

HOUSE No. 1979

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Finn

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 adoption of the accompanying bill:

An Act relative to the issuance of a Class 1 dealer license.

PETITION OF:

NAME:

Michael J. Finn

DISTRICT/ADDRESS:

6th Hampden

HOUSE No. 1979

By Mr. Finn of West Springfield, a petition (accompanied by bill, House, No. 1979) of Michael J. Finn relative to certain appeals of actions of licensing boards or officers of the approval and granting of class 1 dealer licenses. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to the issuance of a Class 1 dealer license.

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 59 of chapter 140 of the General Laws, as appearing in the 2014 Official Edition,
2 is hereby amended, at the end thereof, by inserting the following new paragraph:

3 A person, within ten days of such action, may appeal to the registrar the action of a
4 licensing board or officer to approve and grant a class 1 license to a party pursuant to section 58
5 and this section. For the purposes of this section, a class 1 licensee, licensed under subsection (b)
6 of Section 58, shall be deemed to have standing to challenge, administratively and judicially, the
7 issuance of a class 1 license to another person by a licensing board or officer under this chapter if
8 said class 1 licensee, asserting a challenge, alleges that said licensing board or officer has
9 approved a class 1 license to a party that has not satisfied the requirements of said subsection (b)
10 of section 58. The registrar shall adopt rules and regulations providing for a process in which a
11 person, including, but not limited to, a class 1 licensee, licensed under subsection (b) of section
12 58, may challenge the decision of a licensing board or officer pursuant to this section. The

13 registrar shall render a decision either to affirm or revoke the license in dispute within thirty days
14 of receipt of the challenge. A person who is aggrieved by the decision of the registrar to re-affirm
15 or revoke the approval of the class 1 license so challenged pursuant to the process herein may,
16 within ten days after such action by the registrar, appeal therefrom to any justice of the superior
17 court in the county in which the premises sought to be occupied under the license or permit
18 applied for are located. The justice shall, after such notice to the parties as he deems reasonable,
19 give a summary hearing on such appeal, and shall have jurisdiction in equity to review all
20 questions of fact or law and may affirm or reverse the decision of the board or officer and may
21 make any appropriate decree.