HOUSE DOCKET, NO. 2386 FILED ON: 2/18/2011

HOUSE . . . . . No. 3360

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas A. Golden, Jr.

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 relative to photocopier eraser.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Thomas A. Golden, Jr.	*16th Middlesex*

HOUSE DOCKET, NO. 2386 FILED ON: 2/18/2011

HOUSE . . . . . No. 3360

By Mr. Golden of Lowell, a petition (accompanied by bill, House, No. 3360) of Thomas A. Golden, Jr. relative to liability for the misuse of private data or images on photocopiers. The Judiciary.

The Commonwealth of Massachusetts

An Act relative to photocopier eraser.

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 18B, the following section:-

Section 18C. No person shall sell a photocopier machine in the commonwealth unless they provide a notice or written warning, conspicuously displayed on top of the machine, stating that the photocopier does or does not contain an eraser that deletes and destroys any previously captured picture from the copier's hard drive. The notice shall also inform the user of the risk of retention of such private data or images.

Any person who violates this section shall be subject to a civil fine of up to $50,000 and shall be liable for the misuse of any private data or images. If the court finds for the party whose private data or images were misused, recovery shall be in the amount of actual damages; or up to three, but not less than two, times such amount if the court finds that the act or practice was a willful or knowing violation of this section.

The attorney general may bring an action pursuant to section 4 of chapter 93A against a person or otherwise to remedy violations of this section and for other relief that may be appropriate.