle entered the intersection at a point in time later than the other vehicle.

(14) **Collision While in the Process of Backing Up.** The operator is in the process of backing up and thereafter collides with another vehicle.

(15) **Collision While Making a Left Turn or U-Turn Across the Travel Path of a Vehicle Traveling in the Same or Opposite Direction.** The operator, when operating a vehicle making a left turn or U-turn across the path of travel of another vehicle moving in the same or the opposite direction, thereafter collides with the other vehicle.

(17) **Leaving or Exiting from a Parked Position, Parking Lot, Alley or Driveway.** The operator, when operating a vehicle which is leaving or exiting from a parked position, parking lot, alley or driveway, thereafter collides with another vehicle.

(18) **Opened or Opening Vehicle Door(s).** A door of the operator’s vehicle is open, or is in the process of being opened, resulting in a collision with another vehicle.

(19) **Single Vehicle Collision.** The operator operates the only vehicle involved in a collision.

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The following text is effective 12/20/13

**20) Failure to Obey the Rules and Regulations for Driving.** The operator violates a specified provision of M.G.L. chs. 85, 89, or 90, or fails to obey a specified regulation in 350 CMR: Department of Conservation and Recreation, 540 CMR: Registry of Motor Vehicles, 720 CMR: Department of Highways or 740 CMR: Massachusetts Port Authority, and thereafter collides with another vehicle.

**21) Unattended Vehicle Collision.** The operator’s vehicle is left unattended and rolls, resulting in a collision.

**26) Collision While Merging onto a Highway, or into a Rotary.** The operator, when merging onto a highway, or into a rotary, thereafter collides with another vehicle already on the highway, or in the rotary.

**27) Non-Contact Operator Causing Collision.** The operator’s vehicle is not in a collision, but the operator’s operation of his or her vehicle causes the collision of one or more other vehicles.

**29) Failure to Yield the Right of Way to Emergency Vehicles when Required by Law.** The operator fails to yield the right of way to emergency vehicles as is required by M.G.L. c. 89, s.s. 7, 7A and 7C, resulting in a collision.

**31) Collision at a “T” Intersection.** The operator, coming from a roadway that terminated onto a throughway, thereafter collides with another vehicle traveling on that intersecting throughway.

**74.05: Violations**

An Insurer’s failure to apply the standards established by 211 CMR 74.00 in presuming or determining the operator to be more than 50% at fault for an Accident may be a violation of M.G.L. c. 176D, s. 2.
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74.06: Severability

If any section or portion of a section of 211 CMR 74.00 or the applicability thereof to any person, entity, or circumstance is held to be invalid by a court of competent jurisdiction, the remainder of 211 CMR 74.00 or the applicability of such provision to other persons, entities or circumstances, shall not be affected thereby.

REGULATORY AUTHORITY

211 CMR 74.00: M.G.L. c. 26, s. 8A; c. 175, s. 113P; and c. 175E, s.s. 7A and 10.

The following text is effective 03/21/97
Appendix C-18
Standards for Repair of Damaged Motor Vehicles 211 CMR 133.00

211 CMR 133.00:
STANDARDS FOR THE REPAIR OF DAMAGED MOTOR VEHICLES

Section

133.01: Purpose and Applicability
133.02: Authority
133.03: Definitions
133.04: Determination of Damage and Cost of Repair
133.05: Determination of Values
133.06: Option for Contract Repair
133.07: Intensified Appraisals
133.08: Penalties
133.09: Severability

133.01: Purpose and Applicability

The purpose of 211 CMR 133.00 is to promote the public welfare and safety by establishing fair and uniform standards for the repair of damaged motor vehicles. 211 CMR 133.00 is promulgated to be read in conjunction with 212 CMR 2.00, The Appraisal and Repair of Damaged Motor Vehicles, as promulgated by the Auto Damage Appraiser Licensing Board. 211 CMR 133.00 shall apply to all motor vehicles insured in the Commonwealth and only when an insurer pays for the cost of repairs.

133.02: Authority

211 CMR 133.00 is promulgated pursuant to the authority granted to the Commissioner of Insurance by M.G.L. c. 175, s.s. 3A, 4 and 113B, c. 90, s.340, and c. 176D, s.11.

133.03: Definitions

Appraisal- a written motor vehicle damage report as defined in M.G.L. c. 26, s.8G and in compliance with the provisions of M.G.L. c. 93A, c. 100A, c. 90, s.34R, c. 26, s.8G and 212 CMR 2.00.
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**Appraiser** - means any person licensed by the Auto Damage Appraiser Licensing Board to evaluate motor vehicle damage and determine the cost of parts and labor required to repair the motor vehicle damage.

**Claimant** - means any person making a claim for damage to a motor vehicle for either first or third party damages.

**Intensified Appraisal** - means the combination of the appraisal of a motor vehicle before its repair and the reinspection of the vehicle subsequent to its repair.

