

SENATE No. 2093

The Commonwealth of Massachusetts

SENATE, May 8, 1984.

The committee on Government Regulations, to whom was referred the petition (accompanied by bill, Senate, No. 476) of John P. Burke and Robert J. Rohan for legislation to establish registration of automotive repair and auto body shops; the petition (accompanied by bill, 489) of Francis D. Doris for legislation to require automobile repair shops to post and maintain in a prominent place on their premises a statement of customer rights; the petition (accompanied by bill, Senate, No. 547) of Joseph F. Timility for legislation to provide for the licensing of auto body repair shops; the petition (accompanied by bill, House, No. 1915) of Angelo M. Scaccia that provision be made for the registration of automobile repair shops; the petition (accompanied by bill, House, No. 3279) of Robert B. Ambler, John W. Olver and J. Michael Ruane for legislation to establish a board of registration of automotive repair and auto body shops; and the petition (accompanied by bill, House, No. 3460) of Gregory W. Sullivan for legislation to establish a board of registration of automotive repairs and providing for the registration of motor vehicle repair shops, reports the accompanying bill (Senate, No. 2093).

For the Committee,

DENIS L. McKENNA

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-four.

AN ACT RELATIVE TO THE ESTABLISHMENT OF A BOARD OF REGISTRATION OF MOTOR VEHICLE COLLISION REPAIR FACILITIES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 The General Laws are hereby amended by inserting after
2 Chapter 22 the following new chapter: —

3 CHAPTER 22A.

4 There shall be a board of registration of motor vehicle col-
5 lision repair facilities hereinafter called the board, which shall
6 consist of five members to be appointed by the governor. Mem-
7 bers of the board shall be residents of the commonwealth and
8 citizens of the United States. Two of said members shall be
9 from the motor vehicle collision repair industry; two mem-
10 bers shall be public members with no prior or present contact
11 with the automotive industry and one shall be the secretary
12 of consumer affairs or his designee. Both motor vehicle col-
13 lision repair specialist members shall have at least five years
14 experience in their field. Members of the board shall be ap-
15 pointed in the first instance to the following terms: one public
16 member to a two year term, one industry member to a three
17 year term, one public member to a four year term and one in-
18 dustry member to a five year term. All subsequent appoint-
19 ments shall be for a four year term.

20 *Section 2.* Removal of member for cause, right to hearing,
21 vacancy.

22 A member of the board may be removed from office for
23 cause, provided that said member shall have a right to re-
24 quest a public hearing which shall be advertised by notifica-
25 tion of the industry associations registered with the secre-
26 tary of the commonwealth's office and publication of notices
27 in the commonwealth. Upon the death, resignation, or re-
28 moval for cause of any member of the board, the governor,
29 after consultation with the board, shall find such vacancy for
30 the remainder of that member's term.

31 *Section 3. Compensation.*

32 The members of the board shall serve without compensation
33 but each member shall be reimbursed for actual expenses rea-
34 sonably incurred in the performance of his duties as a mem-
35 ber or on behalf of the board.

36 *Section 4. Meetings; election of officers; regular and addi-
37 tional meetings; license; fees; powers and duties.*

38 The board shall at its first meeting, and annually thereafter,
39 organize by electing from its membership a chairman, vice-
40 chairman, and a secretary. Such officers shall serve until their
41 successors are elected and qualified.

42 The board shall hold at least four regular meetings each
43 year, but additional meetings may be held upon the call of the
44 chairman, or the secretary, or at a written request of any two
45 members of the board. Three members of the board shall con-
46 stitute a quorum, provided however that at least one of those
47 three members shall be a member who was elected from and
48 who represents the general public.

49 The board shall examine and pass upon the qualifications of
50 applicants be they individuals, partnerships or corporations
51 for licenses to repair collision damage to motor vehicles for
52 compensation and shall issue licenses to qualified applicants
53 based upon but not limited to meeting the following cri-
54 teria: —

55 (a.) the applicant must maintain garage keepers' liability
56 insurance.

57 (b.) the applicant or his manager must have a minimum of
58 five years' experience in auto body repair or auto damage ap-
59 praisals.

60 (c.) the applicant's shop area must comprise at least eight
61 hundred square feet.

