

The Commonwealth of Massachusetts

SPECIAL REPORT OF THE DEPARTMENT OF
PUBLIC WORKS RELATIVE TO THE DIS-
POSAL OF CERTAIN USED MOTOR VE-
HICLES AND THE LICENSING OF MOTOR
VEHICLE JUNK YARDS.

[Legal Affairs.]

DEPARTMENT OF PUBLIC WORKS,
STATE HOUSE, BOSTON, December 1, 1930.

*To the Honorable Senate and House of Representatives of the Common-
wealth of Massachusetts.*

In accordance with the provisions of chapter 24 of the Resolves of 1930, the Department of Public Works presents herewith its report upon its investigation relative to the disposal of abandoned, junked or used motor vehicles or parts thereof, and to the licensing of motor vehicle junk yards.

Chapter 24 of the Resolves of 1930 follows:

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE DEPARTMENT OF PUBLIC WORKS RELATIVE TO THE DISPOSAL OF CERTAIN USED MOTOR VEHICLES AND THE LICENSING OF MOTOR VEHICLE JUNK YARDS.

Resolved, That the department of public works is hereby directed to consider the subject matter of current house document numbered ninety-seven, relative to the disposal of abandoned, junked or used motor vehicles or parts thereof, and of current house document numbered ninety-eight, relative to the licensing of motor vehicle junk yards, and to report to the general court its recommendations, if any, together with drafts of such legislation as may be necessary to carry such recommendations into effect, by filing the same with the clerk of the senate on or before the first Wednesday in December in the current year.

House Documents Nos. 97 and 98 relate, respectively, to these same subjects.

In the course of its investigation relating to these matters the Department of Public Works held an advertised public hearing in the office of the county commissioners of Hampden County, Court House, Springfield, on September 25, 1930, at 2 P.M. for all persons interested in the provisions of this resolve; and similarly a public hearing at the office of the Department, 413 State House, Boston, on November 6, 1930, at 2 P.M.

The unsightly appearance of abandoned motor vehicles or parts thereof, and junk yards scattered promiscuously, is a source of much annoyance and a detriment to the locality in which they exist. It is believed that the solution of this problem can be brought about by the passage of amendments to existing laws relating to the disposal of certain used motor vehicles and to provide that the local licensing authorities shall have jurisdiction as to the location of and the manner in which motor vehicle junk yards shall be operated.

The Department therefore submits herewith forms of bills for carrying this recommendation into effect.

Respectfully submitted,

DEPARTMENT OF PUBLIC WORKS.

FRANK E. LYMAN,
Commissioner of Public Works.

RICHARD K. HALE,
H. A. MACDONALD,
Associate Commissioners.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-One.

An Act relative to the Storage or Deposit of Abandoned, Junked or Used Motor Vehicles or Parts Thereof.

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. Chapter one hundred and forty of the
2 General Laws is hereby amended by inserting in the
3 heading preceding section fifty-seven thereof, the fol-
4 lowing:— Storage or Deposit, — so as to read as fol-
5 lows:— Sale, Storage or Deposit of Second Hand
6 Motor Vehicles.

1 SECTION 2. Section fifty-seven of chapter one hun-
2 dred and forty of the General Laws, as amended by
3 section two of chapter two hundred and thirty-eight
4 of the acts of nineteen hundred and twenty-nine, is
5 hereby further amended by inserting after the word
6 “thereof”, in the eighth line, the words:— and no
7 person shall engage in the business of maintaining a
8 motor vehicle junk yard, — so as to read as follows:
9 — *Section 57.* No person, except one whose principal
10 business is the manufacture and sale of new motor
11 vehicles but who incidentally acquires and sells second-
12 hand vehicles, or a person whose principal business is
13 financing the purchase of or insuring motor vehicles
14 but who incidentally acquires and sells second-hand

15 vehicles, shall engage in the business of buying, selling,
16 exchanging or assembling second-hand motor vehicles
17 or parts thereof, and no person shall engage in the
18 business of maintaining a motor vehicle junk yard,
19 without securing a license as provided in section
20 fifty-nine.

1 SECTION 3. Section fifty-eight of said chapter one
2 hundred and forty, as amended by chapter thirty of
3 the acts of nineteen hundred and twenty-three, is
4 hereby further amended by adding at the end thereof
5 the following:—

6 *Class 4.*— Any person who engages in the business of
7 maintaining a motor vehicle junk yard, whether or
8 not as a principal business, may be granted a motor
9 vehicle junk yard license. A motor vehicle junk yard
10 shall include any place of storage or deposit, whether
11 in connection with another business or not, in or upon
12 which are displayed to the public view two or more
13 motor vehicles, or used parts of motor vehicles, or old
14 metal, glass or other discarded material which would
15 be equal in bulk to two motor vehicles, which in the
16 opinion of the licensing authorities may be considered
17 as junk.

1 SECTION 4. Said chapter one hundred and forty
2 is hereby further amended by inserting after section
3 sixty-five the following new section:—

4 *Section 65A.* The licensing authorities, upon the
5 refusal or failure, on the part of the owner or custo-
6 dian of property not licensed under the provisions of
7 section fifty-nine as a motor vehicle junk yard, whether
8 or not he has given consent to the storage or deposit
9 of abandoned motor vehicles or parts thereof, to re-

10 move the same from public view within thirty days
11 after written notice by the licensing authorities, may
12 enter said premises for the purpose of removing such
13 abandoned motor vehicles or parts thereof, and the
14 expense of such removal shall be paid by such owner
15 or custodian. Such property may be sold by the
16 licensing authorities in the manner provided for the
17 sale of lost or abandoned property under chapter one
18 hundred and thirty-four, except that such licensing
19 authorities may sell such property within three months
20 after receiving the same, if no person within such
21 time proves ownership thereto.

1 SECTION 5. Section one hundred and twenty-six of
2 chapter two hundred and sixty-six of the General
3 Laws is hereby amended by adding at the end thereof
4 the following:—

5 Whoever abandons a motor vehicle or any substan-
6 tial part thereof upon the property of another, whether
7 within or without the limits of the highway, without
8 first obtaining the written consent of the owner or
9 tenant of such property, shall, upon complaint of such
10 owner or of his tenant or of any municipal or public
11 officer, be punished by a fine of not more than fifty
12 dollars. For the purposes of this section, a motor
13 vehicle or substantial part thereof which has been
14 left unattended for twenty-four hours or more shall
15 be deemed to have been abandoned.



