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By Mr. McIntyre, a petition of James R. McIntyre for legislation to provide relief for unconscionable consumer transactions. Commerce and Labor.

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## The Commonwealth of Massachusetts

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

### AN ACT TO PROVIDE RELIEF FOR UNCONSCIONABLE CONSUMER TRANSACTIONS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 255 of the General Laws is hereby amended by  
2 inserting after section 12D the following section: —

3 *Section 12E.* With respect to any transaction entered into  
4 by a consumer for his own personal, family or household  
5 purposes, if a court as a matter of law finds that the  
6 transaction or any aspect of the transaction to have been  
7 unconscionable at the time it is entered into, the court may  
8 refuse to enforce the transaction against the consumer, or it  
9 may so limit the application of any unconscionable aspect as  
10 to avoid any unconscionable result. If the court so finds that  
11 the transaction or any part thereof is unconscionable, the  
12 court may assess costs and reasonable attorney fees upon the  
13 seller and security holder.

14 For purpose of this section a consumer who is a party to  
15 a consumer transaction may, no matter what amount is in-  
16 volved in the transaction, bring action in the superior court  
17 to have declared unconscionable any transaction or aspect of  
18 a transaction, including the amount of interest or finance  
19 charge, and to seek any other appropriate relief, including  
20 but not limited to damages and restraining order.

21 When it is claimed or appears to the court that the  
22 transaction or aspect thereof may be unconscionable the  
23 parties shall be afforded a reasonable opportunity to present  
24 evidence as to its commercial setting, purpose and effect to  
25 aid the court in making its determination.

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