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SECTION 1. Chapter 131 of the acts of 2010 is hereby amended by striking out sections 108 to 110, inclusive.

SECTION 2. Said chapter 131, as so appearing, is hereby further amended by striking out section 199.

Approved, August 11, 2010.

Chapter 307. AN ACT RELATIVE TO THE REQUIREMENTS FOR LICENSING AS A REAL ESTATE BROKER OR SALESMAN.

Be it enacted, etc., as follows:

SECTION 1. Section 87RR of chapter 112 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word “contractor”, in line 17, the following words:- and may, by agreement, be paid as an outside salesperson on a commission- only basis.

SECTION 2. Section 87SS of said chapter 112, as so appearing, is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Every individual applicant for a license as a salesman who is required to take an examination therefor shall, as a prerequisite to taking such examination, submit proof satisfactory to the board that he has completed courses in real estate subjects approved by the board, such courses to total 40 classroom hours of instruction; provided, however, that applicants having successfully completed a course in real property while enrolled in an accredited law school in the commonwealth may also take such examination. Every individual applicant for a license as a broker who is required to take an examination therefor shall, as a prerequisite to taking such examination, submit proof satisfactory to the board that he has been actively associated with a real estate broker for a period of 3 years as a real estate salesman and that he has completed additional courses in real estate subjects approved by the board, such courses to total 40 classroom hours of instruction.

SECTION 3. Section 2 shall take effect on June 1, 2011.

Approved, August 11, 2010.

Chapter 308. AN ACT RELATIVE TO FLEA MARKET VENDORS.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 62C of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the definition of “Promoter” and inserting in place thereof the following definition:-

“Promoter”, a person who, either directly or indirectly, rents, leases or grants a license to use space to a person for the display for sale or for the sale of tangible personal property subject to tax under chapter 64H.

SECTION 2. The definition of “Show” in said section 1 of said chapter 62C, as so appearing, is hereby amended by inserting after the word “market”, in line 24, the following words:- , either indoor or outdoor.

SECTION 3. Section 1 of chapter 101 of the General Laws, as so appearing, is hereby amended by striking out the definitions of “Transient vendor” and “Temporary or transient business” and inserting in place thereof the following 6 definitions:-

“Promoter”, a business or person who operates for the purpose of either directly or indirectly, renting, leasing or granting a license to use space to any vendor for the display for sale or for the sale of tangible personal property or services subject to tax under chapter 64H; provided, however, that this shall not include a state or county fair as defined in section 1 of chapter 128A; and provided further, that a promoter licensed under this chapter shall comply with sections 8A and 67A of chapter 62C or any regulations pursuant thereto as required by the commissioner of revenue.

“Tangible personal property”, personal property of any nature consisting of any produce, goods, wares, merchandise and commodities whatsoever, brought into, produced, manufactured or being within the commonwealth.

“Temporary or transient business”, an exhibition and sale of goods, wares or merchandise which is carried on in a tent, booth, building or other structure unless such place is open for business during usual business hours for a period of at least 12 consecutive months; provided, however, that this shall not include a business operating under a written agreement with a licensed promoter.

“Transient vendor”, a person, either principal or agent, who engages in a temporary or transient business in the commonwealth selling goods, wares or merchandise, either in 1 locality or in traveling from place to place; provided, however, that this shall not include a person operating under a written agreement with a licensed promoter.

“Usual business hours”, the time period during which similar businesses in the community conduct business.

“Written operating agreement”, a written agreement between a promoter, licensed under section 3A and a vendor to conduct business at any location.

SECTION 4. Said chapter 101, is hereby amended by inserting after section 3 the following section:-

Section 3A. (a) Each business or person, before commencing business as a promoter, shall make a written application, under oath, for a license to the deputy director stating the names and residences of the owners or parties in whose interest the business is to be conducted. Upon the payment of the fee under the fee schedule in subsection (b) the deputy director shall issue a license granting the authority to do business as a promoter. A license shall expire 1 year from the date thereof or on the day of its surrender or of the filing of an affidavit of its loss, if it is earlier surrendered or if such affidavit is earlier filed. The license

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shall contain a copy of the application therefore and shall not be transferable.

(b) For the purpose of determining a single show for this chapter, the conduct of an activity or event described in the definition of "show" in section 1 of chapter 62C held on a single day in the commonwealth shall constitute a single show. The fee schedule for a license as a promoter shall be as follows: \$200 for 1 to 9 single shows to be held per year; \$300 for 10 to 19 single shows to be held per year; \$400 for 20 to 29 single shows to be held per year; \$500 for 30 to 39 single shows to be held per year; \$600 for 40 to 49 single shows to be held per year; and \$1,000 for over 50 single shows to be held per year.

(c) Each promoter licensed to conduct business shall maintain a copy of the written operating agreement with each vendor which shall include documentation regarding the identity and location of each vendor, including social security number or tax identification number and a general description of merchandise sold by each vendor. The promoter shall maintain such records for a period of not less than 12 months. The deputy director or law enforcement authorities may request a promoter to provide the records. A promoter licensed under this section shall comply with sections 8A and 67A of chapter 62C or any regulations pursuant thereto as required by the commissioner of revenue.

SECTION 5. A vendor operating under an agreement with a licensed promoter, as defined in section 1 of chapter 101 of the General Laws, inserted by section 3, shall not be required to apply and pay a fee for a license authorizing the sale of goods, wares and merchandise within a municipality as required by section 5 of said chapter 101 unless, on the effective date of this act, the municipality requires such a vendor to pay a fee under said section 5 of said chapter 101, or under any other statute, local by-law, regulation or policy, in which case, notwithstanding any general or special law to the contrary, said municipality may continue to charge such fees under said section 5 of said chapter 101 or under such other statute, local by-law, regulation and policy.

Approved, August 11, 2010.

Chapter 309. AN ACT RELATIVE TO ABANDONED VESSELS.

Be it enacted, etc., as follows:

SECTION 1. Section 1 of chapter 91 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the word "forty-three", in line 10, the following figures:- , 43A, 43B, 43C.

SECTION 2. Said chapter 91 is hereby further amended by striking out sections 38 to 43, inclusive, as so appearing, and inserting in place thereof the following 10 sections:

Section 38. As used in sections 38 to 48, inclusive, the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Abandoned", unoccupied, deserted, forsaken, derelict, wrecked or sunken vessel or