HOUSE DOCKET, NO. 489 FILED ON: 1/18/2011

HOUSE . . . . . No. 107

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 passage of the accompanying:

An Act establishing the Massachusetts travelers bill of rights.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James J. Dwyer	*30th Middlesex*
Cory Atkins	*14th Middlesex*
Jennifer E. Benson	*37th Middlesex*
Michael D. Brady	*9th Plymouth*
Nick Collins	*4th Suffolk*
Thomas P. Kennedy	
	☐ *[District]*
	☐

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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

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:

SECTION 1. Chapter 93 of the Generals Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after section 114 the following new section:-

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

"International travel service," a service that a consumer can use to reserve lodging at an overseas vacation destination.

"Office," the office of consumer affairs and business regulation

"Overseas vacation destination", a resort, hotel, retreat, hostel, or any other similar lodging outside the United States.

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

"United States" each of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

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

(1) Information compiled by the Department of State, including Department of State 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.