

HOUSE No. 3501

By Mr. Ambler of Weymouth, petition of Robert B. Ambler and Theodore J. Aleizo, Jr., that provision be made for the licensing of auto body repair shops. Government Regulations.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Five.

AN ACT PROVIDING FOR THE LICENSING OF AUTO BODY REPAIR SHOPS.

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

3

4

Chapter 22A

5

6 As used in this chapter, the following term shall have the
7 following meaning unless the context otherwise requires:— Auto
8 Body Shop—any shop engaging for compensation in auto body
9 work, frame straightening, front end work, motor vehicle
10 refinishing and incidental repairs thereto.

1 SECTION 2. There shall be in the executive office of
2 consumer affairs, a bureau of auto body shop members, under
3 supervision and control of the secretary. The duty of enforcing
4 and administering this chapter shall be vested in the director and
5 he shall be responsible to the secretary. The secretary may adopt
6 and enforce such rules and regulations as he determines that are
7 reasonably necessary to carry out the purposes of this chapter
8 and declaring the policy of the bureau.

9 The governor shall appoint a director of the bureau at a salary
10 fixed and determined by the secretary and approved by the
11 director of personnel. The bureau director shall serve under the
12 direction and supervision of the secretary. Every power granted
13 to the secretary under this act may be exercised in the name of
14 the secretary by the director, subject to such conditions and
15 limitations as the secretary may prescribe.

16 The director shall keep a complete record of all licensees
17 showing their names and addresses. Such information shall be
18 made available to any person requesting it upon the payment of
19 such sum as established by the chief to sufficiently cover the
20 costs thereof. The bureau shall keep all licensees informed of
21 changes in the bureau policy or regulations.

22 The secretary on his own initiative or in response to
23 complaints, shall investigate on a continuous basis and gather
24 evidence of violations of this chapter and of any regulations
25 adopted pursuant thereto. The secretary shall establish
26 procedures for accepting complaints from the public against any
27 licensee.

28 There is hereby established within the bureau, a board which
29 shall consist of five members. The members shall be appointed
30 by the governor. Of the five members, two shall be public
31 members with no prior or present contact with the automotive
32 industry, two shall be from the auto body industry, and one
33 shall be the Attorney General or his designee. All auto body
34 industry members of the board shall have had at least five years
35 experience in that field. A member shall be a citizen of the
36 United States, a resident of Massachusetts and of good moral
37 character. Each member of the board shall be appointed for a
38 term of two years and shall hold office until the appointment
39 and qualification of his successor. No person shall serve as a
40 member of the board for more than four consecutive terms.

41 The board shall meet at least quarterly. Additional meetings
42 may be called with the approval of the secretary upon the call of
43 the chairman or at the written request of any two members of
44 the board. The board shall elect from its membership, each for a
45 term of one year, a chairman and a vice-chairman.

46 Each member shall serve without compensation other than the
47 actual expenses incurred while serving in his capacity as a
48 member of the board. The quorum required for any meeting of
49 the board shall consist of three members, one of whom shall
50 represent the auto body industry, one of whom shall represent
51 the public and one of whom shall be the Attorney General or his
52 designee. The director shall serve as secretary of the board but
53 shall not be a member.

54 The board shall have the following duties: —

55 (a) Inquire into the practices and policies of the auto body
56 industry, and make such recommendations with respect to such
57 policies, practices, and functions as may be deemed important
58 and necessary by the board for the welfare of the public and the
59 auto body industry.

60 (b) Confer and advise with the secretary and director as to
61 how the bureau may best fulfill its functions.

62 (c) Consider and make appropriate recommendations as to
63 changes in, additions to, or deletions from regulations which the
64 secretary has adopted.

65 (d) Consider and make appropriate recommendations in all
66 matters submitted to it by the secretary or director.

1 SECTION 3. *Registration of Shops*

2 (a) Every auto body shop shall pay the fee required by this
3 chapter on each place of business operated in this Com-
4 monwealth and shall register with the director or bureau upon
5 forms prescribed by the secretary. The forms shall contain
6 sufficient information to identify the repair shops, including
7 name, address, and other identifying data which is prescribed by
8 the director. If the auto body shop is a partnership, identifying
9 data which is prescribed by the secretary shall be stated for each
10 partner. If the automotive repair shop is a corporation, data
11 shall be included for each of the officers and directors of the
12 corporation.

13 Any business maintaining more than one auto body shop shall
14 file application annually, which along with the other informa-
15 tion required by this chapter, clearly indicates the location of
16 each of the shops and the individual in charge of each facility. In
17 such cases, fees shall be paid for each location.

18

19 Upon receipt of the form properly filled out and receipt of the
20 required fee, the director shall validate the registration and send
21 proof of such validation to the auto body shop.

22 Every registration shall terminate on December thirty-first of
23 each year and shall be renewed upon the payment of the
24 required annual fee.

