

# Index

## **ARBITRATION**

- Agreement, nonsignatories, obligation to arbitrate, § **5:43.50**
- Unconscionability, obligation to arbitrate, nonsignatories to arbitration agreement, § **5:43.50**

## **ASSISTED LIVING FACILITIES**

- Hospitals, nursing homes, and assisted living facilities, this index

## **BANKS AND BANKING**

- Electronic banking (See Electronic banking)
- Minors, § **30:82**
- Senior citizens, § **30:82**

## **CHILDREN AND MINORS**

- Banking services, § **30:82**

## **COLLECTION OF DEBTS**

- Revolving credit agreements, § **16:36.50**

## **CONSUMER PRICE SCANNER SYSTEM**

- Food, drugs, and cosmetics, price disclosure law, § **24:96**

## **CONTRACTS AND AGREEMENTS**

- Marital contracts, § **1:37.50**
- Postnuptial contracts, § **1:37.50**

## **CORRECTIONAL INSTITUTIONS**

- Telephones, inmate calling services, § **27:23.50**

## **DAMAGES**

- Death of party, multiple damages, § **4:64.50**
- Federal diversity action, multiple damages, § **4:67.50**
- Multiple damages
  - death of party, § **4:64.50**
  - federal diversity action, § **4:67.50**

## **DECORATIVE AND SEASONAL LIGHTING PRODUCTS**

- Product safety, § **7:101.50**

## **DISCLOSURE**

- Schools and educational programs, required disclosures, § **23:13.50**

## **DRUG QUALITY AND SECURITY ACT OF 2013**

- Generally, § **24:71.50**

## **ELDERLY PERSONS**

- Banking services, § **30:82**
- Home care workers, information collected by Department of Elder Affairs, § **30:84**

## **ELECTRONIC BANKING**

- Disclosures, prepaid accounts
  - required disclosures, § **21:55**
- Overdraft credit features, hybrid accounts, § **21:56**
- Prepaid financial products
  - generally, § **21:54**
  - hybrid accounts, overdraft credit features, § **21:56**
  - required disclosures, prepaid accounts, § **21:55**
- Remittance transfers
  - generally, § **21:47**
  - error resolution, § **21:53**
  - foreign language disclosures, § **21:52**
  - initial notice to sender, § **21:48**
  - oral disclosures for telephone requests, § **21:50**
  - receipt when sender makes payment, § **21:49**
  - storefront and internet notices, § **21:51**

## **EXPERIMENTAL TREATMENT**

- Terminally ill patients, § **24:68.50**

**FEDERAL DIVERSITY ACTION**

Unfair or deceptive acts, multiple damages, § 4:67.50

**FOOD, DRUGS, AND COSMETICS**

Consumer price scanner system, prices, § 24:96, 24:96.50

Drug Quality and Security Act of 2013, § 24:71.50

Experimental treatment of terminally ill patients, § 24:68.50

Identity and quality of drugs

Drug Quality and Security Act of 2013, § 24:71.50

experimental treatment of terminally ill patients, § 24:68.50

prior authorization, duties of pharmacists, § 24:76.50

Individual item pricing system, price disclosure law, § 24:95, 24:96.50

Prices

consumer price scanner system, price disclosure law, § 24:96

individual item pricing system, price disclosure law, § 24:95

regulation systems, requirements common to individual item and consumer scanner, § 24:96.50

requirements common to regulation systems, § 24:96.50, 24:96.50

Prior authorization, duties of pharmacists, § 24:76.50

Requirements common to price regulation systems, § 24:96.50, 24:96.50

**FORECLOSURE**

Tenant protections, § 29:78

**FOR-PROFIT SCHOOL OR EDUCATIONAL PROGRAM**

Disclosures requirement, § 23:13.50, 23:13.50

Prohibited practices, § 23:15.50, 23:15.50

**HIGH-COST INSTALLMENT LOANS**

Current developments, § 8:21.50

**HOME CARE WORKERS**

Generally, § 30:83

Department of Elder Affairs, information collected by, § 30:84

**HOSPITALS, NURSING HOMES, AND ASSISTED LIVING FACILITIES**

Activities of ombudsman, § 25:31

Complaint resolution procedure, ombudsman, § 25:32

Enforcement of patient rights, generally, § 25:29 to 25:37

Financial practices of nursing homes and assisted living facilities, § 25:4

Functions of ombudsman, § 25:31

Long term care insurance, generally, § 25:38 to 25:41

Ombudsman, § 25:30 to 25:32

Security deposits, nursing homes and assisted living facilities, § 25:4

**HOUSEHOLD APPLIANCES**

Product safety, seasonal and decorative lighting products, § 7:101.50

**HUSBAND AND WIFE**

Contracts, postnuptial or marital, § 1:37.50

**INDIVIDUAL ITEM PRICING SYSTEM**

Food, drugs, and cosmetics, price disclosure law, § 24:95

**INSTALLMENT SALES**

Revolving credit agreements, collection actions, § 16:36.50

**INSURANCE**

Long-term care insurance, generally, § 25:38 to 25:41

**LANDLORD AND TENANT**

Tenant protections in foreclosed properties, § 29:78

## INDEX

### LEASES

Eviction by foreclosing owner,  
§ 29:78

### LIGHTS AND LIGHTING

Product safety, decorative and  
seasonal lighting products,  
§ 7:101.50

### LONG TERM CARE INSURANCE

Generally, § 25:38 to 25:41  
Coverage outline, § 25:41  
Policy conditions prohibited, § 25:39  
Rescission rights, § 25:40

### MILITARY PERSONNEL

Financial products and services,  
unconscionability, § 5:50

### MORTGAGES

Ability to repay, standards for,  
§ 15:48.20, 15:48.20  
Compulsory arbitration, prohibition,  
§ 15:48.40, 15:48.40  
Cure of default, rights of mortgagor,  
§ 28:83.30  
Foreclosure rescue transactions,  
§ 28:83.70  
Mandatory disclosures in sale or  
transfer of residential mortgage  
loans, § 15:48.10, 15:48.10  
Mandatory loan modification efforts,  
§ 15:48.60  
Modification of loan, mandatory  
efforts, § 15:48.60  
Negative amortization, required  
disclosures, § 15:48.50,  
15:48.50  
Predatory home loan practices,  
§ 15:48  
Prepayment penalties, restrictions on,  
§ 15:48.30, 15:48.30  
Sale or transfer of residential  
mortgage loans, mandatory  
disclosures, § 15:48.10,  
15:48.10

### MOTOR VEHICLES

Rentals, lessor's liability to third  
party, § 26:127, 26:127

### OMBUDSMAN

Hospitals and nursing homes, § 25:30  
to 25:32

### PAYDAY LOANS

Current developments, § 8:21.50

### PHARMACISTS

Duties, prior authorization,  
§ 24:76.50

### PREDATORY HOME LOAN PRACTICES

Mortgages, § 15:48

### PRODUCT SAFETY

Household appliances, seasonal and  
decorative lighting products,  
§ 7:101.50  
Seasonal and decorative lighting  
products, § 7:101.50  
Structural components, § 7:100

### PUBLIC UTILITIES

Correctional institutions, inmate call-  
ing services, § 27:23.50

### QUALITY OF PRODUCT

Drug Quality and Security Act of  
2013, § 24:71.50

### REMITTANCE

See Electronic Banking

### REVOLVING CREDIT AGREEMENTS

Collection actions, § 16:36.50

### SCHOOL OR EDUCATIONAL PROGRAM

Disclosures requirement, § 23:13.50  
Prohibited practices, § 23:15.50  
Proprietary schools  
disclosures requirement,  
§ 23:13.50  
prohibited practices, § 23:15.50

### SEASONAL AND DECORATIVE LIGHTING PRODUCTS

Product safety, § 7:101.50

### SECURITY DEPOSITS

Nursing homes and assisted living  
facilities, § 25:4

**SIGNATURES**

Unconscionability, nonsignatories to arbitration agreement, obligation to arbitrate, § 5:43.50

**STRUCTURAL COMPONENTS**

Product safety, § 7:100

**TELEPHONES**

Correctional institutions, inmate calling services, § 27:23.50

**TRUTH IN LENDING**

High-cost installment loans, current developments, § 8:21.50, 8:21.50

Payday loans, current developments, § 8:21.50, 8:21.50

Vehicle title loans, current developments, § 8:21.50, 8:21.50

**UNCONSCIONABILITY**

Disclosures by life settlement providers, § 5:58

Life insurance, life settlements, § 5:56 to 5:60

**UNCONSCIONABILITY—Cont'd**

Life settlement brokers, disclosures by, § 5:59

Life settlement contracts, procedures relating to, § 5:60

Military personnel, financial products and services, § 5:50

Nonsignatories to arbitration agreement, obligation to arbitrate, § 5:43.50

**UNFAIR OR DECEPTIVE ACTS**

Death of party, multiple damages, § 4:64.50

Federal diversity action, multiple damages, § 4:67.50

Multiple damages, § 4:64.50, 4:67.50

Remedies

Death of party, multiple damages, § 4:64.50

Federal diversity action, multiple damages, § 4:67.50

**VEHICLE TITLE LOANS**

Current developments, § 8:21.50

# Index

## **ABUSIVE PRACTICES**

- Collection of debts, 20:113
- Hospitals and nursing homes, 25:17, 25:18, 25:35 to 25:37
- Telephone or mail order transactions, 3:23

## **ACCEPTANCE**

- Contracts, 1:5, 1:6

## **ACCIDENT AND HEALTH INSURANCE**

- Credit insurance, 18:10

## **ACCURACY**

- Truth in lending disclosures, 10:24, 10:25, 10:72

## **ACKNOWLEDGMENTS**

- Installment sales, 16:18

## **ADHESION CONTRACTS**

- Unconscionability, 5:26 to 5:28
- Unfair or deceptive acts, 4:33

## **ADHESIVES**

- Product safety, 7:106

## **ADMINISTRATIVE ENFORCEMENT AND PENALTIES**

- Advertising, Federal Trade Commission, 2:21 to 2:29
- Credit insurance, 18:28, 18:29
- Credit repair organizations, 17:115
- Electronic banking, 21:40, 21:41
- Fair Debt Collection Practices Act, 20:12
- Fraud on administrative agency, 4:39
- Home improvement contractors, 28:90
- Installment sales, 16:63
- Insurance premium financing, 16:63
- Interstate Land Sales Full Disclosure Act, 28:25
- Lead paint, 29:48

## **ADMINISTRATIVE**

### **ENFORCEMENT AND PENALTIES—Cont'd**

- Mail fraud, 3:37
- Odometer laws, 26:44
- Public Utilities, this index
- Telephones, 27:61, 27:63, 27:69
- Third-party financing, 19:32
- Truth in Lending, this index
- Truth in savings, 22:16

## **ADMISSIONS**

- Frauds, statute of, 1:24

## **ADULTERATION**

- Food, Drugs, and Cosmetics, this index

## **ADVERTISING AND ADVERTISEMENTS**

- Generally, 2:1 to 2:41
- Adjudicative proceedings, Federal Trade Commission, 2:27 to 2:29
- Administrative actions, Federal Trade Commission, 2:21 to 2:29
- Advertising substantiation program, Federal Trade Commission, 2:25
- Affirmative disclosure, Federal Trade Commission, 2:28
- Attorney General, 2:4, 2:37, 2:38
- Bait and switch, 2:13
- Cease and desist orders, Federal Trade Commission, 2:27
- Cigarette advertising, 2:19
- Civil penalties, Federal Trade Commission, 2:33, 2:34
- Clothing and fabrics, 30:23, 30:30
- Common law, consumer actions at, 2:40
- Consent agreements, Federal Trade Commission, 2:26
- Consumer actions, 2:39 to 2:41
- Consumer leases, this index

## ADVERTISING AND

### ADVERTISEMENTS—Cont'd

Consumer redress, Federal Trade Commission, 2:35  
 Corrective advertising, Federal Trade Commission, 2:29  
 Cosmetics. Food, drugs, and cosmetics, this index  
 Court actions, Federal Trade Commission, 2:30 to 2:36  
 Credit advertising, this index  
 Criminal proceedings and penalties, 2:36, 2:37  
 Deceptive advertising, generally, 2:8  
 Demonstrations, 2:18  
 Drugs. Food, drugs, and cosmetics, this index  
 Easy credit, 2:14  
 Employment agencies, 30:56  
 Endorsements, use, 2:17  
 Equitable relief, Federal Trade Commission, 2:31, 2:32  
 False advertising, generally, 2:7  
 Federal Trade Commission  
   Generally, 2:3  
   Adjudicative proceedings, 2:27 to 2:29  
   Administrative actions, generally, 2:21 to 2:29  
   Advertising substantiation program, 2:25  
   Affirmative disclosure, 2:28  
   Cease and desist orders, 2:27  
   Civil penalties, 2:33, 2:34  
   Consent agreements, 2:26  
   Consumer redress, 2:35  
   Corrective advertising, 2:29  
   Court actions, generally, 2:30 to 2:36  
   Criminal penalties, 2:36  
   Equitable relief, 2:31, 2:32  
   Injunctive relief, 2:31  
   Investigatory powers, 2:24, 2:25  
   Penalties, 2:33, 2:34, 2:36  
   Prerequisites to action by commission, 2:22  
   Rulemaking powers, 2:23  
 First Amendment, 2:5

## ADVERTISING AND

### ADVERTISEMENTS—Cont'd

Food, drugs, and cosmetics, this index  
 Guarantees, 2:15, 2:16  
 Injunctive relief, Federal Trade Commission, 2:31  
 Interstate Land Sales Full Disclosure Act, omission of disclaimer, 28:22  
 Investigatory powers, Federal Trade Commission, 2:24, 2:25  
 Mockups, 2:18  
 Motor vehicles, this index  
 Nature, 2:1  
 Penalties, Federal Trade Commission, 2:33, 2:34, 2:36  
 Pharmaceutical and medical device manufacturers, 24:13  
 Printers ink, action by Attorney General, 2:37  
 Product or business, misrepresentations about, 2:12  
 Proprietary schools, 23:10 to 23:13  
 Puffing, distinguished, 2:10  
 Regulatory scheme, 2:2 to 2:4  
 Remedies for unlawful advertising, generally, 2:21 to 2:41  
 Repairs of motor vehicles, 26:82  
 Rulemaking powers, Federal Trade Commission, 2:23  
 Smokeless tobacco, 2:20  
 Substantiation of claims, 4:32  
 Television mockups, 2:18  
 Testimonials, use, 2:17  
 Tobacco products, 2:19, 2:20, 7:119  
 Truth in lending, 8:11  
 Truth in savings, this index  
 Types of unlawful advertising, 2:11 to 2:20  
 Unfair advertising, generally, 2:9  
 Unlawful advertising, generally, 2:6 et seq.  
 Warranties, 6:27