133.04: **Determination of Damage and Cost of Repair**

1. Appraisers shall specify that damaged parts be repaired rather than replaced unless: the part is damaged beyond repair, or the cost of repair exceeds the cost of replacement with a part of like kind and quality, or the operational safety of the vehicle might otherwise be impaired. When it is determined that a part must be replaced, a rebuilt, aftermarket or used part of like kind and quality shall be used in the appraisal unless:

   a. the operational safety of the vehicle might otherwise be impaired;

   b. reasonable and diligent efforts to locate the appropriate rebuilt, aftermarket or used part have been unsuccessful;

   c. a new original equipment part of like kind and quality is available and will result in the lowest overall repair cost;

   d. for vehicles insured under policies written on or before December 31, 2003, the vehicle has been used no more than 15,000 miles unless the pre-accident condition warrants otherwise; or.

   e. for vehicles insured under policies written or renewed on or after January 1, 2004, the vehicle has been used no more than 20,000 miles unless the pre-accident condition warrants otherwise.

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Standards for Repair of Damaged Motor Vehicles 211 CMR 133.00

The following text is effective 04/25/03

A part is of like kind and quality when it is of equal or better condition than the pre-accident part.

2. When an insurance company specifies the use of used, rebuilt, or aftermarket parts, the source and specific part(s) must be indicated on the appraisal. If the repairer uses the source and specified part(s) indicated on the appraisal and these parts are later determined by both parties to be unfit for use in the repair, the insurance company shall be responsible for the costs of restoring the parts to usable condition. If both parties agree that a specified part is unfit and must be replaced, the insurer shall be responsible for replacement costs such as freight and handling unless the repair shop is responsible for the part(s) being unfit, or unless the insurer and repairer otherwise agree. As to such costs, nothing in 211 CMR 133.00 shall preclude an insurer from exercising any available rights of recovery against the supplier.

3. Damage to motor vehicle glass shall be repaired rather than replaced if:
   a. damage to the windshield is outside the critical viewing area, which is that area covered by the sweep of the wipers originally provided by the vehicle manufacturer, exclusive of the outer two inches within the perimeter of that sweep; and
   b. damage to the glass is minor, including, but not limited to, a crack less than six inches in length and stone breaks or bruises, bullseyes and star breaks less than one inch in diameter; and
   c. the repair will not impair the operational safety of the motor vehicle.

Insurers shall use reasonable efforts to ensure that, before any decision is made to replace glass, the damage is inspected to determine whether is it suitable for repair.

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Standards for Repair of Damaged Motor Vehicles 211 CMR 133.00

133.05: Determination of Values

1. Actual Cash Value. Whenever the appraised cost of repair plus the probable salvage value may be reasonably expected to exceed the actual cash value of the vehicle, the insurer shall determine the vehicle’s actual cash value. This determination shall be based on a consideration of all the following factors:

   a. the retail book value for a motor vehicle of like kind and quality, but for the damage incurred;

   b. the price paid for the vehicle plus the value of prior improvements to the motor vehicle at the time of the accident, less appropriate depreciation;

   c. the decrease in value of the motor vehicle resulting from prior unrelated damage which is detected by the appraiser; and

   d. the actual cost of purchase of an available motor vehicle of like kind and quality but for the damage sustained.

2. Salvage Value. Whenever the appraised cost of repair plus the probable salvage value may be reasonably expected to exceed the actual cash value, a staff or independent appraiser licensed pursuant to 212 CMR 2.00 shall complete a total loss report on a form that has been filed with the Division of Insurance. If the claimant retains title to the vehicle, the appraiser shall obtain bids from two geographically convenient licensed salvage companies. The average of the two bids shall be used as the salvage value. The appraiser shall provide to the claimant the names and addresses of the potential salvage buyers, the amount of each salvage estimate used by the appraiser in computing the salvage value, and the expiration dates of offers, if any, made by potential salvage buyers.
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133.06: Option for Contract Repair

1. With respect to a claim presented under either Limited Collision, Collision or Comprehensive Coverage, if the insurer deems a motor vehicle a total loss, the claimant may, with the consent of the insurer, enter into an agreement to have the vehicle repaired by any registered repair shop for the contracted cost of repair if:

   a. the insurer allows the claimant to retain possession and ownership of the vehicle; and

   b. the claimant obtains a salvage title for said vehicle in compliance with M.G.L. c. 90D.

The following text is effective 04/25/03

2. Under such an agreement, the insurer shall not be required under any circumstance to pay more than the actual cash value less the actual salvage value as determined under 211 CMR 133.05. There shall be no supplements paid by the insurer under this agreement. The claimant or the repair shop and not the insurer shall be responsible for any charges that may exceed the agreed contract price. The insurer shall make no payments to the registered repair shop until it receives a completed work claim form and the vehicle has been reinspected by the insurer.

