

**SENATE . . . . . No. 185**

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**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

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In the Year Two Thousand and Nine

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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  
2 170 of the acts of 2006, is hereby further amended by inserting at the end thereof the following  
3 new 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  
25 may deem necessary in the performance of its duties. The board shall annually submit to the  
26 governor and the general court, on or before February 1, a report of its proceedings, along with  
27 information on all fines, license suspensions and other disciplinary actions taken against any  
28 automotive mechanic during the preceding year. The board shall also maintain a database of all  
29 licensed automotive mechanics in the commonwealth, which shall include detailed information  
30 on any consumer complaints brought against an individual mechanic during the preceding year,  
31 along 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  
35 negligence, shoddy workmanship or other wrongdoing on the part of the mechanic must be made  
36 in writing to the board. The board shall investigate all complaints in a timely fashion, and shall  
37 dismiss without further action any complaint deemed to be without merit. All decisions rendered  
38 by the board shall be made in writing and kept on file, with a copy of the decision provided to  
39 both the consumer filing the complaint and the automotive mechanic. For a first-time complaint,  
40 the 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  
54 by the 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  
61 mechanic, unless he is licensed, and no person shall own an automotive repair business unless he  
62 is certified as a master mechanic; provided, however, that the board may, upon payment of a fee  
63 to be determined annually by the commissioner of administration under the provisions of section  
64 three B of chapter seven, issue a learner's permit to an applicant who submits a written  
65 statement, made under oath, by a master mechanic certifying that said applicant is employed by  
66 the master mechanic, and will work directly under his supervision, and that said master mechanic  
67 will be jointly responsible for any automotive repair work done by the applicant. Learner's  
68 permits shall expire one year from the date of issue, and shall not be subject to renewal. No  
69 license to engage in business as an automotive mechanic shall be issued to any applicant unless  
70 said applicant has complied with all the pertinent provisions contained herein, and has  
71 satisfactorily passed an examination prepared by the board to determine the applicant's  
72 competence. The board shall conduct such examinations at such times and places as it may  
73 deem necessary and shall conduct at least two such examinations in each calendar year. In  
74 determining competence the board shall require proof, to the satisfaction of the board, that the  
75 applicant has the knowledge, practical experience and skills necessary to properly repair motor  
76 vehicles. Every license issued by the board shall expire one year from the date of issuance and  
77 may be renewed, without examination, upon payment of the renewal fee, so long as the  
78 applicant's license is in good standing and no complaints have been filed against the applicant

79 during the preceding year; provided, however, that nothing in this section shall preclude the  
80 board from requiring an examination as a condition for renewing an individual's license.

81 **SECTION 7.** Applications for licenses, signed and sworn to by the applicant, shall be  
82 made on forms furnished by the board and shall be accompanied by the prescribed fee for  
83 examination and issuance of a license, as determined annually by the commissioner of  
84 administration under the provisions of section three B of chapter seven. Fees shall be payable in  
85 advance to the board 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  
91 an 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,  
95 contracts for, or advertises that he can provide automotive repair work shall be punished by a  
96 fine of not more than one thousand dollars.

97           **SECTION 10.** All advertisements, promotional announcements and printed materials  
98 offering to provide or contract for any automotive repair work shall contain the license number  
99 issued by the board, and all automotive mechanics doing business in the commonwealth shall  
100 prominently display a copy of their license at their place of business. Failure to publish said  
101 license number in conjunction with any such advertisement, or to properly display said license at  
102 their place of business, shall be punished by a fine of not more than one hundred dollars.