## AFFILIATES

Credit reports, 17:17, 17:71

## AGED PERSONS

Elderly persons, this index

## INDEX

### **AGENTS**

Hospitals and nursing homes, 25:14

### **AGREEMENTS**

Contracts and agreements, this index

### **AIRCRAFT**

Product safety, 7:120

### **ALTERNATIVE DISPUTE RESOLUTION**

Arbitration and award, this index

Public utilities, 27:67

Telephones, 27:67

### **ANNUAL PERCENTAGE RATE**

Truth in lending, this index

### **ANTENNAS**

Product safety, 7:85

### **APPEAL AND REVIEW**

Lemon laws, arbitration, 26:56, 26:65

Mortgage, denial, 28:49

National Traffic and Motor Vehicle  
Safety Act, safety standards,  
26:102

Product safety, 7:44

Public utilities, administrative deci-  
sions, 27:64

Telephones, administrative decisions,  
27:64

Unfair or deceptive acts, attorney's  
fees, 4:72

### **APPLIANCES**

Household appliances, this index

### **APPLICATIONS**

Mortgages, this index

### **APPRAISALS**

Mortgages, 28:45

### **ARBITRATION AND AWARD**

Agreement, nonsignatories, obliga-  
tion to arbitrate, 5:44

Home improvement contractors,  
28:95

Lemon laws, 26:55 to 26:57, 26:64 to  
26:66

### **ARBITRATION AND AWARD**

#### **—Cont'd**

Nonsignatories to arbitration agree-  
ment, obligation to arbitrate,  
5:44

Obligation of nonsignatories to  
arbitration agreement to  
arbitrate, 5:44

Unconscionability, 5:43, 5:44

Unfair or deceptive acts, 4:46

Warranties, 6:99

Warranties, wheelchairs, 6:8

### **ASSIGNMENTS**

Truth in lending, 14:48 to 14:51

### **ASSISTED LIVING FACILITIES**

Hospitals, nursing homes, and  
assisted living facilities, this  
index

### **ATHLETIC PROGRAMS**

Colleges and universities,  
disclosures, 23:29

### **ATTACHMENT**

Generally, 20:70 to 20:75

Exemptions, 20:74, 20:75

Personal property, 20:72, 20:74

Procedure, 20:71

Real property, 20:73, 20:75

### **ATTORNEY GENERAL**

Advertising, 2:4, 2:37, 2:38

Collection of debts, 20:22

Credit reports, 17:95

Leases, 29:34

Repairs of motor vehicles, 26:79 to  
26:81

Unfair or deceptive acts, 4:17

### **ATTORNEYS**

Collection of debts, communication  
with consumer represented by  
attorney, 20:37

Fair Debt Collection Practices Act,  
20:9

Fees. Attorney's fees, this index

### **ATTORNEYS' FEES**

Credit reports, 17:90

**ATTORNEYS' FEES—Cont'd**

- Fair Debt Collection Practices Act, 20:98, 20:99
- Magnuson-Moss Warranty Act, 6:130, 6:131
- Odometer laws, 26:42
- Product safety, 7:66
- Truth in lending, this index
- Unconscionability, 5:56
- Unfair or deceptive acts, 4:70 to 4:72

**AUTOMATED CHECK-OUT SYSTEMS**

- Consumer safety, 30:62

**AUTOMOBILES**

- Motor vehicles, this index

**AVOIDANCE**

- Contracts, 1:32 to 1:37

**BABY FURNITURE AND EQUIPMENT**

- Product safety, 7:97

**BAD FAITH**

- Good faith, this index

**BAIT ADVERTISING**

- Credit, 9:15

**BAIT AND SWITCH**

- Advertising, 2:13

**BAKERY PRODUCTS**

- Identity and quality, 24:50

**BALLOON PAYMENTS**

- Consumer leases, this index
- Home equity loans, 9:14
- Mortgages, 15:47, 28:78

**BANKS AND BANKING**

- Electronic banking, this index
- Leases, security deposits, 29:13
- Minors, 30:82
- National banks, this index
- Senior citizens, 30:82

**BICYCLES AND BICYCLE HELMETS**

- Product safety, 7:113, 7:114

**BILLING**

- Cable television, 30:7:30:8
- Errors. Billing errors, this index
- Public utilities, 27:27 to 27:29, 27:63
- Telephones, 27:30 to 27:34, 27:63

**BILLING ERRORS**

- Generally, 8:14, 12:1 to 12:15
- Assertion of billing error, 12:5, 12:6
- Collection of disputed amount, 12:13
- Credit cards and charge cards, liability for authorized use, 11:38
- Credit report, making adverse, 12:14
- Defined, 12:3
- Disclosure of rights, 12:4
- Investigation requirement, 12:10
- Notice to creditor, 12:6
- Obligations of creditor, 12:8 to 12:10
- Penalties and liabilities, 12:15
- Resolution of dispute, 12:9
- Restrictions on creditor, 12:11 to 12:14
- Retaliatory actions, 12:12
- Rights of consumer after giving notice, 12:7
- Telephone-billed purchases, 12:2

**BIOLOGICAL PRODUCTS**

- Identity and quality, 24:64

**BOATS**

- Product safety, 7:86 to 7:88

**BONDS AND UNDERTAKINGS**

- Employment agencies, 30:51
- Proprietary schools, 23:9

**BOTTLED WATER**

- Identity and quality, 24:51

**BUDGET SIZE**

- Pricing of goods or services, 3:15

**BURDEN OF PROOF**

- Credit cards and charge cards, liability for unauthorized use, 11:45, 11:52
- Unconscionability, uniform Commercial Code, 5:19



## INDEX

### **BUSINESS SCHOOLS**

Proprietary schools, this index

### **CABLE TELEVISION**

Generally, 30:1 to 30:9

Billing practices and disputes,  
30:7:30:8

Charges, 30:4, 30:5

Disclosures, 30:4

Fees, 30:4, 30:5

Interruption of service, 30:6

Privacy of subscribers, 30:2

Rates, disclosures, 30:4

Security deposits, 30:3

Termination of service, 30:9

### **CAMPING**

Membership camping contracts,  
30:38

### **CANCELLATION**

Credit cards and charge cards, 11:28

Credit repair organizations, 17:112

Door-to-door sales, 3:43 to 3:45

Health clubs, 30:36

Installment sales, this index

Insurance premium financing, 16:62

Telephone or mail order transactions,  
3:31

### **CAPACITY**

Contracts, 1:28 to 1:31

### **CASH DISCOUNTS**

Credit cards and charge cards,  
disclosures, 10:56

### **CASH REGISTERS**

Consumer protection, 30:62

### **CATALOGS AND MULTIPLE PAGE ADVERTISEMENTS**

Credit advertising, 9:17

### **CAUSAL CONNECTION**

Unfair or deceptive acts, 4:58

### **CAUTIONS**

Warnings, this index

### **CEASE AND DESIST ORDERS**

Advertising, Federal Trade Commis-  
sion, 2:27

### **CERTIFICATION**

Credit reports, users, 17:62 to 17:67

Real property, title, 28:72 to 28:74

### **CHARGE CARDS**

Credit cards and charge cards, this  
index

### **CHARGES**

Fees and charges, this index

### **CHARITABLE FUNDS**

#### **SOLICITATION**

Generally, 30:10 to 30:21

Contracts with professional fundrais-  
ers, 30:14

Covered entities, 30:11

Criminal penalties, 30:21

Deceptive practices, 30:17

Disclosures required, 30:16

Enforcement, 30:19 to 30:21

Injunctions, 30:20

Inspections, 30:18

Investigations, 30:18

Judicial relief, 30:20

Professional fundraisers, 30:13, 30:14

Recordkeeping, 30:18

Registration, 30:12, 30:13

Reports, 30:12, 30:13

Solicitation, defined, 30:15

### **CHECK CASHING**

Consumer protection, 3:48, 3:49,  
30:63 to 30:65

### **CHILDREN AND MINORS**

Baby furniture and equipment, prod-  
uct safety, 7:97

Banking services, 30:82

Collection of debts, communications  
with parents, 20:44

Contract, capacity to, 1:29

Games and toys, labeling require-  
ments for advertising, 7:131

Hazardous substances, 7:71, 7:74

Infant formula, 24:53, 24:104

Product safety, child related items,  
7:90, 7:97, 7:124 et seq.

Public utilities, termination of ser-  
vice, 27:42

**CIGARETTES**

Advertising, 2:19

**CIVIL PENALTIES**

Penalties, this index

**CIVIL RIGHTS**

Discrimination, this index

**CLASS ACTIONS**

Consumer leases, 14:53  
Fair Debt Collection Practices Act, 20:95  
Magnuson-Moss Warranty Act, 6:102  
Truth in lending, 14:52 to 14:56  
Unfair or deceptive acts, 4:43

**CLEAN AIR ACT**

Motor vehicles, 26:118

**CLEANING**

Clothing and fabrics, labeling, 30:24

**CLOSED-END CREDIT**

Credit advertising, 9:9, 9:10  
Truth in lending, this index

**CLOTHING AND FABRICS**

Generally, 30:22 to 30:32  
Advertising, 30:23, 30:30  
Care, labeling for, 30:24  
Cleaning, labeling for, 30:24  
Content, labeling for, 30:25 to 30:28  
Country of origin, labeling for, 30:29  
Dressing room surveillance, 30:31  
Dry cleaners, 30:32  
Enforcement of advertising and labeling provisions, 30:30  
Fur products, labeling, 30:28  
Identity, labeling for, 30:25 to 30:28  
Labeling, 30:24 to 30:30  
Laundries, 30:32  
Product safety, 7:89, 7:90  
Surveillance of dressing rooms, 30:31  
Wool products, labeling, 30:26

**COAL**

Household fuels, 30:68

**COERCION**

Credit insurance, 18:23 to 18:25  
Unfair or deceptive acts, 4:34

**COLLECTION OF DEBTS**

Generally, 20:1 to 20:116  
Abuse of process, 20:113  
Abusive language, harassment of consumers, 20:41  
Amount of debt, misstatement, 20:52  
Attorney, communication with consumer represented by, 20:37  
Attorney General, regulations, 20:22  
Availability of specific legal remedies, misstatement, 20:53  
Billing errors, collection of disputed amount, 12:13  
Character of debt, misstatement, 20:52  
Claims of consumer, misstatement that sale of debt will cut off, 20:55  
Commissioner of Banks, regulation of collection agencies, 20:26  
Communications with consumers  
Generally, 20:34 to 20:38  
Attorney, representation by, 20:37  
Right to stop communications, 20:38  
Time and manner, 20:35  
Work, communications as, 20:36  
Communications with third parties, 20:44 to 20:46  
Confession of judgments, 20:84  
Constitutional considerations, judicial procedures, 20:69  
Consumer Protection Act, 20:20, 20:102  
Contradiction of notice, 20:33  
Credit practices rule, Federal Trade Commission Act, 20:16  
Deception and misrepresentations  
Generally, 20:47 to 20:56  
Availability of specific legal remedies, misstatement, 20:53  
Character, amount, or status of debt, misstatement, 20:52  
Claims or defenses of consumer, misstatement that sale of debt will cut off, 20:55  
False credit information, communication, 20:56

## INDEX

### COLLECTION OF DEBTS—Cont'd

- Deception and misrepresentations—Cont'd
  - False names and affiliations, use, 20:50
  - Likelihood of legal action or other action, misstatement, 20:54
  - Official process and other important documents, simulation, 20:51
  - Purpose of communication, failure to disclose, 20:49
  - Test for determining deception, 20:48
- Defamation, 20:114
- Default judgments, 20:85, 20:86
- Defenses of consumer, misstatement that sale of debt will cut off, 20:55
- Deficiency judgments, 20:87
- Emotional distress, infliction, 20:106, 20:107
- Employers, communications with, 20:45, 20:46
- Execution of judgments, 20:88
- Extrajudicial procedures
  - Generally, 20:28 to 20:67
  - Communications with consumers, above
  - Communications with third parties, 20:44 to 20:46
  - Contradiction or overshadowing of notice, 20:33
  - Deception and misrepresentations, above
  - Employers and other, communications with, 20:45, 20:46
  - Harassment of consumers, below
  - Inspection rights of consumer, 20:29
  - Notice, sufficiency, 20:31 to 20:33
  - Repossession, this index
  - Size and placement of notice, 20:32
  - Spouse, parents, and household members, communications with, 20:44
  - Third parties, communications with, 20:44 to 20:46

### COLLECTION OF DEBTS—Cont'd

- Extrajudicial procedures—Cont'd
  - Unfair or unconscionable practices, below
  - Validation requirements, 20:30 to 20:33
- Fair Debt Collection Practices Act, this index
- False credit information, communication, 20:56
- False names and affiliations, use, 20:50
- Federal regulation
  - Generally, 20:4 to 20:18
  - Credit practices rule, Federal Trade Commission Act, 20:16
  - Fair Debt Collection Practices Act, this index
  - Federal Trade Commission Act, 20:15, 20:16
  - Garnishment, restrictions on, 20:17
  - Mail and telephones, penal statutes regulating use, 20:18
- Federal Trade Commission Act, 20:15, 20:16
- Forum abuse, default judgments, 20:86
- Fraud. Fraud and misrepresentations, this index
- Garnishment, restrictions on, 20:17
- General debt collection statute, 20:21
- Harassment of consumers
  - Generally, 20:39 to 20:43
  - Obscene, profane, or abusive language, 20:41
  - Publication of debt, 20:42
  - Telephone excesses, 20:43
  - Violence or threat of violence, 20:40
- Household members, communications with, 20:44
- Inspection rights of consumer, 20:29
- Intentional infliction of emotional distress, 20:106
- Interference with contractual relations, 20:110
- Judgments, 20:83 to 20:87
- Judicial procedures
  - Generally, 20:27, 20:68 to 20:89