3. Nothing in 211 CMR 133.06 shall be construed to conflict with, or alter, the duties and rights of an insurer under M.G.L. c. 175, s. 113S. Nothing in 211 CMR 133.06 shall restrict the right of an insurer to take title to a vehicle that the insurer has deemed a total loss.
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133.07:  Intensified Appraisals

An insurer shall have licensed appraisers conduct intensified appraisals of at least 25% of all damaged motor vehicles for which the appraised cost of repair is less than $4,000.00 and at least 75% of all damaged vehicles for which the appraised cost of repair is more than $4,000.00 for Collision, Limited Collision and Comprehensive claims. The appraiser shall determine whether the repairs were made in accordance with the initial appraisal and any supplements. The information compiled during the intensified appraisal shall be set forth on a form acceptable to the Auto Damage Appraiser Licensing Board and the Division of Insurance. A copy of an intensified appraisal shall be given to the insurer, and, upon request, to the person making the repairs or the claimant.

133.08:  Penalties

A violation of any provision of 211 CMR 133.00 shall be considered to be an unfair or deceptive act or practice, in violation of M.G.L. c. 176D.

An alleged violation of 211 CMR 133.00 by a licensed auto damage appraiser may be reported to and penalized by the Auto Damage Appraisers Licensing Board in accordance with its governing statute and 212 CMR.

Nothing herein shall be deemed to preclude the claimant or policyholder, the Commissioner, the Attorney General or the Director of the Division of Standards from pursuing any other remedy or penalty provided by law including any remedy provided under M.G.L. c. 93A or M.G.L. c. 100A.

An insurer or repair shop shall be responsible for the actions of all of its appraisers whether staff or independent, and shall be subject to the applicable penalties under law for any violation of 211 CMR 133.00 or 212 CMR 2.00.
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133.09: Severability

If any provision contained herein is found to be unconstitutional or invalid by a Court of competent jurisdiction, the validity of the remaining provisions will not be so affected.

REGULATORY AUTHORITY

211 CMR 133.00: M.G.L. c. 175, s.s. 3A, 4 and 113B, c. 90, s. 34O and c. 176D, s. 11.

The following text is effective 05/16/08
Appendix C-19
Temporary Plate

Letter Addressing Temporary Plates from the Registry of Motor Vehicles.

Donna M. McKenna
MAIA Vice President of Communications
91 Cedar Street
Milford, MA 01767

Donna McKenna;

This letter is to address questions pertaining to temporary plates.

Massachusetts does not issue temporary registration plates for its own residents but it does recognize temporary registration plates validly registered in other states to non-residents of Massachusetts who are temporarily operating in this state (assuming the temporary plates are not expired or suspended.) Thus, a Connecticut resident operating a motor vehicle in Massachusetts on validly issued temporary Connecticut registration plates is OK, but a Massachusetts resident operating a newly purchased motor vehicle in Massachusetts with validly issued temporary Connecticut plates is not.

A Massachusetts resident who purchases a motor vehicle in another state must apply for an attach valid Massachusetts registration plates to the vehicle before he/she can drive the vehicle back to Massachusetts. (This can be done by using overnight services such as FedEx or UPS). As an alternative, the dealer may deliver the vehicle to the buyer in Massachusetts using the Dealer’s out-of-state issued Dealer Plates (but the buyer cannot operate the vehicle on those Dealer Plates in Massachusetts once the vehicle has been delivered).

Chapter 90, Section 9 states: No person shall operate, push, draw or tow any motor vehicle or trailer, and the owner or custodian of such a vehicle shall not permit the same to be operated, pushed, drawn or towed upon or to remain upon any way except as authorized by section three, unless such vehicle is registered in accordance with this chapter and carries its register number displayed as provided in section six, and, in the case of a motor vehicle, is equipped as provided in section seven...
I have included both statutes. **A Massachusetts resident must register his/her vehicle in Massachusetts and cannot register it in another state.** A Ma resident who is operating a vehicle owned by him/her and registered in another state (even with “temporary plates”) is probably violating Chapter 90, Section 9 and is subject to a fine of $100 for a first offense and up to $1,000 for a subsequent offense. The citation is issued for an “unregistered motor vehicle” according to the current CMVI Assessment Schedule of the Trial Court of the Commonwealth, District Court Department.

Section 3 authorizes operation on MA public ways of vehicles that are properly registered to non-residents of other states. There is an exception in Section 3 for a MA corporation or a resident of Massachusetts who has a business in another state with commercial motor vehicles registered and garaged in that state.

I hope this information helps.

Sincerely,

Elizabth Rizzuto
Registration Manager
MA DOT, RMV Division.

Click here for the original letter and statutes.
2.05: Vehicle Registrations Requirements

1. Authority. Purpose and Scope. 540 CMR 2.05 is issued by the Registrar of Motor Vehicles under the authority of M.G.L. c. 16, s. 9 and c. 90, s.s. 2 and 31. In order to promote and protect the public safety, every motor vehicle and trailer operated, pushed, drawn, towed, or remaining in any way shall be in compliance with the registration requirements of M.G.L. c. 90, and 540 CMR 2.05 or 18.00: Minimum Standards for the Issuance and Use of General Registrations and General Registration Numbers Plates Issued under the Provisions of M.G.L. c. 90, s. 5.

