

This document was written in September of 2016 in an effort to explain in layman's terms the process of registering a kit vehicle constructed from 100% new parts in Massachusetts.

Warning: Not following the instructions below will lead you to a bad experience with the Mass RMV, MAC, and possibly the State Police. Do not attempt to work your way around these instructions. If I had known about the proper procedure then titling, registering, passing safety and emissions checks would have only taken 2 or 3 weeks. Figuring out this process took me **months** of effort involving reading and discussion online, multiple trips to the RMV, etc.

There are many links out there that offer scams to avoid the emissions inspection in Massachusetts. These not-so-legal options include:

- registering the car in another New England state (NH, RI, VT, etc.)
- opening an LLC in Wyoming, Montana, Arizona and registering the car (you do not have to be resident of these states to open an LLC, and there are no yearly vehicle inspections in those states)
- obtaining a fake OBD2 compliant ECU (which may not help you in many cases as there are additional visual checks performed on the engine & transmission)

It goes without saying that these aren't legal to do. They'll only get you in trouble later on, either with your insurance company, or the RMV/MAC. You do not want to be stopped by a State Trooper in MA who knows about the LLC scam. You do not want to be ordered to report to an MAC and have to explain why your vehicle was registered in NH even though you have a MA drivers license. You do not want to be reported to the Massachusetts Department of Revenue for claims of tax evasion. Everyone will see right through your explanations and you'll be lucky to get away with a fine for an unregistered vehicle.

Links to useful information about Massachusetts Vehicle Inspections:

Code of Massachusetts Regulations 540 4.00, details Inspections Laws:
<http://www.mass.gov/courts/docs/lawlib/500-599cmr/540cmr4.pdf>

Code of Massachusetts Regulations 310 60.02, details kit car emissions requirements:
<http://www.mass.gov/courts/docs/lawlib/300-399cmr/310cmr60.pdf>

Massachusetts RMV Title Division phone number:
https://secure.rmv.state.ma.us/PolicyBrowserPublic/PB/WordDocuments/gloss_titledivision.htm

Massachusetts RMV steps on obtaining a MA Title:
<https://www.massrmv.com/TitleSalvage/Titles/OriginalTitles.aspx>

Massachusetts Government Vehicle Check [Inspections] Website:
<http://massvehiclecheck.state.ma.us/index.html>

Massachusetts Registry of Motor Vehicles Website:
<http://www.massrmv.com>

Massachusetts General Laws Chapter 90D, Section 20E (mentioned online and in documentation on "crush" car option):
<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXIV/Chapter90D/Section20E>

Note: I am using the definitions provided in 310 CMR 60.02 in this document. The regulation distinguishes between Assembled, Custom, Kit, and Replica vehicles. My vehicle fell into the Replica category, which "means a motor vehicle constructed or assembled by a non-manufacturer from new or used parts that, when assembled, replicates an earlier year, make and model vehicle." The application of Replica Vehicle also defines it as a Kit Vehicle, and eligible for the Kit Vehicle Visual Test defined in 310 CMR 60.02(12)(c).

Background on my vehicle:

The vehicle I registered was a used replica completed in 2016, that was built and titled in Arizona. The vehicle had one previous owner in Georgia.

Georgia does not provide a new title for vehicles that are titled as 1964 or earlier, and I only had the original Arizona title (signed by the builder to the original owner in Georgia, and then signed by the original owner in Georgia over to me), and a Bill of Sale.

The Arizona Title stated MODEL YEAR 1955, MAKE PORSC, and MODEL SPCON.

The Bill of Sale clearly stated that the vehicle was constructed from all new parts in 2016.

Kit Car Registration & Inspection Process

1. Correctly title and register vehicle at RMV. The vehicle must be titled with correct manufacturer's year model.
2. Initial Safety Inspection
 - performed at any garage or road-side inspection station
 - result is black-R inspection sticker due to “visual emissions inspection”
3. Contact MAC for “visual emissions inspection”.
4. Purchase & destroy a “crush” car.
5. Make appointment at MAC to process emissions waiver.

Title & Registration Process:

Massachusetts explicitly distinguishes between a model year and manufacturer's model year on the title and registration. When registering the vehicle you must title it correctly on the Massachusetts title as,

MFRS. MODEL YEAR: The year your vehicle was manufactured in or, the year your vehicle was completed. This is NOT the model year that the replica represents.

MAKE: REPLICA or REPLI if required to be shortened

MODEL NAME: Factory brand your vehicle is a model of (Ford, Porsche, Tucker, etc.)