**COLLECTION OF DEBTS—Cont'd**

Judicial procedures—Cont'd  
 Attachment, this index  
 Confession of judgments, 20:84  
 Constitutional considerations, 20:69  
 Default judgments, 20:85, 20:86  
 Deficiency judgments, 20:87  
 Execution of judgments, 20:88  
 Forum abuse, default judgments, 20:86  
 Judgments, 20:83 to 20:87  
 Prejudgment remedies, 20:69  
 Supplementary process, 20:89  
 Trustee process, this index  
 Legal process, misuse, 20:111 to 20:113  
 Licensing of collection agencies, 20:23  
 Likelihood of legal action or other action, misstatement, 20:54  
 Mail, use, 20:18, 20:60  
 Malicious prosecution, 20:112  
 Massachusetts regulation, generally, 20:19 to 20:27  
 Methods of collection, 20:2  
 Misrepresentations. Fraud and misrepresentations, this index  
 Negligent infliction of emotional distress, 20:107  
 Notice, sufficiency, 20:31 to 20:33  
 Obscene language, harassment of consumers, 20:41  
 Official process and other important documents, simulation, 20:51  
 Overshadowing of notice, 20:33  
 Parents, communications with, 20:44  
 Placement of notice, 20:32  
 Postdated checks, misuse, 20:59  
 Prejudgment remedies, 20:69  
 Privacy, invasion, 20:108, 20:109  
 Private remedies  
   Generally, 20:90 to 20:114  
   Abuse of process, 20:113  
   Consumer Protection Act, 20:102  
   Contractual relations, interference with, 20:110  
   Defamation, 20:114

**COLLECTION OF DEBTS—Cont'd**

Private remedies—Cont'd  
 Emotional distress, infliction, 20:106, 20:107  
 Fair Debt Collection Practices Act, this index  
 Intentional or reckless infliction of emotional distress, 20:106  
 Legal process, misuse, 20:111 to 20:113  
 Malicious prosecution, 20:112  
 Massachusetts laws, 20:102 to 20:114  
 Negligent infliction of emotional distress, 20:107  
 Privacy, invasion, 20:108, 20:109  
 Tort remedies, generally, 20:105 to 20:114  
 Vicarious liability of creditor for wrongful repossession, 20:104  
 Wrongful repossession, 20:103, 20:104  
 Profane language, harassment of consumers, 20:41  
 Publication of debt, harassment of consumers, 20:42  
 Purpose of communication, failure to disclose, 20:49  
 Reckless infliction of emotional distress, 20:106  
 Regulation of collection agencies, 20:23 to 20:26  
 Repossession, this index  
 Revolving credit agreements, 16:37  
 Sanctions against collection agencies, 20:25  
 Size of notice, 20:32  
 Spouse, communications with, 20:44  
 State regulation, generally, 20:19 to 20:27  
 Status of debt, misstatement, 20:52  
 Supervision of collection agencies, 20:24  
 Supplementary process, 20:89  
 Telephone, use, 20:18, 20:43  
 Third parties, communications with, 20:44 to 20:46

## INDEX

### **COLLECTION OF DEBTS—Cont'd**

- Threat of violence, harassment of consumers, 20:40
- Time and manner of communications with consumers, 20:35
- Torts. Private remedies, above
- Unauthorized charges, collection, 20:58
- Unconscionable practices. Unfair or unconscionable practices, below
- Underlying transaction, 20:1
- Unfair or unconscionable practices
  - Generally, 20:57 to 20:60
  - Mails, misuse, 20:60
  - Postdated checks, misuse, 20:59
  - Unauthorized charges, collection, 20:58
- Validation requirements, 20:30 to 20:33
- Validity of debt, 20:3
- Vicarious liability of creditor for wrongful repossession, 20:104
- Violence, harassment of consumers, 20:40
- Work, communications with consumers at, 20:36

### **COLLECTIONS LAW**

- Third-party loan services, 20:115
- Unfair servicing practices, 20:116

### **COLLEGES AND UNIVERSITIES**

- Generally, 23:25 to 23:33
- Academic program, disclosures, 23:28
- Athletic program, disclosures, 23:29
- Campus security, disclosures, 23:31
- Disclosures, 23:27 to 23:32
- False claims, 23:33
- Graduation rates, disclosures, 23:30
- Student records, 23:26
- Tuition and other financial information, disclosures, 23:32

### **COLOR ADDITIVES**

- Identity and quality of cosmetics, 24:91

### **COMMERCE**

- Product safety, 7:12
- Unfair or deceptive acts, this index

### **COMMISSIONER OF BANKS**

- Collection agencies, regulation, 20:26

### **COMMON LAW**

- Advertising, consumer actions, 2:40
- Consideration, 1:9, 1:10
- Credit reports, 17:2
- Real property, disclosure of condition of property, 28:3
- Unfair or deceptive acts, 4:28

### **COMMUNICATIONS**

- Collection of debts, this index

### **COMPROMISE AND SETTLEMENT**

- Credit insurance, 18:16
- Product safety, civil penalties, 7:59
- Unfair or deceptive acts, settlement offer, 4:63

### **CONDEMNATION**

- Product safety, 7:48 to 7:50

### **CONDITION OF PROPERTY**

- Leases, this index
- Real property, 28:3, 28:4, 28:35

### **CONDOMINIUMS**

- Public utilities, cost of service, 27:19

### **CONFESSION OF JUDGMENTS**

- Collection of debts, 20:84

### **CONFIDENTIALITY**

- Product safety, right of manufacturer, 7:30

### **CONSENT AGREEMENTS**

- Advertising, Federal Trade Commission, 2:26

### **CONSEQUENTIAL DAMAGES**

- Warranties, 6:122, 6:123

### **CONSIDERATION**

- Generally, 1:8 to 1:13
- Common law, 1:9, 1:10
- Detrimental reliance, 1:12
- Moral obligation as adequate consideration, 1:13
- Pre-existing duty, 1:10
- Promissory estoppel, 1:12
- Uniform Commercial Code, 1:11

**CONSOLIDATION**

Installment sales, modification of agreement, 16:25 to 16:27

**CONSTITUTIONAL LAW**

Collection of debts, judicial procedures, 20:69

**CONSUMER LEASES**

Generally, 8:15, 13:1 to 13:39, 30:77

**Advertising**

Generally, 13:11 to 13:15

Definition of advertisement, 13:12

Enforcement and remedies, 13:36

Federal law, restrictions under, 13:13

Option to purchase, lease with, 13:15

State law, restrictions under, 13:14, 13:15

Automobile leases, open-end or finance leases, 13:22

**Balloon payments**

Generally, 13:30 to 13:33

Burdens on recovery by lessor, 13:33

Disclosure, open-end or finance leases, 13:20

End of lease determination of residual value, 13:32

Pre-lease estimate of residual value, 13:31

Burdens on recovery by lessor, balloon payments, 13:33

Charges, payment, 13:18

Class actions, 14:53

Consumer purpose requirement, 13:6

Credit sale exclusion, 13:9

Defenses for lessors, 13:39

**Disclosure**

Generally, 13:16 to 13:27

Automobile leases, open-end or finance leases, 13:22

Balloon payment, open-end or finance leases, 13:20

Form of disclosures, 13:25, 13:26

Model forms, 13:27

Multiple leases or parties, 13:23

Open-end or finance leases, 13:20 to 13:22

**CONSUMER LEASES—Cont'd**

**Disclosure—Cont'd**

Property-related disclosures, 13:19

Renegotiations or extensions, 13:24

Rent and charges, payment, 13:18

Segregation of certain disclosures, 13:26

Duration requirement, 13:7

Enforcement, generally, 13:34 to 13:39

Extensions, disclosure, 13:24

Federal law, advertising, 13:13

Finance leases, disclosure, 13:20 to 13:22

Implied warranties, 6:35, 6:40, 6:51

Lessor, defined, 13:8

Motor vehicle leases, open-end or finance leases, 13:22

Multiple leases or parties, disclosure, 13:23

Nature and purpose of legislation, 13:3

Open-end leases, disclosure, 13:20 to 13:22

Option to purchase, lease with, 13:15

Penalties for early termination, late payment, etc., 13:29

Personal property requirement, 13:5

Property-related disclosures, 13:19

Relationship of Consumer Lease Act to Truth in Lending Act, 13:2

Remedies, generally, 13:34 to 13:39

Renegotiations, disclosure, 13:24

Rent, payment, 13:18

Rent-to-own plans, 13:10

Scope, 13:4 to 13:10

Segregation of certain disclosures, 13:26

Substantive requirements, 13:28 to 13:33

Unconscionability, uniform Commercial Code, 5:12

Warranties, this index

**CONSUMER PRICE SCANNER SYSTEM**

Food, drugs, and cosmetics, price disclosure law, 24:99

## INDEX

### CONSUMER PRODUCT SAFETY ACT

Product safety, this index

### CONSUMER PROTECTION

#### Credit

Licensing, pawnbrokers, 15:61  
Life insurance loans, 15:65  
1,000, loans for less than, 15:64  
Open-end credit loans, 15:63  
Pawnbrokers, 15:60 to 15:62  
Small-town pawnbrokers, 15:62

#### Licenses

Pawnbrokers, 15:61

#### Life insurance

Loans, 15:65

#### Open-end credit

Generally, 15:63

Pawnbrokers, 15:60 to 15:62

### CONSUMER PROTECTION ACT

Real property, disclosure of condition of property, 28:4

Third-party financing, 19:30

Unconscionability, 5:8

### CONTACT ADHESIVES

Product safety, 7:106

### CONTINGENCY CLAUSES

Real property, 28:32

### CONTINUING VIOLATIONS

Truth in lending, statute of limitations, 14:37

### CONTRACTS AND AGREEMENTS

Generally, 1:1 to 1:42

Acceptance, 1:5, 1:6

Adhesion contracts, this index

Avoidance of contract, 1:32 to 1:37

Breach of contract, 1:39 to 1:42

Capacity to contract, 1:28 to 1:31

Charitable funds solicitation, professional fundraisers, 30:14

Consideration, this index

Damages, 1:39, 1:40

Defined, 1:2

Duress, 1:35

Employment agencies, this index

Formation, 1:4 to 1:7

### CONTRACTS AND AGREEMENTS

#### —Cont'd

Fraud, 1:34

Frauds, statute of, this index

Funeral services, this index

Health clubs, this index

Illegality, 1:36, 1:37

Intoxication, capacity to contract, 1:31

Leases, this index

Marital contracts, 1:38

Membership camping contracts, 30:38

Mental disability, capacity to contract, 1:30

Minors, capacity to contract, 1:29

Misrepresentation, 1:34

Mistake, 1:33

Offer, 1:4, 1:6

Parol evidence, 1:26, 1:27

Postnuptial contracts, 1:38

Quasi-contract, distinguished, 1:3

Real property, this index

Remedies for breach of contract, 1:39 to 1:42

Restitution, 1:42

Specific enforcement, 1:41

Standard form contracts, 1:7

Statute of frauds. Frauds, statute of, this index

Sunday contracts, 1:37

Unconscionability, this index

Undue influence, 1:35

Uniform Commercial Code

Consideration, 1:11

Damages, 1:40

Offer and acceptance, 1:6

Parol evidence, 1:27

Uniform Commercial Code, frauds, statute of, this index

Warranties, this index

### CORRECTIONAL INSTITUTIONS

Telephone, inmate calling services, 27:24

### CORRECTIONS

Credit reports, this index



**CORRESPONDENCE SCHOOLS**

Proprietary schools, this index

**COSMETICS**

Food, drugs, and cosmetics, this index

**COSTS AND EXPENSES**

Credit reports, 17:90  
 Fair Debt Collection Practices Act, 20:98, 20:99  
 Hospitals and nursing homes, disclosures, 25:10, 25:11  
 Magnuson-Moss Warranty Act, 6:130, 6:131  
 Odometer laws, 26:42  
 Product safety, 7:66  
 Public utilities, this index  
 Telephones, this index  
 Truth in lending, this index  
 Unfair or deceptive acts, 4:73

**COUNTERCLAIMS**

Truth in lending, statute of limitations, 14:38

**COURTS**

Fraud on, 4:39

**CREDIT**

Generally, 15:1 to 15:65, 16:1 to 16:69  
 Credit Insurance, this index  
 Credit Reports, this index  
 Credit unions, 15:58, 15:59  
 Exportation of rates, federal law, 15:10  
 Federal law  
     Generally, 15:6 to 15:11  
     Alternate ceiling on rates, 15:9, 15:10  
     Exportation of rates, 15:10  
     Loansharking, 15:11  
     Opting out, preemption, 15:8  
     Preemption, 15:7, 15:8  
 Finance companies, role, 16:4  
 Home Equity Loans, this index  
 Installment sales, this index  
 Insurance. Credit insurance, this index

**CREDIT—Cont'd**

Insurance premium financing, this index  
 Licensing, pawnbrokers, 15:61  
 Life insurance loans, 15:65  
 Loansharking, federal law, 15:11  
 Mortgages, this index  
 National banks, 15:56, 15:57  
 1,000, loans for less than, 15:64  
 Open-end credit loans, 15:63  
 Opting out, federal preemption, 15:8  
 Pawnbrokers, 15:60 to 15:62  
 Preemption, 15:7, 15:8  
 Reports. Credit reports, this index  
 Sale credit  
     Generally, 16:1 to 16:69  
     Background, 16:2  
     Finance companies, role, 16:4  
     Installment sales, this index  
     Insurance premium financing, this index  
     Usury and time-price doctrine, 16:3  
 Small loans, this index  
 Small-town pawnbrokers, 15:62  
 Types of loans, 15:1  
 Usury, this index

**CREDIT ADVERTISING**

Generally, 9:1 to 9:19  
 Bait advertising, 9:15  
 Balloon payments, home equity loans, 9:14  
 Basic rule, 9:4  
 Catalogs and multiple page advertisements, 9:17  
 Closed-end credit, 9:9, 9:10  
 Defined, 9:2  
 Disclosure requirements, 9:6, 9:10, 9:12  
 Enforcement, 9:18, 9:19  
 Home equity loans, 9:11 to 9:14  
 Misleading terms, home equity loans, 9:13  
 Open-end credit, 9:5, 9:6  
 Persons regulated, 9:3  
 Private enforcement actions, 9:19  
 Rates of credit, 9:16  
 Trigger terms, 9:5, 9:9



## INDEX

### CREDIT CARD

#### ACCOUNTABILITY, RESPONSIBILITY AND DISCLOSURE ACT OF 2009

- Generally, 10:4 to 10:9, 11:5 to 11:23
- Consumer's ability to repay, consideration of, 11:13
- Credit card payments, application of, 11:16
- Deceptive marketing of credit reports, prevention of, 10:9
- Due dates for payments, 11:12
- Fees applicable to outstanding balances, 11:14
- Fees related to method of payment, 11:9
- Finance charges applicable to outstanding balances, 11:14
- Fixed rate, use of the term, 11:10
- Interest rates
  - Advance notice of increases and other changes, 11:6
  - Increases applicable to outstanding balances, 11:14
  - Reduction of on open-end consumer plans, 11:18
- Internet posting of credit card agreements, 10:8
- Introductory and promotional rates, 11:15
- Late payment deadlines and penalties, 10:6
- On-time payments, penalties for, 11:7
- Opt-in requirement for over-the-limit transactions, 11:8
- Payoff timing disclosures, 10:5
- Penalties, on-time payments, 11:7
- Penalty fees, reasonableness, 11:19
- Renewal date, disclosures prior to, 10:7
- Subprime credit cards, 11:11
- Timing of payments, 11:17
- Young consumers, protection of
  - College affinity cards, 11:23
  - College students, credit offers to, 11:22
  - Increase in credit limit, 11:21
  - Issuance of credit cards, 11:20

