

**HOUSE . . . . . No. 107**

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The Commonwealth of Massachusetts

PRESENTED BY:

*James J. Dwyer*

*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 establishing the Massachusetts travelers bill of rights.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Michael D. Brady</i>	<i>9th Plymouth</i>
<i>Nick Collins</i>	<i>4th Suffolk</i>
<i>Thomas P. Kennedy</i>	

**HOUSE . . . . . No. 107**

By Mr. Dwyer of Woburn, a petition (accompanied by bill, House, No. 107) of James J. Dwyer and others establishing a travelers bill of rights. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act establishing the Massachusetts travelers bill of rights.

*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 93 of the Generals Laws, as appearing in the 2008 Official Edition,  
2 is hereby amended by inserting after section 114 the following new section:-

3 Section 115. (a) As used in this section, the following words shall, unless the context  
4 clearly requires otherwise, have the following meanings:-

5 “International travel service,” a service that a consumer can use to reserve lodging at an  
6 overseas vacation destination.

7 “Office,” the office of consumer affairs and business regulation

8 “Overseas vacation destination”, a resort, hotel, retreat, hostel, or any other similar  
9 lodging outside the United States.

10 “Site Operator,” an individual or entity that operates a web site that provides access to  
11 international travel services including an overseas vacation destination or a third party that  
12 operates a web site that offers international travel services.

13 “United States” each of the fifty States, the District of Columbia, the Commonwealth of  
14 Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the  
15 Northern Mariana Islands.

16 (b) A site operator, in a manner in compliance with regulations issued by the office of  
17 consumer affairs and business regulations, shall provide information on its web site to consumers  
18 in a clear and conspicuous manner regarding the potential health and safety risks associated with  
19 overseas vacation destinations marketed on its web site, if any, including the following:

20 (1) Information compiled by the Department of State, including Department of State  
21 country-specific travel warnings and alerts;

22 (2) Information regarding the onsite health and safety services that are available to  
23 consumers at each overseas vacation destination, including whether the destination:--

24 (i) employs or contracts with a physician or nurse on the premises to provide medical  
25 treatment for guests;

26 (ii) employs or contracts with personnel, other than a physician, nurse, or lifeguard, on  
27 the premises who are trained in cardiopulmonary resuscitation;

28 (iii) has an automated external defibrillator and employs or contracts with 1 or more  
29 individuals on the premises trained in its use; and

30 (iv) employs or contracts with 1 or more lifeguards on the premises trained in  
31 cardiopulmonary resuscitation, if the overseas vacation destination has swimming pools or other  
32 water-based activities on its premises, or in areas under its control for use by guests; or

33 (3) Information that services are not available 24 hours a day. If the onsite health and  
34 safety services at an overseas vacation destination are not available 24 hours a day, 7 days a  
35 week, the site operator shall display the hours and days of availability on its web site in a clear  
36 and conspicuous manner.

37 (c) If the onsite health and safety services described in paragraph (2) are not available at  
38 an overseas vacation destination, or if the site operator does not possess information on the onsite  
39 health and safety services required to be displayed on its web site, the site operator shall display  
40 in a clear and conspicuous manner the following notification:-- “This destination does not  
41 provide certain health and safety services, or information regarding such services is not  
42 available. Travel to this destination may pose an increased risk to your health or safety”.

43 (d) A site operator shall establish a process under which an overseas vacation destination  
44 will be suspended from its web site as a result of complaints from consumers to the site operator  
45 regarding poor medical care, unsafe or unsanitary facilities, or other health or safety-related  
46 issues with respect to such destination.

47 (e) A site operator shall make all complaints submitted by consumers publicly available  
48 on its web site and may modify the contents of such complaints at the request of the complainant  
49 or may remove offensive language and personal identification information.

50 (f) A violation of any provision of this section shall be treated as a violation of a rule  
51 defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal  
52 Trade Commission Act (15 U.S.C. 57a(a)(1)(B)) set forth in section 2 of chapter 93A. The office  
53 of consumer affairs and business regulation shall enforce this act in the, by the same means, and

54 with the same jurisdiction as though all applicable terms and provisions of the Federal Trade  
55 Commission Act were incorporated into and made a part of this act.

56 SECTION 2. The office of consumer affairs and business regulation shall issue  
57 regulations to carry out this act not later than six months after the effective date of this act.