

HOUSE No. 423

The Commonwealth of Massachusetts

PRESENTED BY:

David Paul Linsky

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 clarification of the Massachusetts franchise law.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>1/13/2021</i>

HOUSE No. 423

By Mr. Linsky of Natick, a petition (accompanied by bill, House, No. 423) of David Paul Linsky relative to business practices between motor vehicle manufacturers, distributors and dealers. Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 282 OF 2019-2020.]

The Commonwealth of Massachusetts

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

An Act relative to clarification of the Massachusetts franchise law.

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

1 SECTION 1. Clause 10 of Subsection (c) of Section 4 of Chapter 93B of the General
2 Laws, by inserting, in line 257, after the word “dealership” the following:-

3 (iv) owning or operating a dealership when, at the time of establishment of the
4 manufacturer or distributor owned or operated dealership, no franchise agreement existed
5 between the manufacturer or distributor and any dealer in the Commonwealth not owned or
6 operated by the manufacturer or distributor.

7 SECTION 2. Section 15 of Chapter 93B of the General Laws, is hereby amended by
8 striking subsection (a) and inserting the following:-

9 (a) Any manufacturer, distributor or motor vehicle dealer who suffers any loss of money
10 or property, real or personal, as a result of the use or employment by a manufacturer, distributor
11 or motor vehicle dealer of the same line make of an unfair method of competition or an unfair or
12 deceptive act or practice as defined by this chapter, any act prohibited or declared unlawful by
13 this chapter, or any rule or regulation adopted under this chapter, may bring an action in the
14 superior court, or if applicable in the federal district court for the district of Massachusetts, for
15 damages and equitable relief, including injunctive relief, as described in the following sentence:
16 The party filing suit must demonstrate that the manufacturer, distributor or motor vehicle dealer
17 that is conducting or has conducted the unfair method of competition or unfair or deceptive act or
18 practices manufactures, distributes or acts as a dealer for vehicles of the same line make as the
19 party filing suit and that the harm alleged originated from or was the direct result of action taken
20 with respect to such line make.