25 No person shall operate an auto body repair shop unless such
26 a shop is licensed in accordance with the provisions of this
27 chapter and unless such a license is currently valid.

28 (b) Upon refusal to validate a license, the director shall notify
29 the applicant thereof, in writing, by personal service or mail
30 addressed to the address of the applicant set forth in the
31 application, and the applicant shall be given a hearing within
32 sixty days provided he files with the bureau a written request
33 within 5 days of receipt of such notice; otherwise the right to
34 such hearing shall be deemed waived.

35 Except as provided hereafter, where an auto body repair shop
36 owner operates more than one place of business within the
37 Commonwealth, the director shall act in regard to that specific
38 location which has violated any of the provisions of this chapter.
39 However, the director may refuse to validate, or may invalidate
40 temporarily or permanently, the registration for all places of
41 business operated in this Commonwealth by an automotive
42 repair shop upon finding that such shop has, or is, engaged in a
43 course of repeated violations of this chapter, or regulations
44 adopted pursuant to it.

45 (c) General provisions for Auto Body Repair Shops. The auto
46 body shop shall give to the customer and retain a copy for its
47 own records a written estimated price for labor and parts
48 necessary for a specific job and shall not charge for work done
49 or parts supplied in excess of the estimated price without the
50 oral or written consent of the customer. Nothing in this section
51 shall be construed as requiring an auto body repair shop to give
52 a written estimated price if the shop does not agree to perform
53 the requested repair.

54 Each auto body repair shop shall maintain such records as are
55 required. Such records shall be maintained for at least two
56 years, and shall be open for reasonable inspection by the bureau
57 when there is sufficient cause to believe that the auto body
58 repair shop has violated this act.

59 The expiration of a valid registration shall not deprive the
60 director of jurisdiction to proceed with an investigation or
61 disciplinary proceeding against an auto body repair shop.

62 No persons required to have a valid license under the
63 provisions of this chapter shall have the right to compensation
64 for motor vehicle repairs done by him unless he has such a valid
65 license.

66 The bureau shall design and approve of a sign which shall be
67 placed in all auto body repair shops, in a place and manner
68 conspicuous to the public. Such a sign shall give the telephone
69 number and other information required by the bureau. Each
70 auto body repair shop must also publicly display their license.

1 SECTION 4. *Standards*

2 To be licensed an auto body shop applicant must put forward
3 the following minimum requirements: —

4 (a) Garage keepers' liability;

5 (b) That the licensee or his manager have a minimum of 5
6 years experience in auto body repairs or auto damage ap-
7 praisals;

8 (c) The license shop area be at least 1200 square feet in size;

9 (d) It must possess welding equipment, either gas or electric
10 or both;

11 (e) It must have adequate exhaust fan and/or an air purifying
12 systems capable of maintaining required health standards;

13 (f) That such licensee and his shop shall not use used parts in
14 repairs which materially effect the safety of the vehicle under
15 repair;

16 (g) Must have an approved spray painting facility;

17 (h) Must guarantee all frame repairs within the manufac-
18 turer's specified tolerances;

19 (i) Must have insurance underwriter approved air com-
20 pressor;

21 (j) The licensee and or his manager must have an auto
22 appraisers license;

23 (k) The shop must be equipped with portable frame and sheet
24 metal straightening equipment;

25 (l) Must maintain electrical outlets with three pronged safety
26 capacity;

27 (m) To provide all license applicants at the time of the
28 passage of this statute the opportunity to meet the minimum
29 standards a period of one year to meet the necessary re-
30 quirements.

1 SECTION 5. *Revenue*

2 All fees and revenues collected pursuant to this chapter shall be
3 paid into the state treasury to the credit of the auto body repair
4 fund, which is hereby created. The director shall report to the
5 state comptroller at the beginning of each month the preceding
6 amount and sources to this chapter, and at that time shall pay
7 the entire amount of such fees and revenues into the state
8 treasury for credit to the auto body repair fund.

9 The money in the auto body repair fund necessary for the
10 administration of this chapter is hereby continuously ap-
11 propriated for such purposes.

12 The fees prescribed by this chapter shall be set forth by the
13 director in an amount estimated to provide for the administra-
14 tion of this act within the limits of the following schedule:—

15 Shop Registration Fees

16 Auto Body Shop-\$150 annually, renewal fee-\$100

17 All licenses shall be renewed annually. The fee for a license
18 that is not renewed prior to its expiration date shall be deemed
19 new and requiring a \$150 fee.

20 All salaries, expenses, or costs incurred or sustained pursuant
21 to this chapter shall be payable only out of the auto body repair
22 fund.

1 SECTION 6. Any person who fails to comply with provisions
2 of this chapter shall be guilty of a misdemeanor and shall be
3 punished by a fine of not more than one thousand dollars or by
4 imprisonment in a jail or house of correction for not more than
5 six months, or both.

