

HOUSE No. 954

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel Cahill

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 adoption of the accompanying bill:

An Act protecting the use of bank names, trade names and trademarks in electronic communications.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Daniel Cahill</i>	<i>10th Essex</i>	<i>1/18/2023</i>

HOUSE No. 954

By Representative Cahill of Lynn, a petition (accompanied by bill, House, No. 954) of Daniel Cahill relative to the use of bank names, trade names and trademarks in electronic communications. Financial Services.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act protecting the use of bank names, trade names and trademarks in electronic communications.

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. Section 37 of Chapter 167 of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by striking out the second, third, fourth and fifth paragraphs
3 and inserting in place thereof the following 4 paragraphs:-

4 Notwithstanding any general or special law to the contrary, a person, domestic or foreign
5 corporation, partnership, association, limited liability company, business trust, joint venture,
6 societies, or similar entity shall not use the name, trade name or trademark of any bank, federal
7 bank, federal branch, foreign bank, out-of-state bank or out-of-state branch or out-of-state federal
8 bank, as defined in section 1, or any federal credit union as defined in section 1 of chapter 171,
9 or any subsidiary thereof, in any advertisement or solicitation for products or services, without
10 the express written consent of the financial institution.

11 For the purposes of this section, the word “advertisement” or “solicitation” shall mean a
12 communication including but not limited to a writing, email, text message, direct mail, oral
13 solicitation, internet website, letter, brochures, pamphlets displays sales literature and any other
14 form of electronic communication to a specifically identified consumer or which contains
15 specific information on the account or loan of a specifically identified consumer. The word
16 “electronic” shall mean relating to technology having electrical, digital, magnetic, wireless,
17 optical, electromagnetic or similar capabilities.

18 A person, domestic or foreign corporation, partnership, association, limited liability
19 company, business trust, joint venture, societies, or similar entity shall not make reference to an
20 existing bank, federal bank, federal branch, foreign bank, out-of-state bank, out-of-state branch,
21 out-of-state federal bank as defined in section 1 of this chapter, or federal credit union as defined
22 in section 1 of chapter 171, or any subsidiary thereof, without the express written consent of the
23 bank, federal bank, federal branch, foreign bank, out-of-state bank, out-of-state branch, out-of-
24 state federal bank or federal credit union, or any subsidiary thereof, or make reference to a loan
25 number, loan amount or other specific loan information on the outside of an envelope, visible
26 through the envelope window, or on a postcard in connection with any advertisement or
27 solicitation for products or services to a specifically identified consumer.

28 A person, domestic or foreign corporation, partnership, association, limited liability
29 company, business trust, joint venture, societies, or similar entity shall not include a loan
30 number, loan amount or other specific loan information relative to a specifically identified
31 consumer that is publicly available in a advertisement or solicitation for the purchase of products
32 or services unless the solicitation clearly and conspicuously states in bold-face type on the front
33 page of the correspondence that the person, domestic or foreign corporation, partnership,

34 association, limited liability company business trust, joint venture, societies or similar entity is
35 not sponsored by or affiliated with and that the advertisement or solicitation is not authorized by
36 the bank, federal bank, federal branch, foreign bank, out-of-state bank, out-of-state branch, out-
37 of-state federal bank as defined in section 1, or federal credit union as defined in section 1 of
38 chapter 171, or any subsidiary thereof. The statement shall include the name, address and the
39 telephone number of the person making the advertisement or solicitation and that any loan
40 information referenced was not provided by the bank, federal bank, federal branch, foreign bank,
41 out-of-state bank, out-of-state branch, out-of-state federal bank or federal credit union, or any
42 subsidiary thereof. The statements required in this paragraph shall also be given at the time of
43 any oral solicitation to a specifically identified consumer.

44 A person, domestic or foreign corporation, partnership, association, limited liability
45 company, association, business trust, joint venture, societies or similar entity, which is
46 considered to have violated this section, shall be considered to have engaged in an unfair and
47 deceptive practice and shall be a violation of chapter 93A.