

HOUSE No. 3245

The Commonwealth of Massachusetts

PRESENTED BY:

Paul McMurtry

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 adoption of the accompanying bill:

An Act regarding education requirements for class 2 motor vehicle licensees.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|-------------------------|---------------------|------------------|
| <i>Paul McMurtry</i> | <i>11th Norfolk</i> | <i>1/21/2011</i> |
| <i>James E. Timilty</i> | | <i>1/28/2011</i> |

HOUSE No. 3245

By Mr. McMurtry of Dedham, a petition (accompanied by bill, House, No. 3245) of Paul McMurtry and James E. Timilty relative to regulating educational requirements for class 2 motor vehicle licensees. Transportation.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act regarding education requirements for class 2 motor vehicle licensees.

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. Section 58 of Chapter 140 of the General Laws, as appearing in the 2006
2 Official Edition, is hereby amended by inserting after clause (8) of subsection (c) the following:

3 (9) That such person attends twelve hours of educational training related
4 to the rules, regulations, and laws pertaining to the used car industry which is provided by an
5 organization certified by the office of Consumer Affairs and Business Regulation to provide
6 educational training. The office of Consumer Affairs and Business Regulation shall establish
7 the minimum core curriculum to be presented by certified training organizations and establish a
8 standardized test which shall be administered by all certified educational training organizations
9 to persons attending the educational training. Upon successful completion of the training, and
10 obtaining a passing grade the organization providing the training shall issue a class 2 education
11 certificate to the person. A said Class 2 education certificate shall be developed by the Office of
12 Consumer Affairs and Business Regulation and include on the face a certificate number. All
13 certified training organizations shall record the name and certificate number of all certificates

14 issued to applicants successfully completing the educational training. A municipal licensing
15 authority shall not issue or renew a class 2 license unless a class 2 education certificate is
16 presented to the licensing authority. All class 2 licensees who have successfully obtained a class
17 2 education certificate shall thereafter annually attend 4 hours of continuing educational training.
18 Class 2 licensees shall be issued a continuing education certificate which shall also be a
19 condition precedent to obtaining a class 2 license.

20 (10) The dealer's business is situated within a permanent building or
21 permanently affixed structure, owned or leased by the dealer for the dealer's exclusive use.
22 Except for a dealer who exchanges vehicles or trailers solely on a wholesale basis, the dealer
23 shall be open to the public. The building, structure, shall have adequate office space to conduct
24 the business and hours of operation shall be posted. If more than one business is located within
25 the same building or structure, the dealer shall maintain a separate and exclusive entrance.
26 Subject to any municipal regulation, ordinance or bylaw, and except for a dealer who exchanges
27 motor vehicles or trailers solely on a wholesale basis, the dealer shall display a permanently
28 affixed exterior sign of sufficient size and design to give the general public notice of the name,
29 telephone number and nature of the business. Except for a dealer who exchanges motor vehicles
30 or trailers solely on a wholesale basis, the dealer shall have an area to display the vehicles
31 offered for sale, which cannot be shared with any other business unless a clear physical
32 separation exists. Vehicles cannot be offered for sale at any other location; however, this shall
33 not prohibit a dealer from transporting and offering vehicles for sale at a recognized automobile
34 auction facility, or a combined dealer special sale event. A municipal licensing authority shall
35 issue only one Class 2 license for a building at a specific street address.

36 SECTION 2. Notwithstanding any general or special law to the contrary the Registry of
37 Motor Vehicles is hereby directed to establish a standard application form for applicants for a
38 Class 2 license pursuant to Section 58 of Chapter 140 which shall be utilized by all licensing
39 authorities issuing said Class 2 license. The application shall include, but not be limited to, the
40 name and address of the applicant, the name and address of the motor vehicle dealership, a box
41 to be checked confirming evidence of a \$25,000 bond and its certificate number or equivalent
42 certificate of deposit or irrevocable letter of credit, a box to be checked confirming compliance
43 with Class 2 licensee education requirements including the education certificate number, a box to
44 be checked for wholesale dealer which shall include the following text “a checkmark in this box
45 shall prohibit such licensee from selling motor vehicles to the retail public”. The municipal
46 licensing authority shall clearly indicate on the Class 2 license for wholesale only. A Class 2
47 licensee with a wholesale only license who sells at retail shall be subject to a fine of \$5000
48 payable to the municipal licensing authority and immediate revocation of the Class 2 license by
49 the licensing authority. The municipal licensing authority shall transmit a copy of said
50 completed application to the Registrar of Motor Vehicles and to the Department of Revenue.

51 SECTION 3. This Act shall become effective on January 1, 2013