

Application & Requirements for Second Hand Motor Vehicles License Class I - Agent, Class II - Dealer, Class III - Junk

Licensee: _____ Business (d/b/a): _____

Class: 1 2 3

1. Application is to be typed or hand printed in ink, with signature of applicant.
2. Decisions of the Zoning Board of Appeals are to be included with an application for second hand motor vehicles license. Obtain Zoning clearance in writing through Development Services here:
<https://www.lowellma.gov/580/Development-Services>
3. If the application is filed in the name of a corporation, a true copy of the articles of organization, filed with the Commonwealth Secretary of State, is to be included with the application.
<https://corp.sec.state.ma.us/corpweb/CorpSearch/CorpSearch.aspx>
4. An original application, or an application for change in description, is to include a plan of the premises, drawn to scale, clearly marking outside lot for motor vehicles, garage parking, service bays, and the indoor area for office. A description of the property, in writing, with each area's size in square feet is also required.
5. If the applicant is to have a business name, a true copy of the business certificate, filed with the Office of the City Clerk of Lowell, MA, is to be filed with the License Commission Office.
<https://www.lowellma.gov/461/File-a-Business-Certificate>
6. Applicant is to have lease agreement with property owner [lessee should have cancellation clause in lease if license application denied].
7. Fees, payable to the City of Lowell:

Filing fee	\$75.00	Per application or change
License fee	\$200.00	Annual

8. Background sheet for each Owner/Partner/Manager.
9. Tax certification as Individual (Social Security Number) or Corporate / LLC (Federal EIN / Tax ID).
<https://www.irs.gov/businesses/small-businesses-self-employed/apply-for-an-employer-identification-number-ein-online>
10. Applicants are to review the License Commission regulation governing requirements for Class II - Used Car Dealer. (Attached)
11. Applicants are to review Extract from Mass. General Law, Chapter 140, section 58, for Class II - Used Car Dealer. All Class II licensees are required to file with the License Commission Office a certificate of bond in the amount of \$25,000. (Attached)

This Application is a fillable PDF form - Use Free Adobe Acrobat Reader Software

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License Commission regulation governing requirements for license for
Second Hand Motor Vehicles - Used Car Dealer - Class II, as defined in
Section 58 of Chapter 140 of the General Laws of Massachusetts:

1. Applicant shall present evidence that the principal business is the buying and selling of used motor vehicles. Applicant shall also present evidence, acceptable to the License Commission, that the proposed premises for conducting said principal business:
 - (a) is located in zoning district authorizing such use; and
 - (b) has an open area for the display of vehicles for sale of not less than 2,700 square feet [minimum open area for eight (8) vehicles];
 - (c) and has a ground surface of asphalt, concrete or stone; and
 - (d) has located on said premises a suitable office structure of not less than 200 square feet in size.
2. A licensee shall maintain or demonstrate access to a repair facility in order to make motor vehicle repairs under warranty in accordance with section 58 of Chapter 140 and section 7N1/4 of Chapter 90 of the General Laws of Massachusetts, and 540 CMR 16.00 of the Registry of Motor Vehicles.
3. Electrical lighting shall be erected on the lot or contiguous to said lot in compliance with the Lowell Zoning Code in order to insure public safety; string lights are not permitted.
4. A licensee shall maintain a clean lot, free of junk motor vehicles or parts thereof; used automotive oil and fluids shall be disposed of in compliance with state and local environmental regulations at minimum intervals not more than every ten (10) days; refuse containers shall also be emptied in said manner.
5. Signage erected on the premises shall be in compliance with the City of Lowell Zoning Ordinance. Banners and flags strung on wire or rope for the purpose of being extended across an open lot are not permitted. The License Commission acknowledges that some licensees of record are presently not in compliance with the above item # 1 due to past action of said licensing authority in granting Class II licenses. Licensees who continue to maintain the licensed premises that said licensing board previously approved, shall not be required to comply with said item upon the adoption of this regulation. This exemption shall not apply to a new applicant for said premises or to any licensee so exempt applying for an expansion of licensed premises, for an increase in the number of vehicles authorized for sale and storage on the licensed premises, or for a change of location of premises.

The License Commission of the City of Lowell

Adopted: June 13, 1996

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Excerpts from Title XX Chapter 140 Regarding Auto Dealer Licensing

§57: Sales of second hand vehicles; necessity of license; exceptions; auctions; reports.

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.

§58: Classes

(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 7N 1/4 of chapter 90, and shall remain liable for all warranty repairs made and other obligations imposed by said section 7N 1/4 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.

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- (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 7N 1/4 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).

§59: Licensing Authorities; Expiration; Fees; Application.

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.

