

Vehicle Protection Product Warranty Registration Regulations

Purpose

- (1) These regulations describe the practices and procedures of the Secretary of State of the Commonwealth relative to M.G.L. c. 174C.
- (2) The Corporations Division, which is under the supervision of the Secretary of the Commonwealth, administers the provisions of the Massachusetts General Laws pertaining to vehicle protection product warranties and related matters. The chief executive officer of the Corporations Division has the title, "Director of the Corporations Division". The Director may, subject to the approval of the Secretary, make, amend and rescind such rules, forms and orders as are contemplated by the provisions of the Massachusetts General Laws and as are necessary to carry out their purposes.
- (3) The Director may authorize exceptions to any specific requirement of these regulations provided that such exceptions are in conformity with the Massachusetts General Laws.

Definitions

For purposes of these regulations, unless the context otherwise requires, the following terms shall have the meanings indicated:

Administrator means a third party other than the warrantor who is designated by the warrantor to be responsible for the administration of its vehicle protection product warranties.

Vehicle protection product means a vehicle protection device, system or service installed on or applied to a vehicle that is designed to prevent loss or damage to a vehicle from a specific cause, and sold with a vehicle protection product warranty. Such products include, but are not limited to, alarm systems, body part marking products, steering locks, window etch products, pedal and ignition locks, fuel and ignition kill switches and electronic, radio and satellite tracking devices.

Vehicle protection product warranty means a written warranty by a warrantor that provides for the payment of incidental costs or the provision of services by the warrantor to or for the benefit of the warranty holder if the vehicle protection product fails to prevent loss or damage to a vehicle from a specific cause.

Warrantor means a person who is contractually obligated to the warranty holder under the terms of the vehicle protection product warranty.

Warranty holder means a person who purchases a vehicle protection product warranty or to whom it is transferred under the terms of the warranty.

Warranty reimbursement insurance policy means a policy of insurance issued to a warrantor to provide reimbursement to the warrantor consistent with the terms of its vehicle protection product warranties and provide direct payment of incidental costs or provision of services to the warranty holder on behalf of the warrantor if the warrantor fails to perform as obligated under the terms of the vehicle protection product warranty within 60 days of a request for payment of services.

Place to File

Documents shall be mailed or delivered to the Division at:

Secretary of the Commonwealth
Corporation Division, Input Section
One Ashburton Place, 17th Floor
Boston, MA 02108-1512

If the document is mailed, the envelope shall clearly identify the type of document enclosed. Documents submitted to any other area of the office, to any district office or any document not properly addressed will not be considered received until received by the Division at the address noted above.

Division Hours and Inquiries

- (1) The regular business hours of the filing room are Monday through Friday from 8:45 A.M. to 4:00 P.M., excluding holidays.
- (2) General inquiries about vehicle protection product warranties may be made by electronic mail to corpinfo@sec.state.ma.us.

General Filing Requirements

- (1) A document shall be submitted in the English language.
- (2) A document shall be typed or printed. It may not be handwritten.
- (3) A document shall be signed by an authorized person and the signature must be original. The authorized person must state beneath his signature his name the capacity in which he signs and the date.

Forms

The Division supplies warrantor's registration. These forms are available at <http://www.sec.state.ma.us/cor/corweb/corveh/vehidx.htm>. The use of official forms is optional. Any document submitted to the Division not on an official form must be on standard size paper, 8 1/2 by 11 inches, follow the format on the official form and have a minimum font size of 10.

Fees and Methods of Payment

- (1) The fee for filing a registration application is \$250.00. The fee for filing a renewal application is \$250.00. The fee for amending application information is \$100.00.
- (2) Filing fees may be paid for by the following methods:
 - a. In person: cash, personal or cashier's check, or money order;
 - b. By mail: personal or cashier's check, or money order.
- (3) Personal checks, cashiers checks and money orders must be payable to the Commonwealth of Massachusetts. The drawer must be acceptable to the filing office. Each check must be for an amount equal to the cost of the service and be drawn on a bank acceptable to the filing office.

Warrantor Registration

- (1) The Vehicle protection product warrantor registration requires the submission of the Vehicle Protection Warrantor Registration Application Checklist (hereinafter the "checklist") and the Vehicle Product Warrantor Registration Application (hereinafter the "Registration")
- (2) The Registration and checklist are forms supplied by the Division or documents formatted in the same manner as the Division forms.
- (3) The Registration must contain:
 - a. the exact name of the warrantor;
 - b. the name under which the warrantor will do business if the entity will do business in the Commonwealth under an assumed or fictitious name;
 - c. the principal office address of the warrantor, which must include street, number, city, state, country and zip code;
 - d. the telephone number including area code of the warrantor;
 - e. the name, address and telephone number of the warranty administrator, if any, designated by warrantor;
 - f. a statement indicating that the warrantor is covering the warrantor's warranty liability with a warranty reimbursement insurance policy or maintains the minimum net worth of not less than \$30,000,000.
 - g. the name, address and telephone number of the insurer if the warrantor is covering the warrantor's liability with a warranty reimbursement insurance policy. A copy of the policy must be attached; or
 - h. a sworn statement of a duly authorized officer of the company or its independent auditor that the company meets the minimum net worth requirements if the warrantor elects to meet the financial responsibility requirements. If the warrantor's parent company's net worth is used to meet the financial stability requirements, the sworn statement will be by a duly authorized officer of the parent company and will guarantee the obligations of the warrantor relating to the warranties. The statement must be accompanied by:
 1. a copy of the warrantor's or the warrantor's parent company's most recent 10-K or form 20-F filed with the Securities and

- Exchange Commission within the last calendar year or a reference for locating the records at the Securities and Exchange Commission; or
2. a copy of the warrantor's or the warrantor's parent company's audited financial statements that show the minimum net worth if the warrantor does not file with the Securities and Exchange Commission;
 - i. the type of vehicle protection products sold; and
 - j. a statement that the warrantor will abide by F.L. c.174C and that the information contained in the Registration is correct. The Registration will be signed by the warrantor and be accompanied by the payment of a fee of \$250.00.

Warrantor Renewal

Each warrantor shall renew its registration annually on or before the anniversary date of the filing of its original registration. The renewal shall contain all of the information required in the initial application. The renewal shall be accompanied by a fee of \$250.00.

Amendment

A Warrantor Registration Application or Renewal must be updated within 30 days of any change in the information contained in the Application or Renewal. The fee for filing an amendment is \$100.00.