

HOUSE No. 329

By Mr. Caples of Boston, petition of Richard R. Caples for the licensing of persons engaged in the business of giving instructions for hire in driving motor vehicles. Highways and Motor Vehicles.

The Commonwealth of Massachusetts

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

AN ACT REQUIRING THAT PERSONS ENGAGED IN THE BUSINESS OF GIVING INSTRUCTION FOR HIRE IN DRIVING MOTOR VEHICLES SHALL BE LICENSED THEREFOR.

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 90 of the General Laws is hereby amended
2 by inserting after section 32F the following section: —
3 *Section 32G.* No person shall engage in the busi-
4 ness, hereinafter called driver school, of giving in-
5 struction for hire in driving motor vehicles without
6 being licensed for such purpose by the registrar.
7 Application for a license under this section may be
8 filed with the registrar and shall contain such infor-
9 mation as he shall prescribe. Every such applica-
10 tion shall be accompanied by an application fee of
11 ten dollars, which shall in no event be refunded. If
12 an application is approved by the registrar, the
13 applicant upon the payment of an additional fee of
14 fifteen dollars shall be granted a license, which shall

15 be valid for a period of one year from the date of
16 its issuance. The annual fee for renewal thereof
17 shall be fifteen dollars. The registrar shall issue a
18 license certificate to each licensee, which certificate
19 shall be conspicuously displayed in the place of busi-
20 ness of the licensee. In case of the loss, mutilation
21 or destruction of a license certificate, the registrar
22 shall issue a duplicate thereof upon proof of the facts
23 and payment of a fee of one dollar and fifty cents.

24 No license shall be issued, nor shall any license be
25 renewed for conducting a driver school in a city
26 having a population of fifty thousand or more ac-
27 cording to the latest federal census, if the place of
28 business of such school or branch thereof is within
29 fifteen hundred feet of a building owned, leased or
30 used by the registry of motor vehicles for the exam-
31 ination of applicants for operators' licenses or for the
32 issuance of operators' licenses to the public. The
33 said distance of fifteen hundred feet shall be measured
34 along the public streets by the nearest route from
35 such place of business, or branch thereof, to such
36 building.

37 The registrar may deny the application of any
38 person for a license, if, in his discretion, he deter-
39 mines that: —

40 (a) Such applicant has made a material false state-
41 ment or concealed a material fact in connection with
42 his application.

43 (b) Such applicant, any officer, director, stock-
44 holder or partner, or any other person directly or
45 indirectly interested in the business was the former
46 holder, or was an officer, director, stockholder or
47 partner, in a corporation or partnership which was
48 the former holder of a driver school license which
49 was revoked or suspended by the registrar.

50 (c) Such applicant or any officer, director, stock-
51 holder, partner, employee, or any other person di-
52 rectly or indirectly interested in the business, has
53 been convicted of a felony, or of any crime involving
54 violence, dishonesty, deceit, indecency, degeneracy
55 or moral turpitude.

56 (d) Such applicant has failed to furnish satisfactory
57 evidence of good character, reputation and fitness.

58 (e) Such applicant does not have a place of busi-
59 ness as required by this section.

60 (f) Such applicant is not the true owner of the
61 driver school.

62 The registrar may suspend or revoke a license or
63 refuse to issue a renewal thereof for any of the fol-
64 lowing causes:— (a) the conviction of the licensee
65 or any partner, officer, agent or employee of such li-
66 censee, of a felony, or of any crime involving violence,
67 dishonesty, deceit, indecency, degeneracy or moral
68 turpitude; (b) where the licensee has made a material
69 false statement or concealed a material fact in con-
70 nection with his application for the license or a re-
71 newal thereof; (c) where the licensee has failed to
72 comply with any of the provisions of this section or
73 any of the rules and regulations of the registrar made
74 pursuant thereto; (d) where the licensee or any part-
75 ner, officer, agent or employee of such licensee has
76 been guilty of fraud or fraudulent practices in rela-
77 tion to the business conducted under the license, or
78 guilty of inducing another to resort to fraud or
79 fraudulent practices in relation to securing for him-
80 self or another a license to drive a motor vehicle. The
81 term “fraudulent practices” as used in this section
82 shall include, but shall not be limited to, any conduct
83 or representation on the part of the licensee, or any
84 partner, officer, agent or employee of a licensee, tend-

85 ing to induce another or to give the impression that
86 a license to operate a motor vehicle, or any other
87 license, registration or service granted by the regis-
88 trar may be obtained by any means other than those
89 prescribed by law, or furnishing or obtaining the
90 same by illegal or improper means, or requesting,
91 accepting, exacting or collecting money for such
92 purpose.

93 Notwithstanding the renewal of a license, the regis-
94 trar may revoke or suspend such license for causes
95 and violations, as prescribed by this section, oc-
96 ccurring during the two license periods immediately
97 preceding the renewal of such license.

98 Except where a refusal to issue a license or renewal,
99 or revocation or suspension, is based solely on a
100 court conviction or convictions, a licensee or appli-
101 cant shall have an opportunity to be heard, such
102 hearing to be held at such time and place as the
103 registrar shall prescribe. A license may, however,
104 be temporarily suspended, without notice, pending
105 any prosecution, investigation or hearing.

106 A licensee or applicant entitled to a hearing shall
107 be given due notice thereof. The sending of a notice
108 of a hearing by mail to the last known address of a
109 licensee or applicant ten days prior to the date of the
110 hearing shall be deemed due notice.

111 The registrar shall prescribe such reasonable rules
112 and regulations as he may deem necessary to carry
113 out the provisions of this section.

114 Every licensee shall keep such records as the regis-
115 trar may by regulation require. The records of the
116 licensee shall be open to the inspection of the regis-
117 trar or his representatives at all times during reason-
118 able business hours.

119 No person shall be employed by a licensee as a
120 driving instructor, nor shall any person give instruc-
121 tions for hire in the operation of motor vehicles unless
122 such person is the holder of an operator's license and
123 an instructor's certificate issued by the registrar.
124 Such certificate shall be issued only to persons of
125 good reputation and moral character.

126 The registrar may suspend or revoke an instruc-
127 tor's certificate for any of the following causes:
128 (1) expiration, suspension or revocation of the op-
129 erator's license of such instructor; (2) such instructor
130 has failed to comply with the rules and regulations
131 prescribed by the registrar; (3) conviction of such
132 instructor of a felony or any crime involving vio-
133 lence, dishonesty, deceit, indecency, degeneracy or
134 moral turpitude; and (4) such instructor has been
135 guilty of fraud or fraudulent practices.

136 No licensee shall knowingly employ, in connection
137 with a driver school in any capacity whatsoever, any
138 person who has been convicted of a felony, or of any
139 crime involving violence, dishonesty, deceit, in-
140 decency, degeneracy or moral turpitude.

141 Cities and towns are hereby authorized and
142 directed through the registrar of motor vehicles or
143 their police commissioners or police chiefs to desig-
144 nate certain areas and hours in which student driver
145 instruction may take place on the public way.

