

HOUSE No. 815

The Commonwealth of Massachusetts

PRESENTED BY:

Tackey Chan

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 to require financial institutions to pay late fees when it fails to conduct an electronic transfer.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|--------------------|--------------------|------------------|
| <i>Tackey Chan</i> | <i>2nd Norfolk</i> | <i>1/15/2015</i> |

HOUSE No. 815

By Mr. Chan of Quincy, a petition (accompanied by bill, House, No. 815) of Tackey Chan for legislation to require financial institutions to pay late fees upon failure to conduct electronic transfers. Financial Services.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 866 OF 2013-2014.]

The Commonwealth of Massachusetts

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

An Act to require financial institutions to pay late fees when it fails to conduct an electronic transfer.

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 167B of the General Laws, as appearing in the 2002 official
2 edition, is amended by inserting after section 10 the following new section:-

3 Section 10A. If a financial institution fails to pay a preauthorized transfer authorized by a
4 consumer for any reason other than those stated in section 10, and as a result the consumer is
5 charged with a fine, penalty and/or late charge, by a third party then said financial institution
6 shall pay the third party or reimburse the consumer the fine, penalty and/or charge, and any
7 interest associated with the failure to pay within 5 days of discovering the error by the financial
8 institution or within 5 days of when the consumer reports to the error to the financial consumer.
9 Should a financial institution who willfully and knowingly fails to comply with this section, then

10 a consumer shall be entitled to treble damages as determined under clause (1) of subsection (a) of
11 section 20 from said financial institution.