

similar nature, may properly and legally invest funds, including capital in their control or belonging to them, and such bonds are hereby made obligations which may properly and legally be made eligible for the investment of savings deposits and the income thereof in the manner provided by section fifty of chapter one hundred and sixty-eight of the General Laws. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the commonwealth for any purpose for which the deposit of bonds or other obligations of the commonwealth is now or may hereafter be authorized by law.

SECTION 4. The first sentence of section 15A of said chapter 354, as amended by chapter 528 of the acts of 1968, is hereby further amended by striking out, in line 2, the word "and".

Approved August 13, 1969.

Chap. 689. AN ACT MAKING CERTAIN CORRECTIVE CHANGES IN THE LAW RELATIVE TO THE MASSACHUSETTS TURNPIKE AUTHORITY'S TUNNEL REVENUE BONDS.

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section 8 of chapter 598 of the acts of 1958 is hereby amended by striking out the seventh sentence and inserting in place thereof the following sentence: — All bonds issued under the provisions of this act shall have and are hereby declared to have all the qualities and incidents, including negotiability of investment securities, under the Uniform Commercial Code.

SECTION 2. Section 14 of said chapter 598 is hereby amended by striking out, in line 5, the word "forty" and inserting in place thereof the word: — fifty-four.

Approved August 13, 1969.

Chap. 690. AN ACT PROVIDING CIVIL REMEDIES TO A PERSON INJURED BY ANY ACT OR PRACTICE DECLARED UNFAIR OR DECEPTIVE BY THE CONSUMER PROTECTION ACT.

Be it enacted, etc., as follows:

Chapter 93A of the General Laws is hereby amended by adding the following two sections: —

Section 9. (1) Any person who purchases or leases goods or services primarily for personal, family or household purposes and thereby suffers any loss of money or property, real or personal, as a result of the use or employment by another person of an unfair or deceptive act or practice declared unlawful by section two and by any rule or regulation issued under said section three C may, as hereinafter provided, bring an action in the superior court in equity for damages and such equitable relief, including an injunction, as the court deems to be necessary and proper.

(2) Any persons entitled to bring such action may, if the use or employment of the unfair or deceptive act or practice has caused similar injury to numerous other persons similarly situated and if the court finds in a preliminary hearing that he adequately and fairly represents such other persons, bring the action on behalf of himself and such other

similarly injured and situated persons; the court shall require that notice of such action be given to unnamed petitioners in the most effective practicable manner. Such action shall not be dismissed, settled or compromised without the approval of the court, and notice of any proposed dismissal, settlement or compromise shall be given to all members of the class of petitioners in such manner as the court directs.

(3) At least thirty days prior to the filing of any such action, a written demand for relief, identifying the claimant and reasonably describing the unfair or deceptive act or practice relied upon and the injury suffered, shall be mailed or delivered to any prospective respondent. Any person receiving such a demand for relief who, within thirty days of the mailing or delivery of the demand for relief, makes a written tender of settlement which is rejected by the claimant may, in any subsequent action, file the written tender and an affidavit concerning its rejection and thereby limit any recovery to the relief tendered if the court finds that the relief tendered was reasonable in relation to the injury actually suffered by the petitioner. In all other cases, if the court finds for the petitioner, recovery shall be in the amount of actual damages or twenty-five dollars, whichever is greater; or up to three but not less than two times such amount if the court finds that the use or employment of the act or practice was a willful or knowing violation of said section two or that the refusal to grant relief upon demand was made in bad faith with knowledge or reason to know that the act or practice complained of violated said section two. In addition, the court shall award such other equitable relief, including an injunction, as it deems to be necessary and proper. The demand requirements of this paragraph shall not apply if the prospective respondent does not maintain a place of business or does not keep assets within the commonwealth, but such respondent may otherwise employ the provisions of this section by making a written offer of relief and paying the rejected tender into court as soon as practicable after receiving notice of an action commenced under this section.

(4) If the court finds in any action commenced hereunder that there has been a violation of section two, the petitioner shall, in addition to other relief provided for by this section and irrespective of the amount in controversy, be awarded reasonable attorney's fees and costs incurred in connection with said action; provided, however, the court shall deny recovery of attorney's fees and costs which are incurred after the rejection of a reasonable written offer of settlement made within thirty days of the mailing or delivery of the written demand for relief required by this section.

Section 10. Upon commencement of any action brought under section nine, the clerk of the court shall mail a copy of the bill in equity to the attorney general and, upon entry of any judgment or decree in the action, the clerk of the court shall mail a copy of such judgment or decree to the attorney general.

Any permanent injunction or order of the court made under section four shall be prima facie evidence in an action brought under section nine that the respondent used or employed an unfair or deceptive act or practice declared unlawful by section two.

Approved August 13, 1969.