HOUSE DOCKET, NO. 2822 FILED ON: 1/18/2013

# HOUSE . . . . . No. 183

## The Commonwealth of Massachusetts

PRESENTED BY:

***Garrett J. Bradley***

*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:

An Act to facilitate and regulate residential selling practices.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|---|---|
| *Garrett J. Bradley* | *3rd Plymouth* |

HOUSE DOCKET, NO. 2822 FILED ON: 1/18/2013

# HOUSE . . . . . No. 183

By Mr. Bradley of Hingham, a petition (accompanied by bill, House, No. 183) of Garrett J. Bradley for legislation to regulate residential door-to-door selling practices. Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *3224* OF 2011-2012.]

## The Commonwealth of Massachusetts

An Act to facilitate and regulate residential selling practices.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

Chapter 159 of the General Laws is hereby amended by adding after Chapter 159C the following new chapter:-

Chapter 159D

Section 1. Every municipality may regulate the commercial sale of goods (including periodical subscriptions) or services, at any residence without an appointment ("residential selling") by requiring that anyone not a Commonwealth resident engaged in residential selling (a "residential seller") must first obtain from the municipal clerk and present promptly at any residence (and to any police officer who asks to see it) a one-year residential seller license bearing his/her photo likeness.

Section 2. The fee for a residential seller license will be Fifty Dollars ($50.00).

Section 3. The residential seller license applicant must give written oath or affirmation to name, permanent address and the non-existence or jurisdiction of any felony or sex offense conviction in the last ten years, governmental proof of date of birth and social security number, give complete set of fingerprints, if requested, and provide with a surety qualified in the Commonwealth a bond for obedience to all of the municipality's ordinances and the laws of the

16 Commonwealth in the penal sum of Ten Thousand Dollars ($10,000). No person convicted of
17 any felony or any sex offense in the past ten years may be issued a residential seller license.

18 Section 4. Any residential seller without a license must show proof of current
19 Commonwealth residence location, whether occupied by ownership or lease of more than thirty
20 days, when requested, at every residence he/she approaches, and to any inquiring police officer.

21 Section 5. Any residential seller who does not make required presentation of either proof
22 of Commonwealth residence (as defined in (4) above) or residential seller license will be guilty
23 of a Class _____ misdemeanor and may be punished by a fine of up to Two Hundred Fifty
24 Dollars ($250.00) or jail confinement up to ten days, or both.

25 Section 6. The office of each municipal clerk will be open for residential seller license
26 application whenever it is open for other business, and the application will be acted upon within
27 five such days.

28 Section 7. Any non-resident desiring to engage in residential selling in more than one
29 municipality may, upon the same fee and form of application provided in Section (4) and (5)
30 above, obtain from the Deputy Director of Standards in the Office of Consumer Affairs and
31 Business Regulation a residential seller license good throughout the Commonwealth for one
32 year.

33 Section 8. Any Commonwealth license for the sale or performance of any good (tangible
34 or intangible) or service (such as insurance agent, stock broker, realtor or lawn product provider),
35 whether held by a Commonwealth resident or non-resident, will be deemed also a residential
36 seller license.

37 Section 9. Nothing in this Act shall abridge the right of any resident to forbid the conduct
38 of residential selling on his/her property by posting, in plain view of the nearest public street, an
39 eight inch by twelve inch sign bearing the statement "Commercial selling forbidden" in letters
40 one inch wide and two inches high; and the chief of police will have the discretion to provide
41 such a sign to each resident requesting one.