

SENATE NO. 234

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 170 of the acts of
2 2006, is hereby further amended by inserting at the end thereof the following new section:-

3 SECTION 235. There is hereby established a board of registration of automotive mechanics,
4 hereinafter known as the board. Said board shall consist of five members, all of whom shall be
5 citizens of the Commonwealth, subject to appointment by the governor, three of whom have been
6 actively engaged in the automotive repair business as a full-time occupation for a least five years prior
7 to their appointment and who have attained the designation of a master mechanic, one of whom shall
8 be a representative of the Office of Consumer Affairs and Business Regulation, and one of whom shall
9 be a representative of the general public. For the purposes of this section, the term “master mechanic”
10 shall refer to an automotive mechanic who has attained the highest possible professional designation
11 within his trade. The governor may fill any vacancy in the board for the expired portion of the term,
12 but under no circumstances shall any member of the board serve for more than five years.

13 Section 2. The governor shall make his appointments and the board shall hold its first meeting
14 within 90 days of the passage of this act. In its first year, the board shall meet on a monthly basis and
15 may hold special meetings as required. In all subsequent years, the frequency of the board's meetings
16 shall be determined by the board's caseload, but under no circumstances shall the board hold less than
17 four regular meetings a year. The presence of three members shall constitute a quorum. The governor
18 shall designate the chairman. In the absence of the chairman, the senior member shall perform the
19 duties of the chairman. A written record, which shall be open to public inspection, shall be kept of all
20 meetings and of the business transacted at said meetings.

21 Section 3. The board may make such rules or by-laws, not inconsistent with law, as it may
22 deem necessary in the performance of its duties. The board shall annually submit to the governor and
23 the general court, on or before February 1, a report of its proceedings, along with information on all
24 fines, license suspensions and other disciplinary actions taken against any automotive mechanic during
25 the preceding year. The board shall also maintain a database of all licensed automotive mechanics in
26 the commonwealth, which shall include detailed information on any consumer complaints brought
27 against an individual mechanic during the preceding year, along with information concerning the final
28 disposition of said complaints by the board. This information shall be made available to the public,
29 via the Internet and by any other means deemed necessary by the board to protect consumers.

30 Section 4. All consumer complaints filed against an automotive mechanic claiming negligence,
31 shoddy workmanship or other wrongdoing on the part of the mechanic must be made in writing to the
32 board. The board shall investigate all complaints in a timely fashion, and shall dismiss without further
33 action any complaint deemed to be without merit. All decisions rendered by the board shall be made
34 in writing and kept on file, with a copy of the decision provided to both the consumer filing the
35 complaint and the automotive mechanic. For a first-time complaint, the board may contact the

36 automotive mechanic and the consumer in an attempt to resolve the complaint without requiring their
37 presence at a meeting of the board. The board shall also encourage the automotive mechanic to work
38 with the consumer by offering to attempt to repair the consumer's vehicle a second time at no charge.
39 If a second or subsequent complaint is brought against the same automotive mechanic by another
40 consumer within a one-year period, the board shall require the automotive mechanic to come before
41 the board to answer to the charges made against him, and if the complaint is deemed to be valid, the
42 board shall issue a warning to the automotive mechanic. Any automotive mechanic who is cited for
43 three complaints in a one-year period, all of which are deemed to be valid by the board, shall be
44 subject to an immediate license suspension. In such cases, the board shall require that the automotive
45 mechanic satisfactorily pass a competency examination, after payment of an appropriate fee, as a
46 condition for having his license reinstated. Said examination shall take place no later than five
47 business days following the suspension of the license.

48 Section 5. The three master mechanics who serve on the board shall be compensated by the
49 commonwealth at their regular rate of pay for time spent attending board meetings and conducting
50 official business for the board. The two remaining members of the board shall serve without
51 compensation, but may be reimbursed by the commonwealth for all reasonable expenses incurred in
52 the discharge of their official duties. The commonwealth shall provide the board with adequate office
53 space and shall pay for the salary of a secretary to assist the board in carrying out its duties.

54 Section 6. No person shall engage in the business of, or act as, an automotive mechanic, unless
55 he is licensed, and no person shall own an automotive repair business unless he is certified as a master
56 mechanic; provided, however, that the board may, upon payment of a fee to be determined annually by
57 the commissioner of administration under the provisions of section three B of chapter seven, issue a
58 learner's permit to an applicant who submits a written statement, made under oath, by a master

59 mechanic certifying that said applicant is employed by the master mechanic, and will work directly
60 under his supervision, and that said master mechanic will be jointly responsible for any automotive
61 repair work done by the applicant. Learner's permits shall expire one year from the date of issue, and
62 shall not be subject to renewal. No license to engage in business as an automotive mechanic shall be
63 issued to any applicant unless said applicant has complied with all the pertinent provisions contained
64 herein, and has satisfactorily passed an examination prepared by the board to determine the applicant's
65 competence. The board shall conduct such examinations at such times and places as it may deem
66 necessary and shall conduct at least two such examinations in each calendar year. In determining
67 competence the board shall require proof, to the satisfaction of the board, that the applicant has the
68 knowledge, practical experience and skills necessary to properly repair motor vehicles. Every license
69 issued by the board shall expire one year from the date of issuance and may be renewed, without
70 examination, upon payment of the renewal fee, so long as the applicant's license is in good standing
71 and no complaints have been filed against the applicant during the preceding year; provided, however,
72 that nothing in this section shall preclude the board from requiring an examination as a condition for
73 renewing an individual's license.

74 Section 7. Applications for licenses, signed and sworn to by the applicant, shall be made on
75 forms furnished by the board and shall be accompanied by the prescribed fee for examination and
76 issuance of a license, as determined annually by the commissioner of administration under the
77 provisions of section three B of chapter seven. Fees shall be payable in advance to the board for the
78 following:

- 79 a) original examination;
- 80 b) any subsequent examination;
- 81 c) issuance of the original license and all subsequent license renewals; and

82 d) issuance of a learner's permit.

83 Section 8. Notwithstanding any other provision contained herein, the board may issue an
84 automotive mechanic's license, upon payment of the issuance fee, without the requirement of
85 examination, only to those applicants who can demonstrate to the satisfaction of the board that they
86 have attained the designation of a master mechanic.

87 Section 9. Anyone who, without being licensed as required by this section, provides, contracts
88 for, or advertises that he can provide automotive repair work shall be punished by a fine of not more
89 than one thousand dollars.

90 Section 10. All advertisements, promotional announcements and printed materials offering to
91 provide or contract for any automotive repair work shall contain the license number issued by the
92 board, and all automotive mechanics doing business in the commonwealth shall prominently display a
93 copy of their license at their place of business. Failure to publish said license number in conjunction
94 with any such advertisement, or to properly display said license at their place of business, shall be
95 punished by a fine of not more than one hundred dollars.