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By Mr. Shannon, a petition (accompanied by bill, Senate, No. 99) of Charles E. Shannon, Patricia D. Jehlen, Bruce E. Tarr and Cheryl A. Jacques for legislation to limit the amount a retailer may charge as a restocking fee. Commerce and Labor.

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**The Commonwealth of Massachusetts**

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

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AN ACT TO REGULATE RESTOCKING FEES.

*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. This act shall be known and may be cited as the  
2 "Massachusetts Restocking Fee Regulatory Act."

1 SECTION 2. This act limits the amount a retailer may charge  
2 as a restocking fee.

1 SECTION 3. Section 1 of Chapter 93A of the General Laws, as  
2 appearing in the 1996 Official Edition, is hereby amended by  
3 adding the following paragraphs:—

4 (e) "Consumer" shall include an individual who purchases,  
5 uses, maintains, or disposes of products or services.

6 (f) "Product" shall include any goods sold or intended to be  
7 sold.

8 (g) "Retailers" shall include an individual or entity which sells  
9 goods to a consumer.

10 (h) "Restocking fee" shall include any restocking, return, or  
11 other fee, that a retailer charges, for any purpose, that tends to  
12 reduce the amount of refund a consumer receives.

1 SECTION 4. Section 2 of chapter 93A of the General Laws, as  
2 appearing in the 1997 Official Edition, is hereby amended by  
3 adding the following paragraphs:—

4 (c) A retailer shall not charge a consumer a restocking fee in  
5 excess of:

6 (1) 10% of the purchase price, if the product is less than or  
7 equal to \$1,000; or

8 (2) \$100, if the purchase price of the product is greater than  
9 \$1,000.

10 (d) Violations of subsection (c) of this section shall constitute  
11 an unfair or deceptive act.