2. Applications for Registration and Powers of Attorney. Any person who desires to register a motor vehicle or trailer in the Commonwealth shall complete such application, and provide such information, as required by the Registrar. The application for registration may be signed on behalf of the applicant by a duly authorized attorney in fact acting under a valid power of attorney, provided the power of attorney or a copy thereof, duly authenticated, is filed with the application for registration.

3. Definitions. As used in 540 CMR 2.05, the following terms are defined as follows:

- Ambulance, Antique Motor Car Auto Home, House Trailer, Motorcycle, School Bus, Semitrailer, and Trailer, shall have the meaning assigned to those terms in M.G.L. c. 90, s. 1.

- Apportionable Vehicle, is any motor vehicle which qualifies for registration under the International Registration Plan (IRP) authorized by M.G.L. c. 90, s. 2, and which the Commonwealth joined effective January 1, 1994.

- Bus, is any motor vehicle which is designed to transport 16 or more persons, including the driver, or meets the definition of Bus or Motor Bug under M.G.L. c. 90, s. 1.
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Commercial Vehicle, is any motor vehicle which is not a private passenger motor vehicle, personal transportation network vehicle, antique motor car, motorcycle, trailer, semi-trailer, auto home, house trailer, taxicab, ambulance, hearse, livery vehicle, bus, school bus, or school pupil transport vehicle, including the following:

a. Any vehicle which has a vehicle weight, or curb weight, of more than 6,000 lbs., as per the manufacturer’s description of said vehicle, unless such vehicle is a sport utility vehicle or passenger van, or a pickup truck or cargo van meeting the definition of Private Passenger Vehicle;

b. Any vehicle which has five or more wheels on the ground;

c. Any pickup truck or cargo van, owned by a partnership, trust or corporation unless such vehicle meets the definition of Private Passenger Motor Vehicle;

d. Any pickup truck or cargo van, if on the bed of the vehicle tools, supplies, materials or equipment are transported to or from a job site, or are stored for use at a job site, provided that transportation to or storage for use at a personal project for which no compensation is received shall not be considered in connection with a “job site”;

e. Any vehicle, if on the roof or sides of the vehicle, tools, supplies, materials or equipment are transported to or from a job site, or are stored for use at a job site, provided that transportation to or storage for use at a personal project for which no compensation is received shall not be deemed in connection with a “job site”;

The following text is effective 01/16/15

f. A vehicle which has business advertisements or business markings thereon; provided however that markings limited to the name, address, telephone number, and logo of any corporation whose personal property is exempt from taxation under M.G.L. c. 59, s. 5, clause third or tenth shall not be considered business advertisements or business markings or purposes of 540 CMR 2.05;
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g. A vehicle used for hire to plow;

h. A vehicle used for hire to transport or store goods, wares or merchandise, provided that if the vehicle is owned by an individual, has a maximum load carrying capacity of 1,000 pounds or less, and is so used on only a part-time basis, such vehicle shall not be deemed a commercial vehicle under 540 CMR 2.05(3): Commercial Vehicle(h). Part-time Basis shall mean that not more than 40% of the total usage of the vehicle is devoted to the transporting or storing of goods, wares or merchandise.

i. A vehicle used to transport or store goods, wares or merchandise intended for sale in the ordinary course of the vehicle operator's or owner's business, provided that if the vehicle is owned by an individual, has a maximum load carrying capacity of 1,000 pounds or less, and is so used on only a part-time basis, such vehicle shall not be deemed a commercial vehicle under 540 CMR 2.05(3): Commercial Vehicle(i) Part-time Basis shall mean that not more than 40% of the total usage of the vehicle is devoted to the transporting or storing of goods, wares or merchandise.

Hearse, is any vehicle regularly used in the course of business of a licensed embalmer or a licensed funeral director.

Livery Vehicle, is any limousine or other vehicle which is designed to carry 15 or fewer passengers, including the driver, and carries passengers for hire, business courtesy, employee shuttle, customer shuttle, charter or other pre-arranged transportation, and which vehicle is not required to obtain a taxicab license pursuant to M.G.L. c. 40, s. 22.

Personal Transportation Network Vehicle is a private passenger motor vehicle that is used by a Transportation Network Company Driver to provide Transportation Services for a Transportation Network Company.
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Private Passenger Motor Vehicle, is any vehicle:

a. which has a vehicle weight rating or curb weight of 6,000 lbs. or less as per manufacturer’s description of said vehicle or is a sport utility vehicle or passenger van; or which is a pickup truck or cargo van of the V2 TON, 3/4 TON or one TON class as per manufacturer’s description of said vehicle; or which is a vehicle used solely for official business by any college or university police department whose officers are appointed as special police officers by the colonel of the state police under M.G.L. c. 22C, s. 63; and,

b. which, if a pickup truck or cargo van, is registered or leased to an individual, and is used exclusively for personal, recreational, or commuting purposes; and,

c. which, other than a Personal Transportation Network Vehicle, is not described in elsewhere in 540 CMR 2.05.

