



## Application for Class II License (License for buying, sell or exchanging of secondhand motor vehicles)

Dear License Applicant:

Please review the following instructions and list of required documents to determine requirements for your application.

It is important to note that:

- Issuance of a new Class II license requires abutter notification. The applicant must contact the **Assessors Office (508) 230-0520** to obtain the Abutters List to complete the certified mailings.
- Abutter notification is required when a Class II licensee transfers to a new location.
- Abutter notification is **not** required when a transfer related to ownership of the license occurs and the location remains the same.
- The annual license fee is paid during annual license renewal during October. Therefore, if a transfer occurs (relating to either ownership or location) only the filing fee is required.
- A hearing with the Board of Selectmen is required for all Class II license transactions and will be scheduled by our office upon receipt of the completed application and required fees. Prior to the hearing other departments will review and comment on the application. You will be informed of any issues prior to the hearing.
- Please contact our Planning & Community Development Department (508) 230-0630 as an approved site plan is required.
- Prior to starting your application, please review Easton Town Code (at the end of this document) relating to the Sale of Motor Vehicles and also [Mass General Law Chapter 140](#).

All documents may be accessed online or printed and then completed. If you would like a hard copy of any of these documents mailed to you, please contact our office at (508) 230-0501.

Thank you,  
Easton Board of Selectmen

10/24/2011

	<b>Documents required for Class II License Application (New or Transfer)</b>		
Commonwealth of Massachusetts form	Application for a License to Buy, Sell, Exchange or Assemble Second Hand Motor Vehicles or Parts therefore. Access the fillable online form by clicking on the link on your left.		
Copy of \$25,000 Bond ( <b>do not need at hearing, but need prior to issuance of license</b> )	Copy of current Secondhand motor vehicle bond; the municipal licensing authority noted as: Town of Easton, 136 Elm St., N. Easton, MA 02356		
Town of Easton General Application	Required.		
Plan	On 8 ½” x 11 or 8 ½ x 14” paper. Detailed plan of the property; needs to include location and show spaces for both cars for sale and customer parking.		
Certificate of Good Standing from Secretary of State	<b>Required if applicant is a corporation.</b> You may order the certificate through the <a href="#">Secretary of State’s</a> website.		
Corporate Vote authorizing the business at the location or the new location	<b>Required if applicant is a corporation</b>		
Lease Agreement	If property is owned by someone other than the applicant		
P&S Agreement	If applicable		
Check payable: Town of Easton	Annual license fee and filling fee if a new license. If a transfer then only the filing fee.		
Hearing Notice	Selectmen’s Office prepares notice; will forward to applicant for abutter notification <b>if required.</b>		
Abutter Notification	If required, applicant completes certified mailings using list applicant obtains from Assessors.		
Business Certificate	If doing business under (dba) another name than your own (Town Clerk’s Office).		
Workers Compensation Affidavit and a copy of the Certificate of Insurance of Workers’ Comp policy	Affidavit needed and a copy of certificate of liability with period covered and policy number. <b>Information needed prior to issuance of license.</b>		

Town of Easton General Application  
Workers Compensation Affidavit  
MGL Chapter 140  
Annual License Fees  
Easton Town Code Chapter 215 (next page)

Commonwealth of MA application  
Back to beginning of this document

THE COMMONWEALTH OF MASSACHUSETTS

TOWN OF EASTON

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? \_\_\_\_\_

Business address of concern. No. \_\_\_\_\_ St.,

\_\_\_\_\_ City  Town.

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

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

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

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 I? \_\_\_\_\_  
(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 \_\_\_\_\_  
(Only authorized to represent the concern herein mentioned)

Residence \_\_\_\_\_

**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 Sec. 59)

**APPLICANT WILL NOT FILL THE FOLLOWING BLANKS**

Application after investigation \_\_\_\_\_  
(Approved or Disapproved)  
License No. \_\_\_\_\_ granted \_\_\_\_\_ Fee \$ \_\_\_\_\_

Signed \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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

**Section 57. License; When Required; Report of Sales**

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 or allow any property under his control to be used as a place of sale or display of motor vehicles 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, and to any person engaged in the business of leasing or renting motor vehicles and who, as an incident to such business, sells or offers to sell any such lease or rental vehicle to the public. All sales of second-hand motor vehicles or part thereof made by any person referred to in this section shall be reported weekly to the registrar of motor vehicles on such forms as may be prescribed by him.

