

HOUSE No. 03490

[LOCAL APPROVAL RECEIVED.]

The Commonwealth of Massachusetts

PRESENTED BY:

Sean Curran

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to outstanding excise tax and the towing of motor vehicles and trailers in the city of Springfield.

PETITION OF:

NAME:

Sean Curran

DISTRICT/ADDRESS:

9th Hampden

HOUSE No. 03490

By Mr. Curran of Springfield, a petition (accompanied by bill, House, No. [BILL NUMBER]) of Sean Curran (with the approval of the mayor and city council) that the city of Springfield be authorized to regulate the collection of outstanding excise taxes and the towing of certain motor vehicles and trailers in said city. Revenue. [Local Approval Received.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to outstanding excise tax and the towing of motor vehicles and trailers in the city of Springfield.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Notwithstanding any general or special law to the contrary, including
2 Massachusetts General Laws Chapter 60A section 2A, Chapter 40 section 22D, Chapter 135
3 section 8, if an excise on a motor vehicle or trailer assessed under Massachusetts General Laws
4 Chapter 60A, as amended remains unpaid for fourteen days after a demand therefor made more
5 than one day after such excise becomes due and payable, and if the Springfield tax collector
6 (“tax collector”) elects to utilize the services of a deputy collector, then said deputy collector or
7 the tax collector, as the case may be, shall send a notice of warrant to the delinquent taxpayer. In
8 the event that the delinquent taxpayer does not respond within thirty days to said notice of
9 warrant then a service warrant shall be made. If the tax remains unpaid after the service of
10 warrant then the deputy collector may, at the discretion of the tax collector, return the

11 uncollected warrants of those delinquent taxpayers to the tax collector. The tax collector or
12 his/her designee, as the case may be, may at any time and from time to time transmit, on an
13 annual basis, to the Commissioner of the Police Department of the City of Springfield (“Police
14 Commissioner”), in such form as approved by the Police Commissioner, notice of such
15 nonpayment of excise (“Notice of Non Payment of Excise Tax”), specifying the name and
16 address of the person to whom the excise is assessed, the amount of the excise due and all
17 interest thereon and costs relative thereto and identifying information as to the motor vehicle or
18 trailer assessed; provided, however, that no notice shall be transmitted to the Police
19 Commissioner under this section at a time when there is pending before the local board of
20 assessors or the appellate tax board, as the case may be, a duly filed application for the
21 abatement of such excise in whole or in part nor within thirty days after action upon any such
22 application by the local board of assessors or the appellate tax board, as the case may be.

23 Upon receipt of the Notice of Non Payment of Excise Tax the Springfield Police
24 Department, or its designee, is authorized to remove any such assessed motor vehicle or trailer
25 that is parked or standing in a public way within the City of Springfield to, and store in, a
26 convenient place in the city until all charges lawfully imposed for such removal and storage have
27 been paid and due notice has been received that either the excise provided in such excise
28 warrants have been paid or security for the payment thereof has been deposited. Notice shall be
29 made to the registered owner of said vehicle at the time of the service of warrant. Vehicles shall
30 be eligible for impoundment twenty-two days after such notice.

31 In accordance with Massachusetts General Laws chapter 135 section 8, if such motor vehicle or
32 trailer remains unclaimed in the possession of the Springfield Police Department, or its
33 designee, for one month and the owner thereof or his/her place of abode or business is unknown,

34 or if the owner and his place of abode or business are known and the owner, after receipt by
35 registered mail of a written notice from such department or member to take possession of said
36 property, refuses or fails for a period of ten days following said receipt so to do, the Springfield
37 Police Department or its designee may sell the same, by public auction or any other licensed
38 auction service, including sale over the internet, notice of the time and place of sale, with a
39 description of the property to be sold, first being given by publishing the same once in each of
40 three successive weeks in a newspaper published in the City of Springfield.

41 SECTION 2. This act shall take effect upon its passage.

42

43 Domenic J. Sarno, Mayor of the City of Springfield,

44 in the name and on behalf of said City, and in the pursuance of an order, a duly attested copy of
45 which is hereto annexed, petition the General Court for legislation entitled “AN ACT
46 RELATIVE TO OUTSTANDING EXCISE TAX AND THE TOWING OF MOTOR
47 VEHICLES AND TRAILERS IN THE CITY OF SPRINGFIELD”, in substantially the same
48 form as a draft Act attached hereto.

49 Respectfully submitted,

50 _____

51 Domenic J. Sarno, Mayor

52 City of Springfield

53 36 Court Street

54 Springfield, MA 01103

55 CITY OF SPRINGFIELD

56 In the City Council November 8, 2010

57 ORDERED, that the mayor be, and hereby is authorized on behalf of the City of Springfield, to
58 take any and all steps necessary to secure the passage by the General Court of the special
59 legislation entitled “AN ACT RELATIVE TO OUTSTANDING EXCISE TAX AND THE
60 TOWING OF MOTOR VEHICLES AND TRAILERS IN THE CITY OF SPRINGFIELD,” in
61 substantially the same form as a draft Act attached hereto, except for clerical or editorial errors.