

**HOUSE . . . . . No. 114**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Elizabeth A. Poirier*

*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 providing security to consumers for purchases from certain vendors.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>	<i>1/14/2011</i>
<i>George T. Ross</i>	<i>2nd Bristol</i>	<i>1/25/2011</i>
<i>Robert L. Hedlund</i>		<i>2/3/2011</i>
<i>Steven L. Levy</i>	<i>4th Middlesex</i>	<i>1/23/2011</i>
<i>Stirling Skolnik</i>	<i>41 Owen Street South Attleboro, MA 02703</i>	

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By Ms. Poirier of North Attleborough, a petition (accompanied by bill, House, No. 114) of Elizabeth A. Poirier and others relative to providing consumers with protections from vendors providing retail sales or services in spaces other than fixed building sites. Consumer Protection and Professional Licensure.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 290 OF 2009-2010.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Eleven**  
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An Act providing security to consumers for purchases from certain vendors.

*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. Section 8 of chapter 64H of the General Laws, as appearing in the 2006  
2 Official Edition, is hereby amended by adding the following subsection:-

3           (j) Every vendor providing retail sales or services in a booth, tent, table, kiosk, or other  
4 space that is not the vendor’s fixed building site, shall obtain a surety bond from a licensed  
5 insurance or surety company, guaranteeing repayment of a consumer’s purchase price in the  
6 event of a return by a consumer. The bond shall be written to provide surety for a period of 1  
7 year from date of sublease or license issuance. Any landlord providing sublease space or a  
8 license to use any premises for such retail activity shall be provided a copy of said bond prior to  
9 issuing a sublease or license to use any portion of the premises for such activity and shall retain a  
10 copy of such bond for a period of one year following expiration of the bond. Any city or town

11 authorizing the use of such non-fixed building site for retail sales or services shall be provided a  
12 copy of the above-described surety bond prior to issuing a vendor's license and shall retain a  
13 copy for a period of one year following issuance Every vendor contemplated in this subsection  
14 shall display in a conspicuous site a copy of such bond. Every bond shall be written to guarantee  
15 a minimum return amount of up to \$1000 for a single purchase. All other lawful rights and  
16 remedies shall remain available to any consumer affected by this subsection.