**Section 58. Classes of Licenses**

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; provided, however, that such person maintains or demonstrates access to repair facilities sufficient to enable him to satisfy the warranty repair obligations imposed by section seven N1/4 of chapter ninety. A used car dealer shall remain liable for all warranty repairs made and other obligations imposed by said section seven N1/4 of said chapter ninety.

*Class 3.* Any 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.

THE COMMONWEALTH OF MASSACHUSETTS

TOWN OF EASTON

APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE  
OR ASSEMBLE SECOND HAND MOTOR VEHICLES  
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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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Secretary \_\_\_\_\_

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

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(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 I? \_\_\_\_\_  
(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? \_\_\_\_\_  
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(Yes or No)

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Sign your name in full \_\_\_\_\_  
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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)

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Application after investigation \_\_\_\_\_  
(Approved or Disapproved)  
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**TOWN OF EASTON**  
**BOARD OF SELECTMEN GENERAL APPLICATION**

This is a general application for a license that the Board of Selectmen may grant. All license applications to the Easton Board of Selectmen must be accompanied by the following information.

Indicate if license is: new \_\_\_\_\_ transfer \_\_\_\_\_ change of dba \_\_\_\_\_  
other \_\_\_\_\_

**List type of license(s) applying for:**

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Common Victualler            | <input type="checkbox"/> Package Store All Alcohol | <input type="checkbox"/> Class <b>I</b> No. of vehicles for display: ____  |
| <input type="checkbox"/> Restaurant All Alcohol       | <input type="checkbox"/> Package Store Wine & Malt | <input type="checkbox"/> Class <b>II</b> No. of vehicles for display: ____ |
| <input type="checkbox"/> Restaurant Wine & Malt       |  | <input type="checkbox"/> Fortune Teller                                    |
| <input type="checkbox"/> Club All Alcohol             |  | <input type="checkbox"/> Vehicle for Hire/Taxi No of Vehicles: ____        |
| <input type="checkbox"/> Annual Entertainment         |  | <input type="checkbox"/> Junk Dealers                                      |
| <input type="checkbox"/> Sunday Entertainment         |  |  |
| <input type="checkbox"/> Electronic Games—list below: |  |  |

- 
- Juke Box
  - Billiards Table No. of tables: \_\_\_\_

Business Name (legal): \_\_\_\_\_ dba: \_\_\_\_\_

**Please attach copy of business certificate if applying as dba or individual.** If business is a corporation or LLC, please attach:

1. Certificate of Good Standing from the Secretary of State's Office.
2. Corporate Vote authorizing business at the location.

Address of licensed premises (include zip code): \_\_\_\_\_

Mailing address (if different than above address): \_\_\_\_\_

Name of individual/applicant authorized to apply for license: \_\_\_\_\_

Business tel. no. of applicant: \_\_\_\_\_ Business email: \_\_\_\_\_

F.E.I.N: (F.I.N.) \_\_\_\_\_

Please check one of the following:  own premises  lease premises  property under P&S

Name and address of property owner if different from license holder:

\_\_\_\_\_  
Name Address

**If applicable, please attach copy of lease and/or Purchase and Sales Agreement.**

Do you currently hold a similar license? What type? \_\_\_\_\_

Have you previously applied for a license? (Yes) \_\_\_\_\_ (No) \_\_\_\_\_

Have you ever had a license revoked? (Yes) \_\_\_\_\_ (No) \_\_\_\_\_ If yes, please indicate why:

If there is a building or structure associated with the license, please submit the following (preferably on 8 ½ x 11” paper – no larger than 8 ½ x 14”):

1. floor plan (include seating area), and
2. site plan indicating parking areas and access to town ways.