62 (d.) the applicant's shop must have welding equipment:
63 gas, electric or M.I.G.

64 (e.) the applicant's work area must, in the discretion of
65 the board, have an adequate exhaust or air purifying system
66 capable of maintaining required health standards.

67 (f.) the applicant's shop must have an approved spray paint-
68 ing facility.

69 (g.) the applicant's shop must have insurance underwritten
70 approved air compressor equipment.

71 (h.) the applicant or his manager must have an auto ap-
72 praiser's license.

73 (i.) the applicant's shop must be equipped with either sta-
74 tionary or movable frame and sheetmetal straightening equip-
75 ment

76 (j.) the applicant's shop must maintain electrical outlets
77 with three-pronged safety capacity.

78 (k.) the applicant shall warrant that he will notify, in writ-
79 ing, all customers of any work which applicant subcontracts.

80 Every entity in the business of repairing collision damage
81 to motor vehicles for compensation shall have a license granted
82 pursuant to this chapter and section of the General Laws.
83 The board shall issue licenses to qualified applicants but no
84 action shall be taken with respect to the granting of a license
85 or its revocation or suspension without the concurrence of at
86 least three members of the board provided however that at
87 least one of those three members shall be a member who was
88 selected from and who represents the general public. The
89 board shall adopt a seal which shall be affixed to all licenses
90 issued by the board.

91 Fees shall be as established and published by the board and
92 shall be non-refundable. Clerical staff and supportive services
93 shall be appointed or provided under the division of registra-
94 tion.

95 The board shall have the following powers, duties and func-
96 tions: —

97 (a.) promulgate rules and regulations that set reasonable
98 minimum standards for all licensed motor vehicle collision re-
99 pair facilities and from time to time adopt such other rules
100 and regulations and such amendments and supplements there-
101 to as it may deem necessary.

102 (b.) recommend to the governor and the legislature after a
103 public hearing notice of which shall be published in the media
104 throughout the commonwealth, modifications and amendments
105 to statutes regulating the licensing of motor vehicle collision
106 repair facilities.

107 (c.) annually publish a list of the names and addresses of
108 entities licensed as motor vehicle collision repair facilities.

109 (d.) set fees for initial application and renewal procedures
110 at nominal rates sufficient to cover operating expenses incurred

111 by the board in carrying out its functions.

112 (e.) establish a mechanism to enable consumers to file com-
113 plaints against licensed motor vehicle collision repair facilities
114 and investigate and take appropriation action on such com-
115 plaints providing said complaints are in writing.

116 The effective date of this act shall be sixty days from its
117 passage. All operators of motor vehicle collision repair facili-
118 ties shall within six months of the effective date file applica-
119 tion for licensure with the fee to be determined by the Board
120 and said applicants shall have an additional six months to
121 meet the threshold requirements as set forth herein.

111 to the fact that the...
 112 the...
 113 the...
 114 the...
 115 the...
 116 the...
 117 the...
 118 the...
 119 the...
 120 the...
 121 the...
 122 the...
 123 the...
 124 the...
 125 the...
 126 the...
 127 the...
 128 the...
 129 the...
 130 the...
 131 the...
 132 the...
 133 the...
 134 the...
 135 the...
 136 the...
 137 the...
 138 the...
 139 the...
 140 the...
 141 the...
 142 the...
 143 the...
 144 the...
 145 the...
 146 the...
 147 the...
 148 the...
 149 the...
 150 the...
 151 the...
 152 the...
 153 the...
 154 the...
 155 the...
 156 the...
 157 the...
 158 the...
 159 the...
 160 the...
 161 the...
 162 the...
 163 the...
 164 the...
 165 the...
 166 the...
 167 the...
 168 the...
 169 the...
 170 the...
 171 the...
 172 the...
 173 the...
 174 the...
 175 the...
 176 the...
 177 the...
 178 the...
 179 the...
 180 the...
 181 the...
 182 the...
 183 the...
 184 the...
 185 the...
 186 the...
 187 the...
 188 the...
 189 the...
 190 the...
 191 the...
 192 the...
 193 the...
 194 the...
 195 the...
 196 the...
 197 the...
 198 the...
 199 the...
 200 the...



