

# SENATE . . . . No. 288

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To accompany the petition of Paul R. Achin for legislation to further regulate closing out sales, so called, and similar types of sales. Mercantile Affairs.

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## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Fifty-Three.

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### AN ACT FURTHER REGULATING CLOSING OUT SALES, SO CALLED, AND SIMILAR TYPES OF SALES.

*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 93 of the General Laws is hereby amended  
2 by striking out section 28A, as most recently amended  
3 by chapter 473 of the acts of 1950, and inserting in  
4 place thereof the following section:—  
5 *Section 28A.* No person shall offer for sale a stock  
6 of goods, wares or merchandise under the designation  
7 of "closing out sale," "going out of business sale,"  
8 "discontinuance of business sale," "selling out,"  
9 "liquidation," "lost our lease," "must vacate,"  
10 "forced out," or other designation of like meaning, in  
11 any city or town at any place, without having first filed  
12 with the clerk of such city or town prior to the opening  
13 of such sale and paid the fee provided by clause (69)  
14 of section thirty-four of chapter two hundred and  
15 sixty-two, a complete and detailed inventory of all

16 items to be included in such sale, which inventory shall  
17 include only goods, wares and merchandise actually  
18 in the place of business, wherein or whereat such sale  
19 is to be conducted, at the opening of the sale, nor  
20 without having first filed with said clerk a good and  
21 sufficient bond, payable to the city or town, in the  
22 penal sum of one thousand dollars, with sureties ap-  
23 proved by the mayor or selectmen or by a justice of  
24 the district court in whose judicial district is situated  
25 the city, town or ward in which such sale is to be con-  
26 ducted, conditioned upon compliance with sections  
27 twenty-eight A and twenty-eight B; provided, that,  
28 after a change of ownership of the whole of such stock,  
29 or of the entire balance of such stock, in case a portion  
30 thereof has already been so sold, no person shall carry  
31 on such sale until the new owner of such stock or bal-  
32 ance shall have filed with the city or town clerk an  
33 inventory signed by the owner under the penalties of  
34 perjury and a bond as hereinbefore provided except  
35 when such sale is to be carried on at a usual place of  
36 business of such new owner which he has maintained  
37 for at least one year. No goods except those listed  
38 in such inventory shall be included in such sale and  
39 the date for closing such sale shall not be extended  
40 beyond a reasonable time to be set forth in the terms  
41 of said bond, for disposing of the goods listed in such  
42 inventory. There shall be attached to such bond a  
43 statement signed under the penalties of perjury by  
44 such owner verifying that such sale is for the purpose  
45 designated in the advertising of such sale. Upon re-  
46 quest of the principal of any bond given in connection  
47 with such a sale, the clerk of the city or town shall  
48 surrender such bond, if he is satisfied that the sale  
49 has ended, that all signs relating to such sale have been

50 removed and that there has been no breach of the  
51 condition of the bond. Upon the filing of the inven-  
52 tory with the clerk, as required by this section, there  
53 shall also be filed the final date of the proposed sale  
54 and no sales shall be made after such date except in  
55 bulk to a new owner. Any advertising relating to  
56 such sales shall prominently state the final date of  
57 said sale. Any person who, under the provisions of  
58 this section, conducts a sale by the designation "going  
59 out of business," "selling out," or by other designa-  
60 tion specified in this section, or of similar meaning, be-  
61 yond the date specified for such sale, or who, upon  
62 conclusion of such sale, continues that business which  
63 had been represented as "going out of business" or  
64 "selling out" or by similar designation, under the  
65 same name or under a different name, at the same  
66 location, or elsewhere in the same city or town where  
67 the inventory for such sale was filed, or who, upon  
68 conclusion of such sale, continues business contrary  
69 to the designation of such sale, shall be punished as  
70 provided in section twenty-eight D.