### CREDIT CARDS AND CHARGE CARDS

- Generally, 8:13, 11:1 to 11:56
- Authorized use, liability for
  - Generally, 11:33 to 38
  - Billing error statute, effect, 11:38
  - Defenses, assertion, 11:35 to 38
  - Preservation statutes, 11:36, 11:37
  - Third-party, use by, 11:34
  - Unauthorized use, liability for, below
- Benefit to cardholder, liability for unauthorized use, 11:44
- Billing error statute, effect on liability for authorized use, 11:38
- Burden of proof, liability for unauthorized use, 11:45, 11:52
- Business credit cards, 11:4
- Cancellation, wrongful, 11:28
- Cash discounts, disclosures, 10:56
- Civil actions, enforcement of rules, 11:54
- Credit Card Accountability, Responsibility, and Disclosure Act of 2009, 10:4 to 10:9, 11:5 to 11:23
- Criminal sanctions, enforcement of rules, 11:55, 11:56
- Defenses, liability for authorized use, 11:35 to 38
- Definitions, 11:2
- Direct mail applications and solicitations, disclosures, 10:46 to 10:48
- Disclosure
  - Generally, 10:43 to 10:54
  - Cash discounts and point-of-sale finance charges, 10:56
  - Direct mail applications and solicitations, 10:46 to 10:48
  - Form of disclosures, 10:45
  - General public, applications and solicitations to, 10:50
  - Introductory or promotional rates, additional notice, 10:52
  - Post-application disclosures, 10:51 to 10:56
  - Renewals of accounts, 10:55

**CREDIT CARDS AND CHARGE CARDS—Cont'd**

Disclosure—Cont'd  
 State law, 10:44  
 Telephone solicitations, 10:49  
 Young consumers, applications from, 10:53  
 Discounts, 10:18  
 Enforcement of rules, 11:53 to 56  
 Fees, 11:26  
 General public, applications and solicitations to, 10:50  
 Identification of user, sufficiency of method for, 11:47  
 Insurer of credit, disclosure of change in, 10:54  
 Introductory or promotional rates, additional notice, 10:52  
 Loss notification, liability for unauthorized use, 11:49 to 52  
 Nature of transaction, 11:3  
 Offsetting of indebtedness with funds from other accounts, 11:32  
 Point-of-sale finance charges, disclosures, 10:56  
 Preservation statutes, liability for authorized use, 11:36, 11:37  
 Recording of cardholder information, restrictions against, 11:30  
 Refunds, 11:31  
 Refusal to honor, 11:27  
 Regulation, generally, 11:24 et seq.  
 Renewals of accounts, disclosures, 10:55  
 Surcharges, 10:18, 11:29  
 Telephone solicitations, disclosures, 10:49  
 Theft notification, liability for unauthorized use, 11:49 to 52  
 Third-party, authorized use by, 11:34  
 Third-party financing, 19:8  
 Unauthorized use, liability for  
 Generally, 11:39 to 52  
 Accepted credit card, 11:46  
 Authorization by cardholder, absence, 11:43  
 Authorized use, liability for, above  
 Benefit to cardholder, absence, 11:44

**CREDIT CARDS AND CHARGE CARDS—Cont'd**

Unauthorized use, liability for  
 —Cont'd  
 Burden of proof, 11:45, 11:52  
 Identification of user, sufficiency of method for, 11:47  
 Loss or theft notification, 11:49 to 52  
 Persons who can be held liable, 11:41  
 Warning of potential liability, 11:48  
 Unsolicited distribution, 11:25  
 Warning of potential liability for unauthorized use, 11:48  
 Wrongful cancellation, 11:28  
 Young consumers, applications from and disclosure, 10:53

**CREDIT INSURANCE**

Generally, 18:1 to 18:34  
 Accident and health insurance, 18:10  
 Administrative enforcement, 18:28, 18:29  
 Agency theory, action against insurer on, 18:32  
 Basic regulation, 18:8 to 18:18  
 Coercion, 18:23 to 18:25  
 Compensation for selling insurance, 18:20  
 Consumer Protection Act, violations, 18:33  
 Cost to consumers, excessive, 18:19  
 Criminal penalties, 18:34  
 Deception, 18:23 to 18:25  
 Disclosure, coercion or deception, 18:25  
 Dual interest property insurance, 18:13  
 Enforcement, generally, 18:27 to 18:34  
 Excessive charges, 18:17 to 18:20  
 Fiduciary duty, breach, 18:31  
 Finance charge, cost of insurance as, 18:4 to 18:6  
 Insurance Premium Financing, this index

## INDEX

### **CREDIT INSURANCE—Cont'd**

- Involuntary unemployment insurance, 18:11
- Life insurance, 18:9
- Nature, 18:2
- Overinsurance, 18:21
- Premium financing. Insurance  
Premium Financing, this index
- Procurement of coverage, failure, 18:26
- Property insurance, 18:12, 18:13
- Rates charged by insurance companies, excessive, 18:18
- Refunds, failure to make, 18:22
- Remedies, administrative enforcement, 18:29
- Settlement practices, 18:16
- Truth in lending, 10:14, 10:32, 18:5, 18:30
- Types of coverage, 18:3
- Unemployment insurance, 18:11
- Unfair or deceptive acts or practices, generally, 18:5, 18:16
- Unlawful practices, generally, 18:14 to 18:26

### **CREDIT REPAIR ORGANIZATIONS**

- Generally, 17:106 to 17:115
- Administrative enforcement, 17:115
- Cancellation of contracts, 17:112
- Civil liability, 17:114
- Defined, 17:108
- Disclosure of consumer rights, 17:110
- Federal and state law, relation between, 17:107
- Prohibited practices, 17:109
- Regulation of contracts, 17:111, 17:112
- Waivers by consumers, invalidity, 17:113

### **CREDIT REPORTS**

- Generally, 17:1 to 17:115
- Access by consumer to agency files  
Generally, 17:36 to 17:41
- Charges for disclosure, 17:41
- Conditions of disclosure, 17:40

### **CREDIT REPORTS—Cont'd**

- Access by consumer to agency files  
—Cont'd
- Disclosures required, 17:37 to 17:39
- Exceptions to information required to be disclosed, 17:39
- Summary of consumer rights, disclosure, 17:38
- Accuracy of reports and information, 17:33 to 17:35, 17:54, 17:55
- Affiliates, information from, 17:17, 17:71
- Attorney General of Massachusetts, action by, 17:95
- Attorneys' fees and costs, 17:90
- Background, 17:1, 17:6
- Certifications, users of consumer reports, 17:62 to 17:67
- Charges, access by consumer to agency files, 17:41
- Choice of forum, 17:86
- Closed accounts, notice, 17:58
- Common law regulation, 17:2
- Compliance procedures, 17:25, 17:28
- Conditions, access by consumer to agency files, 17:40
- Consumer disputes, 17:56, 17:57
- Consumer report, defined, 17:11 to 17:17
- Consumer reporting agencies, obligations of, generally, 17:19 to 17:49
- Consumer reporting agency, defined, 17:10
- Contents of consumer reports  
Generally, 17:26 to 17:32
- Compliance procedures, exclusion of obsolete information, 17:28
- Employment purposes, requirement regarding public record information for, 17:30
- Exemptions, exclusion of obsolete information, 17:27
- Inclusion of certain information, requirement, 17:29
- Investigative consumer reports, verification of information in, 17:31

**CREDIT REPORTS—Cont'd**

- Contents of consumer reports
  - Cont'd
  - Medical information, consent requirement for, 17:32
  - Obsolete information, exclusion, 17:26 to 17:28
- Corrections. Reinvestigations and corrections, below
- Credit card transactions, exceptions to consumer report, 17:14
- Credit repair organizations, this index
- Criminal penalties, 17:96
- Damages, 17:88, 17:89
- Definitions, 17:10 to 17:18
- Deleted information, reinsertion, 17:47
- Delinquent accounts, notice, 17:59
- Disclosures, users of consumer reports, 17:62 to 17:67
- Employment, 17:22, 17:30, 17:65
- Employment agency communications, exceptions to consumer report, 17:16
- Enforcement. Remedies and enforcement, below
- Exceptions to consumer report
  - Generally, 17:12 to 17:17
  - Affiliates, information shared by, 17:17
  - Credit card transactions, 17:14
  - Employment agency communications, 17:16
  - Reporter's own experience with consumer, report based on, 17:13
  - Third-party requests to extend credit to consumer, 17:15
- Exemptions, exclusion of obsolete information, 17:27
- Expedited dispute resolution, reinvestigations and corrections, 17:45
- Fair Credit Reporting Act, generally, 17:4, 17:7, 17:8
- Federal agencies, action by, 17:93, 17:94
- Federal preemption, 17:7, 17:53, 17:69

**CREDIT REPORTS—Cont'd**

- Federal regulation, generally, 17:3, 17:4
- Federal Trade Commission, action by, 17:93
- Furnishers of information
  - Generally, 17:52 to 17:59
  - Accurate information, duty to provide, 17:54, 17:55
  - Closed accounts, notice, 17:58
  - Consumer, notice to, 17:60
  - Consumer disputes, 17:56, 17:57
  - Consumer reporting agency, notice of consumer disputes, 17:56
  - Correcting and updating information, 17:55
  - Delinquent accounts, notice, 17:59
  - Federal preemption, 17:53
  - Investigation of consumer disputes, 17:57
  - Liability, 17:81
  - Notices, 17:56, 17:58, 17:60
- Government agency requests, 17:24
- Identity theft, 17:76, 17:97 to 17:105
- Investigation of consumer disputes, 17:57
- Investigative consumer reports, 17:18, 17:31, 17:64
- Jury trial, 17:87
- Legitimate business need, 17:23
- Massachusetts Consumer Protection Act, relation to, 17:91
- Massachusetts regulation, generally, 17:6 to 17:8
- Medical information, consent requirement for, 17:32
- Nature of industry, 17:1
- Negligent noncompliance, 17:78
- Notices
  - Adverse actions, users of consumer reports, 17:68 to 17:72
  - Furnishers of information, 17:56, 17:58, 17:60
  - Reinvestigations and corrections, 17:49
- Obligations of consumer reporting agencies, generally, 17:19 to 17:49

## INDEX

### CREDIT REPORTS—Cont'd

- Obligations of furnishers of information. Furnishers of information, above
- Obligations of users of consumer reports. Users of consumer reports, below
- Obsolete information, exclusion, 17:26 to 17:28
- Parties liable, 17:79 to 17:81
- Preemption, 17:7
- Pre-screened lists of consumers, 17:21, 17:66
- Public enforcement, generally, 17:92 to 17:96
- Punitive damages, 17:89
- Purposes of consumer reports
  - Generally, 17:20 to 17:25
  - Compliance procedures, 17:25
  - Employment, 17:22
  - Government agency requests, 17:24
  - Legitimate business need, 17:23
  - Permissible purposes, 17:20 to 17:23
  - Pre-screened lists of consumers, 17:21
- Reasonable procedures, use, 17:35, 17:82, 17:83
- Reinvestigations and corrections
  - Generally, 17:42 to 17:49
  - Deleted information, reinsertion, 17:47
  - Disposal of records, 17:50
  - Duty to reinvestigate, 17:43
  - Expedited dispute resolution, 17:45
  - Furnishers of information, 17:55
  - Nature of reinvestigation, 17:44, 17:45
  - Notice to past recipients of consumer reports, 17:49
  - Resellers, requirements applicable to, 17:51
  - Results of reinvestigation, 17:46 to 17:49
  - Statement of dispute by consumer, 17:48

### CREDIT REPORTS—Cont'd

- Remedies and enforcement
  - Generally, 17:73 to 17:105
  - Actual or statutory damages, 17:88
  - Attorney General of Massachusetts, action by, 17:95
  - Attorneys' fees and costs, 17:90
  - Basis of liability, 17:77, 17:78
  - Choice of forum, 17:86
  - Consumer reporting agency, liability, 17:79
  - Criminal penalties, 17:96
  - Damages, 17:88, 17:89
  - Federal agencies, action by, 17:93, 17:94
  - Federal Trade Commission, action by, 17:93
  - Furnisher of information, liability, 17:81
  - Identity theft, 17:75
  - Jury trial, 17:87
  - Limitation on common law liability, 17:84
  - Massachusetts Consumer Protection Act, relation to, 17:91
  - Negligent noncompliance, 17:78
  - Parties liable, 17:79 to 17:81
  - Private remedies, generally, 17:74 to 17:91
  - Procedure, 17:85 to 17:87
  - Public enforcement, generally, 17:92 to 17:96
  - Punitive damages, 17:89
  - Reasonable procedures, use by defendant, 17:82, 17:83
  - Security freeze on consumer's credit report, 17:75
  - Statute of limitations, 17:85
  - User of consumer report, liability, 17:80
  - Willful noncompliance, 17:77
- Repair of credit. Credit repair organizations, this index
- Reporter's own experience with consumer, report based on, 17:13
- Resellers of consumer reports, 17:67
- Scope of legislation, generally, 17:9 to 17:18

**CREDIT REPORTS—Cont'd**

- Statement of dispute by consumer, 17:48
- State regulation, generally, 17:5 to 17:8
- Statute of limitations, 17:85
- Summary of consumer rights, disclosure, 17:38
- Third-party, notice of adverse action based on information from, 17:72
- Third-party requests to extend credit to consumer, exceptions to consumer report, 17:15
- Updating information, furnishers of information, 17:55
- Users of consumer reports
  - Generally, 17:61 to 17:72
  - Affiliate, notice of adverse action based on information from, 17:71
  - Certifications and disclosures, 17:62 to 17:67
  - Consumer report, notice of adverse action based on, 17:70
  - Employment purposes, reports for, 17:65
  - Federal preemption, notice of adverse action, 17:69
  - Investigative consumer reports, 17:64
  - Liability, 17:80
  - Notice of adverse action, 17:68 to 17:72
  - Permissible purpose, 17:63
  - Pre-screened lists of consumers, use, 17:66
  - Resellers of consumer reports, 17:67
  - Third-party, notice of adverse action based on information from, 17:72
  - Willful noncompliance, 17:77

