

# HOUSE . . . . . No. 155

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## The Commonwealth of Massachusetts

PRESENTED BY:

***Garrett J. Bradley***

*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 to facilitate and regulate residential selling practices.

PETITION OF:

| NAME:                     | DISTRICT/ADDRESS:   | DATE ADDED:      |
|---------------------------|---------------------|------------------|
| <i>Garrett J. Bradley</i> | <i>3rd Plymouth</i> | <i>1/15/2015</i> |

# HOUSE . . . . . No. 155

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By Mr. Bradley of Hingham, a petition (accompanied by bill, House, No. 155) of Garrett J. Bradley for legislation to regulate residential door-to-door selling practices. Consumer Protection and Professional Licensure.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 183 OF 2013-2014.]

## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the One Hundred and Eighty-Ninth General Court  
(2015-2016)  
\_\_\_\_\_

An Act to facilitate and regulate residential selling practices.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           Chapter 159 of the General Laws is hereby amended by adding after Chapter 159C the  
2 following new chapter:-

3           Chapter 159D

4           Section 1. Every municipality may regulate the commercial sale of goods (including  
5 periodical subscriptions) or services, at any residence without an appointment (“residential  
6 selling”) by requiring that anyone not a Commonwealth resident engaged in residential selling (a  
7 “residential seller”) must first obtain from the municipal clerk and present promptly at any  
8 residence (and to any police officer who asks to see it) a one-year residential seller license  
9 bearing his/her photo likeness.

Section 2. The fee for a residential seller license will be Fifty Dollars (\$50.00).

Section 3. The residential seller license applicant must give written oath or affirmation to name, permanent address and the non-existence or jurisdiction of any felony or sex offense conviction in the last ten years, governmental proof of date of birth and social security number, give complete set of fingerprints, if requested, and provide with a surety qualified in the Commonwealth a bond for obedience to all of the municipality's ordinances and the laws of the Commonwealth in the penal sum of Ten Thousand Dollars (\$10,000). No person convicted of any felony or any sex offense in the past ten years may be issued a residential seller license.

Section 4. Any residential seller without a license must show proof of current Commonwealth residence location, whether occupied by ownership or lease of more than thirty days, when requested, at every residence he/she approaches, and to any inquiring police officer.

Section 5. Any residential seller who does not make required presentation of either proof of Commonwealth residence (as defined in (4) above) or residential seller license will be guilty of a Class \_\_\_\_\_ misdemeanor and may be punished by a fine of up to Two Hundred Fifty Dollars (\$250.00) or jail confinement up to ten days, or both.

Section 6. The office of each municipal clerk will be open for residential seller license application whenever it is open for other business, and the application will be acted upon within five such days.

Section 7. Any non-resident desiring to engage in residential selling in more than one municipality may, upon the same fee and form of application provided in Section (4) and (5) above, obtain from the Deputy Director of Standards in the Office of Consumer Affairs and

31 Business Regulation a residential seller license good throughout the Commonwealth for one  
32 year.

33 Section 8. Any Commonwealth license for the sale or performance of any good (tangible  
34 or intangible) or service (such as insurance agent, stock broker, realtor or lawn product provider),  
35 whether held by a Commonwealth resident or non-resident, will be deemed also a residential  
36 seller license.

37 Section 9. Nothing in this Act shall abridge the right of any resident to forbid the conduct  
38 of residential selling on his/her property by posting, in plain view of the nearest public street, an  
39 eight inch by twelve inch sign bearing the statement "Commercial selling forbidden" in letters  
40 one inch wide and two inches high; and the chief of police will have the discretion to provide  
41 such a sign to each resident requesting one.