

MASSACHUSETTS GENERAL LAWS

Chapter 100A. Motor Vehicle Damage Repair Shops.

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Chapter 100A: Section 1. Definitions.

As used in this chapter, the following words, unless the context clearly requires otherwise, shall have the following meanings: "Director", the director of the division of standards in the executive office of consumer affairs, established by section eleven of chapter six A. "Registered motor vehicle repair shop", a motor vehicle repair shop which has a current valid certificate of registration issued hereunder. "Motor vehicle repair", the business or act of repairing damaged motor vehicles in the commonwealth for compensation. "Motor vehicle repair shop", any person or entity which, for compensation, or with the intention or expectation of receiving the same, repairs or undertakes to repair in the commonwealth a damaged motor vehicle as defined in section thirty-four A of chapter ninety. "Person", individuals, associations, partnerships and corporations, and the officers, directors and employees of a corporation. "Unregistered motor vehicle repair shop", a motor vehicle repair shop which does not have a current valid certificate of registration issued hereunder, which has had its registration revoked or suspended, or which has surrendered its certificate of registration hereunder.

Chapter 100A: Section 2. Motor vehicle repair shop; registration; service of process.

No person shall engage in motor vehicle repair unless such person is registered as a motor vehicle repair shop under this chapter. Any person desiring to be registered as a motor vehicle repair shop shall make written application under oath to the director on a form provided by him. Said application shall set forth the name and address of the applicant and of any other person having financial interest, direct or indirect, in the business to be conducted by the applicant, and such other information as the director shall require, and shall identify at least one natural person who is in charge of the operations of the applicant. Said application shall be accompanied by a registration fee in the amount of three hundred dollars, or such other amount as the secretary of administration and finance pursuant to the provisions of section three B of chapter seven shall establish, together with two letters of recommendation for registration signed by a registered motor vehicle repair shop or by an elected public official or a member of the Massachusetts Bar. Said application shall be further accompanied by a bond upon the applicant in the sum of ten thousand dollars, payable to the director or his successors with sureties approved by the director and conditioned on applicant's compliance with the provisions of this chapter. Said bond shall guarantee the payment of all fines and penalties incurred by applicant as a registered motor vehicle repair shop for his violations of the said provisions, and also guarantee the payment or satisfaction of any final judgments on claims by creditors against the registered motor vehicle repair shop arising in connection with business done under a certificate or registration granted under this chapter, all such payments under said bond to be limited to the amount of said bond. Such a creditor's claim however, must have been duly filed by giving written notice to the director prior to the expiration of sixty days from the return, surrender of said certificate of registration or date of the filing of an affidavit of loss of the certificate of registration held by the registered motor vehicle repair shop against whom the claim is made. The acceptance by an applicant of a certificate of registration issued by the director to him as a registered motor vehicle repair shop shall be deemed equivalent to

an appointment by the registrant of the director, or his successors in office, to be the registrant's true and lawful attorney upon whom may be served all lawful process in any action or proceeding against him or his executor or administrator, arising out of the transaction of business by him under said certificate of registration. Any process against the registrant so served shall, if said registrant is notified as hereinafter provided, be of the same legal force and validity as if served on him personally, and the mailing by the director of a copy of such process to said registrant at his last address, as appearing on the director's records, shall be sufficient notice to him of such service. Service of such process shall be made by delivering or mailing duplicate copies thereof together with a fee of two dollars to the office of the director, and the director shall forthwith send one of said copies by mail, postage prepaid, addressed to the defendant registrant named in such process at his last address as appearing on the director's records. An affidavit of the director, or of any person authorized by him to send such copy, that such copy has been mailed shall be prima facie evidence thereof. One of the duplicates of such process, certified by the director as having been delivered to the office of the director shall be sufficient evidence of service upon him as attorney for the registrant named as defendant in the process.

Chapter 100A: Section 2A. Bond, letter of credit.

Section 2A. Notwithstanding the provisions of section two, the requirement of a bond may be satisfied by the submission of a letter of credit in the amount of ten thousand dollars, in a form approved by the director. Said letter of credit shall accompany the written application prescribed in section two and the applicant shall comply with all other requirements of said section.

Chapter 100A: Section 3. Registration application; denial; grounds.

No application for registration conforming to the requirements of section two shall be denied except after a public hearing held by the director in accordance with and subject to the provisions of chapter thirty A. No such application shall be denied except upon a finding by the director after said hearing of one or more of the following grounds for denial:

- (a) that the applicant or any person having a financial interest, direct or indirect, in the business to be conducted by the applicant, has been convicted within the most recent five year period from the date of the application of a felony which may reflect upon his suitability to own or operate;
- (b) that the applicant or any person having a financial interest, direct or indirect, in the business to be conducted by the applicant, has followed a continuous and flagrant course of misrepresentations or the making of false promises, through advertising or otherwise, in the conduct of motor vehicle repair or otherwise;
- (c) that the applicant, any person having a financial interest direct or indirect, in the business to be conducted by the applicant, or any registered or previously registered motor vehicle repair shop in which the applicant or such person has or had a financial interest, direct or indirect, has failed to meet or has violated any of the requirements for registered motor vehicle repair shops set forth in this chapter, or
- (d) that the applicant, any person having a financial interest, direct or indirect, in the business to be conducted by the applicant, or any registered or previously registered motor vehicle repair shop in which the applicant or such person has or had a financial interest, direct or indirect, has had registration hereunder denied, revoked, suspended or surrendered during the previous five years. Upon denial of an application, the director shall surrender to the applicant the bond filed with his application within the time set forth, but shall not refund the registration fee.

