

HOUSE No. 497

By Mr. Rudsten of Boston, petition of Daniel Rudsten for legislation relative to the sale and purchase of new motor vehicles. Mercantile Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Eight.

AN ACT RELATIVE TO THE SALE AND PURCHASE OF NEW MOTOR VEHICLES.

1 *Whereas*, The regulation of the sale of new motor
2 vehicles in the commonwealth is necessary for the
3 purpose of safeguarding the public against fraud,
4 extortion, exorbitant rates and similar abuses, such
5 as excessive bonuses or unfair trade-in demands and
6 premiums, therefore this act is hereby declared to be
7 an emergency law, necessary for the immediate pres-
8 ervation of the public convenience.

*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. Each new car dealer in the common-
2 wealth shall forthwith apply for a license under this
3 act from the chief law enforcement officer in each
4 city or town in which he conducts his business. He
5 shall not further conduct his business unless and
6 until such license has been granted, and then only
7 while the same is outstanding and in force, and said

8 officer shall suspend or revoke any license granted by
9 him for a period not to exceed one year, upon the
10 conviction of the licensee, or of any person employed
11 by him in the conduct of his business, of a violation
12 of any provision of this act.

1 SECTION 2. Every such dealer shall file with said
2 officer a list of all the orders he has for the purchase
3 of new cars, which list shall contain the names, ad-
4 dresses of the persons on the list, the amount of
5 deposits left by each of them and the list number
6 corresponding to the position of each name on the
7 list. Each dealer shall file a corrected list monthly
8 with said officer, and must sell cars in the order in
9 which applications therefor have been made by his
10 customers, as shown by such lists.

11 Each dealer shall impose equal conditions on all
12 purchasers and shall also file a detailed statement of
13 such conditions with said officer. Such lists and
14 statements of the conditions under which a car can
15 be purchased from each licensed dealer shall be open
16 to public inspection.

1 SECTION 3. No dealer shall demand any trade-in
2 of a customer's old car, and any new car available
3 for sale shall be offered to each customer at the list
4 price, in cash; provided, that any customer may,
5 at his option, offer his old car to a new car dealer in
6 an exchange transaction.

1 SECTION 4. Unless expressly ordered, no acces-
2 sories which were not affixed to a new car at the
3 factory shall be sold by a dealer to any purchaser
4 of the same.

1 SECTION 5. When a new car is ready for delivery,
2 the dealer shall notify the purchaser next on said
3 list by registered mail, return receipt requested, of
4 the availability of the car. If said purchaser does
5 not avail himself of the opportunity to purchase such
6 car within ten days, or requests a cancellation of his
7 order therefor, the dealer shall inform said licensing
8 officer of this fact, and shall then offer the car for
9 sale, in like manner, to the person who is next in order
10 on said list. Any person may at any time cancel his
11 order and the dealer shall forthwith inform said
12 officer of said cancellation and shall not be required
13 to offer a car to that customer, but shall pass on to
14 the next customer on said list.

15 Any person who cancels his order for a new car
16 because of a reward or some remuneration offered
17 either by the dealer or by some other customer on
18 the list shall be punished by a fine of not more than
19 one thousand dollars or by imprisonment for six
20 months, or both.

1 SECTION 6. Each such dealer shall inform the li-
2 censing officer of the sale of each new car, the identity
3 of the purchaser, the terms of the sale, and must
4 affirm that he has not violated any of the provisions
5 of this act in connection with the transaction.

1 SECTION 7. Any person who violates any provi-
2 sion of this act shall be punished by a fine not to
3 exceed one thousand dollars or by imprisonment for
4 six months, or both.