**If applying for a Class I or Class II license, please submit a plot plan that shows:**

1. the number of the vehicles on display
2. the exact location of the vehicles
3. customer parking
4. office area

Proposed hours of operation:

Monday \_\_\_\_\_ Thursday \_\_\_\_\_  
Tuesday \_\_\_\_\_ Friday \_\_\_\_\_  
Wednesday \_\_\_\_\_ Saturday \_\_\_\_\_ Sunday \_\_\_\_\_

**(Specify liquor sale hours if different than regular establishment hours):**

\_\_\_\_\_

Has the applicant operated a similar business? (if applicable)

Name of Business: \_\_\_\_\_

Address: \_\_\_\_\_

Federal Tax No. (if applicable): \_\_\_\_\_

I certify that the Easton Police Department may run a criminal records check for any prior offenses and that this information may be transmitted to the Local Licensing Authority at their request.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

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 and local taxes required by law.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

I certify that I have read through the conditions included with this license and agree to comply with any further stipulations that the Licensing Authority may from time to time approve. I also hereby authorize the Licensing Authority or their agent to conduct whatever investigation or inquiry is necessary to verify the information contained in this application.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

**Please contact the Selectmen’s Office at (508) 230-0501 if you have any questions regarding this application form.**

**Chapter 215 \***  
**VEHICLES, SALE OF**

ARTICLE I  
General Provisions

- § 215-1. License required; limit on number of licenses.
- § 215-2. Issuance of licenses.
- § 215-3. Licensing authority; procedure.

ARTICLE II  
Class II License Regulations

- § 215-4. Application criteria.
- § 215-5. Operations criteria.
- § 215-6. New license application criteria.

[HISTORY: Adopted by the Town of Easton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I  
General Provisions

[Adopted 5-9-1988 ATM by Art. 12 (Art. 33 of the 1922 Bylaws)]

**§ 215-1. License required; limit on number of licenses. [Amended 4-12-1993 ATM by Art. 38]**

No person, except one whose principal business is the manufacture and sale of new motor vehicles but who incidentally acquires and sells secondhand vehicles, or a person whose principal business in<sup>1</sup> financing the purchase of or insuring motor vehicles but who incidentally acquires and sells secondhand vehicles, shall engage in the business of buying, selling, or exchanging of secondhand motor vehicles or allow any property under his control to be used as a place of sale or display of such motor vehicles without first securing a Class II license as provided in MGL c. 140, § 59. The total number of Class II licenses available shall be 25.

**§ 215-2. Issuance of licenses. [Amended 5-15-2006 ATM by Art.20]**

A Class II license shall be defined in MGL c. 140, § 58 and may be issued to any person whose principal business is the buying or selling of secondhand motor vehicles who falls within the limit of 25 licenses to be issued by the licensing authority of the Town of Easton on an annual basis.

**§ 215-3. Licensing authority; procedure.**

The Licensing Authority in the Town of Easton shall be the Board of Selectmen, and in issuing Class II licenses it shall follow the procedures set forth in MGL c. 140, § 59.

<sup>1</sup> Editor's Note: So in original. Should be "is."

ARTICLE II  
Class II License Regulations  
[Adopted 6-13-1989 ATM by Art. 20 (Art. 35A of the 1922 Bylaws)]

**§ 215-4. Application criteria.**

- A. The total number of Class II licenses available shall be 25. (See Article I, § 215-1 of this chapter.) [Amended 5-15-2006 ATM by Art. 20]
- B. No license will be granted to any applicant with outstanding unpaid taxes or fees owed to the Town of Easton. (MGL c. 140, § 57.)
- C. The sale of motor vehicles shall be the principal business of the applicant. Further, the Applicant must be actively involved in the sale of used motor vehicles in the Town of Easton. No “pocket” licenses will be issued. (MGL c. 140, § 58.) [Amended 11-15-10 STM by Art. 6]
- D. The license holder must maintain or demonstrate access to repair facilities sufficient to enable him or her to satisfy the warranty repair obligations imposed by MGL c. 90, § 7N 1/4. (MGL c. 140, § 58.)
- E. The Board of Selectmen shall cause an investigation of the facts stated in the application that the applicant is a qualified person to engage in the business of selling motor vehicles in the Town of Easton. (MGL c. 140, § 59.)
- F. An application for a new Class II license, a transfer of a Class II license or an application for a modification to an existing Class II license must be accompanied by a site plan approved by the Planning & Zoning Board in accordance with Section 7-10 of the Zoning Bylaws. [Amended 11-15-10 STM by Art. 6]
- G. If the applicant has not held a Class II license in the year prior to making of the application, the application must be completed in duplicate, with one copy being filed with the Licensing Authority (Board of Selectmen), and the other copy filed with the Registry of Motor Vehicles. (MGL c. 140, § 59.)
- H. No Class II license shall be granted unless the Licensing Authority is satisfied from its investigation of the facts stated in the application, or other available information, that the applicant is a “proper person.” (MGL c. 140, § 59.)
- I. Any Class II license that is issued by the Licensing Authority shall specify all of the premises to be occupied and used by the licensee for the purposes of carrying on the licensed business. (MGL c. 140, § 59.)

