

Calendar year 2011

Law Department - License
3rd fl., City Hall
375 Merrimack St.
Lowell, MA 01852

TO THE LICENSE COMMISSION:

The undersigned respectfully makes application for the following type of license:

Special One-Day License for Auctioneer

Name

(Type or print)

(Signature)

Massachusetts Auctioneer #:

(Attach copy of license issued by Division of Standards of Commonwealth of Massachusetts)

Business Street, City, State, Zip Code:

Business Telephone:

Date Filed:

Date of Auction:

Hours:

Location of Auction:

Description of goods to be auctioned:

Estimated value of goods:

License Fee: \$75.00 per day, payable to **City of Lowell**

"by bidder" or in any like capacity, for the purpose of bidding up the price of any goods in competition with bona fide bidders or for the purpose of encouraging or enticing bona fide bidders to purchase, or for the purpose of stimulating competitive bidding or sales; or personally act in such capacity; (g) knowingly accept any false bid to buy, or pretend to sell or buy goods; or (h) knowingly allow any individual who is not licensed to call for bids; provided, however, that an auctioneer may allow an individual who is not licensed to call for bids when such individual is under the direct supervision of an auctioneer licensed in accordance with the provisions of this chapter.

Added by St.1985, c. 618, § 1. Amended by St.1994, c. 361, § 4; St.1996, c. 450, §§ 148, 149; St.1998, c. 161, § 383.

Historical and Statutory Notes

St.1994, c. 361, § 4, approved Jan. 13, 1995, added cl. (h).
 St.1789, c. 25, § 2.
 St.1789, c. 59, § 8.
 St.1795, c. 8, § 2.
 St.1822, c. 87, § 6.
 R.S.1836, c. 29, § 4.
 St.1857, c. 232, § 2.
 G.S.1860, c. 50, §§ 5, 11.
 P.S.1882, c. 67, §§ 5, 11.
 St.1886, c. 289.
 St.1890, c. 449, § 3.
 R.L.1902, c. 64, §§ 10, 13, 14.
 G.L.1932 (Ter.Ed.) c. 100, §§ 9, 11, 12.
 G.L. c. 100, §§ 19, 20, as added by St.1936, c. 209, § 2.

Prior Laws:

St.1772-3, c. 44, § 2.

Library References

Auctions and Auctioneers ⇨7.
 Westlaw Topic No. 47.

C.J.S. Auctions and Auctioneers §§ 1, 16 to 47.

§ 10. Special or annual auction permits

No person shall conduct an auction without a special or annual permit issued by the city or town in which the auction is to be conducted. Application for such a permit shall be filed with the local auction permit agent and shall contain the name of the applicant; the name, address and license number of the auctioneer; the hours between which the auction is to be conducted; the location of the auction; and a general description of the goods to be auctioned. As to a special permit, the estimated value of the goods and the date or dates, not to exceed ten, on which the auction shall be held shall also be included.

Within six business days of the filing of an application for a special permit, the local auction permit agent shall either approve the permit subject to stated reasonable terms and conditions relating to public safety as he may establish, or deny the application on stated grounds, which must be reasonable grounds relating to public safety. Failure of an agent to act within the six business day period shall constitute approval of the application. Upon approval, express or implied, the applicant shall tender to the city or town treasurer the permit fee established by said agent, which fee shall be reasonable.

No person shall be eligible for an annual permit unless he maintains a regular place of business for the conduct of auctioneering in the city or town. Said permit shall be issued or denied on the same terms applicable to a special permit, except that an application which is not acted upon within fourteen days of the date of filing with the local auction permit agent shall be deemed approved. Each annual permit issued shall be valid for a term of one year commencing on the date of the express or implied approval of the application herefor. Any applicant for a special or annual permit who is aggrieved by the action of the local auction permit agent on his application shall be entitled to a public hearing by the appointing authority of the agent in accordance with the provisions of chapter thirty A.

Added by St.1985, c. 618, § 1. Amended by St.1987, c. 375.

Historical and Statutory Notes

St.1987, c. 375, approved Oct. 5, 1987, in the second paragraph, in the first sentence, substituted "six business days" for "three days" in two places.

Prior Laws:

St.1772-3, c. 44, §§ 1, 4.
 St.1773-4, c. 10.
 St.1780, c. 25, §§ 1, 3.
 St.1780, c. 30.
 St.1789, c. 59, §§ 1, 7.
 St.1795, c. 8, §§ 1, 3.
 R.S.1836, c. 29, §§ 1, 2, 12.
 G.S.1860, c. 50, § 1.
 St.1878, c. 244, § 2.

Library References

Auctions and Auctioneers ⇨7.
 Westlaw Topic No. 47.

C.J.S. Auctions and Auctioneers §§ 1, 16 to 47.

Research References

Treatises and Practice Aids
 18 Mass. Prac. Series § 515, Auctioneers.

§ 11. Certain auctions not subject to chapter

The provisions of this chapter shall not apply to any auction held or conducted by an order or judgment of any court of the commonwealth or of the United States or by any officer of a municipality, county or state of the United States; sales held by sheriffs, deputy sheriffs, constables, collectors of taxes, executors, administrators, lien holders, assignees for the benefit of creditors; sales by any other person specifically authorized by law to sell real, personal or mixed property; casual and isolated sales by an owner of his own goods; and any auction held or conducted by any resident member of a charitable, educational, religious or other nonprofit organization within the commonwealth; provided, however, that any person acting as agent for any of the foregoing shall be subject to all of the provisions of this chapter except section ten.

Added by St.1985, c. 618, § 1.