For example, my vehicle was MFRS. MODEL YEAR: 2016, MAKE: REPLICA,
MODEL NAME: PORSCHE.

This information must be correct on the Massachusetts title regardless of the information on a previously existing title. Incorrect information on the Massachusetts title will result in the MAC inspector (see last step) sending you back to the RMV to correct the information.

Registering the kit car and making these changes requires the following documentation:

1. Title from another state (signed over to you)
2. Bill of Sale (a signed title does not meet the Bill of Sale requirement in Massachusetts)
3. Notarized Statement which explains changes to the information on the title (see next page)
4. Amendment of Title form <http://www.massrmv.com/rmv/forms/20065.pdf>
5. Massachusetts RMV-1 form from your Insurance Company that contains correct update information. Most Insurance companies will provide this in pdf format in email.
6. Check or cash (NO CREDIT CARDS) for fees (title & registration, taxes, etc.)

You should contact the Massachusetts RMV Title Division to verify that you have all the correct documents before going to the RMV.

All of the above documentation can be taken to your local RMV. This process will require several hours of waiting in line so take a book and a coffee. You CANNOT complete this at one of the mini-RMV locations or a AAA-RMV location in Massachusetts.

The following page is an example you can use to satisfy the document requirement #4 above.

I, _____, residing at _____, in _____, Massachusetts, acknowledge all of the following information as correct.

This document describes the vehicle with VIN _____.

The vehicle is currently titled in the state of _____ with Title Number _____, as YEAR: _____, MAKE: _____, MODEL: _____.

The vehicle was purchased from _____

The vehicle was purchased on _____.

The vehicle described above is a REPLICIA vehicle and was completed in year _____. The vehicle was not manufactured in _____.

The Massachusetts title must be corrected to the following:

MFRS. MODEL YEAR: _____, MAKE: REPLICIA, MODEL NAME: _____

and the "TITLE TYPE AND BRANDS" section must contain an entry of "BRAND: REPLICIA".

These changes are requested in order to have the vehicle comply with definition of "MODEL YEAR" as defined in 310 CMR 60.02(2), and to comply with kit vehicle inspections as stated in 310 CMR 60.02(12)(c).

Signed: _____ Date: _____

Printed Name: _____

On this _____ day of _____, _____, before me, the undersigned notary public, personally appeared _____ (name of document signer), proved to me through satisfactory evidence of identification, which was _____ to be the person whose name is signed above, and swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief.

Signature of Notary Public: _____

My Commision Expires: _____

Inspection Process:

You cannot start the inspection process without completing the title and registration step above.

540 CMR 4.03(1)(a) states that a newly acquired vehicle (new or used, any year of manufacture) must be submitted for inspection within 7 days of registration of the vehicle. The vehicle must pass two inspections: safety and emissions.

The safety check overview can be found at http://www.vehicletest.state.ma.us/motorist_safety.html or read in more detail in 540 CMR 4.00. For most vehicles the safety inspection is trivial to pass. This is the inspection you see done at the road-side auto shops and garages in Massachusetts (for example, they ask you to turn your headlights and high-beams on, check your turn signals, etc.). The safety inspection can be performed at any Massachusetts Inspection location. The result of passing the safety inspection will be that your vehicle fails due to a requirement for a "visual emissions check" and you will receive a black-R rejection sticker that allows you to operate the vehicle for 60 days.

During those 60 days, you must pass the visual emissions check at a Massachusetts Motorist Assistance Center (MAC). The emissions inspection requirements are detailed in 310 CMR 60.02(12)(c) and include OBD2 ECU compliance, verifying catalytic converters, oxygen sensors, and charcoal canisters are all brand new (receipts and installation proof must be provided), fuel tank requirements, etc. Additional reading of 310 CMR 60.02 there are further checks on engine & transmission compatibility, gear ratios, etc., which are typically next-to-impossible to pass without replacing the engine and transmission with a certified configuration.

Fortunately, there is a Massachusetts Department of Environmental Protection procedure in which a vehicle can obtain a lifetime emissions inspection exemption by permanently retiring an older vehicle in Massachusetts, and then using that vehicle's inspection status in place of your own. This is typically referred to as the "crush" car method of obtaining an emissions waiver.

According to the Department of Environmental Protection, the "crush" waiver covers the emissions test in its entirety, negating the requirements for new catalytic converters, charcoal canisters, etc.

