

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Richard R. Tisei (BY REQUEST)

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to create a board of registration of automotive mechanics.

PETITION OF:

NAME:

Dan Hallissy

DISTRICT/ADDRESS:

10 Slayton Road
Melrose, MA 02176

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S00234 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO CREATE A BOARD OF REGISTRATION OF AUTOMOTIVE MECHANICS.

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. Chapter 112 of the General Laws, as most recently amended by chapter 170 of the
2 acts of 2006, is hereby further amended by inserting at the end thereof the following new
3 section:-

4 SECTION 235. Section 1. There is hereby established a board of registration of
5 automotive mechanics, hereinafter known as the board. Said board shall consist of five
6 members, all of whom shall be citizens of the Commonwealth, subject to appointment by the
7 governor, three of whom have been actively engaged in the automotive repair business as a full-
8 time occupation for a least five years prior to their appointment and who have attained the
9 designation of a master mechanic, one of whom shall be a representative of the Office of
10 Consumer Affairs and Business Regulation, and one of whom shall be a representative of the
11 general public. For the purposes of this section, the term "master mechanic" shall refer to an
12 automotive mechanic who has attained the highest possible professional designation within his
13 trade. The governor may fill any vacancy in the board for the expired portion of the term, but
14 under no circumstances shall any member of the board serve for more than five years.

15 Section 2. The governor shall make his appointments and the board shall hold its first
16 meeting within 90 days of the passage of this act. In its first year, the board shall meet on a
17 monthly basis and may hold special meetings as required. In all subsequent years, the frequency
18 of the board's meetings shall be determined by the board's caseload, but under no circumstances
19 shall the board hold less than four regular meetings a year. The presence of three members shall
20 constitute a quorum. The governor shall designate the chairman. In the absence of the chairman,
21 the senior member shall perform the duties of the chairman. A written record, which shall be

22 open to public inspection, shall be kept of all meetings and of the business transacted at said
23 meetings.

24 Section 3. The board may make such rules or by-laws, not inconsistent with law, as it may deem
25 necessary in the performance of its duties. The board shall annually submit to the governor and
26 the general court, on or before February 1, a report of its proceedings, along with information on
27 all fines, license suspensions and other disciplinary actions taken against any automotive
28 mechanic during the preceding year. The board shall also maintain a database of all licensed
29 automotive mechanics in the commonwealth, which shall include detailed information on any
30 consumer complaints brought against an individual mechanic during the preceding year, along
31 with information concerning the final disposition of said complaints by the board. This
32 information shall be made available to the public, via the Internet and by any other means
33 deemed necessary by the board to protect consumers.

34 Section 4. All consumer complaints filed against an automotive mechanic claiming negligence,
35 shoddy workmanship or other wrongdoing on the part of the mechanic must be made in writing
36 to the board. The board shall investigate all complaints in a timely fashion, and shall dismiss
37 without further action any complaint deemed to be without merit. All decisions rendered by the
38 board shall be made in writing and kept on file, with a copy of the decision provided to both the
39 consumer filing the complaint and the automotive mechanic. For a first-time complaint, the
40 board may contact the automotive mechanic and the consumer in an attempt to resolve the
41 complaint without requiring their presence at a meeting of the board. The board shall also
42 encourage the automotive mechanic to work with the consumer by offering to attempt to repair
43 the consumer's vehicle a second time at no charge. If a second or subsequent complaint is
44 brought against the same automotive mechanic by another consumer within a one-year period,
45 the board shall require the automotive mechanic to come before the board to answer to the
46 charges made against him, and if the complaint is deemed to be valid, the board shall issue a
47 warning to the automotive mechanic. Any automotive mechanic who is cited for three
48 complaints in a one-year period, all of which are deemed to be valid by the board, shall be
49 subject to an immediate license suspension. In such cases, the board shall require that the
50 automotive mechanic satisfactorily pass a competency examination, after payment of an
51 appropriate fee, as a condition for having his license reinstated. Said examination shall take
52 place no later than five business days following the suspension of the license.

53 Section 5. The three master mechanics who serve on the board shall be compensated by the
54 commonwealth at their regular rate of pay for time spent attending board meetings and
55 conducting official business for the board. The two remaining members of the board shall serve
56 without compensation, but may be reimbursed by the commonwealth for all reasonable expenses
57 incurred in the discharge of their official duties. The commonwealth shall provide the board
58 with adequate office space and shall pay for the salary of a secretary to assist the board in
59 carrying out its duties.

60 Section 6. No person shall engage in the business of, or act as, an automotive mechanic, unless
61 he is licensed, and no person shall own an automotive repair business unless he is certified as a
62 master mechanic; provided, however, that the board may, upon payment of a fee to be
63 determined annually by the commissioner of administration under the provisions of section three

64 B of chapter seven, issue a learner's permit to an applicant who submits a written statement,
65 made under oath, by a master mechanic certifying that said applicant is employed by the master
66 mechanic, and will work directly under his supervision, and that said master mechanic will be
67 jointly responsible for any automotive repair work done by the applicant. Learner's permits shall
68 expire one year from the date of issue, and shall not be subject to renewal. No license to engage
69 in business as an automotive mechanic shall be issued to any applicant unless said applicant has
70 complied with all the pertinent provisions contained herein, and has satisfactorily passed an
71 examination prepared by the board to determine the applicant's competence. The board shall
72 conduct such examinations at such times and places as it may deem necessary and shall conduct
73 at least two such examinations in each calendar year. In determining competence the board shall
74 require proof, to the satisfaction of the board, that the applicant has the knowledge, practical
75 experience and skills necessary to properly repair motor vehicles. Every license issued by the
76 board shall expire one year from the date of issuance and may be renewed, without examination,
77 upon payment of the renewal fee, so long as the applicant's license is in good standing and no
78 complaints have been filed against the applicant during the preceding year; provided, however,
79 that nothing in this section shall preclude the board from requiring an examination as a condition
80 for renewing an individual's license.

81 Section 7. Applications for licenses, signed and sworn to by the applicant, shall be made on
82 forms furnished by the board and shall be accompanied by the prescribed fee for examination
83 and issuance of a license, as determined annually by the commissioner of administration under
84 the provisions of section three B of chapter seven. Fees shall be payable in advance to the board
85 for the following:

- 86 a) original examination;
- 87 b) any subsequent examination;
- 88 c) issuance of the original license and all subsequent license renewals; and
- 89 d) issuance of a learner's permit.

90 Section 8. Notwithstanding any other provision contained herein, the board may issue an
91 automotive mechanic's license, upon payment of the issuance fee, without the requirement of
92 examination, only to those applicants who can demonstrate to the satisfaction of the board that
93 they have attained the designation of a master mechanic.

94 Section 9. Anyone who, without being licensed as required by this section, provides, contracts
95 for, or advertises that he can provide automotive repair work shall be punished by a fine of not
96 more than one thousand dollars.

97 Section 10. All advertisements, promotional announcements and printed materials offering to
98 provide or contract for any automotive repair work shall contain the license number issued by the
99 board, and all automotive mechanics doing business in the commonwealth shall prominently
100 display a copy of their license at their place of business. Failure to publish said license number

101 in conjunction with any such advertisement, or to properly display said license at their place of
102 business, shall be punished by a fine of not more than one hundred dollars.

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