

HOUSE No. 04118

The committee on Consumer Protection and Professional Licensure, reports, on House, No. 3224, a Bill to facilitate and regulate residential selling practices (House, No. 4118). May 24, 2012. Theodore C. Speliotis, for the committee.

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The Commonwealth of Massachusetts

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In the Year Two Thousand Twelve
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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 following
- 2 new chapter:-
- 3 Chapter 159D
- 4 Section 1. Every municipality may regulate the commercial sale of goods (including periodical
- 5 subscriptions) or services, at any residence without an appointment (“residential selling”) by
- 6 requiring that any Commonwealth resident or non-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 name,
12 permanent address and the non-existence or jurisdiction of any felony or sex offense conviction
13 in the last ten years, governmental proof of date of birth and social security number, give
14 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 Commonwealth
19 residence location, whether occupied by ownership or lease of more than thirty days, when
20 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 of
22 Commonwealth residence (as defined in (4) above) or residential seller license will be guilty of a
23 Class C misdemeanor and may be punished by a fine of up to Two Hundred Fifty Dollars
24 (\$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 or
34 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 of
38 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.