



TOWN OF WESTFORD SELECT BOARD

TOWN HALL
55 Main Street
WESTFORD, MA 01886
Telephone (978) 692-5501 Fax (978) 399-2557

To the Applicant of a Class I or II License

- Before submitting the application, speak to the Town Planner about the proposed site to ensure that it meets zoning requirements.
- Before submitting the application, speak to the Building Commissioner about the proposed site to check for possible code violations.
- If all is in order with the Town Planner and Building Commissioner, the applicant will be scheduled to appear before the Board of Selectmen at a public hearing. Before the public hearing the applicant must obtain a certified list of abutters from the Assessor's Office.
- The public hearing will be published in the paper at least 7 days before the hearing at the applicant's expense.
- Selectmen's application fee of \$50.00 due at the time of submittal.

From the DMV

Dealer Licensing in Massachusetts

In Massachusetts, automotive dealer regulations are mandated by state law but issued by local communities. What this means is that everyone follows the same rules passed by the Massachusetts State Legislature, but to actually obtain a license, you need to apply to your local municipal offices.

Massachusetts Rules for Dealer Licensing

There are three levels of dealer licensing in Massachusetts:

- **Class I:** This is for a dealer selling new vehicles. To obtain a Class I license, you need to meet the following qualifications:
 - Be an agent of a new vehicle manufacturer or have a contract with a manufacturer to sell new vehicles.
 - Sell used vehicles as an incidental or secondary part of the business.
 - Have repair facilities on site that allow repairs to vehicles under warranty.
- **Class II:** This is for used auto dealers. To obtain a Class II license, you need to post a \$25,000 bond that will cover you in case judgment is brought against you for a variety of reasons, including failure to deliver a title, selling stolen vehicles, failure to disclose actual mileage or any attempts to cheat or misrepresent proper facts about the vehicle to its buyer.
- **Class III:** This is for junk auto dealers and allows the buying selling of cars and trucks for parts and salvage.

To open a dealership, you must also have a separate business office on the premises, maintain a record book for used cars approved by the Registry of Motor Vehicles, and post a sign displaying the type of business.

✓	Documents required for Class I & II License Application (New or Transfer)	
	Copy of \$25,000 Bond	Copy of current Secondhand motor vehicle bond; the municipal licensing authority to be listed as: <i>Town of Westford, 55 Main Street, Westford, MA 01886</i>
	Town of Westford Application and Filing Fee of \$50	Required
	Plan	On 8 ½ x 11 paper. Plan of the property: needs to include location and show spaces for both cars for sale and customer parking
	Evidence of Good Standing from Secretary of State	Required if applicant is a Corporation
	Corporate vote or Clerk's Certificate authorizing the submission of this application	Required if applicant is a Corporation
	Lease Agreement	If the property is owned by someone other than the applicant
	Purchase and Sales Agreement (P & S)	If applicable
	Check payable to: Town of Westford	Annual license fee and filing fee if a new license. IF a transfer then only filing is due. Annual License fee is \$100
	Hearing Notice	Selectmen's Office prepares notice for publication. Applicant is responsible for payment.
	Abutter Notification	Obtain Abutter List from the Assessor's Office along with 2 sets of address labels
	Business Certificate	If doing business under (dba) another name other than your own, you may obtain one from the Town Clerk's Office or online at www.westfordma.gov Fee is \$30
	Workers Compensation Affidavit and copy of the Certificate of Workers' Comp Policy	Affidavit needed and a copy of Workers Comp Insurance Certificate with periods covered and policy number. Affidavit and Workers Comp Insurance Certificate needed prior to issuance of license.
	Cori Request Form	Required



Town of Westford
Select Board
Class I & II Application

Date Pd _____
Amount _____
Cash/Check # _____

This is the Class I & Class II application for a license that the Board of Selectmen may grant. All license applications to the Westford Board of Selectmen must be accompanied by the following information:

Indicate if license is new transfer change of dba other

List type of license(s) applying for:

