

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel Cahill

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 Protecting the Use of Bank Names, Trade Names and Trademarks in Electronic Communications.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Daniel Cahill</i>	<i>10th Essex</i>	<i>1/15/2025</i>

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act Protecting the Use of Bank Names, Trade Names and Trademarks in Electronic Communications.

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 37 of Chapter 167 of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by striking out the second, third, fourth and fifth paragraphs
3 and inserting in place thereof the following 4 paragraphs:-

4 Notwithstanding any general or special law to the contrary, a person, domestic or foreign
5 corporation, partnership, association, limited liability company, business trust, joint venture,
6 societies, or similar entity shall not use the name, trade name or trademark of any bank, federal
7 bank, federal branch, foreign bank, out-of-state bank or out-of-state branch or out-of-state federal
8 bank, as defined in section 1, or any federal credit union or foreign credit union as defined in
9 section 1 of chapter 171, or any subsidiary thereof, in any advertisement or solicitation for
10 products or services, without the express written consent of the financial institution.

11 For the purposes of this section, the word “advertisement” or “solicitation” shall mean a
12 communication including but not limited to a writing, email, text message, direct mail, oral

13 solicitation, internet website, letter, brochures, pamphlets, displays, sales literature and any other
14 form of electronic communication to a specifically identified consumer or which contains
15 specific information on the account or loan of a specifically identified consumer. The word
16 “electronic” shall mean relating to technology having electrical, digital, magnetic, wireless,
17 optical, electromagnetic or similar capabilities.

18 A person, domestic or foreign corporation, partnership, association, limited liability
19 company, business trust, joint venture, societies, or similar entity shall not make reference to an
20 existing bank, federal bank, federal branch, foreign bank, out-of-state bank, out-of-state branch,
21 out-of-state federal bank as defined in section 1 of this chapter, or federal credit union or foreign
22 credit union as defined in section 1 of chapter 171, or any subsidiary thereof, without the express
23 written consent of the bank, federal bank, federal branch, foreign bank, out-of-state bank, out-of-
24 state branch, out-of-state federal bank or federal credit union or foreign credit union as defined in
25 section 1 of chapter 171, or any subsidiary thereof, or make reference to a loan number, loan
26 amount or other specific loan information on the outside of an envelope, visible through the
27 envelope window, or on a postcard in connection with any advertisement or solicitation for
28 products or services to a specifically identified consumer.

29 A person, domestic or foreign corporation, partnership, association, limited liability
30 company, business trust, joint venture, societies, or similar entity shall not include a loan
31 number, loan amount or other specific loan information relative to a specifically identified
32 consumer that is publicly available in an advertisement or solicitation for the purchase of
33 products or services unless the solicitation clearly and conspicuously states in bold-face type on
34 the front page of the correspondence that the person, domestic or foreign corporation,
35 partnership, association, limited liability company business trust, joint venture, societies or

36 similar entity is not sponsored by or affiliated with and that the advertisement or solicitation is
37 not authorized by the bank, federal bank, federal branch, foreign bank, out-of-state bank, out-of-
38 state branch, out-of-state federal bank as defined in section 1, or federal credit union or foreign
39 credit union as defined in section 1 of chapter 171, or any subsidiary thereof. The statement shall
40 include the name, address and the telephone number of the person making the advertisement or
41 solicitation and that any loan information referenced was not provided by the bank, federal bank,
42 federal branch, foreign bank, out-of-state bank, out-of-state branch, out-of-state federal bank or
43 federal credit union or foreign credit union, or any subsidiary thereof. The statements required in
44 this paragraph shall also be given at the time of any oral solicitation to a specifically identified
45 consumer.

46 A person, domestic or foreign corporation, partnership, association, limited liability
47 company, association, business trust, joint venture, societies or similar entity, which is
48 considered to have violated this section, shall be considered to have engaged in an unfair and
49 deceptive practice and shall be a violation of chapter 93A.