- J. The rules and regulations promulgated by the Registrar of Motor Vehicles defining sufficient repair facilities for holders of Used Car Dealer's Licenses (Class II) represent minimum standards that must be complied with by the holders of such licenses. (MGL c.140, § 58.)
- K. An Applicant for a Class II license must comply with all requirements of the Easton Zoning Bylaws, otherwise such license will not be issued by the Licensing Authority.
- L. All Licenses granted under MGL c. 140, § 59 shall be revoked by the Licensing Authority if it appears, after a hearing, that the licensee is not complying with MGL c. 140, § 57 to 69, inclusive, or the rules and regulations made thereunder.

#### **§ 215-5. Operations criteria.**

- A. No dismantled, incomplete or damaged motor vehicles or parts thereof shall be visible from the streets or to abutters.
- B. All repairs and maintenance of motor vehicles on the premises are to be done inside a building or buildings.
- C. Appropriate fencing may be required if, in the opinion of the Board of Selectmen, it is deemed necessary to control access to the property, or to maintain the aesthetic value of the neighborhood.
- D. The number of motor vehicles for display on the premises shall be limited to the number of vehicles indicated on the Class II license issued by the Board of Selectmen. [Amended 11-15-10 STM by Art. 6]
- E. Business hours shall be from 8:00 a.m. to 9:00 p.m.
- F. The premises and abutting property must be kept free of debris emanating from the licensed area.
- G. Violation of any of the foregoing provisions shall be cause for suspension or revocation by the licensing authority of the license granted. (MGL c. 58, § 59)<sup>3</sup>
- H. The investigation of violations under this Subsection shall be delegated to the Police Department and to the Inspector of Buildings, each of which may enter the licensed premises at reasonable times to inspect and investigate the conditions in order to ensure compliance with the terms of the license or take any other action relative thereto.

#### **§ 215-6. New license application criteria.**

- A. The specific site must be an appropriate location for such use.

<sup>3</sup> Editor's Note: See now MGL c. 140, § 59.

- B. The use of the property for the sale of motor vehicles will not be detrimental to the established or future character of the neighborhood or of the Town of Easton.
- C. The applicant must show that there will be no nuisance or serious hazard to vehicles or pedestrians.
- D. The applicant must show that adequate and appropriate facilities will be provided for the proper operation of the motor vehicle dealership, as specified by State and Town regulations. ..
- E. The Applicant must show that the public convenience and welfare will be substantially served.
- F. The Applicant must show evidence at the time of the public hearing that he or she has notified all abutters of his or her application. Such notice shall be at the sole expense of the applicant. [Added 6-12-1995 STM by Art. 5]

## **Chapter 140: Dealer Licensing. Section 62. Record Keeping.**

Every licensee shall keep a book on the licensed premises, in such form as shall be approved by the registrar, in which, at the time of the purchase, sale, exchange, or receipt for the purpose of sale, of any second hand motor vehicle or parts thereof, shall be legibly written in the English language an account and description of such motor vehicle or parts, with the name and address of the seller, of the purchaser, and of the alleged owner or other person from whom such motor vehicle or parts were purchased or received or to whom they were delivered, as the case may be. Such description, in the case of motor vehicles, shall also include the identifying number or numbers required by the registrar, and shall also include a statement that the identifying number or numbers have been removed, defaced, altered, changed, destroyed, obliterated or mutilated if such is the fact.