



TOWN OF FALMOUTH

Office of the Town Manager & Select Board
59 Town Hall Square, Falmouth, Massachusetts 02540
Telephone (508) 495-7320
M.G.L. Chapter 140 §57-69

USED CAR DEALER LICENSE APPLICATION

Please provide a complete application at least 30 days prior to Select Board hearing date.

Step 1: *Is your property ready for license approval?*

- Zoning Appeals Office – Obtain the Special Permit under Section 240 6.2B - Motor vehicle sales or rental with or without ancillary service facilities based on the Special Use Table for your district.

Step 2: *Have all the following items ready to submit with the application.*

- Complete the application for MOTOR VEHICLE DEALER LICENSE – Class I, II, or III
- Copy of the Lease or Deed to business property
- Submission of a check for \$10.00 Filing Fee. Also submit the License Fee paid by Bank Check or

Cashier's Check only: Class 1 - \$100; Class 2 - \$75.00; Class 3 - \$50.00

- Massachusetts Form 53 - available at Select Board Office
- Business Structure Documents:
 - a. Copy of Articles of Organization (if corporation)
 - b. Copy of LLC Agreement (if limited liability company)
 - c. Copy of Partnership Agreement (if partnership)
 - d. Copy of Certificate of Doing Business (if sole proprietorship)
- Class 1 ONLY - Copy of Manufacturer's Agreement
- Class 2 ONLY - Proof of Surety Bond in the amount of \$25,000
- Class 3 ONLY:
 - Applicant must obtain a Certified List of Abutters from the Assessor's Office specifying *immediate abutters* and submit a copy with the application
 - A Public Hearing Notice will be advertised at least 7 days before a Select Board Hearing (a \$35 advertising fee is required with the application)
 - The Public Hearing Notice must be mailed by the applicant at their own expense by Certified Mail to all abutters at least 10 days before the hearing and delivery tracking postcards submitted to Select Board Office

Step 3: *Now you are ready to submit the application.*

- Select Board Office – Submit a complete application and MA form with all items in Step 1 and 2

Please proofread the application carefully.
For questions contact licensing@falmouthma.gov or call 508-495-7325



Please be advised that all license application fees must be paid upon submission of an application as follows:

- Filing fees, public notice advertising fees, and other administrative fees must be paid by personal or business check when the application is submitted. Cash is also accepted.
- License fees must be paid in full at the time of submission by cashier's check or bank check only. These checks will be held on file and not processed until the application is fully approved and all license requirements completed. If the application is not approved the cashier's/bank checks will be returned to the applicant.

Please contact the Select Board Office for further information.



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Office of the Town Manager & Selectmen 59
Town Hall Square, Falmouth, MA 02540
508-495-7320 • licensing@falmouthma.gov

NEW APPLICATION - MOTOR VEHICLE DEALER LICENSE – Class I, II, III
M.G.L. CHAPTER 140

BUSINESS NAME: *D/B/A*

ADDRESS:

TOWN: **STATE** **ZIP CODE**

MAILING ADDRESS: *(if different)*

TOWN: **STATE** **ZIP CODE**

OWNER OF PROPERTY:

NAME OF APPLICANT: **TITLE:**

HOME ADDRESS:

TOWN: **STATE** **ZIP CODE**

FID # **EMAIL** *(required)*

TELEPHONE # **(BUSINESS)** **(HOME)**

CLASS OF LICENSE: **NUMBER OF VEHICLES:**

DEALER/REPAIR PLATE #

ADDITIONAL DOCUMENTS REQUIRED:

- Special Permit under Zoning Bylaw Sections 240-51(B)(3) allowing motor vehicle sales
- Massachusetts Form 53 in duplicate - available at Select Board Office
- Public Hearing requiring abutter notification by Certified Return Receipt Mail *(Class III only)*
- Proof of Surety Bond in the amount of \$25,000 *(Class II only)*
- Copy of Manufacture's Agreement *(Class I only)*

Signature -OWNER or MANAGER of RECORD

DATE

FEES:

CLASS I - TOTAL LICENSE FEE: \$110
CLASS II - TOTAL LICENSE FEE: \$85
CLASS III - TOTAL LICENSE FEE: \$60

Town of Falmouth

License Application – Department Contact Information

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- Select Board Town Hall (508) 495-7320 licensing@falmouthma.gov
- License applications.
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- Building Town Hall (508) 495-7470 <https://www.falmouthma.gov/307/Building>
- Approval of floor plan and/or site plan.
- Apply online using PermitEyes.
- Certificate of Inspection.
 - Sign Permit
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- Zoning Appeals Town Hall, Second Floor (508) 495-7460
- Special permit.
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- Planning Town Hall, Second Floor (508) 495-7440
- Site plan review.
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- Assessor Town Hall (508) 495-7380 <https://www.falmouthma.gov/175/Assessing>
- Certified abutters list.
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- Police 750 Main St. (774) 255-4527
- Call Central Records to schedule an appointment for the fingerprint-based background check.
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- Health Town Hall (508) 495-7485 <https://www.falmouthma.gov/273/Health>
- Apply online using PermitEyes
- Food service establishment permit.
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- Town Clerk Town Hall (508) 495-7360
- Certificate of Doing Business.
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APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE
OR ASSEMBLE SECOND HAND MOTOR VEHICLES
OR PARTS THEREOF

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a
class 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 name of the concern?

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Business address of concern. No. St.,

..... City — Town.

2. Is the above concern an individual, co-partnership, an association or a corporation?

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3. If an individual, state full name and residential address.

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

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

President

Secretary

Treasurer

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

If so, is your principal business the sale of new motor vehicles?

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

Is your principal business that of a motor vehicle junk dealer?

7. Give a complete description of all the premises to be used for the purpose of carrying on the business.

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8. Are you a recognized agent of a motor vehicle manufacturer? (Yes or No)

If so, state name of manufacturer
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9. Have you a signed contract as required by Section 58, Class 1? (Yes or No)

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? (Yes or No)

If so, in what city — town

Did you receive a license? For what year?
(Yes or No)

11. 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? (Yes or No)

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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 HEREBIN 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 Sec. 59)

PLEASE NOTE THAT THE APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application after investigation (Approved or Disapproved)

License No. granted 19.... Fee \$.....

Signed.....

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

SECTION 57. 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 without securing a license as provided in section fifty-nine. This section shall apply to any person engaged in the business of conducting auctions for the sale of motor vehicles.

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

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 and of rules and regulations made in accordance therewith applicable to holders of licenses of class 2.

Class 2. Any person whose principal business is the buying or selling of second hand motor vehicles may be granted a used car dealer's license.

Class 3. 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 vehicle 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 \$100. 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 addition 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 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 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 decision of the justice shall be final.

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MOTOR VEHICLES OR PARTS THEREOF.

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application No.
Class License No.
Name
St. and No.
City — Town
Date Issued

Remarks
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