

SENATE No. 01804

The Commonwealth of Massachusetts

PRESENTED BY:

James E. Timilty

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 relative to education requirements for class 2 motor vehicle licensees.

PETITION OF:

NAME:

James E. Timilty

DISTRICT/ADDRESS:

Bristol and Norfolk

SENATE No. 01804

By Mr. Timilty, petition (accompanied by bill, Senate, No. 1804) of Timilty for legislation relative to education requirements for class 2 motor vehicle licensees [Joint Committee on Transportation].

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ SENATE
□ , NO. 2324 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to 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 SECTION 1. Section 58 of Chapter 140 of the General Laws, as appearing in the 2006
2 Official Edition, is hereby amended by inserting after clause (8) of subsection (c) the following:

3 (9) That such person attends twelve hours of educational training related to the rules,
4 regulations, and laws pertaining to the used car industry which is provided by an organization
5 certified by the office of Consumer Affairs and Business Regulation to provide educational
6 training. The office of Consumer Affairs and Business Regulation shall establish the minimum
7 core curriculum to be presented by certified training organizations and establish a standardized
8 test which shall be administered by all certified educational training organizations to persons
9 attending the educational training. Upon successful completion of the training, and obtaining a

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

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

33 transporting and offering vehicles for sale at a recognized automobile auction facility, or a
34 combined dealer special sale event. A municipal licensing authority shall issue only one Class 2
35 license for a building at a specific street address.

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

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