

SENATE No. 192

The Commonwealth of Massachusetts

PRESENTED BY:

Mark C. Montigny

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 protect consumers from hidden car subscription service fees.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>2/2/2023</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/15/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/17/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>2/23/2023</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>3/28/2023</i>

SENATE No. 192

By Mr. Montigny, a petition (accompanied by bill, Senate, No. 192) of Mark C. Montigny, Susannah M. Whipps, Michael O. Moore, James B. Eldridge and others for legislation to protect consumers from hidden car subscription service fees. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act to protect consumers from hidden car subscription service fees.

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 90 of the General Laws, as appearing in the 2022 Official Edition,
2 is hereby amended by inserting at the end thereof the following new section:-

3 “Section 64. (1) For the purposes of this section, the following words shall have the
4 following meanings:-

5 “Consumer”, a buyer or lessee of a motor vehicle who resides in the commonwealth.

6 “Dealer”, any person or entity engaged in the business of selling, offering for sale,
7 leasing, or offering to lease a motor vehicle to a consumer.

8 “Motor vehicle” or “vehicle”, any vehicle as defined by section 1 that is offered for sale
9 or lease by a dealer to a consumer.

10 “Motor vehicle feature”, any convenience or safety function included on a motor vehicle,
11 including but not limited to, heated seats or driver assistance technology, that is typically offered
12 to a consumer as an upgrade at the time of purchase or lease of a motor vehicle.

13 “Subscription service”, means a service provided on a subscription basis in exchange for
14 a recurring payment, including but not limited to, a weekly, monthly, or annual payment charged
15 to and made by a consumer.

16 (2) No dealer of a motor vehicle shall offer or charge to a consumer a subscription service
17 for any motor vehicle feature that:

18 (i) utilizes components and hardware already installed on the motor vehicle at the time of
19 purchase or lease by the consumer; and

20 (ii) would function after activation without ongoing expense to the dealer, manufacturer,
21 or any third-party service provider; provided, that routine software maintenance and upgrades
22 shall not constitute an ongoing expense.

23 (3) A violation of this section shall be punishable by a fine of not more than \$10,000 for a
24 first offense and not more than \$20,000 for a second or subsequent offense.

25 (4) The registrar shall promulgate regulations to implement this section.

26 SECTION 2. The registrar shall promulgate regulations within one year from the
27 effective date of this act.