Class I - No. of vehicles for display _____

Class II - No. of vehicles for display _____

Business Name (legal): _____ dba: _____

Please attach copy of business certificate if applying as dba or individual. If business is a corporation or LLC, please attach the following:

- 1) Evidence of Good Standing from the Secretary of State's Office
- 2) Corporate Vote authorizing business at the location

Address of premises to be licensed: _____

Mailing address (if different than above) _____

Name of individual/applicant authorized to apply for license _____

Business phone no. () _____ Business email _____

F.E.I.N: (F.I.N.) _____

Please check one of the following:

- Own Premises
- Lease Premises (attach copy of lease)
- Property under P & S (attach copy of P & S)

Name and address of property owner if different from license holder: _____

Do you currently hold a similar license? Yes No If yes, what type: _____

Have you previously applied for a license? Yes No

Have you ever had a license revoked? Yes No

If yes, please indicate why: _____

If applying for a Class I or Class II license, please submit a plot plan that shows:

- 1) The number of vehicles on display
- 2) The exact location of the vehicles
- 3) Customer parking
- 4) Office area

Proposed hours of operation:

Monday _____ Tuesday _____ Wednesday _____
 Thursday _____ Friday _____ Saturday _____
 Sunday _____

I certify under the penalties of perjury that I, to the best of my knowledge and belief, have filed all state tax returns and paid all state and local taxes required by law.

Signature: _____ Date: _____

I certify that I have read through the conditions included with this license application. I hereby authorize the Licensing Authority or its agent(s) to make the inquiry or investigation, as needed, to verify the information contained in this application.

Signature: _____ Date: _____

DO NOT WRITE BELOW THIS LINE

Date of Board of Selectmen's meeting: _____

License No. _____ Fee: _____

Signed _____



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CORI REQUEST FORM

The Town of Westford has been certified by the Criminal History Systems Board for access to CORI conviction data. I understand that record check will be conducted for conviction information only and that it will not necessarily disqualify me.

APPLICANT/EMPLOYEE INFORMATION

(Last Name)

(First Name)

(Maiden Name, If Applicable)

DOB _____

SSN: _____

Address: _____

Applicant/Employee Signature

Date

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**PART I** ADMINISTRATION OF THE GOVERNMENT**TITLE XX** PUBLIC SAFETY AND GOOD ORDER**CHAPTER 140** LICENSES**Section 57** Sale of second hand vehicles; necessity of license; exceptions; auctions; reports

Section 57. No person, except one whose principal business is the manufacture and sale of new motor vehicles but who incidentally acquires and sells second hand vehicles, or a person whose principal business is financing the purchase of or insuring motor vehicles but who incidentally acquires and sells second hand vehicles, shall engage in the business of buying, selling, exchanging or assembling second hand motor vehicles or parts thereof or allow any property under his control to be used as a place of sale or display of motor vehicles without securing a license as providing in section fifty-nine. This section shall apply to any person engaged in the business of conducting auctions for the sale of motor vehicles, and to any person engaged in the business of leasing or renting motor vehicles and who, as an incident to such business, sells or offers to sell any such lease or rental vehicle to the public. All sales of second-hand motor vehicles or parts thereof made by any person referred to in this section shall be reported weekly to the registrar of motor vehicles on such forms as may be prescribed by him.



PART I ADMINISTRATION OF THE GOVERNMENT
TITLE XX PUBLIC SAFETY AND GOOD ORDER
CHAPTER 140 LICENSES
Section 58 Classes

Section 58. (a) Licenses granted under sections 59 and 59A shall be classified in accordance with subsections (b) to (d), inclusive.

