

540 CMR: REGISTRY OF MOTOR VEHICLES

540 CMR 26.00: PLOW AND HITCHING MECHANISMS; COMPLIANCE

Section

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26.01: Scope and Applicability

540 CMR 26.00 *et seq.*, is adopted by the Registrar of Motor Vehicles pursuant to M.G.L. c. 90, § 19K and M.G.L. c. 90, § 31 to establish regulations to verify compliance for persons whose vehicle has been cited three or more times for a violation of M.G.L. c. 90, § 19K. It is sufficient if the citations were disposed of by payment of a fine or the entering of a finding of responsible or default to each or any of the citations. 540 CMR 26.00 is applicable to any vehicle with a gross weight of less than 26,000 pounds which is equipped with a plow and/or a hitching mechanism on a plow frame except 540 CMR 26.01 shall not apply to state, county or municipally owned or operated vehicles.

26.02: Definitions

Hitching Mechanism shall be defined as the lift cylinder and the lift arm.

Citation means an “automobile law violation” as that phrase is defined in M.G.L. c. 90C, § 1 and issued under M.G.L. c. 90, § 19K. A “warning” is not a “citation” for purposes of 540 CMR 26.00.

26.03: Revocation of Registration

(1) The Registrar will revoke the vehicle registration of any vehicle that has been issued three or more citations, as indicated in 540 CMR 26.01, for a violation of M.G.L. c. 90, § 19K committed during the period of May 15th of any year and October 15th of that year or any other year, whether or not the owner was operating the vehicle at the time each or any of the citations were issued. Once revoked, the registration will not be reinstated until such time as the Registrar is satisfied, from an examination of the vehicle, that the vehicle is in compliance with M.G.L. c. 90, § 19K and with 540 CMR 26.00; the reinstatement fee has been paid; the vehicle is not otherwise in default on any unpaid obligations and the vehicle is otherwise safe to operate. Once a registration is revoked, any attempt to re-register the vehicle with a different registration number shall be referred for enforcement action.

(2) If the registration is revoked and the owner seeks reinstatement prior to October 15th of any year, the owner must present the vehicle to the Registry’s Vehicle Services Section for inspection, at a time and place to be chosen by the Registrar.

(a) If the Registrar is satisfied from an examination of the vehicle that the plow has been removed and the hitching mechanism, if remaining on the vehicle, is in compliance with the provisions of M.G.L. c. 90, § 19K, and the vehicle does not otherwise appear unsafe to operate, the Registrar may allow for reinstatement.

(b) If the Registrar is satisfied from an examination of the vehicle that the plow has been removed but is also satisfied that the hitching mechanism, if remaining on the vehicle, does not comply with the provisions of M.G.L. c. 90, § 19K, the Registrar shall refuse to reinstate the registration until such time as the hitching mechanism is removed from the vehicle.

(3) If the registration is revoked and the owner seeks reinstatement after October 15th of any year, the owner must present the vehicle to the Registry’s Vehicle Services Section for a visual examination at a time and place to be chosen by the Registrar.

(a) If the Registrar is satisfied from an examination of the vehicle, whether or not the plow is attached, that the hitching mechanism, if remaining on the vehicle, is in compliance with the provisions of M.G.L. c. 90, § 19K, and the vehicle does not otherwise appear unsafe to operate, the Registrar may allow for reinstatement on the conditions noted above.

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26.03: continued

(b) If the Registrar is satisfied from an examination of the vehicle, whether or not the plow is attached, that the hitching mechanism, if remaining on the vehicle, does not comply with the provisions of M.G.L. c. 90, § 19K, but the owner asserts that such mechanism is not permanently affixed by welding or other means and can be removed from the vehicle without damage to the vehicle itself, and the vehicle does not otherwise appear unsafe to operate, the Registrar may allow for reinstatement, provided, the vehicle owner enters into a written agreement, with the Registrar signed by the owner under the penalties of perjury, agreeing that if the Registrar reinstates the registration, the owner will remove the hitching mechanism by the following May 15th and the owner further agrees to post a \$1000 performance bond with the Registrar prior to any reinstatement, which bond shall be held to ensure performance of the owner's obligation to remove such mechanism by the agreed-upon date. The owner also agrees to contact the Registry's Vehicle Services Section to arrange for an examination of the vehicle on or around May 15th, at a time and place to be determined by the Registrar, so that the Registrar can ascertain if the hitching mechanism has been removed. If the Registrar is satisfied that it has been removed she shall arrange for the return or cancellation of the bond. The agreement shall also contain a provision that if the owner fails to remove the offending hitching mechanism by the following May 15th the Registrar may file a claim against the bond for the full amount and revoke the vehicle's registration.

26.04: Compliance

A vehicle shall be deemed in compliance if the Registrar is satisfied that during the period between May 15th and October 15th of any year, the plow and the hitching mechanism used with the plow have been removed, except that vehicles equipped with an apparatus that allows the hitching mechanism to be folded flat leaving no protruding surfaces extending beyond the plow frame, shall only be required to have the plow itself removed. For purposes of 540 CMR 26.00, if an examiner from the Vehicle Services Section of the Registry of Motor Vehicles determines that any portion of a hitching mechanism, (defined as the lift cylinder and lift arm) extends beyond the vertical plane of the forward portion of the plow frame, the hitching mechanism is deemed to protrude and the vehicle is not in compliance. An examiner's use of a plumb line or a vertical straight edge shall provide satisfactory proof of compliance or non-compliance.

26.05: Exemptions

540 CMR 26.00 shall not apply to hitching mechanisms that are permanently affixed through welding or other means before July 1, 2004. However, it is unlawful, and punishable by fines and revocation of registration, for any person to permanently affix through welding or other means a hitching mechanism governed by M.G.L. c. 90, § 19K after that date. If the Registrar determines that a hitching mechanism has, in fact, been permanently affixed through welding or other means on or after July 1, 2004, the Registrar may refer such matter for enforcement and may permanently revoke the vehicle's registration. 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.

REGULATORY AUTHORITY

540 CMR 26.00: M.G.L. c. 90, §§ 19K and § 31.