Pleasure Vehicle, passenger Vehicle, Passenger Car, Automobile and Pleasure Passenger vehicle are synonymous with Private Passenger Motor Vehicle as defined in 540 CMR 2.05: Private Passenger Motor Vehicle. For the avoidance of doubt, Private Passenger Motor Vehicle shall include, but not be synonymous with, personal Transportation Network Vehicle.

School Pupil Transport Vehicle, is any vehicle which is required to comply with the special equipment and licensing requirement of M.G.L. c. 90, s. 7D or s. 7D1A.

Taxicab, is any vehicle which carries passengers for hire, and which is licensed by a municipality pursuant to M.G.L. c. 40, s. 22 as a taxicab.
Transportation Network Company is a corporation, partnership, sole proprietorship, or other entity operating in Massachusetts that, for consideration, will arrange for a passenger to be transported by a driver between points chosen by the passenger. A Transportation Network Company must hold a valid Transportation Network Company Certificate issued by the Department of Public Utilities or a notice issued by the Department of Public Utilities within the preceding six months certifying that, as of the date of the notice, the Department of Public Utilities is not issuing Transportation Network Company Certificates.

The following text is effective 01/16/15

Transportation Network Company Driver or TNC Driver is an individual who, on behalf of a Transportation Network Company, provides Transportation Services to TNC Riders.

Transportation Network Company Rider or TNC Rider is any passenger who is transported by a TNC Driver for consideration and whose transportation is arranged by a TNC.

Transportation Services are the transportation of a passenger between points chosen by the passenger for consideration.

Vanpool Vehicle, is any vehicle with a seating arrangement designed to carry seven to fifteen adults, including the driver, and is used by seven or more persons commuting on a daily basis to and from work, as classified in M.G.L. c. 63, s.s. 31D through 31F.

4. Registration Plates.

a. A Private Passenger Motor Vehicle may display a private passenger registration number plate.

b. Notwithstanding any other provision of 540 CMR 2.05(4), any apportionable vehicle registered under the IRP shall display an APPORTIONED registration number plate.
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c. A Commercial Vehicle shall display a COMMERCIAL registration number plate. Each commercial vehicle must have on its registration the registered gross weight evidencing the registered owner’s intended loaded weight.

d. An Ambulance shall display an AMBULANCE registration number plate.

e. An Antique Motor Car may display an ANTIQUE registration number plate, or a YEAR OF MANUFACTURE registration number plate issued in accordance with 540 CMR 2.07.

f. An Auto Home may display a CAMPER registration number plate. A House Trailer may display either a CAMPER or a TRAILER registration number plate.

g. A Bus shall display a BUS registration number plate.

h. A Hearse shall display either an HEARSE or a COMMERCIAL registration number plate.

i. Subject to 540 CMR 2.05(4)(i)1. through 3., and the provisions of M.G.L. c. 90, s. 7D, a Livery vehicle shall display a LIVERY registration number plate, provided that nothing contained in 540 CMR 2.05(4)(i) shall prevent a vehicle that meets the requirements in M.G.L. c. 90 for a registration number plate bearing the International Symbol of Access from displaying such registration number plate.

1. Any vehicle that meets the definition of Livery Vehicle, including vehicles described in 540 CMR 2.05(4)(i)2. and 3., but which vehicle is used for the transportation of school pupils under M.G.L. c. 90, s. 7D, shall display a PUPIL registration number plate.

2. Any vehicle that meets the definition of Livery Vehicle solely by virtue of the use to which it is put pursuant to a short term rental agreement of not more than seven consecutive days, and 30 days in the aggregate in any calendar year, need not display a Livery registration number plate during such rental period, provided the vehicle is owned by an entity whose regular business is vehicle rental; the vehicle is covered by a liability insurance policy.
applicable to a vehicle used to transport people for hire; said rental agreement is carried in the vehicle; and the vehicle is properly registered based upon the use to which it was put just prior to the commencement of the short term rental period.

3. Any vehicle that meets the definition of a Livery Vehicle but is used exclusively to provide transportation in connection with a program of the Commonwealth of Massachusetts Department of Mental Retardation and/or Department of Mental Health may display either a Livery registration number plate or a Passenger registration number plate, provided that if such vehicle displays a Passenger registration number plate it shall not bear any business advertisements or markings thereon, and there shall be maintained in the vehicle, in a readily accessible place for examination by law enforcement officers upon request, written evidence of the relationship with the Department(s) supplied by the Department(s), which writing shall specifically reference the expiration date of the current relationship with the Department(s).

