

HOUSE No. 241

The Commonwealth of Massachusetts

PRESENTED BY:

David Paul Linsky

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 relative to clarification of the Massachusetts franchise law.

PETITION OF:

NAME:

David Paul Linsky

DISTRICT/ADDRESS:

5th Middlesex

HOUSE No. 241

By Mr. Linsky of Natick, a petition (accompanied by bill, House, No. 241) of David Paul Linsky relative to business practices between motor vehicle manufacturers, distributors and dealers. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

An Act relative to clarification of the Massachusetts franchise law.

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: Clause 10 of Subsection (c) of Section 4 of Chapter 93B of the General
2 Laws, as appearing in the 2010 Official Edition, by inserting, in line 27, after the word
3 “dealership” the following:-

4 (iv) owning or operating a dealership when, at the time of establishment of the
5 manufacturer or distributor owned or operated dealership, no franchise agreement existed
6 between the manufacturer or distributor and any dealer in the Commonwealth not owned or
7 operated by the manufacturer or distributor.

8 SECTION 2: Section 15 of Chapter 93B of the General Laws, as appearing in the 2010
9 Official Edition, is hereby amended by striking subsection (a) and inserting the following:-

10 (a) Any manufacturer, distributor or motor vehicle dealer who suffers any loss of money
11 or property, real or personal, as a result of the use or employment by a manufacturer, distributor
12 or motor vehicle dealer of the same line make of an unfair method of competition or an unfair or
13 deceptive act or practice as defined by this chapter, any act prohibited or declared unlawful by
14 this chapter, or any rule or regulation adopted under this chapter, may bring an action in the
15 superior court, or if applicable in the federal district court for the district of Massachusetts, for
16 damages and equitable relief, including injunctive relief, as described in the following sentence:
17 The party filing suit must demonstrate that the manufacturer, distributor or motor vehicle dealer
18 that is conducting or has conducted the unfair method of competition or unfair or deceptive act or
19 practices manufactures, distributes or acts as a dealer for vehicles of the same line make as the
20 party filing suit and that the harm alleged originated from or was the direct result of action taken
21 with respect to such line make.