

**SENATE . . . . . No. 923**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Bruce E. Tarr***

*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 adoption of the accompanying bill:

**An Act Consumer Legal Equalization Act.**

PETITION OF:

NAME:

*Bruce E. Tarr*

DISTRICT/ADDRESS:

*First Essex and Middlesex*

**SENATE . . . . . No. 923**

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By Mr. Tarr, a petition (accompanied by bill, Senate, No. 923) of Bruce E. Tarr for legislation relative to Consumer Legal Equalization Act. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 821 OF 2013-2014.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**  
\_\_\_\_\_

An Act Consumer Legal Equalization Act.

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

1           SECTION 1. Chapter 223 of the General Laws, as appearing in the 2014 Official Edition,  
2 is hereby amended by striking section 2C in its entirety and inserting in place thereof the  
3 following new section:-

4           Section 2C. Whenever any action or proceeding is transferred to another court under any  
5 provision of section two A, section two B, or section two D, such action or proceeding shall  
6 thereafter proceed in the court to which it is thus transferred as though originally entered there.

7           SECTION 2. Chapter 223 of the General Laws, as appearing in the 2014 Official Edition,  
8 is hereby further amended by inserting, after section 2C, the following new section:-

9           Consolidation of unsecured consumer actions

10           Section 2D. (a) In any action commenced within the district court department of the trial  
11 courts of this Commonwealth, including, without limitation, those commenced as so-called  
12 “small claims actions” under section twenty-one of chapter two hundred and eighteen, against a  
13 natural person based upon any unsecured credit card or other revolving extension of credit to  
14 such natural person, the administrative justice of the district court department of the trial court  
15 shall, upon a motion filed by the defendant in such action within twenty days of the first entry of  
16 a notice of appearance by an attorney authorized to practice law within this Commonwealth on  
17 behalf of such defendant, transfer venue of such action to the division of the district court  
18 department of the trial court so requested in the motion. The defendant making such motion shall  
19 give notice thereof to the clerks or clerk magistrates of the divisions in which said action is  
20 pending, to all other parties to such action, and to the administrative justice of the district court  
21 department of the trial court. Thereafter, no action shall be taken with respect to said action until  
22 it shall be transferred to the division of the district court department of the trial court so  
23 requested in said motion.

24           (b) All hearings, conferences and trials requested by any plaintiff with respect to any  
25 action commenced within the district court department of the trial courts of this Commonwealth,  
26 including, without limitation, those commenced as so-called “small claims actions” under section  
27 twenty-one of chapter two hundred and eighteen, against a natural person based upon any  
28 unsecured credit card or other revolving extension of credit to such natural person, where the  
29 defendant is represented of record by an attorney licensed to practice law within this  
30 Commonwealth, shall be scheduled, subject to mutual agreement between the parties, at a date  
31 and time designated by the defendant’s counsel by a written notice of designation served upon  
32 plaintiff within ten business days of plaintiff’s service upon defendant of such request; provided,

33 however, that the date so designated by the defendant must be (1) no later than forty-five days  
34 after the date of service of plaintiff's request and (2) on a date when the district court in which  
35 the action is pending normally hears such matters.

36 (c) All hearings, conferences and trials set by the district court with respect to any action  
37 commenced within the district court department of the trial courts of this Commonwealth,  
38 including, without limitation, those commenced as so-called "small claims actions" under section  
39 twenty-one of chapter two hundred and eighteen, against a natural person based upon any  
40 unsecured credit card or other revolving extension of credit to such natural person, where the  
41 defendant is represented of record by an attorney licensed to practice law within this  
42 Commonwealth, shall be scheduled, subject to the defendant's right to waive such right or a  
43 mutual agreement between the parties, at a date and time together with all similar hearings,  
44 conferences and trials for all actions filed within any twelve month period where the defendants  
45 are represented by the same counsel of record. It shall be the defendant's responsibility to assure  
46 compliance with this section by notifying the court in which any action is so pending of the need  
47 to consolidate all such actions by giving the clerk and the other parties notice of the required  
48 consolidation within ten business days of the court's serving notice of any such hearings,  
49 conferences or trials.

50 (d) As used in this section, (1) the term "natural person," shall have the meaning assigned  
51 to such term in section two of chapter ninety-three of the General Laws; (2) the term "credit  
52 card," shall have the meaning assigned to such term in section one hundred four of chapter  
53 ninety-three of the General Laws; and (3) the term "extension of credit" shall have the meaning  
54 assigned to such term in section sixty-eight A of chapter ninety-three of the General Laws.