(b) Class 1. Any person who is a recognized agent of a motor vehicle manufacturer or a seller of motor vehicles made by such manufacturer whose authority to sell the same is created by a written contract with such manufacturer or with some person authorized in writing by such manufacturer to enter into such contract, and whose principal business is the sale of new motor vehicles, the purchase and sale of second hand motor vehicles being incidental or secondary thereto, may be granted an agent's or a seller's license; provided, that with respect to second hand motor vehicles purchased for the purpose of sale or exchange and not taken in trade for new motor vehicles, such dealer shall be subject to all provisions of this chapter applicable to holders of licenses of Class 2, except subsection (c), and to rules and regulations made under those provisions; and provided further, that such dealer maintains or demonstrates access to repair facilities sufficient to enable him to satisfy the warranty repair obligations imposed by section 7N1/4 of chapter 90, and shall remain liable for all warranty repairs made and other obligations imposed by said section 7N1/4 of said chapter 90.

(c) Class 2. A person whose principal business is the buying or selling of second hand motor vehicles, a person who purchases and displays second hand motor vehicles for resale in retail transactions, and any other person who displays second hand motor vehicles not owned by him pursuant to an agreement in which he receives compensation, whether solely for displaying the vehicles, upon the sale of each vehicle, or otherwise, may be granted a used car dealer's license and shall be subject to the following conditions:

(1) The person shall obtain a bond, or equivalent proof of financial responsibility as described in paragraph (5), and continue in effect a surety bond or other equivalent proof of financial responsibility satisfactory to the municipal licensing authority in the amount of \$25,000 executed by a surety company authorized by the insurance department to transact business in the commonwealth. The bond or its equivalent shall be for the benefit of a person who purchases a vehicle from a Class 2 licensee, and who suffers loss on account of:?

(i) the dealer's default or nonpayment of valid bank drafts, including checks drawn by the dealer for the purchase of motor vehicles;

(ii) the dealer's failure to deliver, in conjunction with the sale of a motor vehicle, a valid motor vehicle title certificate free and clear of any prior owner's interests and all liens except a lien created by or expressly assumed in writing by the buyer of the vehicle;

(iii) the fact that the motor vehicle purchased from the dealer was a stolen vehicle;

(iv) the dealer's failure to disclose the vehicle's actual mileage at the time of sale;

(v) the dealer's unfair and deceptive acts or practices, misrepresentations, failure to disclose material facts or failure to honor a warranty claim or arbitration order in a retail transaction; or

(vi) the dealer's failure to pay off a lien on a vehicle traded in as part of a transaction to purchase a vehicle when the dealer had assumed the obligation to pay off the lien.

(2) Recovery against the bond or its equivalent may be made by any person who obtains a final judgment in a court of competent jurisdiction against the dealer for an act or omission on which the bond is conditioned if the act or omission occurred during the term of the bond. Every bond shall also provide that no suit may be maintained to enforce any liability on the bond unless brought within 1 year after the event giving rise to the cause of action.

(3) The bond or its equivalent shall cover only those acts and omissions described in clauses (i) to (vi), inclusive, of paragraph (1). The surety on a bond shall not be liable for total claims in excess of the bond amount, regardless of the number of claims made against the bond or the number of years the bond remained in force.

(4) A separate bond shall be required for each different name under which the dealer conducts his business and for each city or town in which the dealer has a place of business.

(5) In lieu of the bond required by this section, the municipal licensing authority may allow the dealer to deposit collateral in the form of a certificate of deposit or irrevocable letter of credit, as authorized by the banking laws of the commonwealth, which has a face value equal to the amount of the bond otherwise required. The collateral may be deposited with or executed through any authorized state depository designated by the commissioner. Interest on the certificate of deposit shall be payable to the dealer who has deposited it as collateral, or to a person as the dealer or the certificate may direct.

(6) A surety shall provide to the municipal licensing authority notice of cancellation of the bond within 30 days of the cancellation.

(7) Upon receipt of notification from a surety that a bond has been cancelled, the municipal licensing authority shall notify the licensee that he has 10 days to comply with the bonding

requirement. If the licensee does not comply within the 10 day period, the municipal licensing authority shall revoke the Class 2 license and shall notify the registrar who shall suspend or revoke any dealer plate issued to the licensee pursuant to section 5 of chapter 90.