The following text is effective 01/16/15

j. A Motorcycle shall display a MOTORCYCLE registration number plate.

k. A School Bus shall display either a SCHOOL BUS or a BUS registration number plate, except as provided in M.G.L. c. 90, s. 7D. The requirement of 540 CMR 2.05(4)(k) is applicable to all such classified motor vehicles notwithstanding that they otherwise would be eligible to display a COMMERCIAL, LIVERY, TAXI, MUNICIPAL, STATE, AUTHORITY, or other registration number plate. In case of emergency, a vehicle with a COMMERCIAL, LIVERY, TAXI, PUPIL, MUNICIPAL, STATE or AUTHORITY plate may be substituted as a school bus; provided said substitution may not occur for more than five days in any 12 month period.

l. A School Pupil Transport Vehicle shall display a PUPIL registration number plate. The requirement of 540 CMR 2.05(4)(1) is applicable to all such classified
motor vehicles notwithstanding that they otherwise would be eligible to display a COMMERCIAL, LIVERY, TAXI, MUNICIPAL, STATE, AUTHORITY, or other registration number plate. In case of emergency, a vehicle with a COMMERCIAL, LIVERY, TAXI, BUS, SCHOOL BUS, MUNICIPAL, STATE, or AUTHORITY plate may be substituted for a School Pupil Transport Vehicle; provided, said substitution may not occur for more than five days in any 12 month period.

m. A Semi-trailer shall display a SEMI-TRAILER registration number plate.

n. A Taxicab shall display a TAXI registration number plate, except that a vehicle which meets the definition of Taxicab, but which vehicle is used for the transportation of school pupils under M.G.L. c. 90, s. 7D, shall display a “PUPIL” registration number plate.

o. A Trailer shall display a TRAILER registration number plate.

p. A Vanpool Vehicle shall display a VANPOOL registration number plate.

q. Each registration plate issued by the Registrar remains the property of the Registrar. Unless otherwise specifically directed or authorized by the Registrar, a registration plate of a currently issued series of plates or a plate re-issued pursuant to 540 CMR 2.07, which is not displayed on a properly registered motor vehicle or trailer, shall be returned immediately to the Registrar.

(4 1/2 A)(a) A TNC Driver shall not provide Transportation Services to a Passenger unless a Transportation Network Company has pre-arranged for the TNC Driver to provide Transportation Services to the passenger. A TNC Driver shall not solicit or accept on-demand summoning of a ride, otherwise known as “street hail” or “hail pick-up”. ‘

b. A Transportation Network Company shall make available to prospective TNC Riders the method by which the Transportation Network Company calculates fares or the applicable rates being charged and an option to receive an estimated fare.
A INC Driver must:
1. Be at least 21 years of age;
2. Possess a valid driver’s license;
3. Possess proof of personal motor vehicle insurance as required under M.G.L. c. 90 for the Personal Transportation Network Vehicle being used;
4. Comply with such other requirements as may be set by the Department of Public Utilities for INC Drivers.

d. No individual whose operator driving record, as maintained on behalf of the Merit Rating Board under M.G.L. c. 6C, s. 57A, contains any of the following traffic violations shall operate a Personal Transportation Network Vehicle:
   1. More than three traffic violations, as defined by the Division of Insurance, in the preceding three-year period; or
   2. A major traffic violation, as defined by the Division of Insurance, in the preceding three-year period

4 3/4 (a) The Department of Public Utilities (DPU) shall act as the licensing authority to which a Transportation Network Company shall apply for a certificate to provide TNC Services. The DPU may issue such a certificate if DPU finds that public convenience and necessity require that the applicant be allowed to provide Transportation Services.

b. The DPU shall have general supervision and regulation of, and jurisdiction and control over Transportation Network Companies as common carriers.

c. The DPU shall ensure that, before arranging for a Transportation Network Driver to provide Transportation Services, a Transportation Network Company shall:
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The following text is effective 01/16/15

1. Conduct, or have a third party conduct, a background check that shall include Criminal Record Information (CORI) and Multi-state/Juris Criminal Records Locator or other similar nationwide database, and National Sex Offender Registry database; and

2. Conduct, or have a third party conduct, a driving record check.

d. The DPU shall further ensure that:

1. A Transportation Network Company shall not arrange for a passenger to be transported by any Transportation Network Driver who appears on the National Sex Offender Registry or who has a conviction in the past ten years for crimes of violence, sexual abuse, driving under the influence of drugs or alcohol, hit and run, attempting to evade the police, driving with a suspended or revoked license, felony robbery, or felony fraud.

