



Town of Berlin – Board of Selectmen’s Office

23 Linden Street, Room 206, Berlin, MA 01503

Email selectmen@townofberlin.com ▪ Phone 978-838-2442 ▪ Fax 978-838-0014

CAR DEALERS LICENSE - APPLICATION FORM

New Application Transfer of Ownership Change of Location

Class I Class II Class III

Date Submitted: _____ Type of License: _____

Business Name: _____ Telephone #: _____
(to appear on License)

Business Address: _____ City/State/Zip: _____

Mailing Address *(if different)*: _____

Applicant’s Name: _____ Email: _____

Address: _____ City/State/Zip: _____

Phone: _____ Mobile: _____

Operating Schedule/Hours: _____ Proposed Opening Date: _____

Description of Business/Operation: _____

.....
I certify under the pains and penalties of perjury that all taxes and/or charges owed to the Town of Berlin have been paid.

Applicant Signature: _____

Signature of Property Owner: _____ Telephone #: _____
(Individual allowing the use of his/her property for this purpose)

Tax Payment Certification

Pursuant to M.G.L. Chapter 62C, Section 49A, 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 taxes required under law.

Signature of Individual: _____ By Corporate Officer: _____
Or Corporate Name (Mandatory) (Mandatory if applicable)

Social Security # (Voluntary): ____/____/____ Federal ID # (Mandatory): _____

Corporation Address: _____

Check List – Requirement

Applicant:

- License Application Form
- Workers' Compensation Form
- D/B/A or Business Certificate (Town Clerk's Office)
- Occupancy Permit (Building Inspector's Office)
- Board of Health Permits
- Fire Department Permits
- Abutters List (Assessor's Office)
- Floor Plan (8 ½" x 11")
- Other: Any Auto Repair requires Special Permit from Zoning Board.

Board of Selectmen's Office:

- Tax Status (Berlin Collector's Office)
- CORI form
- Legal Advertisement (Selectmen prepare ad; applicant places with & pays newspaper)

Class II – Sale of Used Vehicles:

- Special Permit Vehicle Repairs (ZBA By-Laws)
- Car Dealers Form
- \$25,000 Bond
- Site Plan (approved by Building Inspector/Zoning Enforcement Officer) – each copy with
 1. The plan shall be prepared by either a registered Land Surveyor or Licensed Professional Engineer.
 2. The size of all buildings on the lot(s) and the distance from all lot lines are to be indicated.
 3. The location of all parking spaces shall be depicted on the plans. These spaces shall represent the spaces used by the employees or the business as well as the vehicles for sale. Said spaces shall also be marked as to whether they represent employee parking spaces or vehicles for sale.
 4. The name of the street that the business fronts on should be indicated on the site plan.

Car Dealer's License Form – Class I, II & III

1. Do you presently own any automotive facilities in other communities which are licensed for the sale or resale of motor vehicles? _____YES _____NO

If yes, please list the names and locations of these businesses with any license or permit number: _____

2. Do you have any outstanding legal actions filed against you, either individually or in your business' name and style, in a court of law relative to your operation of other businesses for the sale or resale of motor vehicles? _____YES _____NO

3. Was judgment ever rendered against you, either individually or in your business' name and style, as to the operation of a business for the sale or resale of motor vehicles within the last ten (10) years? _____YES _____NO

4. If you own any businesses, have there been any complaints filed against one or more of your businesses with any other Governmental Agency? _____YES _____NO

PLEASE NOTE: IF YOUR ANSWER TO ANY OF THE QUESTIONS 1 thru 4 IS YES, THEN YOU MAY BE REQUIRED TO FURNISH ADDITIONAL DOCUMENTATION.

5. Please list the names, addresses, and telephone numbers of two references:

i. _____

ii. _____

The information contained herein is true and accurate to the best of my knowledge and belief.

Signed: _____ Date: _____

STATE/COMMONWEALTH OF _____

On this ___ day of 20___ personally appeared the above-named _____ and acknowledged the foregoing to be his/her free act and deed before me.

_____, Notary Public

My Commission Expires: _____



Town of Berlin – Board of Selectmen’s Office

23 Linden Street, Room 206, Berlin, MA 01503

Email selectmen@townofberlin.com ▪ Phone 978-838-2442 ▪ Fax 978-838-0014

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

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a Motor Vehicle Class (I, II, or III) _____ license, to Buy, Sell, Exchange, or Assemble second hand motor vehicles or parts thereof, in accordance with the provisions of Chapter 140 of the General Laws.

1. What is the Complete Business/DBA name _____
Business address _____

2. Is the above concern: co-partnership, corporation, LLC an association, or other? _____
 - an individual – if so, state full name and residential address. _____

 - a co-partnership – if so, state full names & residential addresses of the persons composing it.

 - a corporation or LLC – if so, state full names and residential addresses of the principal officers.

President: _____
Secretary: _____
Treasurer: _____

3. Are you engaged principally in the business of buying, selling, or exchanging motor vehicles? _____

If yes, is your principal business the sale of new motor vehicles or a junk dealer? _____

Is your principal business the buying and selling of second hand motor vehicles? _____

4. Give a complete description of all the premises to be used for the purpose of carrying on the business. (Include dimensions of lot, building size, no. of rooms, no of vehicles being applied for.)

5. Are you a recognized agent of a motor vehicle manufacturer? _____ Which manufacturer? _____

6. Have you a signed contract as required by Section 58 [Class 1]? _____

7. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? _____

a. If so, in what city or town? _____

b. Did you receive a license? _____ For what year? _____

8. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? _____ If yes, explain:

9. Do you own the property to be licensed? _____ If not, provide the name and address of owner of property

Signed under the pains and penalties of perjury this _____ day of _____, _____

Sign your name in full _____

Residence _____

Home Phone # _____ Business Phone _____

IMPORTANT: EVERY QUESTION MUST BE ANSWERED WITH FULL INFORMATION, AND FALSE STATEMENTS HEREIN MAY RESULT IN THE REJECTION OF YOUR 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 Section 59). - - -

CHAPTER 140 OF THE GENERAL LAWS, TER. ED., WITH AMENDMENTS THERETO (EXTRACT) EXTRACT FROM GENERAL LAWS, CHAPTER 140-

SECTION 58.-Licenses granted under the following section shall be classified as follows:

Class I.-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 and of rules and regulations made in accordance therewith applicable to holders of Class 2 licenses.

Class II.-Any person whose principal business is the buying and selling of second hand motor vehicles may be granted a used car dealer's license, and who displays said vehicles for resale in retail transactions, may be granted a used car dealer 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 doesn't 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).

Class III.—Any person whose principal business is the buying of second hand motor vehicles for the purpose of remodeling, taking apart, or rebuilding the same, or the buying or selling of parts of second hand motor vehicles or tires, or the assembling of second hand motor vehicles parts may be granted a motor vehicle junk license.

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 case shall exceed Three Hundred Dollars. 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 there to 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 licenses 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 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 property abutting on the premises where such license or permit is proposed to be exercised. 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. 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 there from 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 decision of the justice shall be final.