**CREDIT UNIONS**

- Consumer protection, 15:58, 15:59

**CRIMINAL PROCEEDINGS AND PENALTIES**

- Advertising, 2:36, 2:37

**CRIMINAL PROCEEDINGS AND PENALTIES—Cont'd**

- Charitable funds solicitation, 30:21
- Credit cards and charge cards, enforcement of rules, 11:55, 11:56
- Credit insurance, 18:34
- Credit reports, 17:96
- Electronic banking, 21:46
- Employment agencies, 30:60
- Food, drugs, and cosmetics, 24:113
- Hazardous substances, 7:76
- Home improvement contractors, 28:91
- Hospitals and nursing homes, abuse of patients, 25:37
- Installment sales, 16:69
- Insurance premium financing, 16:69
- Interstate Land Sales Full Disclosure Act, 28:26
- Mail order transactions, 3:28, 3:38
- Odometer laws, 26:20'54, 26:46
- Product safety, 7:60
- Public utilities, 27:69
- Telephones, 3:28, 3:38, 27:69
- Truth in lending, 14:2

**CURE**

- Repossession, 20:65

**CURRICULUM**

- Proprietary schools, 23:20

**DAMAGES**

- Contracts, 1:39, 1:40
- Credit reports, 17:88, 17:89
- Death of party, multiple damages, 4:65
- Fair Debt Collection Practices Act, 20:96, 20:97
- Federal diversity action, multiple damages, 4:69
- Health clubs, 30:37
- Leases, condition of premises, 29:50 to 29:52
- Magnuson-Moss Warranty Act, 6:129
- Multiple damages
  - Death of party, 4:65
  - Federal diversity action, 4:69
- Odometer laws, 26:40, 26:41

## INDEX

### **DAMAGES—Cont'd**

- Repairs of motor vehicles, 26:95
- Truth in lending, 14:39 to 14:44

### **DECEPTIVE ACTS**

- Unfair or deceptive acts, this index

### **DECORATIVE AND SEASONAL LIGHTING PRODUCTS**

- Product safety, 7:102

### **DEFAMATION**

- Collection of debts, 20:114

### **DEFAULT AND DEFAULT CHARGES**

- Insurance premium financing, 16:60
- Repossession, 20:64

### **DEFAULT JUDGMENTS**

- Collection of debts, 20:85, 20:86

### **DEFENSE PRESERVATION RULE**

- Third-party financing, this index

### **DEFENSES**

- Credit cards and charge cards,  
liability for authorized use,  
11:35 to 38
- Fair Debt Collection Practices Act,  
20:100, 20:101
- Lemon laws, 26:54
- Product safety, 7:87
- Truth in lending, this index
- Warranties, 6:86, 6:87

### **DEFERRED PAYMENTS**

- Installment sales, this index
- Insurance premium financing, 16:59
- Telephones, 27:32

### **DEFICIENCY JUDGMENTS**

- Collection of debts, 20:87

### **DELINQUENT ACCOUNTS**

- Credit reports, 17:59

### **DELIVERY**

- Leases, copy of rental agreement,  
29:9
- Motor vehicles, misrepresentation of  
date, 26:19
- Telephone or mail order transactions,  
3:29 to 3:31

### **DEMONSTRATIONS**

- Advertising, 2:18

### **DEPOSITS**

- Lemon laws, refunds, 26:68
- Public utilities, 27:9, 27:10
- Security deposits, this index
- Telephones, 27:10

### **DETRIMENTAL RELIANCE**

- Consideration, 1:12

### **DIETARY SUPPLEMENTS**

- Food, drugs, and cosmetics, this  
index

### **DIRECT MAIL**

- Credit cards and charge cards,  
disclosures, 10:46 to 10:48

### **DIRECTORY ASSISTANCE CHARGES**

- Telephones, 27:26

### **DISCLAIMERS**

- Warranties, 6:67

### **DISCLOSURE**

- Billing errors, 12:4
- Cable television, 30:4
- Charitable funds solicitation, 30:16
- Colleges and universities, 23:27 to  
23:32
- Consumer leases, this index
- Credit advertising, 9:6, 9:10, 9:12
- Credit cards and charge cards, this  
index
- Credit insurance, coercion or decep-  
tion, 18:25
- Credit repair organizations, 17:110
- Credit reports, users, 17:62 to 17:67
- Education programs and schools,  
required disclosures, 23:14
- Electronic banking, this index
- Funeral services, 30:46 to 30:48
- Hospitals and nursing homes, this  
index
- Interstate Land Sales Full Disclosure  
Act, 28:19, 28:20
- Magnuson-Moss Warranty Act, 6:63
- Mortgages, 28:41 to 28:45



**DISCLOSURE—Cont’d**  
 Public utilities, 27:6, 27:21 to 27:23,  
 27:29, 27:39, 27:44  
 Real Estate Settlement Procedures  
 Act, 28:54 to 28:60  
 Real property, this index  
 Students and consumers, proprietary  
 schools, 23:14  
 Telephone or mail order transactions,  
 3:21, 3:33  
 Telephones, this index  
 Truth in lending, this index

**DISCOUNTS**  
 Credit cards and charge cards, 10:18

**DISCRIMINATION**  
 Leases, 29:7  
 Mortgage, denial, 28:50  
 Public utilities, 27:66  
 Telephones, 27:66

**DOMESTIC HELP**  
 Employment agencies, recruiting  
 from other states, 30:54

**DOORS**  
 Product safety, 7:99

**DOOR-TO-DOOR SALES**  
 Generally, 3:40 to 3:46  
 Cancellation, 3:43 to 3:45  
 Defined, 3:41  
 Duties upon cancellation, 3:45  
 Excluded transactions, 3:42  
 Installment sales, cancellation right,  
 16:31  
 Notice of cancellation, 3:44  
 Right to cancel, 3:43  
 Unconscionability, 5:25  
 Unfair and deceptive practices, 3:46

**DRESSING ROOMS**  
 Surveillance, 30:31

**DRUG QUALITY AND SECURITY  
 ACT OF 2013**  
 Generally, 24:73

**DRUGS AND NARCOTICS**  
 Food, drugs, and cosmetics, this  
 index

**DRY CLEANERS**  
 Clothing and fabrics, 30:32

**DUE ON SALE CLAUSES**  
 Mortgages, 28:81

**DURESS**  
 Contracts, 1:35

**ECONOMY SIZE**  
 Pricing of goods or services, 3:15

**EDUCATION**  
 Schools and education, this index

**EGGS**  
 Identity and quality, 24:52

**ELDERLY PERSONS**  
 Banking services, 30:82  
 Public utilities, termination of ser-  
 vice, 27:38, 27:39  
 Telephones, termination of service,  
 27:54, 27:55

**ELECTRICITY**  
 Public utilities, this index

**ELECTRONIC BANKING**  
 Generally, 21:1 to 21:46  
 Account disclosures, 21:15 to 21:19  
 Administrative enforcement, 21:40,  
 21:41  
 Changes in terms and conditions,  
 disclosures, 21:19  
 Civil liability, 21:42 to 21:45  
 Compulsory electronic fund transfers,  
 prohibition against, 21:9  
 Criminal liability, 21:46  
 Disclosures  
 Generally, 21:15 to 21:22  
 Account disclosures, 21:15 to  
 21:19  
 Changes in terms and conditions,  
 21:19  
 Error resolution notice, 21:18  
 Non-bank ATMs, transaction  
 disclosures, 21:21  
 Transaction disclosures, 21:20,  
 21:21  
 Disclosures, prepaid accounts  
 required disclosures, 21:55



## INDEX

### **ELECTRONIC BANKING—Cont'd**

- Documentation of transfers
  - Generally, 21:23 to 21:27
  - Non-bank ATMs, time of transfer, 21:25
  - Periodic statements, 21:26
  - Preauthorized transfers, 21:27
  - Time of transfer, 21:24, 21:25
- Enforcement of consumer rights, generally, 21:39 to 21:46
- Error resolution
  - Generally, 21:34 to 21:38
  - Disclosures, 21:18
  - Investigation, obligations of bank after conducting, 21:38
  - Notification requirement, 21:36
  - Obligations of bank, 21:37, 21:38
- Exemptions, 21:6
- Failure to make transfer, liability for, 21:43
- Federal regulation, generally, 21:2, 21:4
- Fund transfers, prohibition against compulsory, 21:9
- Investigation, obligations of bank after conducting, 21:38
- Issuance of ATM cards and other access devices, 21:8
- Massachusetts regulation, generally, 21:3, 21:4
- Non-bank ATMs, 21:21, 21:25
- Notice, 21:33, 21:36
- Overdraft credit features, hybrid accounts, 21:56
- Overdraft protection, 21:14
- Periodic statements, 21:26
- Preauthorized transfers, 21:10 to 21:12, 21:27
- Prepaid financial products
  - Generally, 21:54
  - Hybrid accounts, overdraft credit features, 21:56
  - Required disclosures, prepaid accounts, 21:55
- Privacy concerns, 21:13
- Relationship between federal and Massachusetts law, 21:4
- Remittance transfers
  - Generally, 21:47

### **ELECTRONIC BANKING—Cont'd**

- Remittance transfers—Cont'd
  - Error resolution, 21:53
  - Foreign language disclosures, 21:52
  - Initial notice to sender, 21:48
  - Oral disclosures for telephone requests, 21:50
  - Receipt when sender makes payment, 21:49
  - Storefront and internet notices, 21:51
- Stop payment, 21:12, 21:43
- Time of transfer, 21:24, 21:25
- Transaction disclosures, 21:20, 21:21
- Transactions covered, 21:5, 21:6
- Treble damages, 21:45
- Unauthorized transfers
  - Generally, 21:28 to 21:33
  - Defined, 21:31
  - Federal law, 21:29
  - Massachusetts law, 21:30
  - Notice to consumer, adequacy, 21:33
  - Requirements for imposing liability, 21:32
- Variable amount preauthorized transfers, 21:11

### **EMERGENCIES**

- Drugs and medical devices, premarket approval, 24:68, 24:86
- Telephones, access to service, 27:11
- Truth in lending, waiver of rescission period, 14:26

### **EMOTIONAL DISTRESS**

- Collection of debts, 20:106, 20:107
- Warranties, consequential damages, 6:123

### **EMPLOYMENT**

- Collection of debts, communications with employers, 20:45, 20:46
- Credit reports, 17:22, 17:30, 17:65

### **EMPLOYMENT AGENCIES**

- Generally, 30:50 to 30:61
- Advertising, 30:56
- Applicants, contracts with, 30:53

## **EMPLOYMENT AGENCIES**

### **—Cont'd**

- Bonds, 30:51
- Credit reports, exceptions to, 17:16
- Criminal penalties, 30:60
- Domestic help, recruiting from other states, 30:54
- Enforcement, 30:60, 30:61
- Fees payable to employment agencies, 30:58
- Inspection of records, 30:52
- Licenses, 30:51
- Prohibited activities, 30:55 to 30:57
- Records, 30:52
- Refunds to job applicants, 30:59
- Remedies, 30:60, 30:61
- Treatment of job applicants, 30:57

## **ENDORSEMENTS**

- Advertising, 2:17

## **ENFORCEMENT**

- Administrative enforcement and penalties, this index
- Charitable funds solicitation, 30:19 to 30:21
- Clothing and fabrics, advertising and labeling provisions, 30:30
- Consumer leases, 13:34 to 13:39
- Credit advertising, 9:18, 9:19
- Credit cards and charge cards, 11:53 to 56
- Credit insurance, 18:27 to 18:34
- Electronic banking, consumer rights, 21:39 to 21:46
- Employment agencies, 30:60, 30:61
- Food, drugs, and cosmetics, this index
- Hazardous substances, 7:72 to 7:76
- Hospitals and nursing homes, patient rights, 25:29 to 25:37
- Household appliances, 30:73
- Implied warranties, 6:93
- Installment sales, this index
- Insurance premium financing, this index
- Interstate Land Sales Full Disclosure Act, 28:24 to 28:28
- Magnuson-Moss Warranty Act, this index

## **ENFORCEMENT—Cont'd**

- National Traffic and Motor Vehicle Safety Act, 26:110 to 26:113
- Odometer laws, 26:43 to 26:46, 26:50
- Product safety, this index
- Proprietary schools, 23:22 to 23:24
- Telemarketing laws, 3:24 to 3:28
- Telephones, this index
- Truth in lending, this index
- Truth in savings, 22:15 to 22:17
- Unconscionability, 5:37
- Warranties, this index

## **ENTERTAINMENT AND RECREATION**

- Generally, 30:33 to 30:39
- Health clubs, this index
- Membership camping contracts, 30:38
- Product safety, 7:112 to 7:116
- Ticket scalping, 30:39

## **ENVIRONMENTAL ISSUES**

- Real property, disclosures prior to sale, 28:6 to 28:11

## **EQUITABLE RELIEF**

- Advertising, Federal Trade Commission, 2:31, 2:32
- Injunctions, this index
- Unfair or deceptive acts, 4:60
- Usury, 15:15

## **ERRORS**

- Billing errors, this index

## **ESCROW ACCOUNTS**

- Real Estate Settlement Procedures Act, 28:60, 28:68

## **ESTIMATES**

- Truth in lending, accuracy of rate disclosure, 10:25
- Warranties, 6:29, 6:30

## **ESTOPPEL**

- Frauds, statute, 1:25
- Warranties, statute of limitations, 6:81

## **EVICITION**

- Manufactured housing, 29:73, 29:74

## INDEX

### EVIDENCE

- Burden of proof, this index
- Odometer laws, 26:38, 26:39
- Parol evidence, this index
- Unconscionability, uniform Commercial Code, 5:20
- Unfair or deceptive acts, 4:56
- Warranties and breach, 6:90 to 6:94

### EXECUTION OF JUDGMENTS

- Collection of debts, 20:88

### EXEMPTIONS

- Attachment, 20:74, 20:75
- Credit reports, exclusion of obsolete information, 17:27
- Electronic banking, 21:6
- Fair Debt Collection Practices Act, 20:11
- Home improvement contractors, registration, 28:88
- Interstate Land Sales Full Disclosure Act, 28:15 to 28:18
- National Traffic and Motor Vehicle Safety Act, 26:101, 26:108
- Odometer laws, 26:30
- Real Estate Settlement Procedures Act, 28:53
- Repairs of motor vehicles, 26:81
- Small loans, 15:20
- Trustee process, 20:78 to 20:82
- Truth in lending, 8:4, 8:5, 8:30
- Usury, 15:14

