

HOUSE No. 1687

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel B. Winslow

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 consumer protection laws.

PETITION OF:

NAME:

Daniel B. Winslow

DISTRICT/ADDRESS:

9th Norfolk

HOUSE No. 1687

By Mr. Winslow of Norfolk, a petition (accompanied by bill, House, No. 1687) of Daniel B. Winslow relative to plaintiffs in consumer protection actions. The Judiciary.

The Commonwealth of Massachusetts

An Act relative to consumer protection laws.

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

1 PREAMBLE.

2 The General Court finds that:

3 (1) Current Massachusetts statutory law provides that plaintiffs in consumer protection
4 actions must have been “injured by” a method, act or practice that is unlawful under Section 2 of
5 Chapter 93A or any rule or regulation issued thereunder, thus imposing a causation requirement
6 in these actions; and

7 (2) It is necessary for the General Court to clarify the causation requirement in consumer
8 protection actions, to express the original legislative intent behind the consumer protection laws.

9 SECTION 1. Section 9 of chapter 93A of the General Laws, as appearing in the 2010
10 Official Edition, is hereby amended by striking, in paragraph (2), in lines 14 through 22, the
11 words after the phrase “similarly situated” and inserting in place thereof the following words:-

12 , bring such action as a class action under the requirements of the Massachusetts Rules of
13 Civil Procedure, as most recently amended, regarding certification of class actions.

14 SECTION 2. Section 9 of Chapter 93A, as so appearing, is hereby further amended by
15 striking, in paragraph (3), in line 44, the word “shall” and inserting in place thereof the following
16 word:- may.

17 SECTION 3. Section 9 of Chapter 93A, as so appearing, is hereby further amended by
18 inserting at the end thereof the following paragraph:-

19 (9) Each person seeking to recover under this section shall be required to prove that his or
20 her injury and damages were proximately caused by a method, act or practice declared to be
21 unlawful by section two or any rule or regulation issued thereunder. Proof of the existence of an

22 unlawful method, act or practice shall not support an award of damages or other relief without
23 proof that the person seeking recovery suffered an actual injury and that such injury was
24 proximately caused by the unlawful method, act or practice.

25 SECTION 4. This Act is intended to clarify existing Massachusetts law and thus shall
26 take effect immediately upon its passage and shall apply to all actions commenced or pending on
27 or after the effective date of this section.