(8) A municipal licensing authority shall not issue or renew a Class 2 license unless it is satisfied that a bond or equivalent proof of financial responsibility meeting the requirements of this section is in effect during the term under which the license shall be issued or renewed, and that the licensee maintains or demonstrates access to repair facilities sufficient to enable him to satisfy the warranty repair obligations imposed by section 7N1/4 of chapter 90. A used car dealer shall remain liable for all warranty repairs made and other obligations imposed by said section 7N1/4 of said chapter 90.

(d) Class 3. A person whose principal business is the buying of second hand motor vehicles for the purpose of remodeling, taking apart or rebuilding and selling the same, or the buying or selling of parts of second hand motor vehicles or tires, or the assembling of second hand motor vehicle parts may be granted a motor vehicle junk license.

(e) The registrar of motor vehicles, after consulting the office of consumer affairs and business regulation, shall adopt rules and regulations defining sufficient repair facilities for the purposes of subsection (b) and paragraph (8) of subsection (c).

**PART I** ADMINISTRATION OF THE GOVERNMENT**TITLE XX** PUBLIC SAFETY AND GOOD ORDER**CHAPTER 140** LICENSES**Section 59** Licensing authorities; expiration; fees; application; prerequisites; premises; ordinance regulations; revocation; notice

Section 59. The police commissioner in Boston and the licensing authorities in other cities and towns may grant licenses under this section which shall expire on January first following the date of issue unless sooner revoked. The fees for the licenses shall be fixed by the licensing board or officer, but in no event shall any such fee be greater than \$200. Application for license shall be made in such form as shall be approved by the registrar of motor vehicles, in sections fifty-nine to sixty-six, inclusive, called the registrar, and if the applicant has not held a license in the year prior to such application, such application shall be made in duplicate, which duplicate shall be filed with the registrar. No such license shall be granted unless the licensing board or officer is satisfied from an investigation of the facts stated in the application and any other information which they may require of the applicant, that he is a proper person to engage in the business specified in section fifty-eight in the classifications for which he has applied, that said business is or will be his principal business, and that he has available a place of business suitable for the purpose. The license shall specify all the premises to be occupied by the licensee for the purpose of carrying on the licensed business. Permits for a change of situation of the licensed premises or for additions thereto may be granted at any time by the licensing board or officer in writing, a copy of which shall be attached to the license. Cities and towns by ordinance or by-law may regulate the situation of the premises of licensees within class 3 as defined in section fifty-eight, and all licenses and permits issued hereunder to persons within said class 3 shall be subject to the provisions of ordinances and by-laws which are hereby authorized to be made. No original license or permit shall be issued hereunder to a person within said class 3 until after a hearing, of which seven days' notice shall have been given to the owners of the property abutting on the premises where such license or permit is proposed to be exercised. Except in the city of Boston, the licensing board or officer may, in its discretion, waive the annual hearing for renewal of a class 3 license. All licenses granted under this section shall be revoked by the licensing board or officer if it appears, after hearing, that the licensee is not complying with sections fifty-seven to sixty-nine, inclusive, or the rules and regulations made thereunder; and no new license shall be granted to such person thereafter, nor to any person for use on the same premises, without the approval of the registrar. The hearing may be dispensed with if the registrar notifies the licensing board or officer that a licensee is not so complying. In each case where such license is revoked, the licensing board or officer shall forthwith notify the registrar of such revocation. Any person aggrieved by any action of the licensing board or

officer refusing to grant, or revoking a license for any cause may, within ten days after such action, appeal therefrom to any justice of the superior court in the county in which the premises sought to be occupied under the license or permit applied for are located. The justice shall, after such notice to the parties as he deems reasonable, give a summary hearing on such appeal, and shall have jurisdiction in equity to review all questions of fact or law and may affirm or reverse the decision of the board or officer and may make any appropriate decree. The parties shall have all rights of appeal as in other cases.



