

HOUSE No. 1114

By Mr. Gray of Springfield, petition of Thomas T. Gray for requiring second hand motor vehicle dealers to file indemnification bonds with licensing authorities of cities and towns. Mercantile Affairs.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING THAT SECOND HAND MOTOR VEHICLE DEALERS SHALL FILE A BOND FOR \$2,000.00 WITH THE LICENSING AUTHORITIES OF THE CITY OR TOWN ISSUING SUCH LICENSE.

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 59 of chapter 140 of the General Laws
2 is hereby amended by adding after the word "dollars",
3 in the fifth line thereof, the following words:—
4 and the licensee shall, at the time of receiving such
5 license, file with the authorities who issued the license
6 a bond indemnifying such city or town, in the sum of
7 two thousand dollars, with two or more sureties or
8 a surety company approved by such authorities, and
9 conditioned upon the faithful performance of the
10 duties and obligations pertaining to the business so
11 licensed and the prompt payment of any judgment
12 recovered against the licensee, — so as to read as
13 follows: — The police commissioner in Boston and the
14 licensing authorities in other cities and towns may

15 grant licenses under this section which shall expire on
16 January first following the date of issue unless sooner
17 revoked. The fees for the licenses shall be fixed by
18 the licensing board or officer, but in no case shall
19 exceed fifty dollars and the licensee shall, at the time
20 of receiving such license, file with the authorities who
21 issued the license a bond indemnifying such city or
22 town, in the sum of two thousand dollars, with two or
23 more sureties or a surety company approved by such
24 authorities, and conditioned upon the faithful per-
25 formance of the duties and obligations pertaining to
26 the business so licensed and the prompt payment of
27 any judgment recovered against the licensee. Applica-
28 tion for license shall be made in such form as shall be
29 approved by the registrar of motor vehicles, in sections
30 fifty-nine to sixty-six, inclusive, called the registrar,
31 and if the applicant has not held a license in the year
32 prior to such application, such application shall be
33 made in duplicate, which duplicate shall be filed with
34 the registrar. No such license shall be granted unless
35 the licensing board or officer is satisfied from an
36 investigation of the facts stated in the application and
37 any other information which they may require of the
38 applicant, that he is a proper person to engage in the
39 business specified in section fifty-eight in the classifica-
40 tions for which he has applied, that said business is
41 or will be his principal business, and that he has
42 available a place of business suitable for the purpose.
43 The license shall specify all the premises to be occupied
44 by the licensee for the purpose of carrying on the
45 licensed business. Permits for a change of situation of
46 the licensed premises or for additions thereto may be
47 granted at any time by the licensing board or officer
48 in writing, a copy of which shall be attached to the

49 license. Cities and towns by ordinance or by-law may
50 regulate the situation of the premises of licensees within
51 Class 3 as defined in section fifty-eight, and all licenses
52 and permits issued hereunder to persons within said
53 Class 3 shall be subject to the provisions of ordinances
54 and by-laws which are hereby authorized to be made.
55 No license or permit shall be issued hereunder to a
56 person within said Class 3 until after a hearing, of which
57 seven days' notice shall have been given to the owners
58 of property abutting on the premises where such license
59 or permit is proposed to be exercised. All licenses
60 granted under this section shall be revoked by the
61 licensing board or officer if it appears, after hearing,
62 that the licensee is not complying with sections fifty-
63 seven to sixty-nine, inclusive, or the rules and regula-
64 tions made thereunder; and no new license shall be
65 granted to such person thereafter, nor to any person
66 for use on the same premises, without the approval
67 of the registrar. The hearing may be dispensed with
68 if the registrar notifies the licensing board or officer
69 that a licensee is not so complying. Any person ag-
70 grieved by any action of the licensing board or officer
71 refusing to grant, or revoking a license for any cause
72 may, within ten days after such action, appeal there-
73 from to any justice of the superior court in the county
74 in which the premises sought to be occupied under the
75 license or permit applied for are located. The justice
76 shall, after such notice to the parties as he deems
77 reasonable, give a summary hearing on such appeal,
78 and shall have jurisdiction in equity to review all
79 questions of fact or law and may affirm or reverse
80 the decision of the board or officer and may make any
81 appropriate decree. The decision of the justice shall
82 be final.