The crush car MUST meet the following requirements:

1. The crush car is model year 1973 or older. (1974 was the first year that the EPA started vehicle emissions requirements in the US. Vehicles manufactured prior to this were "grandfathered" in are not required to pass emissions)
2. The crush car must have similar displacement to your vehicle. See 310 CMR 60.02(12)(c)1.a.iv Table B for details. Note that the section states "the displacement of the new engine is in the same or smaller Nominal Displacement Group as the destroyed engine". (see NOTE at end of section)
3. The crush car must use the same fuel as your vehicle. You cannot crush a diesel-powered vehicle to get a waiver for a gasoline-powered vehicle.
4. The crush car must have been registered for a 12 month period within the past 5 years in Massachusetts. (see NOTE at end of section)

5. The crush car must be destroyed solely for the purpose of granting the emissions waiver. In other words, you cannot use the crush car to obtain a tax credit, donate the vehicle to charity, etc. The vehicle can only be destroyed in order to get a waiver for your new kit car.

After purchasing the crush car (you can search boston.craigslist.org by providing a maximum model year), the crush car does not have to be registered in your name. My experience was that a signed title and signed Bill of Sale was good enough for the scrapyards.

You can tow it directly to a scrapyard, and have the scrapyard complete the document on the next page.

NOTE: After receiving the black-R rejection sticker, I strongly encourage people to immediately contact the MAC, and explain to the inspector over the phone that you're attempting to obtain an emissions waiver by destroying a model year 1973 or earlier vehicle. If the inspector knows what you're talking about they'll help you along with the process. Some of them do not understand/will not have heard of the process, and you may have to explain the process to them and/or call back to get another inspector.

At the time of initial contact the inspector will ask for copies of your title & registration to verify the information is correct. Be prepared in advance to have these ready to drop into an email.

My MAC inspector was generous enough to offer his help to look up a VIN on a potential crush car, so that I wouldn't end up in a situation where I had purchased and crushed a vehicle that didn't pass the above requirements. The inspector encouraged me to go with a larger engine crush car than required.



Massachusetts Department of Environmental Protection
Bureau of Waste Prevention
**Junking or Scrapping a Complete Vehicle for
Kit Car Emissions Compliance**

Junk/Scrap Dealer: Complete this form and return it to the vehicle owner or his/her designee.

The vehicle described below is being submitted for junking or scrapping for the purposes of allowing a kit vehicle to be registered in Massachusetts.

A. Owner Information

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Owner Name

Street Address/P.O. Box

City/Town

State

Zip Code

B. Vehicle Information

Vehicle Year

Make/Manufacturer

Model Name/Number

Vehicle Identification Number (VIN)

Title Number (Or Registration Number, If Exempt)

C. Certification Statement

I attest under the pains and penalties of perjury that:

1. The above described motor vehicle will be junked or scrapped in compliance with Section 20E of Chapter 90D of the Massachusetts General Laws; and
2. The chassis, frame, body tub, and engine will be completely destroyed in a manner that prevents their reuse as motor vehicle parts. Other parts may be removed from the vehicle for reuse as motor vehicle parts.

Authorized Signature

Printed Name

Company

Date Signed (MM/DD/YYYY)

I am aware that there are significant penalties, including, but not limited to, possible fines and imprisonment, for submitting false, inaccurate, incomplete or misleading information.

MAC Inspection:

You must provide a completed “Junking or Scrapping a Complete Vehicle for Kit Car Emissions Compliance” document (see previous section), and the vehicle's registration to the MAC Inspector at the time of the inspection (see first section).

The inspector will look up your vehicle's information and confirm that the vehicle is registered correctly before continuing with the inspection. If the title and registration is not correct, they will ask you to return to the RMV to correct the information before continuing the inspection.

In my case, the MAC inspector entered data into the inspections database to give me the emissions exemption, and the process was complete! After leaving the MAC, I returned to the inspection station that gave me the black-R rejection sticker and was able to get a valid inspection sticker.

WARNING: If I understand correctly, the MAC inspector can still fail your vehicle for things like broken headlights, or a missing front license plate. **It is important that you verify the safety of the vehicle prior to going to the MAC for the inspection.**

End result:

My 2016 Replica 1955 Porsche Spyder is on the road with a lifetime emissions exemption, and a valid inspection sticker. I wish someone at the RMV had the knowledge to explain all of the above to me, because the process would have taken weeks instead of months. I would have negotiated the price of the vehicle down further by \$2000 to take into account the crush car vehicle expense in Massachusetts. In any case, I'm driving like a crazy person and loving my new car!