

SENATE No. 169

The Commonwealth of Massachusetts

PRESENTED BY:

James E. Timilty

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 secondary metal vehicle advertising.

PETITION OF:

NAME:

James E. Timilty

DISTRICT/ADDRESS:

Bristol and Norfolk

SENATE No. 169

By Mr. Timilty, a petition (accompanied by bill, Senate, No. 169) of James E. Timilty for legislation relative to secondary metal vehicle advertising. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

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

An Act relative to secondary metal vehicle advertising.

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 6 of the General Laws is hereby amended by adding the following
2 section:-

3 Section 216. As used in this section, the term:

4 (a)“Advertising” means communication by any form of medium, including electronic
5 format, where the intention of the publisher is to communicate to the general public a product or
6 service provided by and through the advertiser.

7 (b) “Physical address” means a mailing address, including a zip code, which details the
8 actual location of the Automobile Wrecking and Salvage Yard or Secondary Metal Recycler. The
9 term does not include a post office box, private mail drop box, or e-mail address.

10 Section 217.

11 (a) No sign, advertising the purchase, sale, transport, delivery, or receiving of any
12 salvage, abandoned, unserviceable, worn out, discarded, or junk motor vehicle shall be erected,
13 constructed, posted, painted, altered, maintained, or located for public display unless a Class 3
14 license as defined in 140 § 58(d) and required under 140 § 59, has first been obtained by the
15 person or entity advertising the purchase, sale, transport, delivery, or receiving of the salvage,
16 derelict, or junk motor vehicles on the sign.

17 (b) Any person or entity that advertises on a website, in an online service, or in a
18 newspaper the purchase, sale, delivery, removal, or receiving of any salvage, abandoned,
19 unserviceable, worn out, discarded, or junk motor vehicle in this state shall clearly and
20 conspicuously disclose his or her true and correct name, physical address, telephone number, and
21 Class 3 license number, on the advertisement.

22 (c) (1) An individual or entity who advertises in violation of subsection (b) shall be
23 subject to a civil penalty of \$500.00 for a first offense; and for each subsequent offense a
24 \$1000.00 fine shall be imposed. (2) An individual or entity required by state law to have a Class
25 3 license who is not licensed, and who advertises in violation of subsection (b), shall be subject
26 to a civil penalty of \$1500.00 for a first offense; and for each subsequent offense a \$2500.00
27 fines shall be imposed.

28 (d) Subsections (b) and (c) do not apply to any of the following: (1) A person conducting
29 a private transaction seeking to sell his or her own personal vehicle (2) A nonprofit organization
30 recognized under 26 U.S.C. Section 501 (c) of the Internal Revenue Code. (3) A motor vehicle
31 dealer with a class 1, 2, or 3 license with an advertisement that is physically attached to the

- 32 outside of its physical address or location, located on dealer's property. (4) A billboard advertiser
- 33 who is regulated by other state or federal laws.