Chapter 100A: Section 4. Certificate of registration; terms of validity.

Each certificate of registration issued by the director shall bear a number, shall be valid until June first of the third year after issuance, may thereafter be renewed for a three year period upon application to the director on a form provided by him, shall not be transferable, and may be exercised only by the person whose name appears on the certificate; provided, however, that the registered motor vehicle repair shop may employ unregistered individuals to repair motor vehicles under the registrant's immediate direction and control.

Chapter 100A: Section 5. Certificate of registration; expiration, termination or surrender.

Prior to its expiration date, a certificate of registration may be suspended or revoked by the director in accordance with the procedure and on the grounds set forth in section three or eight, or may be terminated by voluntary surrender by the registrant. Upon the expiration, termination or surrender of a certificate of registration, the registrant shall deliver the certificate of registration to the director who shall cancel the registration, endorse the date of expiration, termination or surrender on the certificate and shall, after a sixty-day period from the date of delivery or after all claims made against the registrant have been satisfied or settled, surrender the registrant's bond and so notify the surety on the bond.

If a certificate of registration is lost, misplaced or destroyed, the registrant shall file an affidavit to that effect and the director shall issue a replacement certificate, clearly identified as such on the certificate and in the records of the director.

Chapter 100A: Section 6. Registration applications and certificates; copies; form, public inspection.

The director shall keep on file in convenient form and open to public inspection, all applications for registration and copies of certificates of registration issued and shall annually publish a list of names and addresses of all motor vehicle repair shops registered by him, and the names of all persons whose registration has been revoked, suspended or surrendered during the period and the specific time for which such suspension, revocation or surrender became effective.

Chapter 100A: Section 7. Public display of certificate of registration.

Every registered motor vehicle repair shop shall publicly display in its place of business its current certificate of registration. No unregistered motor vehicle repair shop shall display in its place of business any certificate of registration or copy or facsimile of a certificate of registration, nor shall it in any manner state that it is, or hold itself out to be, a registered motor vehicle repair shop.

Chapter 100A: Section 8. Advertising; repair charges.

No registered motor vehicle repair shop or other person shall:

- (a) advertise for motor vehicle repair in the commonwealth without including the number of its certificate of registration issued by the director as a part of the advertisement;
- (b) with respect to any repair paid for in whole or in part by an insurer, fail to charge all or any part of the applicable deductible to be paid by the insured, or give any rebate, gift, prize, premium, bonus, fee or any other monetary or tangible thing to the insured or any other person not in the employ of the repair shop as an inducement to have the repair made at the repair shop;
- (c) charge or offer to charge a higher rate or discount for an insured repair than for an uninsured repair;
- (d) make any false or fraudulent statement in connection with any repair or attempt to collect for a repair;
- (e) without lawful authority, prevent the owner of a motor vehicle from recovering the same.

Chapter 100A: Section 9. Records.

(a) Every registered motor vehicle repair shop shall keep, or cause to be kept, in a book a proper record of every motor vehicle which enters and which leaves his place of business. A proper record shall include, but not be limited to, a description of the motor vehicle, the vehicle identification number, the date received, the name and residences of the person from and for whom the vehicle was received and a signed authorization for the work to be performed on said vehicle. Records shall also be kept of purchases of all major component parts, motor transmission, any body parts and parts for the interior. Records must be kept of all purchases made during at least the preceding eighteen months.

(b) Any registered shop whose business consists primarily of the changing and replacing of the fluids of a motor vehicle shall be exempt from keeping the record book referred to above, if and so long as the registered shop keeps adequate records of the repairs and services performed with respect to the motor vehicles which come into its custody.

(c) Said record book shall be kept in a convenient place, and along with the premises of the repair shop or body shop, may be inspected at any time by any city, state or federal law enforcement officer.

Chapter 100A: Section 10. Violations; penalties.

Any person violating any of the provisions of this chapter may be punished by a fine of not more than one thousand dollars or by imprisonment for not more than six months, or both. Such fine may be imposed by the director, after hearing, or in a civil or criminal action brought by the attorney general. Violation of any of the provisions of this chapter shall constitute a violation of chapter ninety-three A.

In addition to any other penalties provided herein, whenever the director determines that a person who is required to be registered hereunder has failed to so register, the director may serve a stop work order on said person, requiring the cessation of all business operations. Such order shall take effect five days after the date of service upon such person. Any person who is aggrieved by the imposition of a stop work order shall have five days from the date of service to appeal such order, and shall thereafter be granted a hearing by the director within five days of receipt of appeal. If the director finds at the hearing that the person was required to be registered, and failed to register, the stop work order shall be effective immediately on the conclusion of the hearing, and shall remain in effect until the person becomes properly registered. Any law enforcement agency in the commonwealth shall, at the request of the director, render any assistance necessary to carry out the provisions of this paragraph, including but not limited to preventing any employee or other person from remaining at the place of business after a stop work order has taken effect.