

IT HAD TO BE RED

Think you want to buy a car out-of-state and title it locally? Read this first.

by Michael H. Levin

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The call from the Washington clinic cut through our routines. “What are your intentions for this vehicle?” Bob the Mechanic intoned on the line. He meant our beloved red Trooper, a primitive 4-wheel-drive with 16 years of dents and other virtues. My wife Jean and I had left it for an oil change. Sure, it had 120,000 miles and the personality that went with them. But from the time we first spied it on a dealer’s lawn, doors spread as though ready to fly, it was a faithful companion, a member of the family, chugging away with just minor repairs. All the taxis in Costa Rica’s Cloud Forest were Troopers with 300,000 miles, on gravel roads in wet weather. We knew ours had lives to live.

But now we heard a diagnosis that descended through darker levels, like a lab blip that turns into syndromes. The center bearing needed replacement. The front-end struts were shot. The gasket seals leaked. The timing chain was suspect. Did we want to fix the car, Bob said, or think about getting a new one?

This was like being asked if you want to put down your pet. Besides, if we traded the Trooper we’d have to salvage the side window with its oldest-of-all beach stickers---a historic document. It was short work to opt for minimal fixes. Yet if some of the Trooper’s innards suddenly declined, others could.

Thus, Plan B: the Trooper would retire to our other home off the coast of Massachusetts, transporting dogs, kids, and clam rakes on short flat trips to the end of its days. Eventually it could be reborn as our generator, like the steam shovel in *Mike Mulligan*. Eventually we could bury it the way farmers buried horses, in a shady corner of the back field. But in the most severe winter of recent history, this would have to await spring. Worse, repairs would take weeks. We needed a replacement. Right after Christmas, *we would have to go shopping for a car.*

I woke next day in the worst mood I could remember, car-shopping being just below chemo on my never-do list. The Web and experience offered shortcuts, but history reminded that with auto dealers short-cuts often are box-canyons. Each time we had gone forth to Car World it was transformed in major ways. Only the sly maneuvers, the salesmen purporting to pass the ball to their managers, remained the same.

Fortunately, from Consumer Reports and desert rentals we knew what we wanted. It could not be another Trooper, which was discontinued. Instead it would be a Ford Explorer, economy style. Taking a leaf from capitalist friends who never bought cars new, it would be just-used, a CarMax special. To preserve seasonal preferences, we would register it in Massachusetts. And of course, it would be red---our dog saw other vehicles as intruders marking his territory.

That it was an SUV posed few issues. Jesus would have driven one too if he had to navigate blizzards, ten-inch road ruts, beach sand, and a Washington street that's never plowed.

Unfortunately, CarMax ruled itself out. Explorers were redesigned that year and few improved models had reached the aftermarket. Those that had all were painted bile green.

So the Saturday morning before New Year's we walked into the first Maryland showroom on our list—face-to-face with a fire-red Explorer at a fire-sale price. Suffice to say that the price did not include add-ons, and our drop-by lasted five hours. Suffice to say we walked out twice, chased by staff desperate to book year-end sales.

I resisted cleaning the clock of a manager who offered \$300 in trade for the Trooper. I did less well resisting the Wolf Maneuver, by which you *reduce* your initial offer each time your opponent counters. We crawled under the chassis to check tow-strap attachments. As the sun sank, we had a deal---a dual-fuel, high-efficiency red Explorer, for way less than Blue Book value.

Only as we finished the paperwork did the showroom's comptroller raise an issue. "I hate to stop a sale," he apologized, "but does this vehicle have to meet emission standards like the ones in New York? We had trouble with that before." The manager called a dealer in Falmouth. "No problem," he reported. "Just title it when you get there." It was the first tremor of a misinformation avalanche. The dealers, it turned out, didn't have a clue.

But the remark was enough for me, a Clean Air lawyer, to go straight to the Registry of Motor Vehicles site next day to check what the Commonwealth required. The site contained a Code Red Alert:

The Low Emission Vehicle (LEV) Law . . . requires that all new passenger vehicles registered in Massachusetts meet cleaner California emission standards. New York, Vermont, and Maine have adopted a similar law . . . **any vehicle with 7,500 miles or less must be equipped with factory-installed California-certified advanced emission control systems. . . . prior to being registered.**

The law requires a Label under the hood stating 'this vehicle conforms to U.S. EPA and state of California regulations' or 'this vehicle conforms to U.S. EPA regulations and is certified for sale in California.' Also, the Certificate of Origin will state 'Certified for sale in Massachusetts, California and New York,' or 'Certified for sale in 50 states.' For a previously-registered vehicle, the RMV requires

the owner to schedule an appointment with a registry inspector who will then look under the hood for the Label.

NON-LEV VEHICLES CANNOT BE REGISTERED IN MASSACHUSETTS! Return the vehicle to the point of purchase.

We called back the dealer. The Certificate was silent on emission controls. The label under the hood differed from Massachusetts mandates. Until the situation was clearer, our new Red Steed could not be titled in Massachusetts. We were not about to drive there, then drive 500 miles back to Bethesda, the “point of purchase.” Nor were we about to camp out in Falmouth trying to replicate our deal.

All plans were nullified. We put the sale on hold.

There it remained the next ten days, while the world struggled to answer one question: *Does this vehicle meet California, and thus Massachusetts, emission standards?* Everyone was on vacation---we were home alone. But even where experts were available, they seemed asleep at the wheel.

The dealer phoned Ford’s regional and national headquarters---no response. We e-mailed RMV about LEV waivers, such as those for Massachusetts nonresidents. Days later came a non-response: “Hi. Your email was sent to the Safety and Emissions Department. Thank you for using www.mass.gov/rmv. [Signed] Illuminata.”

