

HOUSE No. 4125

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 28, 2016.

The committee on Consumer Protection and Professional Licensure to whom was referred the petition (accompanied by bill, House, No. 155) of Garrett J. Bradley for legislation to regulate residential door-to-door selling practices, reports recommending that the accompanying bill (House, No. 4125) ought to pass.

For the committee,

JENNIFER E. BENSON.

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**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.

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

11 Section 3. The residential seller license applicant must give written oath or affirmation to
12 name, permanent address and the non-existence or jurisdiction of any felony or sex offense

13 conviction in the last ten years, governmental proof of date of birth and social security number,
14 give complete set of fingerprints, if requested, and provide with a surety qualified in the
15 Commonwealth a bond for obedience to all of the municipality's ordinances and the laws of the
16 Commonwealth in the penal sum of Ten Thousand Dollars (\$10,000). No person convicted of
17 any felony or any sex offense in the past ten years may be issued a residential seller license.

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

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

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

28 Section 7. Any non-resident desiring to engage in residential selling in more than one
29 municipality may, upon the same fee and form of application provided in Section (4) and (5)
30 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, or lawn product provider),

35 whether held by a Commonwealth resident or non-resident, will be deemed also a residential
36 seller license, except licenses held by those already licensed in the Commonwealth involving the
37 sale of real estate, including mortgage financing.

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