2. A Transportation Network Company, and the TNC Drivers the Transportation Network Company arranges to provide Transportation Services, shall maintain appropriate liability insurance.

e. In the event that the DPU is unwilling or unable to ensure that Transportation Network Companies in general or a Transportation Network Company in particular comply with the above requirements, the Registrar of Motor Vehicles shall have the power to prohibit the operation of some or all Personal Transportation Network Vehicles or take such further action with respect to such vehicles as otherwise authorized by law or regulations.
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(5) Remedies.

a. The certificate of registration of any vehicle that is registered in violation of 540 CMR 2.00, as determined by the Registrar after hearing, shall be subject to revocation under M.G.L. c. 90, s. 2; however if the Registrar determines that the continued operation of such vehicle constitutes an immediate threat to public safety then, under M.G.L. c. 90, s. 22(a), such revocation by the Registrar shall be without a prior hearing.

b. Any violation of 540 CMR 2.05 is punishable by a fine pursuant to M.G.L. c. 90, s. 20, and may result in the suspension of the operator’s license or right to operate and/or certificate of registration for up to 30 days pursuant to M.G.L. c. 90, s. 22(b). Confiscation of the registration plate and/or impoundment of the subject vehicle for the reason that the vehicle displays the incorrect type of vehicle registration plate based upon the classifications described in 540 CMR 2.05, is not authorized by 540 CMR 2.05 in the absence of a determination by the Registrar that continued operation of such a vehicle in a particular case would constitute an immediate threat to public safety.

c. Any person who operates a motor vehicle which has no current registration in violation of M.G.L. c. 90, or which bears a registration plate that is assigned to a vehicle or trailer other than the one to which it is attached, or which is the subject of a revoked or suspended registration shall be subject to the penalties set forth in M.G.L. c. 90, s.s. 2, 9 and 23, and the registration plate(s) attached to such vehicle shall be subject to immediate confiscation by an officer of the police, or other person authorized by the Registrar. Any such confiscated plate(s) shall be returned to the Registrar as soon as is practically possible after confiscation.
(6) Registration Stickers.

a. The Registrar may issue a sticker or decal to validate a registration plate issued under M.G.L. c. 90, s. 2. The owner of the vehicle shall attach such sticker or decal to the upper right hand corner of the rear registration plate, so as to cover any previously attached sticker.

b. Any motor vehicle or trailer registered to the Commonwealth or a political subdivision shall be exempt from the requirement of displaying a registration sticker.

(7) Electronic Vehicle Registration (VR) Program. Participation in the Registry’s Electronic Vehicle Registration (EVR) Program authorizing third parties to issue motor vehicle registrations, enter motor vehicle registration data onto the Registry’s computer database, and perform ancillary functions, including but not limited to the Distributed Registration Information Vehicle Entry (DRIVE) Program, shall be by permit issued, suspendable and revocable by the Registrar, and subject to such reasonable terms and conditions as the Registrar may prescribe.

(8) (a) Registration Requirements for Natural Persons (Individuals). If an applicant for registration of a motor vehicle or trailer is a natural person (an individual), the following information must be provided in addition to any other information the Registrar may require: The applicant’s:

1. full name;

The following text is effective 01/16/15

2. full residential address, including an apartment or unit number, if applicable; and

3. date of birth;

In addition to 540 CMR 2.05(8)(a)1. through 3., at least one of the following in
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540 CMR 2.05(8)(a)4. through 7. must also be provided by the applicant for inspection or recording by the Registrar, unless exempted:

4. a valid driver license; or

5. a valid Massachusetts’ Identification Card issued to the applicant under M.G.L. c. 90, s. 8E; or

6. the applicant’s Social Security Number (SSN); or

7. other proof of legal residence in Massachusetts.

This may include one or more documents from the Driver’s Manual (the edition issued closest in time to the receipt of the application for registration) section on Acceptable Forms of Identification, Documents to Prove Massachusetts Residence.

b. Registration Exemptions for Natural Persons (Individuals.). As authorized by M.G.L. c. 90, s. 2, the Registrar has established exemptions from the requirements in 540 CMR2.05(8)(a)1. through 7. for nonresident (out-of-state) students; military personnel; senior citizens and disabled persons; and may establish additional exemptions by regulation for other groups if consistent with the provisions in the law. The following exemptions are incorporated in 540 CMR 2.05(8Xb):

1. Nonresident Student A nonresident enrolled as a student at a school or college in this state who attends school during any period from September 1d of any year to August 31’ of the following year and who has a temporary residential address in this state while attending such school, may register a vehicle for personal use that he or she owns from such address without having to provide evidence of a Massachusetts driver license, a Massachusetts ID card (issued under M.G.L. c. 90, s. 8E), or provide his or her Social Security Number (SSN) but must have a valid driver license from his or her home state or country if he or she is to be the principal driver of the registered vehicle.
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Note: A nonresident student enrolled as a student at a school or college in the Commonwealth who attends school during any period from September of any year to August 31' of the following year and who has a temporary residential address in this state while attending such school is not required to obtain Massachusetts registration plates for a vehicle he or she has brought into the Commonwealth while attending a school or college here if the student completes the nonresident student statement required of nonresident students • by M.G.L. c. 90, s. 3, including maintaining the required insurance coverage, and files such statement in quadruplicate with the local police where the school or college is located and displays the decal for the applicable academic year provided by the school. (For purposes of 540 CMR 2.05(8) a Student is defined in M.G.L. c. 90, s. 1).

