

HOUSE No. 1156

By Mr. Aguiar of Swansea, petition of the Association of Mass. Consumers, Inc., Antone S. Aguiar, Jr., Richard H. Demers, William R. Keating, Robert F. Larkin, Jr., and Daniel F. Pokaski for legislation to further regulate business practices for consumer protection. Commerce and Labor.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Nine.

AN ACT FURTHER REGULATING BUSINESS PRACTICES FOR CONSUMER PROTECTION.

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 4 of chapter 93A as most recently
2 amended by chapter 544 of the acts of 1972 is hereby amended by
3 adding after the words "unlawful" in the first sentence the words
4 "and whenever a district attorney has reason to believe that such
5 person is using or is about to use any such method, act or practice
6 within his district,"

1 SECTION 2. The second paragraph of said section 4 of said
2 chapter 93A is hereby amended by adding after the words
3 "attorney general" in the first sentence the words "or the district
4 attorney."

1 SECTION 3. The third paragraph of said section 4 of said
2 chapter 93A is hereby amended by striking in the first line the
3 words "district attorney or" and by striking the period at the end of
4 the paragraph and inserting in place thereof "or the district
5 attorney".

1 SECTION 4. The fifth paragraph of said section 4 of said
2 chapter 93A is hereby amended by adding after the words
3 "attorney general" the words "or the district attorney".

1 SECTION 5. The first sentence of section 5 of said chapter 93A
2 is hereby amended by adding after the words "the attorney
3 general" the words "or the district attorney".

1 SECTION 6. The seventh sentence of section 5 of said chapter
2 93A is hereby amended by adding after the words "attorney
3 general" the words "or the district attorney".

1 SECTION 7. The last sentence of section 5 of said chapter 93A
2 is hereby amended by striking the period and adding the words "or
3 any district attorney".

1 SECTION 8. Section 6(1) of said chapter 93A is hereby
2 amended by adding after the word "chapter" in the first sentence
3 the following:— "and a district attorney, whenever he believes a
4 person has engaged in or is engaging in any such method, act, or
5 practice within his district."

1 SECTION 9. Section 6(1) of said chapter 93A is hereby
2 amended by striking the last sentence and inserting in place thereof
3 the following:—

4 "such testimony and examination if conducted by the attorney
5 general shall take place in the county where such person resides or
6 has a place of business or, if the person is a nonresident or has no
7 place of business within the commonwealth, in Suffolk County.

8 If such testimony is taken or examination is conducted by a
9 district attorney it may take place in any of the places enumerated
10 in the preceding sentence, or in the county within the district
11 attorney's district in which it appears, as set out in the notice
12 described in paragraphs (2) and (4) of this section, that the cause for
13 such testimony or examination has arisen."

1 SECTION 10. Section 6(2) of said chapter 93A is hereby
2 amended by adding after the words "attorney general" the words
3 "or the district attorney."

1 SECTION 11. Section 6(4) of said chapter 93A is hereby
2 amended by adding after the words "attorney general's staff" the
3 words "or the district attorney's staff".

1 SECTION 12. Section 6(6) of said chapter 93A is hereby
2 amended by adding after the words "the attorney general" the
3 words "or the district attorney".

1 SECTION 13. The second paragraph of section 7 of said
2 chapter 93A is hereby amended by striking the first sentence and
3 inserting in place thereof the following: —

4 "the attorney general or the district attorney may file in the
5 superior court of the county in which such person resides or has his
6 principal place of business, or of Suffolk County if such person is a
7 non-resident or has no principal place of business in the
8 commonwealth or of the county where such testimony or
9 examination is to take place as set out in the notice described in
10 paragraphs (2) and (4) of section 6 of this chapter or any county
11 adjoining thereto, and served upon such person, in the same
12 manner as provided in section 6, a petition for an order of such
13 course for the enforcement of this section and of section 6.

1 SECTION 14. Section 10 of said chapter 93A is hereby
2 amended by striking the first paragraph and inserting in place
3 thereof the following: —

4 Prior to the bringing of any action under Chapter 93A, the
5 district attorney shall at least 14 days prior to the commitment
6 notify the attorney general of his intentions. If the attorney general
7 objects to the intentions of the district attorney and so notifies him
8 of his objections, no such action shall be commenced.

9 "upon commencement of any action brought under section 9,
10 the clerk of the court shall mail a copy of the bill in equity to the
11 attorney general and to the district attorney in whose district the
12 action is brought, and, upon entry of any judgment or decree to the
13 attorney general or the said district attorney shall have standing to
14 intervene as a party in such action."

