

SENATE No. 1804

The Commonwealth of Massachusetts

PRESENTED BY:

James E. Timilty

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 relative to education requirements for class 2 motor vehicle licensees.

PETITION OF:

NAME:

James E. Timilty

DISTRICT/ADDRESS:

SENATE No. 1804

By Mr. Timilty, a petition (accompanied by bill, Senate, No. 1804) of James E. Timilty for legislation relative to education requirements for class 2 motor vehicle licensees. Transportation.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2324 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to 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
2 the 2006 Official Edition, is hereby amended by inserting after clause (8) of subsection (c) the
3 following:

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

certificate to the person. A said Class 2 education certificate shall be developed by the Office of Consumer Affairs and Business Regulation and include on the face a certificate number. All certified training organizations shall record the name and certificate number of all certificates issued to applicants successfully completing the educational training. A municipal licensing authority shall not issue or renew a class 2 license unless a class 2 education certificate is presented to the licensing authority. All class 2 licensees who have successfully obtained a class 2 education certificate shall thereafter annually attend 4 hours of continuing educational training. Class 2 licensees shall be issued a continuing education certificate which shall also be a condition precedent to obtaining a class 2 license.

(10) The dealer's business is situated within a permanent building or permanently affixed structure, owned or leased by the dealer for the dealer's exclusive use. Except for a dealer who exchanges vehicles or trailers solely on a wholesale basis, the dealer shall be open to the public. The building, structure, shall have adequate office space to conduct the business and hours of operation shall be posted. If more than one business is located within the same building or structure, the dealer shall maintain a separate and exclusive entrance. Subject to any municipal regulation, ordinance or bylaw, and except for a dealer who exchanges motor vehicles or trailers solely on a wholesale basis, the dealer shall display a permanently affixed exterior sign of sufficient size and design to give the general public notice of the name, telephone number and nature of the business. Except for a dealer who exchanges motor vehicles or trailers solely on a wholesale basis, the dealer shall have an area to display the vehicles offered for sale, which cannot be shared with any other business unless a clear physical separation exists. Vehicles cannot be offered for sale at any other location; however, this shall not prohibit a dealer from transporting and offering vehicles for sale at a recognized automobile

35 auction facility, or a combined dealer special sale event. A municipal licensing authority shall
36 issue only one Class 2 license for a building at a specific street address.

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

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