### EXHAUSTION OF ADMINISTRATIVE REMEDIES

- Unfair or deceptive acts, 4:45

### EXPENSES

- Costs and expenses, this index

### EXPERIMENTAL TREATMENT

- Terminally ill patients, 24:69

### EXPORTERS

- Product safety, 7:15

### EYEGLASSES

- Product safety, 7:91

### FABRICS

- Clothing and fabrics, this index

### FACTORY PRICES

- Pricing of goods or services, 3:6

### FAIR CREDIT REPORTING ACT

- Credit reports, this index

### FAIR DEBT COLLECTION PRACTICES ACT

- Generally, 20:4 to 20:14
- Administrative enforcement, 20:12
- Advisory opinion of Federal Trade Commission, compliance with, 20:101
- Attorneys, coverage of collectors, 20:9
- Attorneys' fees and costs, 20:98, 20:99
- Background, 20:4
- Bona fide error, 20:100
- Class actions, 20:95
- Collectors covered, 20:8
- Creditors, coverage of collectors, 20:10
- Damages, 20:96, 20:97
- Debts covered, 20:6, 20:7
- Defenses, 20:100, 20:101
- Exemptions from coverage of collectors, 20:11
- Extension of credit not required, 20:7
- General requirements, 20:13
- Private remedies
  - Generally, 20:91 to 20:101
  - Actual damages, 20:96
  - Advisory opinion of Federal Trade Commission, compliance with, 20:101
  - Attorneys' fees and costs, 20:98, 20:99
  - Bona fide error, 20:100
  - Calculation of attorney's fees, 20:99
  - Class actions, 20:95
  - Damages, 20:96, 20:97
  - Defenses, 20:100, 20:101
  - Persons who may be sued, 20:94
  - Persons who may sue, 20:93
  - Statute of limitations, 20:92

**FAIR DEBT COLLECTION  
PRACTICES ACT—Cont'd**

Private remedies—Cont'd  
Statutory damages, 20:97  
Purpose, 20:5  
State law, relation to, 20:14  
Statute of limitations, 20:92

**FAIR PACKAGING AND  
LABELING ACT**

Food, drugs, and cosmetics, 24:20 to  
24:22

**FEDERAL DIVERSITY ACTION**

Unfair or deceptive acts, multiple  
damages, 4:69

**FEDERAL PREEMPTION**

Preemption, this index

**FEDERAL SAFETY STANDARDS**

Children's products, 7:126

**FEDERAL TOY SAFETY  
STATUTES**

Product safety, 7:125

**FEDERAL TRADE COMMISSION**

Advertising, this index  
Unfair or deceptive acts, this index

**FEES AND CHARGES**

Attorney's fees, this index  
Cable television, 30:4, 30:5  
Consumer leases, 13:18  
Credit cards and charge cards, 11:26  
Credit insurance, 18:4 to 18:6  
Credit reports, access by consumer to  
agency files, 17:41  
Employment agencies, 30:58  
Home equity loans, 10:64  
Installment sales, this index  
Insurance premium financing, 16:58  
to 16:61  
Manufactured housing, occupancy  
terms and conditions, 29:64  
Small loans, 15:25  
Truth in lending, this index  
Unconscionability, credit arrange-  
ments, 5:36

**FIDUCIARY DUTY**

Credit insurance, 18:31

**FINANCE COMPANIES**

Role of, 16:4

**FINANCIAL HARDSHIP**

Public utilities, this index

**FIREARMS**

Product safety, 7:92

**FIRE SALES**

Retail practices, 3:56

**FIREWORKS**

Product safety, 7:93

**FIRST AMENDMENT**

Advertising, 2:5

**FITNESS FOR PARTICULAR  
PURPOSE**

Implied warranties, this index

**FIXTURES**

Real property, 28:34

**FLAMMABLE FABRICS ACT**

Product safety, 7:79, 7:80

**FOOD, DRUGS, AND COSMETICS**

Generally, 24:1 to 24:114  
Adulteration  
Cosmetics, 24:90  
Drugs, 24:65  
Food, 24:42  
Medical devices, 24:83  
Advertising, 24:13  
Generally, 24:9 to 24:12  
False advertising, prohibition,  
24:10  
Prescription drugs, 24:11, 24:12  
Bakery products, identity and quality,  
24:50  
Biological products, identity and  
quality, 24:64  
Bottled water, identity and quality,  
24:51  
Civil penalties, 24:112  
Color additives, identity and quality  
of cosmetics, 24:91

## INDEX

### FOOD, DRUGS, AND COSMETICS

#### —Cont'd

- Comparison shopping, packaging, 24:16
- Consumer price scanner system, prices, 24:99, 24:100
- Counseling regarding prescription drugs, pharmacists, 24:77
- Criminal penalties, 24:113
- Deceptive packaging, 24:15
- Dietary supplements
  - Enforcement, 24:103
  - Identity and quality, 24:48
  - Labeling, 24:27
- Display of unit prices, 24:95
- Drug Quality and Security Act of 2013, 24:73
- Eggs, identity and quality, 24:52
- Emergency use, premarket approval of drugs and medical devices for, 24:68, 24:86
- Enforcement
  - Generally, 24:102 to 24:114
  - Civil penalties, 24:112
  - Criminal penalties, 24:113
  - Dietary supplements, 24:103
  - Fair Packaging and Labeling Act, 24:22
  - Generic drugs, 24:105
  - Infant formula, 24:104
  - Injunctions, 24:111
  - Inspection power, 24:107
  - Massachusetts regulation, 24:5
  - Medical devices, 24:106
  - Prices, 24:96
  - Private actions, 24:114
  - Recalls, 24:110
  - Seizures, 24:109
  - Warnings and publicity, 24:108
- Experimental treatment of terminally ill patients, 24:69
- Fair Packaging and Labeling Act, 24:20 to 24:22
- False advertising, prohibition, 24:10
- Federal regulation, generally, 24:2, 24:3, 24:6 to 24:8
- Food additives, 24:8, 24:44 to 24:46

### FOOD, DRUGS, AND COSMETICS

#### —Cont'd

- Food contact substances, identity and quality, 24:46
- Generic drugs, enforcement, 24:105
- Identity and quality of cosmetics
  - Generally, 24:88 to 24:91
  - Adulteration, 24:90
  - Color additives, 24:91
- Identity and quality of drugs
  - Generally, 24:60 to 24:78
  - Adulteration, 24:65
  - Background, 24:61
  - Biological products, 24:64
  - Counseling regarding prescription drugs, pharmacists, 24:77
  - Drug Quality and Security Act of 2013, 24:73
  - Effectiveness, 24:66
  - Emergency use, premarket approval of drugs for, 24:68
  - Experimental treatment of terminally ill patients, 24:69
  - Food, drug, and Cosmetic Act, generally, 24:62 to 24:72
  - Massachusetts law, 24:74 to 24:79
  - Monitoring of approved drugs, 24:71
  - Pharmacists, duties, 24:75 to 24:79
  - Premarket approval, 24:67, 24:68
  - Prescription vs. nonprescription drugs, 24:63
  - Prior authorization, duties of pharmacists, 24:79
  - Prospective drug review, pharmacists, 24:76
  - Recordkeeping by pharmacists, 24:78
  - Special safeguards for prescription drugs, 24:72
  - Treatment information, dissemination, 24:70
- Identity and quality of food
  - Generally, 24:34 to 24:58
  - Adulteration, 24:42
  - Bakery products, 24:50
  - Bottled water, 24:51
  - Dietary supplements, 24:48
  - Eggs, 24:52

**FOOD, DRUGS, AND COSMETICS  
—Cont'd**

Identity and quality of food—Cont'd  
 Food, drug, and Cosmetic Act,  
   generally, 24:37 to 24:48  
 Food additives, 24:44 to 24:46  
 Food contact substances, 24:46  
 Identity, 24:38 to 24:40  
 Imitation foods, identity, 24:40  
 Infant formula, 24:53  
 Massachusetts regulation, 24:36  
 Meat, 24:54, 24:55  
 Milk, 24:56  
 Organic foods, 24:57  
 Pesticide chemical residues, 24:47  
 Poultry, 24:58  
 Quality, 24:41 to 24:43  
 Saccharin, 24:45  
 Standardized foods, identity, 24:39  
 Tolerances for impurities or  
   defects, 24:43  
 Identity and quality of medical  
   devices  
   Generally, 24:80 to 24:87  
   Adulteration, 24:83  
   Classification, 24:82  
   Emergency use, premarket  
     approval of devices for, 24:86  
   Premarket approval, 24:84 to 24:86  
   Recordkeeping and reporting,  
     24:87  
   Substantial equivalence, premarket  
     approval, 24:85  
 Imitation foods, identity, 24:40  
 Implied warranty of merchantability,  
   6:48  
 Individual item pricing system, price  
   disclosure law, 24:98, 24:100  
 Infant formula, 24:53, 24:104  
 Injunctions, 24:111  
 Inspection power, 24:107  
 Interchangeable Drug Products Act,  
   24:101  
 Labeling  
   Generally, 24:19 to 24:33  
   Cosmetics, 24:29  
   Definitions, 24:24  
   Dietary supplements, 24:27

**FOOD, DRUGS, AND COSMETICS  
—Cont'd**

Labeling—Cont'd  
 Drugs and devices, 24:28, 24:33  
 Fair Packaging and Labeling Act,  
   24:20 to 24:22  
 Food  
   Generally, 24:25 to 24:27,  
     24:31, 24:32  
   Drug, and Cosmetic Act, gener-  
     ally, 24:23 to 24:29  
   Massachusetts law, 24:30 to 24:33  
   Nutrition and health, food, 24:26  
   Open date food labeling, 24:32  
 Massachusetts regulation, generally,  
   24:4 to 24:8  
 Meat, identity and quality, 24:54,  
   24:55  
 Medical devices  
   Enforcement, 24:106  
   Labeling, 24:28, 24:33  
   Relationship between federal and  
     state law, 24:8  
 Milk, 24:56, 24:93  
 Monitoring of approved drugs, 24:71  
 Nutrition and health, labeling, 24:26  
 Open date food labeling, 24:32  
 Organic foods, identity and quality,  
   24:57  
 Packaging  
   Generally, 24:14 to 24:18  
   Comparison shopping, hindering,  
     24:16  
   Deceptive packaging, 24:15  
   Massachusetts law, 24:18  
   Security of packaging, 24:17  
 Pesticide chemical residues, identity  
   and quality of food, 24:47  
 Pharmaceutical and medical device  
   manufacturers, advertising,  
     24:13  
 Pharmacists, duties, 24:75 to 24:79  
 Poultry, identity and quality, 24:58  
 Premarket approval, 24:67, 24:68,  
   24:84 to 24:86  
 Prescription drugs, advertising,  
   24:11, 24:12  
 Prices  
   Generally, 24:92 to 24:101

## INDEX

### FOOD, DRUGS, AND COSMETICS

#### —Cont'd

- Prices—Cont'd
  - Consumer price scanner system, 24:99
  - Consumer price scanner system, price disclosure law, 24:99
  - Display of unit prices, 24:95
  - Enforcement, 24:96
  - Individual item pricing system, price disclosure law, 24:98
  - Interchangeable Drug Products Act, 24:101
  - Milk, 24:93
  - Price disclosure law, 24:97 to 24:100
  - Regulation systems, requirements common to individual item and consumer scanner, 24:100
  - Requirements common to regulation systems, 24:100
  - Unit pricing law, 24:94 to 24:96
- Prior authorization, duties of pharmacists, 24:79
- Prospective drug review, pharmacists, 24:76
- Publicity, 24:108
- Quality. Identity, above, 24:91
- Recalls, enforcement, 24:110
- Recordkeeping and reporting, 24:78, 24:87
- Relationship between federal and state law, 24:6 to 24:8
- Reportable food registry, 24:59
- Requirements common to price regulation systems, 24:100
- Saccharin, identity and quality, 24:45
- Security of packaging, 24:17
- Seizures, 24:109
- Substantial equivalence, premarket approval of medical devices, 24:85
- Tolerances, 24:43
- Treatment information, dissemination, 24:70
- Unit pricing law, 24:94 to 24:96
- Warnings, 24:108

### FOOD ADDITIVES

- Federal and state law, relationship between, 24:7, 24:44 to 24:46

### FORUM ABUSE

- Collection of debts, default judgments, 20:86

### FOUR INSTALLMENT RULE

- Truth in lending, 8:28

### FRAUD AND MISREPRESENTATION

- Advertising, this index
- Collection of debts, this index
- Contracts, 1:34
- Credit insurance, 18:23 to 18:25
- Deceptive acts. Unfair or deceptive acts, this index
- False claims, colleges and universities, 23:33
- Repairs of motor vehicles, 26:92
- Telephone or mail order transactions, 3:22, 3:36 to 3:38
- Unfair or deceptive acts, this index

### FRAUDS, STATUTE OF

- Generally, 1:14 to 1:25
- Admissions, uniform Commercial Code, 1:24
- Estoppel to plead, uniform Commercial Code, 1:25
- Land, contract for sale, 1:18
- One year, contract not to be performed within, 1:19
- Partial performance, uniform Commercial Code, 1:22
- Promise to answer for debt of another, 1:17
- Specially manufactured goods, uniform Commercial Code, 1:23
- Sufficiency of memorandum, 1:16
- Uniform Commercial Code
  - Generally, 1:20 to 1:25
  - Admissions, 1:24
  - Basic requirements, 1:21
  - Estoppel to plead, 1:25
  - History, 1:20
  - Partial performance, 1:22
  - Specially manufactured goods, 1:23

### FREEDOM OF INFORMATION ACT

- Product safety, 7:29



**FUNERAL SERVICES**

- Generally, 30:40 to 30:49
- Buyer's guide, pre-need contracts, 30:43
- Disclosures, 30:46 to 30:48
- Financing, pre-need contracts, 30:45
- Pre-need contracts, 30:41 to 30:45
- Prohibited practices, 30:49
- Solicitation of pre-need contracts, 30:42

**FUR PRODUCTS**

- Labeling, 30:28

**GARAGE DOOR OPENERS**

- Product safety, 7:94

**GARNISHMENT**

- Collection of debts, 20:17

**GAS**

- Public utilities, this index

**GASOLINE STATIONS**

- Consumer safety, 30:66

**GENERIC DRUGS**

- Food, drug and cosmetic safety, 24:105

**GIFTS**

- Certificates, 3:50, 3:51
- Pricing of goods or services, 3:16
- Store gift cards, 3:51

