

HOUSE No. 03245

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 passage of the accompanying bill:

An Act regarding education requirements for class 2 motor vehicle licensees

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PETITION OF:

NAME:

DISTRICT/ADDRESS:

Paul McMurtry

11th Norfolk

James E. Timilty

Bristol and Norfolk

HOUSE No. 03245

By Mr. McMurtry of Dedham, a petition (accompanied by bill, House, No. 3245) of Timilty and McMurtry relative to regulating educational requirements for class 2 motor vehicle licensees Joint Committee on 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 Be it enacted by the Senate and House of Representatives in General Court assembled,
- 2 And by the authority of the same, as follows:
- 3 SECTION 1. Section 58 of Chapter 140 of the General Laws, as appearing in the 2006 Official
- 4 Edition, is hereby amended by inserting after clause (8) of subsection (c) the following:
- 5 (9) That such person attends twelve hours of educational training related to the
- 6 rules, regulations, and laws pertaining to the used car industry which is provided by an
- 7 organization certified by the office of Consumer Affairs and Business Regulation to provide
- 8 educational training. The office of Consumer Affairs and Business Regulation shall establish
- 9 the minimum core curriculum to be presented by certified training organizations and establish a
- 10 standardized test which shall be administered by all certified educational training organizations

11 to persons attending the educational training. Upon successful completion of the training, and
12 obtaining a passing grade the organization providing the training shall issue a class 2 education
13 certificate to the person. A said Class 2 education certificate shall be developed by the Office of
14 Consumer Affairs and Business Regulation and include on the face a certificate number. All
15 certified training organizations shall record the name and certificate number of all certificates
16 issued to applicants successfully completing the educational training. A municipal licensing
17 authority shall not issue or renew a class 2 license unless a class 2 education certificate is
18 presented to the licensing authority. All class 2 licensees who have successfully obtained a class
19 2 education certificate shall thereafter annually attend 4 hours of continuing educational training.
20 Class 2 licensees shall be issued a continuing education certificate which shall also be a
21 condition precedent to obtaining a class 2 license.

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

34 cannot be offered for sale at any other location; however, this shall not prohibit a dealer from
35 transporting and offering vehicles for sale at a recognized automobile auction facility, or a
36 combined dealer special sale event. A municipal licensing authority shall issue only one Class 2
37 license for a building at a specific street address.

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

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