The full text of Massachusetts General Law governing Dealer Licenses can be found here:

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXX/Chapter140>

License Commission | Law Dept., 3rd Floor, City Hall 375 Merrimack St. Lowell MA 01852 | JPyers@LowellMA.gov | 978.674.4156

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REVENUE ENFORCEMENT & PROTECTION ATTESTATION (REAP)

MASSACHUSETTS DEPARTMENT OF REVENUE

Pursuant to M.G.L. c. 62C § 49A, I certify under the penalties of perjury that to the best of my knowledge and belief I, and/or the entity applying for licensure, have complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Social Security Number or Tax Identification Number, if sole proprietor;
OR Federal Identification Number, if a
corporation (one or the other is
required)

Signature:

Printed Name:

Signature and title of individual owner, if a sole proprietor;
OR Name of corporation, if a
corporation (one or the other
is required)

Signature:

Printed Name:

Signature and title of corporate officer, if a corporation

This information will be furnished to the Massachusetts Department of Revenue to determine whether you have filed all state tax returns, paid all state taxes required under law and complied with all laws of the Commonwealth relating to taxes. Licensees who fail to correct their non-filing, delinquency status, or who are not in compliance with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support will be subject to license suspension or revocation under M.G.L. c. 62C § 49A.

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THE COMMONWEALTH OF MASSACHUSETTS CITY OF LOWELL

APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE, OR ASSEMBLE SECOND HAND MOTOR VEHICLES OR PARTS THEREOF

1. What is the name of the concern?

Business address (Premises) of concern:

2. Federal Tax ID / FEIN or Employer Identification Number:

3. The above concern is an: individual partnership LLC Corporation

4. If an individual

State full name:

Residential address:

5. If a co-partnership, state full names and residential addresses of the persons composing it.

6. If an association or a corporation, state full names and residential addresses of the principal officers.

President:

Secretary:

Treasurer:

7. Are you engaged principally in the business of buying, selling, or exchanging motor vehicles?	Yes	No
If so, is your principal business the sale of new motor vehicles?	Yes	No
Is your principal business the buying and selling of second hand motor vehicles?	Yes	No
Is your principal business that of a motor vehicle junk dealer?	Yes	No

8. Give a complete description of all the premises to be used for the purpose of carrying on the business.
Description must include dimensions in sq.ft. for lot, office, garage, and service bays, as well as number of cars each area.

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9. Are you a recognized agent of a motor vehicle manufacturer? Yes No
If so, state name of manufacturer: _____
Have you a signed contract as required by Section 58, Class 1? Yes No
10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? Yes No
If so, in what city or town: _____
Did you receive a license? Yes No
For what year? _____
11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or part thereof ever been suspended or revoked? Yes No
If yes, describe circumstances:

Sign your name in full _____
(Duly authorized to represent the concern herein mentioned)

Residence _____

IMPORTANT

EVERY QUESTION MUST BE ANSWERED WITH FULL INFORMATION, AND FALSE STATEMENTS HEREIN MAY RESULT IN THE REJECTION OF YOU'RE APPLICATION OR THE SUBSEQUENT REVOCATION OF YOUR LICENSE IF ISSUED.

NOTE: If the applicant has not held a license in the year prior to this application, he must file a duplicate of the application with the registrar. (See Sec. 59)

Lic. Number: _____

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Background Information for License Applicant (print or type)

Name:

Residential Address:

How long at residential Address:

Home Phone:

Daytime Phone:

Cell Phone:

Email:

Date of birth:

Birthplace:

Social Security #:

Federal/Employee Identification #:

Name:

Residential Address:

How long at residential Address:

Home Phone:

Daytime Phone:

Cell Phone:

Email:

Date of birth:

Birthplace:

Social Security #:

Federal/Employee Identification #:

Lic. Number: _____

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Background Information for License Applicant (print or type)

Name:

Residential Address:

How long at residential Address:

Home Phone:

Daytime Phone:

Cell Phone:

Email:

Date of birth:

Birthplace:

Social Security #:

Federal/Employee Identification #:

Name:

Residential Address:

How long at residential Address:

Home Phone:

Daytime Phone:

Cell Phone:

Email:

Date of birth:

Birthplace:

Social Security #:

Federal/Employee Identification #:

Lic. Number: _____

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Background Information for License Applicant (print or type)

Name:

Residential Address:

How long at residential Address:

Home Phone:

Daytime Phone:

Cell Phone:

Email:

Date of birth:

Birthplace:

Social Security #:

Federal/Employee Identification #:

Name:

Residential Address:

How long at residential Address:

Home Phone:

Daytime Phone:

Cell Phone:

Email:

Date of birth:

Birthplace:

Social Security #:

Federal/Employee Identification #:
