

By Mr. Keeverian of Everett, petition of John A. Wooten relative to providing for the licensing of self-defense schools. Local Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty.

AN ACT PROVIDING FOR THE LICENSING OF SELF-DEFENSE SCHOOLS.

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 207 of Chapter 140 of the General Laws is hereby  
2 amended by inserting at the end thereof the following: —

3 Section 207 A. The mayor or selectmen hereinafter referred to  
4 as the licensing authority after a public hearing may grant a license  
5 for the operation of a self-defense school; and the licensing authori-  
6 ty may after a public hearing revoke or suspend such license for  
7 cause.

8 The licensing authority may adopt rules and regulations to  
9 implement the licensing of said self-defense schools.

10 Section 207 B. Definitions. As used in this section, the term  
11 "self-defense school" shall mean a school maintained or classes  
12 conducted for the purpose of teaching karate, judo, jiu-jitsu or any  
13 single skill or combination of skills taught as forms of self-defense.

14 Section 207 C. Licensing Fee. The licensing fee to operate such  
15 self-defense school shall be fifty dollars, and for each annual  
16 renewal thereof twenty-five dollars.

17 Section 207 D. Financial Eligibility to Apply for License. Any  
18 person desiring to operate a self-defense school in a city or town  
19 shall submit to the licensing authority, on a form supplied by it,  
20 such financial information as he shall require including at least the  
21 following: —

- 22 (a) ownership and organization of the school;
- 23 (b) the financial condition of the school; and
- 24 (c) the form and content of any student enrollment agreement to  
25 be used by the school.

26 Each license issued shall run for a period of one year and renewal  
27 of such license shall only be issued after the operator of the school  
28 meets any requirements adopted by the licensing authority.

29 *Section 207 E. Qualifications for License; Issuance.* Any per-  
30 son desiring to operate a self-defense school in a city or town shall  
31 submit to the licensing authority any pertinent information but  
32 including at least the following: —

33 (a) the training and experience of the instructors employed or to  
34 be employed by the school;

35 (b) the building facilities and equipment available for the in-  
36 struction to be offered by the school;

37 (c) the form and content of the courses to be offered [by the  
38 school; and

39 (d) the form of any contract or agreement to be executed by a  
40 prospective student.

41 If the licensing authority finds the applicant has not provided  
42 sufficient data or is not financially able, it shall refuse to issue a  
43 license, and shall state the reasons in writing. The licensing authori-  
44 ty shall also consider any qualification guidelines promulgated by  
45 the self-defense school advisory committee when issuing said li-  
46 cense.

47 *Section 207 F. Suspension or Revocation of License.* A license  
48 issued under section four may be suspended or revoked by the  
49 licensing authority if the following conditions exist:

50 (a) the operator of the school, or any one of the instructors hired  
51 by the school, is proved unqualified to continue instruction;

52 (b) the operator of the school, or any one of the instructors hired  
53 by the school, or any of the representatives of the school, violates  
54 any provisions of this chapter or any other regulations adopted by  
55 the licensing authority.

56 (c) the operator of the school is proven financially unqualified  
57 to continue instruction; or

58 (d) the operator of the school fails to provide adequate facilities  
59 or equipment for safe instruction.

60 *Section 207 G. Representative of School; Necessity of License.*

61 No representative of any self-defense school operated within a  
62 city or town shall, in person or over the telephone or through the  
63 mail, solicit enrollment or sell courses to any prospective student,

64 make representations or give counsel concerning the educational  
65 content or quality or the benefits to be derived from courses in such  
66 school unless licensed by the licensing authority.

67 *Section 207 H. Representative of Self-Defense School;*  
68 *Application for and Issuance of License.* Any person desiring to  
69 be a representative of a self-defense school shall submit to the  
70 licensing authority on a form supplied by him, such personal  
71 information as he may deem necessary in order to make a value  
72 judgment on such person's qualification to represent the school.

73 If, after investigation, the licensing authority finds that the  
74 applicant is qualified to be a representative of a self-defense school  
75 and is of good moral character he shall issue a license to such  
76 person. The fee for such a license shall be ten dollars, and for the  
77 renewal thereof, five dollars. The operator of a self-defense school  
78 licensed under section four shall be eligible to also be a representa-  
79 tive of such school.

80 If the licensing authority finds that the applicant is not qualified  
81 to be such a representative, he shall refuse to issue a license, and  
82 shall state his reasons therefor in writing.

83 *Section 207 I. Punishment for Operation Without a License-*  
84 . Whoever operates a self-defense school without being licensed  
85 under section four or during the suspension or after the revocation  
86 of such a license under the provisions of section five, or whoever  
87 acts as a representative of a self-defense school without being  
88 licensed under section seven shall be punished by a fine of not less  
89 than two hundred dollars and not more than five hundred dollars  
90 and shall be ordered to discontinue such activities immediately.

91 *Section 207 J. Unenforceable Agreement.* No agreement be-  
92 tween a self-defense school, not licensed under section four, or its  
93 representative, and a pupil shall be enforceable in any court in the  
94 Commonwealth.

95 *Section 207 K. Penalty for False Advertising.* If the licensing  
96 authority finds that a self-defense school engages in or has engaged  
97 in untrue, deceptive or misleading advertising, he may revoke its  
98 license after a public hearing.

99 *Section 207 L. Damages; License Bond and Surety.* No license  
100 shall be issued under this chapter until the prospective licensee, or  
101 two or more licensees who intend to secure a joint bond, furnish a

102 bond with surety acceptable to the licensing authority of an  
103 amount of twenty-five hundred dollars, provided, however, that  
104 the liability of the surety on the bond shall be limited to indemnify-  
105 ing the claimant only for his actual damages.

106 Each bond shall be conditioned to provide that the obligor shall  
107 satisfy all judgments rendered against it in actions to recover  
108 damages sustained by students resulting from breach of contract.  
109 The aggregate liability of the surety for all breaches of conditions  
110 of the bond shall not, however, exceed the sum of the bond. The  
111 surety on any such bond may cancel the bond upon giving thirty  
112 days' notice in writing to the licensing authority and thereafter shall  
113 be relieved of liability for any breach of condition occurring after  
114 the effective date of said cancellation. Such bond shall not limit or  
115 impair any right of recovery otherwise available under the law, nor  
116 shall the amount of the bond be relative in determining the amount  
117 of damages or other relief to which any plaintiff may be entitled.  
118 The bond shall be procured only for companies doing business in  
119 the Commonwealth.

120 *Section 207 M. Insurance.* No license shall issue, however, for  
121 a self-defense school unless the licensee certifies that he has ob-  
122 tained a policy of public liability insurance in the amount of at least  
123 twenty-five thousand dollars to pay any claims or judgments ren-  
124 dered against the licensee in favor of patrons or others to recover  
125 damages resulting from the negligence of the licensee. The amount  
126 of insurance of the policy hereinbefore required or in effect shall  
127 not limit or impair any right of recovery to which any plaintiff may  
128 be entitled in excess of such amount.

129 *Section 207 N. Self-Defense School Advisory Committee.*  
130 . There shall be a five-member advisory committee to be appointed  
131 by the Governor to establish which qualifications are necessary in  
132 order to license an operator of a self-defense school under section  
133 207H of chapter 140 G.L. and to advise the licensing authority on  
134 other matters pertaining to self-defense schools. Each of the five  
135 members shall have a minimum of seven years of instructional  
136 experience in self-defense schools. The members of said committee  
137 shall serve without compensation and shall be reimbursed for all  
138 necessary expenses actually incurred in the performance of their  
139 duties.