We called the Mass. Department of Environmental Protection, which writes the state’s car rules. Their sole human-in-charge had a message too: “Annette Widener will return January 6. Please call back then.” We sent RMV an e-mail quoting the hood Label. A week later we got another non-response: “This is a question for the Department of Environmental Protection, and there [sic] telephone number is 617-338-2255 . . . Good Luck!”

Meanwhile Jean and I developed a song for our almost-car, sung to “It Had to be You”:

*It had to be red,
It had to be red,
That's what they said
While snuggling in bed
Eating their bread---
Not blue or green
Or aquamarine
Or some other color
Selected by Jean---
It had to be red
Slick as Ginger and Fred,
It had to be red.*

By the second week in January we were singing it to *Volga Boatmen*.

At last Annette Widener returned. A flurry of e-mails followed. I sent her the request to RMV with the Label quote. She said the differences might not matter: "Every car-maker writes its own labels." However, she continued, the "language was confusing." She asked for the engine family. The dealer could not tell us that ("Levins" would not do). But by then we knew the VIN by heart. Our new best friend Annette ran it through her database.

The next day we had our answer: "This vehicle meets all applicable MA emission requirements & can be titled/registered in MA as a new vehicle. I verified the VIN with Ford."

So the sale was on, with pickup January 9. But now another Catch-22 reared up. Vehicles cannot be titled in Massachusetts without a valid Massachusetts insurance policy. And without Massachusetts plates our Massachusetts insurance agent could not issue a binder on the car. The Commonwealth did not recognize other states' temporary tags. They suggested we Fedex them the temporary title. They offered to get the registration, get the plates, and send them to us with the policy.

This plainly would not work. RMV was clear: the hood Label must be physically inspected before a new vehicle can be titled. Federal law barred removing the Label. It seemed impractical to FedEx the hood. Moreover, unlike other states which give new vehicles a pass, Massachusetts requires that *all vehicles* be inspected within seven days of registration. Our Steed still would have to be driven to the Commonwealth for inspection, as soon as its plates arrived.

Fortunately, with maximum temporary tags we had till Friday, March 7 to get back on-Island and complete this circuit. We planned the trip just before Valentine's Day.

Unfortunately, schedules stopped us from leaving Washington. And then Code White---the snows---came. First, a moderate blizzard. Then another. Then the worst in fifty years. Our steep dead-end street remained drifted-over for a week, producing its own blizzard of e-mails about water heaters going *blow* and elderly residents made prisoner. An ambulance and (inexplicably) a Pepsi truck were stranded, blocking access to the lower end. Our new neighbor, a BBC correspondent just transferred from Singapore, got stuck four days running in his ten-foot-long driveway. I did much of my traveling in red snowshoes, not a red car. Even Sam our sled-dog, who sees snow as a day at the beach, gave up after trying to forge drifts to his ear-tips.

So Thursday March 6 became Target Day, the last chance to consummate our RMV relationship before the temporary tags expired. It was dog and I, Jean being away on business.

As we set off a light rain was falling. By Exit 6 of the Jersey Turnpike it was sleet. By Exit 9 traffic was crawling. At Providence as dark fell it was a raging nor'easter with thick flakes streaming flat, spinouts on the median, and visibility in feet, the kind where you try to find tail-lights to follow. On I-95 in Western Mass a hundred vehicles piled together in a snow

fog. But on I-195 as we pressed to make our ferry, the Red Steed was steady and sure-footed, with no hint of slide. Its only small problem was the ice collecting at the end of each wiper, reducing our sight line to smears two inches wide.

It took hours beyond the usual ten to reach our goal. We swooshed down the approach with woofs and hollers, way past our reservation. No matter---only eight cars showed for the last ferry. By the time we debarked, snow had stopped falling: crystal drifts whispered across the hard-packed island road. Close to home we nearly missed two turnoffs from the secondary. Fresh blowing powder covered each trace.

The terrain was sibilant in moonlight, beautiful as always in any season. Out on the Sound, islets shone white across black water. But our Red Steed no longer was red. It was gray and tan, patched like a palomino, crusted in road sand, frozen mud and ice.

The next day dawned bright and anticlimactic. Our insurance people issued the binder and pre-registration in 20 minutes. They asked no questions, though the concept of a car run on ethanol floored them. They'd never heard of corn-based ethanol. But neither would anyone where corn sells for a dollar an ear.

At the local RMV station there was no wait and less questions. They never asked to see the hood Label, or Annette's confirming e-mail. They didn't care that the Certificate said zilch about Low Emissions. They simply collected the sales tax---based on higher book value, not our sales price. Then they punched up their computer and pushed across the title and tags.

At the inspection shop, in sharp contrast to summer lines where victims bring thick sandwiches and novels, the Steed rolled through in an hour. We had time to spare to get a snow shovel, and a pie.

It was as though the RMV website, and the LEV program, and all the rules we'd negotiated didn't exist.

Maybe we were lucky. Maybe the sloughs of winter are a good time to waltz with New England bureaucrats. Maybe RMV had the data in its computer anyway. Maybe I should have known better, and was the only one who read the rules.

We saw plenty of red, though. There's no reason titling a car should be so complicated. Or why brand-new cars should be inspected, except to create fees for inspection stations. Or why Ford couldn't tell us where its cars can be sold, or the RMV site should be so misleading, or insurance should follow permanent tags instead of the reverse.

Still, as this is written the snowdrops are up. The ice has melted. Red-tails are soaring. And the only other red that's visible is a muddy Explorer with shiny new plates, standing sturdy and proud.



The new Red Car



Sam the Sled Dog, in melting snow

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