

540 CMR: REGISTRY OF MOTOR VEHICLES

540 CMR 13.00: INTERNATIONAL REGISTRATION PLAN IMPLEMENTATION REGULATIONS

Section

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13.01: Authority, Purpose and Scope

Pursuant to M.G.L. c. 90, § 2 and § 31, 540 CMR 13.00 implements the provisions of the International Registration Plan [IRP] which the Commonwealth joined as of January 1, 1994. 540 CMR 13.00 applies to the registration of vehicles on a full or apportioned basis under the IRP and M.G.L. c. 90, and to the operation of those vehicles on the ways of the Commonwealth. It shall be construed to advance the expressed fundamental principle of the IRP to promote freedom of vehicle movement to the fullest extent possible, consistent with the IRP and other laws of the Commonwealth.

13.02: Definitions

Terms shall have the meaning defined in the IRP and, unless otherwise defined, the following terms shall have the meaning indicated.

Apportionable Vehicle. Any vehicle used or intended for use in two or more IRP member jurisdictions that is used for the transportation of person for hire, or designed, used or maintained primarily for the transportation of property, and which is:

- (a) a power unit having two axles and a gross vehicle weight or registered gross vehicle weight in excess of 26,000 pounds; or
 - (b) a power unit having three or more axles, regardless of weight; or
 - (c) used in combination, when the weight of such combination exceeds 26,000 pounds gross vehicle weight,
- except recreational vehicles, vehicles displaying restricted plates, city pick up and delivery vehicles, buses used in transportation of chartered parties, and Government owned vehicles.

Any vehicle used or intended for use in two or more IRP member jurisdictions that is used for the transportation of person for hire, or designed, used or maintained primarily for the transportation of property and is a vehicle, or combination thereof, having a gross vehicle weight of 26,000 pounds or less, or is a two-axle vehicle, or is a bus used in transportation of chartered parties may be proportionally registered at the option of the registrant, provided that for purposes of 540 CMR 13.00 such a vehicle shall be considered an apportionable vehicle only if it is so registered.

Base Jurisdiction. The jurisdiction where the registrant has an established place of business, where mileage is accrued by the fleet, and where operational records of the fleet are maintained or can be made available in accordance with the terms of the IRP.

Cab Card. A registration card issued by the base jurisdiction for a vehicle of an apportioned fleet which identifies the vehicle, base plate, registered weight by jurisdictions, and jurisdictions where the vehicle is properly registered.

Established Place of Business. A physical structure owned, leased or rented by the fleet registrant. The physical structure shall be designated by a street number or road location, be open during normal business hours, and have located within it:

- (a) a telephone or telephones publicly listed in the name of the fleet registrant,
- (b) a person or persons conducting the fleet registrant's business, and
- (c) the operational records of the fleet (unless such records can be made available in accordance with the terms of the IRP).

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Fleet. One or more apportionable vehicles.

International Registration Plan or IRP. A registration reciprocity agreement among the states of the United States and the provinces of Canada providing for payment of proportional registration fees on the basis of fleet miles operated in various jurisdictions, which the Commonwealth joined as of January 1, 1994.

Operational Records. Documents supporting miles traveled in each jurisdiction and total miles traveled, such as fuel reports, trip sheets and logs.

Semi-Trailer. A trailer so designed and used in combination with a tractor that some part of the weight of such trailer and that of its load rests upon, and is carried by, the tractor.

Tractor. A motor vehicle with or without a carrying capacity of its own, but which is primarily designed and used for drawing another vehicle or for industrial or agricultural purposes.

Trailer. A vehicle without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the tractor, except any vehicle excluded from the definition of "trailer" in M.G.L. c. 90, § 1.

Trip Permit. A temporary permit authorizing limited travel in the Commonwealth issued to an apportionable vehicle which is neither fully registered in the Commonwealth nor lists the Commonwealth on a valid IRP cab card.

13.03: Impact on Reciprocity Agreements

(1) The IRP is the registration reciprocity agreement applicable to all apportionable vehicles notwithstanding the existence of any prior reciprocity agreements or arrangements between the Commonwealth and any other state or Canadian province. To the extent a conflict exists between the provisions of any such other reciprocity agreements or arrangements, or any provision of M.G.L. c. 90 dealing with the registration of vehicles or the operation on the ways of the Commonwealth of vehicles registered in other IRP member jurisdictions, the terms of the IRP shall pertain.

13.04: General Registration Rules for Apportionable Vehicles

(1) An apportionable vehicle shall be deemed registered for travel on the ways of the Commonwealth if the vehicle either:

- (a) is fully registered in the Commonwealth in accordance with the provisions of M.G.L. c. 90, § 2 and 540 CMR 2.05; or
- (b) is registered under the IRP in a properly designated base jurisdiction other than the Commonwealth, and the Commonwealth is listed on a valid cab card for the vehicle; or
- (c) is being operated pursuant to a valid trip permit covering the travel in the Commonwealth.

(2) To be considered registered for travel on the ways of the Commonwealth, an apportionable vehicle owned by a registrant whose sole established place of business is in the Commonwealth must be either fully registered in the Commonwealth in accordance with the provisions of M.G.L. c. 90, § 2 and 540 CMR 2.05, or the vehicle must be registered under the IRP with the Commonwealth designated as the base jurisdiction.

13.05: Status of Trailers and Semi-Trailers

(1) Subject to the provisions of 540 CMR 13.05(2)(a), a trailer or semi-trailer that is being pulled by a tractor bearing a valid IRP apportioned registration plate issued by the Commonwealth, or other IRP member jurisdiction if the Commonwealth is listed on the cab card, or an IRP trip permit for travel in the Commonwealth shall be operable on the ways of the Commonwealth regardless of its state of registration while being so pulled, provided that the trailer bears a valid registration plate of an IRP member jurisdiction.

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(2) Applicability of Other Laws.

(a) Nothing contained in 540 CMR 13.05 shall be deemed to authorize the operation on the ways of the Commonwealth of a trailer or semi-trailer that is inoperable for any reason other than the issue of state of registration of the vehicle.

(b) The fact that a trailer or semi-trailer is operable upon the ways of the Commonwealth in the circumstances set forth in 540 CMR 13.05 shall not determine whether such trailer or semi-trailer properly should be registered in the Commonwealth, rather than another IRP member jurisdiction; and the Registrar retains the authority to determine the issue of proper registration, after an opportunity for a hearing in accordance with M.G.L. c. 90.

(c) The fact that a trailer or semi-trailer is operable upon the ways of the Commonwealth in the circumstances set forth in 540 CMR 13.05 shall have no relevance to or impact on any proceeding for the enforcement of the tax laws, or the payment of non-registration fees or taxes.

REGULATORY AUTHORITY

540 CMR 13.00: M.G.L. c. 90, § 2 and 31.

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