2. Military Personnel: A person who is an active duty member of the armed forces of the United States whose permanent home is in another state, who is assigned to a base or facility in Massachusetts and who has a temporary residential address in this state, may register a vehicle without having to have a Massachusetts driver license, a Massachusetts ID card or SSN although he or she must have a valid driver license from his or her home state if he or she is the principal driver; and if not the principal driver and heir she does not have an out-of-state license, he or she must have an SSN or be denied registration.

3. Senior Citizen or Disabled Person: A person who is 65 years of age or older and who is a resident of Massachusetts and a person of any age who is a resident of this state and who otherwise meets the definition of a disabled person who would qualify for a handicapped placard or HP plates under Massachusetts law, can register a vehicle that he or she owns without the need to have a Massachusetts driver license, a Massachusetts Identification card or an SSN.
Appendix C-21
Year of Manufacture Registration Plates
540 CMR 2.07

540 CMR 2.07: Year of Manufacture Registration Plates

1. Authority, Purpose and Scope. 540 CMR 2.07 is issued by the Registrar of Motor Vehicles pursuant to M.G.L. c. 90, s.s. 6A and 31, to allow the display of Year of Manufacture registration plates on antique motor cars under certain circumstances and conditions, as determined by the Registrar.

2. Definitions. In 540 CMR 2.07, the following definitions apply:

   Antique Motor Car: a motor vehicle that meets the definition of antique motor car in M.G.L. c. 90, s. 1.

   Year of Manufacture Registration Plate: a registration plate originally issued by the Commonwealth in the exact year of manufacture of the antique motor car to which it is proposed to be attached under 540 CMR 2.07. If no registration plates were issued in a particular year, Year of Manufacture Registration Plate shall mean a registration plate originally issued in a prior year and originally approved by the Commonwealth for use in the year of manufacture of the antique motor car to which it is proposed to be attached under 540 CMR 2.07.

3. Use of Year of Manufacture Registration Plates. In the discretion of the Registrar, a Year of Manufacture registration plate may be issued for display on an antique motor car in place of an Antique registration plate, in the following circumstances:

   a. The owner of the antique motor car shall submit to the Registry a request for issuance of a Year of Manufacture registration plate on a form prescribed by the Registrar.

   b. The owner shall physically present the Year of Manufacture registration plate to the Registrar or his or her designee for approval, and, the Registrar or the designee shall find, in his or her judgment, that the plate:
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1. contains a combination of alphanumeric characters that is compatible with the data system then in use by the Registry;

2. is in good repair and condition, with its numbers and markings clearly legible; and

3. is of sufficiently distinctive appearance that it would not likely be confused with any currently issued registration plate. A plate bearing a combination of alphanumeric characters that has already been approved as a Year of Manufacture registration plate shall not be deemed to be sufficiently distinctive in appearance.

c. The Registrar may, but need not, approve a Year of Manufacture registration plate for display on an antique motor car of a different type than that for which the registration plate was originally issued (e.g. a truck plate approved for display on an automobile).

d. Notwithstanding the fact that during a particular year of manufacture it was the practice to issue two registration plates, the Registrar may in his or her discretion authorize the display of only one Year of Manufacture registration plate, if only one such plate is available and found to meet the standards set forth in 540 CMR 2.07(3)(b). Such plate or plates, as the case may be, shall be displayed in accordance with the provisions of M.G.L. c. 90, s. 6.

4. Registration Number and Decal.

a. If the Registrar approves a request for issuance of a Year of Manufacture registration plate, then the registration number assigned to the subject antique motor car shall comprise the combination of numbers and letters shown on the Year of Manufacture registration plate, together with a unique identifier, to be determined by the Registrar, which will distinguish the letter and number combination as a Year of Manufacture registration number. The issued registration plate for the antique motor car the Year of Manufacture Registration plate.

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b. The registration decal issued in connection with an approved Year of Manufacture registration plate need not be affixed to the Year of Manufacture registration plate for which it is issued, provided the decal is at all times carried in the antique motor car in a readily accessible place, for display upon request.

The following text is effective 11/26/99

5. Surrender of Registration Plate. Pursuant to the provisions of M.G.L. c. 90, and 540 CMR 2.05(4)(q), in the event of revocation or suspension of the registration assigned to an antique motor car bearing a Year of Manufacture registration plate, the Year of Manufacture registration plate shall be surrendered to the Registrar in like manner as any other issued registration plate. If the registration is terminated under circumstances other than suspension or revocation, the Registrar in his discretion may elect not to require the return of the Year of Manufacture registration plate.

6. Procedures. The Registrar may adopt such further policies and procedures as in the Registrar’s judgment are necessary or desirable to implement 540 CMR 2.07.