HOUSE DOCKET, NO. 3382 FILED ON: 2/18/2011

HOUSE . . . . . No. 3348

The Commonwealth of Massachusetts

PRESENTED BY:

Paul McMurtry

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 to protect consumer rights.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Brian M. Ashe	*2nd Hampden*
Paul McMurtry	*11th Norfolk*

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HOUSE . . . . . No. 3348

By Mr. McMurtry of Dedham, a petition (accompanied by bill, House, No. 3348) of Brian M. Ashe and Paul McMurtry relative to protecting the rights of consumers with companies engaged in the business of selling, trading or bartering jewelry. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

An Act to protect consumer 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 General Laws is hereby amended by inserting, after section 70, the following section:-

Section 70A. Any person or company that is engaged in the business of selling, trading or bartering jewelry, including, but not limited to, gold and silver, other precious metals, and coins shall retain any such jewelry, precious metals, or coins deposited with him as part of the sale, trade or barter for no less than 6 business days after the date of deposit; provided, however, that the person with whom said person or company transacted the sale, trade or barter shall be entitled to a 5-day right of rescission of said transaction. No jewelry, precious metals or coins shall be sold, traded, redeemed or disposed of otherwise than as provided in this section, any agreement or contract between the parties thereto to the contrary notwithstanding. Any person or company that violates the provisions of this section shall be punished by a fine of not more than $1,000 or by imprisonment in a jail or house of correction for not more than 2 years, or by both such fine and imprisonment; and provided, further, that they shall pay to the consumer an amount equal to three times the value of the jewelry, precious metals or coins deposited as part of the sale, trade or barter.

Violations of any provision of this section shall also constitute an unfair and deceptive trade practice under the provisions of chapter 93A. Such violations may be reported to the office of the attorney general or the director of consumer affairs and business regulation. The office of the attorney general may make such rules and regulations as are necessary to carry out the purposes of this section.