**GLASS DOORS**

- Product safety, 7:99

**GOOD FAITH**

- Real Estate Settlement Procedures Act, 28:56, 28:70
- Truth in lending, reliance on administrative interpretation, 14:64
- Unconscionability, uniform Commercial Code, 5:16
- Warranties, 6:22

**GOVERNMENT AGENCIES**

- Credit reports, 17:24

**GRADUATED PAYMENTS**

- Mortgages, 15:37

**GUARANTEES**

- Advertising, 2:15, 2:16
- Home improvement contractors, 28:96

**HARASSMENT**

- Collection of debts, this index

**HAZARDOUS SUBSTANCES**

- Generally, 7:68 to 7:76
- Bans, 7:37
- Children, articles intended for, 7:71, 7:74
- Civil penalties, 7:75
- Criminal penalties, 7:76
- Enforcement, 7:72 to 7:76
- Labeling, 7:70, 7:83
- Notification, 7:73
- Penalties, 7:75, 7:76
- Recalls, 7:73
- Seizure, 7:73

**HEALTH CLUBS**

- Generally, 30:34 to 30:37
- Cancellation rights, 30:36
- Damages, 30:37
- Introductory offers, 30:35
- Penalties, 30:37

**HEARINGS**

- Repossession, 20:66

**HEATING EQUIPMENT**

- Product safety, 7:95

**HEATING FUELS**

- Generally, 30:67 to 30:70
- Coal, 30:68
- Oil, 30:69
- Propane, 30:69
- Wood, 30:70

**HELMETS**

- Product safety, 7:114

**HIGH-COST INSTALLMENT  
LOANS**

- Current developments, 8:22

**HIGH COST MORTGAGE LOANS**

- Third-party financing, 19:10, 19:26
- Truth in lending, this index



## INDEX

### **HIGHWAY SAFETY ACT**

Motor vehicles, 26:116

### **HOLDER IN DUE COURSE**

Negotiable instruments, 19:12 to 19:14

### **HOME EQUITY LOANS**

Generally, 10:57 to 10:69

Cautions or warnings, 10:61

Credit advertising, 9:11 to 9:14

Fees, 10:64

Fixed rate plans, rates under, 10:62

Form of disclosures, 10:58

Payment terms, 10:65

Rates, 10:62, 10:63

Reverse mortgage loans, 10:66 to 10:69

Time of disclosures, 10:59

Truth in lending, this index

Variable rate plans, rates under, 10:63

### **HOME FURNISHINGS**

Product safety, 7:96, 7:97

### **HOME IMPROVEMENT CONTRACTORS**

Generally, 28:86 to 28:96

Administrative sanctions, 28:90

Arbitration, 28:95

Contents of contract, 28:93

Court actions, 28:94

Criminal penalties, 28:91

Exemptions, registration of contractors, 28:88

Guaranty fund, 28:96

Homeowner protections, 28:92 to 28:96

Prohibited acts, 28:89 to 28:91

Registration of contractors, 28:87, 28:88

Regulation of contractors, 28:87 to 28:91

Remedies, 28:94 to 28:96

### **HOSPITALS, NURSING HOMES, AND ASSISTED LIVING FACILITIES**

Generally, 25:1 to 25:37

Abuse of patients, 25:17, 25:18, 25:35 to 25:37

### **HOSPITALS, NURSING HOMES, AND ASSISTED LIVING FACILITIES—Cont'd**

Access to persons outside nursing home, 25:25

Activities of ombudsman, 25:31

Advance notice, discharge or transfer of nursing home residents, 25:27

Assisted living residences, 25A:1, 25A:2

Background, 25:1

Choice of physician or medical facility, 25:15

Complaint resolution procedure, ombudsman, 25:32

Consumer Protection Act, 25:34

Continuing care contracts, disclosures, 25:12

Cost of treatment or residence, disclosures, 25:10, 25:11

Criminal penalties, abuse of patients, 25:37

Discharge of nursing home residents, 25:26 to 25:28

Disclosures

Generally, 25:6 to 25:12

Continuing care contracts, 25:12

Cost of treatment or residence, 25:10, 25:11

Duty to disclose and post information, 25:7

Medical care, 25:8, 25:9

Enforcement of patient rights, generally, 25:29 to 25:37

Financial practices of nursing homes, 25:3, 25:4

Financial practices of nursing homes and assisted living facilities, 25:4

Functions of ombudsman, 25:31

Health care proxies and agents, 25:14

Long term care insurance, generally, 25:38 to 25:41

Medical care, disclosures, 25:8, 25:9

Medical records, 25:5, 25:21

Money, management, 25:23

Notice, discharge or transfer of nursing home residents, 25:27

Ombudsman, 25:30 to 25:32

**HOSPITALS, NURSING HOMES,  
AND ASSISTED LIVING  
FACILITIES—Cont'd**

- Personal affairs, management, 25:22 to 25:24
- Privacy, 25:19 to 25:21
- Private actions, 25:33, 25:34, 25:36
- Property, management, 25:24
- Refusal of treatment, 25:16
- Regulatory framework, 25:2
- Regulatory regime, assisted living residences, 25A:1
- Residents' rights, assisted living residences, 25A:2
- Security deposits, nursing homes, 25:4
- Security deposits, nursing homes and assisted living facilities, 25:4
- Transfer of nursing home residents, 25:26 to 25:28
- Treatment and care
  - Generally, 25:13 to 25:18
  - Abuse of patients, 25:17, 25:18
  - Choice of physician or medical facility, 25:15
  - Health care proxies and agents, 25:14
  - Refusal of treatment, 25:16

**HOUSEHOLD APPLIANCES**

- Generally, 30:71 to 30:74
- Enforcement, 30:73
- Performance labeling, 30:73
- Performance standards, 30:72
- Product safety, 7:101 to 7:104
- Seasonal and decorative lighting products, product safety, 7:102

**HOUSEWARES**

- Product safety, 7:108

**HUSBAND AND WIFE**

- Collection of debts, communications with spouse, 20:44
- Contracts, postnuptial or marital, 1:38

**HYBRID SALES AND SERVICE  
TRANSACTIONS**

- Warranties, 6:14

**IDENTITY**

- Food, drugs, and cosmetics, this index

**IDENTITY THEFT**

- Generally, 17:97 to 17:105
- Blocking of information, 17:101
- Debt resulting from, 17:103
- Furnishers of information, duties of, 17:104
- Limitation on use of information while alert is in effect, 17:100
- Military active duty alerts, 17:99
- One-call fraud alerts, 17:98
- Prevention, 17:76
- Prevention, Massachusetts statute, 17:105
- Statute for prevention, 17:105
- Victims' rights, 17:102

**IMITATION FOODS**

- Identity, 24:40

**IMPLIED WARRANTIES**

- Generally, 6:33 to 6:53
- Consumer leases, 6:35, 6:40, 6:51
- Enforcement, 6:93
- Exclusions, statutory, 6:37
- Fitness for particular purpose
  - Generally, 6:49 to 6:53
  - Consumer leases, 6:51
  - Merchantability, relationship to, 6:50
  - Reliance, 6:52
- Food, merchantability, 6:48
- Habitability, leases, 29:33
- Manufacturer, liability, 6:38
- Merchantability
  - Generally, 6:39 to 6:48
  - Consumer leases, 6:40
  - Factors considered in determining merchantability, 6:45
  - Fitness for particular purpose, relationship to, 6:50
  - Food, 6:48
  - Merchant, seller as, 6:41
  - Motor vehicles, 6:47
  - Ordinary purposes standard, 6:43
  - Statutory standards, 6:42 to 6:44
  - Motor vehicles, merchantability, 6:47

## INDEX

### **IMPLIED WARRANTIES—Cont'd**

- Nature, 6:34
- Used goods, 6:36
- Warranties, this index

### **IMPORTERS**

- Product safety, 7:14

### **IMPROVEMENTS**

- Home improvement contractors, this index

### **INCIDENTAL DAMAGES**

- Warranties, 6:121

### **INDEPENDENT COVENANTS**

- Leases, 29:29

### **INDIVIDUAL ITEM PRICING SYSTEM**

- Food, drugs, and cosmetics, price disclosure law, 24:98

### **INFANTS**

- Children and minors, this index

### **INJUNCTIONS**

- Advertising, Federal Trade Commission, 2:31
- Charitable funds solicitation, 30:20
- Food, drugs, and cosmetics, 24:111
- Leases, sanitary code, 29:56
- Magnuson-Moss Warranty Act, 6:128
- National Traffic and Motor Vehicle Safety Act, 26:111
- Product safety, 7:54, 7:55

### **INSPECTION**

- Charitable funds solicitation, 30:18
- Collection of debts, 20:29
- Employment agencies, records, 30:52
- Food, drugs, and cosmetics, 24:107
- Lead paint, 29:43
- Lemon laws, 26:71
- Motor vehicles, 26:121

### **INSTALLMENT SALES**

- Generally, 16:5 to 16:53
- Acknowledgment by buyer, 16:18
- Administrative enforcement, 16:63
- Background, 16:6
- Cancellation
  - Generally, 16:30 to 16:32

### **INSTALLMENT SALES—Cont'd**

- Cancellation—Cont'd
  - Door-to-door sales, 16:39
  - Motor vehicles, 16:53
  - Notice and form, 16:16
- Collection actions, revolving credit agreements, 16:37
- Consolidation, modification of agreement, 16:25 to 16:27
- Content of installment sale agreement, 16:14 to 16:19
- Criminal penalties, 16:69
- Default, defined, 16:19
- Door-to-door sales, cancellation right, 16:31
- Enforcement
  - Generally, 16:62 to 16:69
  - Administrative enforcement, 16:63
  - Criminal penalties, 16:69
  - Motor vehicles, 16:67
  - Private remedies, 16:64 to 16:68
- Extension of agreement, 16:23
- Finance and other charges
  - Generally, 16:20, 16:21
  - Collection actions, revolving credit agreements, 16:37
  - Deferment charge, motor vehicles, 16:49
  - Delinquency charge, revolving credit agreements, 16:38
  - Late charge, revolving credit agreements, 16:38
  - Motor vehicles, 16:48 to 16:51
  - Refinancing charge, motor vehicles, 16:50
  - Regulation, 16:10
  - Revolving credit agreements, 16:36, 16:37
- Finance companies, 16:7, 16:8, 16:41, 16:42
- Fixed-rate loan, consolidation with, 16:26
- Form of installment sale agreement, 16:14 to 16:19
- Installment sale agreements, generally, 16:12 to 16:32
- Licensing of finance companies, 16:8, 16:42
- Mail order sales, 16:9

**INSTALLMENT SALES—Cont'd**

- Modification of agreement
  - Generally, 16:22 to 16:27
  - Consolidation, 16:25 to 16:27
  - Extension, 16:23
  - Fixed-rate loan, consolidation with, 16:26
  - Prior agreement, consolidation with, 16:25
  - Refinancing, 16:24
  - Variable-rate loan or revolving credit agreement, consolidation with, 16:27
- Motor vehicles
  - Generally, 16:40 to 16:53
  - Cancellation right, 16:53
  - Charges, 16:48 to 16:51
  - Default, defined, 16:46
  - Deferment charge, 16:49
  - Duties of parties to contract, 16:47
  - Enforcement, 16:67
  - Finance charge, 16:48
  - Finance companies, 16:41, 16:42
  - Form and contents of contract, 16:43 to 16:46
  - Licensing of finance companies, 16:42
  - Notice to buyer, 16:44
  - Prepayment of remaining balance, 16:52
  - Refinancing charge, 16:50
  - Unenforceable terms, 16:45
- Notice to buyer, 16:15, 16:35, 16:44
- Prepayment of remaining balance, 16:28, 16:52
- Prior agreement, consolidation with, 16:25
- Prohibited terms, 16:17
- Refinancing, modification of agreement, 16:24
- Revolving credit agreements
  - Generally, 16:33 to 16:39
  - Cancellation right, door-to-door sales, 16:39
  - Collection actions, 16:37
  - Consolidation, 16:27
  - Defined, 16:34
  - Finance charge, 16:36

**INSTALLMENT SALES—Cont'd**

- Revolving credit agreements
  - Cont'd
  - Late or delinquency charge, 16:38
  - Notice to buyer, 16:35
- Security interests in consumer goods, 16:29
- Statement of account, 16:11
- Telephone sales, 16:9
- Variable-rate loan agreement, consolidation with, 16:27

**INSULATION**

- Real property, disclosures prior to sale, 28:8

**INSURANCE**

- Credit insurance, this index
- Life insurance, this index
- Long-term care insurance, generally, 25:38 to 25:41
- Premium financing. Insurance
  - Premium Financing, this index
- Truth in lending, 10:13 to 10:16
- Unconscionability, 5:38

**INSURANCE PREMIUM FINANCING**

- Generally, 16:54 to 16:62
- Administrative enforcement, 16:63
- Administrative fees, 16:58
- Cancellation of policy, 16:62
- Charges, 16:58 to 16:61
- Criminal penalties, 16:69
- Default charge, 16:60
- Deferment charge, 16:59
- Enforcement
  - Generally, 16:62 to 16:69
  - Administrative enforcement, 16:63
  - Criminal penalties, 16:69
  - Private remedies, 16:64 to 16:68
- Extension charge, 16:59
- Finance agreements, 16:57
- Finance charges, 16:58
- Finance companies, 16:55, 16:56
- Late payment charge, 16:60
- Licensing of finance companies, 16:56
- Prepayment, 16:62

## INDEX

### INTENT

- Odometer laws, 26:39
- Product safety civil penalties, 7:57

### INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

- Collection of debts, 20:106

### INTERCHANGEABLE DRUG PRODUCTS ACT

- Drug safety, 24:101

### INTEREST

- Leases, 29:15, 29:23
- Mortgages, 15:42
- Small loans, 15:24
- Truth in savings, 22:15
- Unfair or deceptive acts, 4:74
- Usury, this index

### INTERFERENCE WITH CONTRACTUAL RELATIONS

- Collection of debts, 20:110

### INTERLOCKING LOANS

- Third-party financing, this index

### INTERRUPTION OF SERVICE

- Cable television, 30:6

### INTERSTATE LAND SALES FULL DISCLOSURE ACT

- Generally, 28:12 to 28:30
- Administrative action, 28:25
- Advertising disclaimer, omission, 28:22
- Background, 28:12
- Coverage, 28:13, 28:14
- Criminal penalties, 28:26
- Disclosure requirements, 28:19, 28:20
- Enforcement, 28:24 to 28:28
- Exemptions, 28:15 to 28:18
- Federal preemption, 28:30
- Full statutory exemptions, 28:16
- Jurisdiction, 28:27
- Misleading sales practices, 28:21 to 28:23
- Partial regulatory exemptions, 28:18
- Partial statutory exemptions, 28:17
- Persons covered, 28:13

