HOUSE DOCKET, NO. 511 FILED ON: 1/25/2021

HOUSE . . . . . No. 3551

The Commonwealth of Massachusetts

PRESENTED BY:

David K. Muradian, Jr.

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 private sale requirements for used vehicles.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
David K. Muradian, Jr.	*9th Worcester*	*1/25/2021*
Mathew J. Muratore	*1st Plymouth*	*2/24/2021*
Michael J. Soter	*8th Worcester*	*2/24/2021*
David Allen Robertson	*19th Middlesex*	*2/25/2021*

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By Mr. Muradian of Grafton, a petition (accompanied by bill, House, No. 3551) of David K. Muradian, Jr., and others relative to private sale requirements for used vehicles and requiring that the Registry of Motor Vehicles create and maintain an approved bill of sale form for use by private sellers. Transportation.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *3094* OF 2019-2020.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act relative to private sale requirements for used vehicles.

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

SECTION 1. Chapter 90 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting after section 7N1/2 the following section:-

Section 7N3/4. (1) For the purposes of this section the following words shall have the following meanings:-

"Buyer," a purchaser other than for purposes of resale, of a motor vehicle, any person to whom such motor vehicle is transferred during the duration of any express or implied warranty applicable to such motor vehicle, and any other person entitled by the terms of such warranty to enforce its obligation, where such vehicle is purchased primarily for personal, family or household purposes.

"Dealer," any person engaged in the business of selling, offering for sale, or negotiating the retail sale of used motor vehicles or selling motor vehicles as broker or agent for another, including the officers, agents and employees of such person and any combination or association of dealers but not including a bank or other financial institution, or the commonwealth, its agencies, bureaus, boards, commissions, authorities, nor any of its political subdivisions. A person shall be deemed to be engaged in the business of selling used motor vehicles if such person has sold more than three used motor vehicles in the preceding twelve months.

"Private seller," any person who is not a dealer and who offers to sell or sells a used motor vehicle to a consumer, but not including a bank or other financial institution, or the commonwealth, its agencies, bureaus, boards, commissions, authorities, nor any of its political subdivisions.

"Purchase price," the total of all payments made for the purchase of the vehicle.

(2) It shall be unfair or deceptive act or practice for a private seller to fail to use an approved bill of sale form for the sale of each motor vehicle sold and to provide a copy of the completed bill of sale form to the to the purchaser at the time of purchase.

(3) The registry of motor vehicles shall create and maintain an approved bill of sale form for use by private sellers. Said form shall be printed, clearly entitled "MOTOR VEHICLE BILL OF SALE FROM" and be posted on the registry's website. Said form shall include:

(a) The name and address of the private seller and the buyer;

(b) The make, model, year and identification or serial numbers of the vehicle purchased;

(c) The odometer reading or actual mileage of the vehicle purchased;

(d) All known defects which impair the vehicle's safety or substantially impair its use;

(e) The purchase price"

(f) The printed name and signature of the private seller and the buyer, both of which shall be notarized; and

(g) The required notarizations.

(4) The secretary of consumer affairs and business regulation shall promulgate rules and regulations to implement this section. Said rules and regulations shall include the wording, format, placement and distribution of the bill of sale form.

(5) Notwithstanding any provisions of the law to the contrary, this section shall not apply to any vehicle sold by a private seller to a purchased for less than $700.

(6) Nothing in this section shall be construed in any way to limit the enforceability of any implied warranties created by law, any rights created by section 7N, 7N1/4 7N1/2 or chapter 93A or any rules and regulations promulgated pursuant thereto, or express warranties given by a private seller in connection with the sale of a vehicle or any other rights or remedies available to consumers under applicable law. Nothing in this section shall be construed as creating any cause of action by a buyer against a private seller under the provisions of this section; provided, however, that in any subsequent action by a buyer under section 7N1/4, the court may take the private seller's failure to use an approved bill of sale form into account when awarding damages.