HOUSE DOCKET, NO. 2286 FILED ON: 1/20/2011

HOUSE . . . . . No. 2283

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:	DISTRICT/ADDRESS:
Daniel B. Winslow	*9th Norfolk*
Steven S. Howitt	*4th Bristol*

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HOUSE . . . . . No. 2283

By Mr. Winslow of Norfolk, a petition (accompanied by bill, House, No. 2283) of Daniel B. Winslow and Steven S. Howitt relative to civil actions for violations of certain consumer protection laws. 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:

SECTION 1. Section 9 of Chapter 93A of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking all the words in paragraph (2) after the phrase "similarly situated" in the first sentence and inserting in place thereof the following:-

" bring such action as a class action in compliance with the Massachusetts Rules of Civil Procedure, as most recently amended, regarding certification of class actions."

SECTION 2. Said section 9 of Chapter 93A, as so appearing, is hereby further amended by adding the following new paragraph:

(5) Each person seeking to recover under this section shall be required to prove that his or her injury and damages were proximately caused by a method, act or practice declared to be unlawful by section two or any rule or regulation issued there under. Proof of the existence of an unlawful method, act or practice shall not support an award of damages or other relief without proof that the person seeking recovery suffered an actual injury and that such injury was proximately caused by the unlawful method, act or practice.

SECTION 3. This Act is intended to clarify existing Massachusetts law and thus shall take effect immediately upon passage and shall apply to all actions commenced or pending on or after the effective date of this section.