PART I ADMINISTRATION OF THE GOVERNMENT
TITLE XX PUBLIC SAFETY AND GOOD ORDER
CHAPTER 140 LICENSES
Section 59A Motor vehicle junkyards; requirements

Section 59A. No license shall be granted under section fifty-nine to a person within Class 3 as defined in section fifty-eight, for a motor vehicle junkyard, unless such junkyard

(a) is to be operated and maintained entirely within a building; or

(b) is to be operated and maintained exclusively for the purpose of salvaging the value as scrap of the material collected, as opposed to reselling parts to be used for the purpose for which they were originally manufactured, and is to be located in a built-up industrial or commercial area, or contiguous to a railroad siding, or on or contiguous to docking facilities; or

(c) is:

(1) more than one thousand feet from the nearest edge of any highway on the interstate or primary system, and

(2) more than six hundred feet from any other state highway, and

(3) more than three hundred feet from any park, bathing beach, playground, school, church or cemetery and is not within ordinary view therefrom; or unless it is

(4) screened from view by natural objects or well-constructed and properly maintained fences at least six feet high acceptable to said city or town and in accordance with regulations as promulgated by the department of highways and as specified on said license.

No license shall be granted under the provisions of clause (4) of subsection (c) unless a copy of the application for such license has been forwarded by the applicant to the department of highways within three working days of the filing of said application.

**PART I** ADMINISTRATION OF THE GOVERNMENT**TITLE XX** PUBLIC SAFETY AND GOOD ORDER**CHAPTER 140** LICENSES**Section 62** Record book; contents

Section 62. Every licensee shall keep a book on the licensed premises, in such form as shall be approved by the registrar, in which, at the time of the purchase, sale, exchange, or receipt for the purpose of sale, of any second hand motor vehicle or parts thereof, shall be legibly written in the English language an account and description of such motor vehicle or parts, with the name and address of the seller, of the purchaser, and of the alleged owner or other person from whom such motor vehicle or parts were purchased or received or to whom they were delivered, as the case may be. Such description, in the case of motor vehicles, shall also include the identifying number or numbers required by the registrar, and shall also include a statement that the identifying number or numbers have been removed, defaced, altered, changed, destroyed, obliterated or mutilated if such is the fact.

**PART I** ADMINISTRATION OF THE GOVERNMENT**TITLE XX** PUBLIC SAFETY AND GOOD ORDER**CHAPTER 140** LICENSES

Section 66 Entering premises; investigation; examination of vehicles; parts, books, papers and inventories

Section 66. The colonel of state police, the attorney general or such persons as he may designate, the police commissioner in Boston, the chief of police of any other city, the selectmen of a town or any police officer authorized by any of said officials may at any time enter upon any premises used by any person licensed under section fifty-nine for the purpose of carrying on his licensed business, ascertain how he conducts the same, and examine all second hand motor vehicles or parts thereof kept or stored in or upon the premises, and all books, papers and inventories relating thereto.

**PART I** ADMINISTRATION OF THE GOVERNMENT**TITLE XX** PUBLIC SAFETY AND GOOD ORDER**CHAPTER 140** LICENSES**Section 67** Obstruction of entrance or examination by officers; refusal to exhibit items demanded

Section 67. A licensee under section fifty-nine, or a clerk, agent or other person in charge of the licensed premises, who refuses to admit thereto an officer authorized to enter the same, or who fails to exhibit to him on demand all such motor vehicles, parts thereof, and books, papers and inventories relating thereto, and any person who wilfully hinders, obstructs or prevents such officer from entering the premises or from making the examination authorized in the preceding section, shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than one year, or both.



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PART I ADMINISTRATION OF THE GOVERNMENT**TITLE XX** PUBLIC SAFETY AND GOOD ORDER**CHAPTER 140** LICENSES**Section 67A** Junked motor vehicles, registration and identification plates; removal and forwarding to registrar; penalty

Section 67A. Any person licensed under section 54 or 59 shall comply with subsection (a) of section 20E of chapter 90D. The registrar may notify the licensing authority which issued the license to any person who has failed to comply with the provisions of this section of such failure and said authority shall suspend or revoke such license and shall not thereafter reinstate, renew or issue any such license to such person without the written consent of the registrar.