### INTERSTATE LAND SALES FULL DISCLOSURE ACT—Cont'd

- Preemption of state law, 28:30
- Property report, unlawful and misleading sales practices, 28:23
- Purpose, 28:12
- Registration requirements, 28:19, 28:20
- Revocation rights of purchaser, disclosure, 28:20
- State law, relation to, 28:29, 28:30
- Statute of limitations, 28:28
- Substantially equivalent state law, certification, 28:29
- Transactions covered, 28:14
- Unlawful sales practices, 28:21 to 28:23
- Venue, 28:27

### INTOXICATION

- Contract, capacity to, 1:31

### INVESTIGATION

- Advertising, Federal Trade Commission, 2:24, 2:25
- Billing errors, 12:10
- Charitable funds solicitation, 30:18
- Credit reports, 17:57
- Electronic banking, obligations of bank, 21:38
- Unfair or deceptive acts, 4:77 to 4:79

### INVESTIGATIVE CONSUMER REPORTS

- Consumer protection, 17:18, 17:31, 17:64

### JOINDER OF CLAIMS

- Unfair or deceptive acts, 4:47

### JUDGMENTS

- Collection of debts, 20:83 to 20:87

### JURISDICTION

- Interstate Land Sales Full Disclosure Act, 28:27
- Product safety, injunctions, 7:55
- Unfair or deceptive acts, 4:41

### JURY TRIAL

- Credit reports, 17:87
- Unfair or deceptive acts, 4:48, 4:49

**KICKBACKS**

Real Estate Settlement Procedures Act, 28:62, 28:65

**LABELS AND LABELING**

Clothing and fabrics, 30:24 to 30:30  
Food, drugs, and cosmetics, this index  
Hazardous substances, 7:70, 7:83  
Household appliances, 30:73

**LANDLORD AND TENANT**

Leases, this index

**LATE PAYMENTS**

Insurance premium financing, 16:60  
Leases, 29:25  
Mortgages, 15:45, 28:76

**LAUNDRIES**

Cloth and fabrics, 30:32

**LAW AWAY PLANS**

Retail practices, 3:52

**LAWNMOWERS**

Product safety, 7:109

**LEAD HAZARDS AND POISONING**

Children's products, ban on lead in, 7:129

**LEAD PAINT**

Generally, 29:38 to 29:48  
Administrative enforcement, 29:48  
Background, 29:38  
Civil liability of owner, 29:47  
Correction of violations, duty of owner, 29:46  
Federal law, 29:39, 29:40  
Inspections, 29:43  
Lead-Based Paint Poisoning Prevention Act, 29:39  
Massachusetts law, 29:41 to 29:48  
Notice, duty of owner to give, 29:45  
Product safety, 7:107  
Prohibited acts, 29:44  
Real property, disclosures prior to sale, 28:6, 28:7  
Reporting requirements, 29:42

**LEAD PAINT—Cont'd**

Residential Lead-Based Paint Hazard Reduction Act, 29:40  
Screening requirements, 29:42

**LEASES**

Generally, 29:1 to 29:77  
Access of landlord to premises, rental agreement, 29:8  
Additional rent, 29:26  
Attorney General, regulations, 29:34  
Banking requirements, security deposits, 29:13  
Condition of premises  
Generally, 29:30 to 29:59  
Attorney General, regulations, 29:34  
Damages, claim for, 29:50 to 29:52  
Direct enforcement of sanitary code, 29:55 to 29:57  
Duplicative and multiple damages, 29:52  
Essential services, furnishing, 29:37  
Foreclosure, effect of, 29:31  
Implied warranty of habitability, 29:33  
Injunctive relief, sanitary code, 29:56  
Lead paint, this index  
Measure of damages, 29:51  
Personal injury actions, 29:58  
Quiet enjoyment, covenant, 29:35, 29:36  
Receivership, sanitary code, 29:57  
Remedies of tenant, generally, 29:49 to 29:59  
Repair-and-deduct, 29:54  
Retaliation by landlord, action for, 29:59  
Sanitary code, 29:32, 29:55 to 29:57  
Withholding of rent, 29:53  
Consumer leases, this index  
Damages, condition of premises, 29:50 to 29:52  
Delivery of copy of rental agreement, 29:9

## INDEX

### LEASES—Cont'd

- Discriminatory provisions, rental agreement, 29:7
- Documentary requirements, security deposits, 29:12
- Duplicative damages, condition of premises, 29:52
- Essential services, furnishing, 29:37
- Eviction by foreclosing owner, 29:78
- Foreclosure
  - Effect of, 29:31
  - Tenant protections, 29:78
- Implied warranty of habitability, 29:33
- Independent covenants rule, 29:29
- Initial payment, limit on, 29:22
- Injunctive relief, sanitary code, 29:56
- Interest, 29:15, 29:23
- Last month's rent, 29:23, 29:24
- Late charges, 29:25
- Lead paint, this index
- Manufactured housing, this index
- Motor vehicles, this index
- Multiple damages, condition of premises, 29:52
- Odometer laws, 26:34
- Personal injury actions, condition of premises, 29:58
- Quiet enjoyment, covenant, 29:35, 29:36
- Receivership, sanitary code, 29:57
- Recordkeeping requirements, security deposits, 29:14
- Rental agreement
  - Generally, 29:3 to 29:9
  - Access of landlord to premises, 29:8
  - Delivery of copy of agreement, 29:9
  - Discriminatory provisions, 29:7
  - Illegal provisions, 29:6 to 29:8
  - Required provisions, 29:5
  - Types of tenancies, 29:4
- Rent and other charges
  - Generally, 29:21 to 29:29
  - Additional rent, 29:26
  - Independent covenants rule, 29:29
  - Initial payment, limit on, 29:22

### LEASES—Cont'd

- Rent and other charges—Cont'd
  - Interest, last month's rent, 29:23
  - Last month's rent, 29:23, 29:24
  - Late charges, 29:25
  - Tax escalation clause, 29:26
  - Termination of tenancy for nonpayment of rent, 29:28
  - Transfer of property to new owner, last month's rent, 29:24
  - Utility bills, 29:27
- Repair-and-deduct, condition of premises, 29:54
- Retaliation by landlord, action for, 29:59
- Return of security deposit, 29:17
- Sanitary code, condition of premises, 29:32, 29:55 to 29:57
- Security deposits
  - Generally, 29:10 to 29:20
  - Banking requirements, 29:13
  - Documentary requirements, 29:12
  - Enforcement of law, 29:18 to 28:20
  - Interest, payment, 29:15
  - Maximum amount, 29:11
  - Recordkeeping requirements, 29:14
  - Return of security deposit, 29:17
  - Small claims actions, 29:20
  - Transfer of property to new owner, 29:16
  - Treble damages, 29:19
- Small claims actions, security deposits, 29:20
- Sources of law, 29:2
- Tax escalation clause, 29:26
- Tenant protections in foreclosed properties, 29:78
- Termination of tenancy for nonpayment of rent, 29:28
- Transfer of property to new owner, 29:16, 29:24
- Treble damages, security deposits, 29:19
- Utility bills, 29:27
- Withholding of rent, condition of premises, 29:53



## **LEMON LAWS**

- Generally, 26:51 to 26:71
- Affirmative defenses, new cars, 26:54
- Appeal from arbitration decision, 26:56, 26:65
- Arbitration, 26:55 to 26:57, 26:64 to 26:66
- Deposit, refund, 26:68
- Failure of manufacturer or dealer to abide by arbitration decision, 26:57, 26:66
- Inspection, failure of vehicle to pass, 26:71
- New cars
  - Generally, 26:51 to 26:57
  - Affirmative defenses, 26:54
  - Appeal from arbitration decision, 26:56
  - Arbitration, 26:55 to 26:57
  - Basic protection, 26:52
  - Failure of manufacturer to abide by arbitration decision, 26:57
  - Refund or replacement, 26:53
- Option of dealer to refund, used cars, 26:63
- Refund or replacement
  - Generally, 26:53
  - Deposit, 26:68
  - Price, 26:69, 26:70
  - Used cars, 26:62, 26:63
- Rejection of vehicle, refund of price, 26:69
- Revocation of acceptance, refund of price, 26:70
- Used cars
  - Generally, 26:58 to 26:67
  - Appeal from arbitration decision, 26:65
  - Arbitration, 26:64 to 26:66
  - Duration of statutory warranty of dealer, 26:60
  - Failure of dealer to abide by arbitration decision, 26:66
  - Option of dealer to refund, 26:63
  - Private seller obligations, 26:67
  - Refund by dealer, 26:62, 26:63
  - Repair obligations of dealer, 26:61
  - Statutory warranty of dealer, 26:59, 26:60

## **LEMON LAWS—Cont'd**

- Voiding sale of vehicle failing inspection, 26:71

## **LIBEL**

- Collection of debts, 20:114

## **LICENSES**

- Collection agencies, 20:23
- Employment agencies, 30:51
- Finance companies, installment sales, 16:8, 16:42
- Insurance premium financing, 16:56
- Mortgages, brokers and nonbank lenders, 28:39
- Motor vehicles, this index
- Pawnbrokers, 15:61
- Proprietary schools, 23:6 to 23:8
- Small loans, 15:22

## **LIENS**

- Public utilities, unpaid bills, 27:68
- Repairs of motor vehicles, unpaid charges, 26:94
- Telephones, unpaid bills, 27:68

## **LIFE INSURANCE**

- Credit insurance, 18:9
- Loans, 15:65

## **LIGHTS AND LIGHTING**

- Product safety, decorative and seasonal lighting products, 7:102

## **LIMITATION OF ACTIONS**

- Statute of limitation, this index

## **LIQUIDATED DAMAGES**

- Unconscionability, 5:15, 5:47

## **LOANS**

- Credit, this index

## **LOANSHARKING**

- Credit practices, 15:11

## **LONG DISTANCE CALLS**

- Telephones, quality of service, 27:13

## **LONG TERM CARE INSURANCE**

- Generally, 25:38 to 25:41
- Coverage outline, 25:41
- Policy conditions prohibited, 25:39



## INDEX

### **LONG TERM CARE INSURANCE —Cont'd**

Rescission rights, 25:40

### **MAGNUSON-MOSS WARRANTY ACT**

Generally, 6:3, 6:54 et seq.

Attorneys' fees and costs, 6:130,  
6:131

Class actions, 6:102

Consumer product, requirement,  
6:57, 6:58

Damages, 6:129

Dealer, liability under manufacturer's  
warranty, 6:56

Disclosure of warranty terms, 6:63

#### **Enforcement**

Generally, 6:95 to 6:102

Arbitration clause, 6:99

Class actions, 6:102

Individual consumers, actions by,  
6:98 to 6:101

Informal dispute settlement  
mechanisms, 6:96, 6:97

Minimum amount, actions by indi-  
vidual consumers, 6:101

Opportunity to cure, actions by  
individual consumers, 6:100

Full vs. limited warranties, 6:61, 6:62

Informal dispute settlement  
mechanisms, 6:96, 6:97

Injunctions, 6:128

Minimum price, requirement, 6:64

Minimum standards for full warran-  
ties, 6:62

Notice, 6:75

Opportunity to cure, actions by indi-  
vidual consumers, 6:100

Personal property incorporated into  
buildings, 6:57, 6:58

Pre-sale availability of warranty, 6:55

#### **Remedies**

Generally, 6:126 to 6:131

Attorneys' fees and costs, 6:130,  
6:131

Damages, 6:129

Full warranty, breach, 6:127

Injunctions, 6:128

Service contracts, 6:65

### **MAGNUSON-MOSS WARRANTY ACT—Cont'd**

Title, warranty, 6:19

Written warranty, requirement, 6:59,  
6:60

### **MAIL**

Collection of debts, 20:18, 20:60

Installment sales, 16:9

Telephone or mail order transactions,  
this index

### **MALICIOUS PROSECUTION**

Collection of debts, 20:112

### **MANUFACTURED HOUSING**

Generally, 29:60 to 29:77

Approval process, 29:68

Charges, occupancy terms and condi-  
tions, 29:64

Definitions, 29:60

Discontinuance of community, 29:76

Entry right of operator, 29:65

Eviction, 29:73, 29:74

Fees, occupancy terms and condi-  
tions, 29:64

Goods, rules of community owner,  
29:71

Lease of community, 29:77

#### **Occupancy terms and conditions**

Generally, 29:62 to 29:66

Entry right of operator, 29:65

Fees and charges, 29:64

Initial disclosure and lease offer,  
29:62

Restrictions on occupancy, 29:63

Product safety, 7:110

Restrictions on occupancy, 29:63

Retaliation by community owner,  
29:75

#### **Rules of community owner**

Generally, 29:67 to 29:72

Approval process, 29:68

Goods and services, 29:71

Resident, sale of manufactured  
home by, 29:70

Sale of manufactured home, 29:69,  
29:70

Sale of community, 29:77

**MANUFACTURED HOUSING**

—Cont'd

- Sale of manufactured home, rules of community owner, 29:69, 29:70
- Services, rules of community owner, 29:71
- Unfair or deceptive acts and practices, 29:61

**MEAT**

- Identity and quality, 24:54, 24:55

**MEDICAL CARE**

- Hospitals and nursing homes, this index

**MEDICAL DEVICES**

- Food, drugs, and cosmetics, this index

**MEMBERSHIP CAMPING**

- Contracts, 30:38

**MENTAL DISABILITY**

- Contract, capacity to, 1:30

**MERCHANTABILITY**

- Implied warranties, this index

**METERS**

- Public utilities, accessibility and readability, 27:25

**MILEAGE**

- Odometer laws, this index

**MILITARY PERSONNEL**

- Financial products and services, unconscionability, 5:51

**MILK**

- Identity and quality, 24:56, 24:93

**MINORS**

- Children and minors, this index

**MISREPRESENTATION**

- Fraud and misrepresentation, this index

**MISTAKE**

- Contracts, 1:33

**MISUSE**

- Warranties, 6:87

**MITIGATION OF DAMAGES**

- Warranties, 6:125

**MOBILE HOMES**

- Product safety, 7:110

**MOCKUPS**

- Advertising, 2:18

**MODELS**

- Warranties, 6:31

**MODIFICATION**

- Installment sales, this index
- Warranties, 6:67

**MORTGAGES**

- Generally, 15:31 to 15:46
- Ability to repay, standards for, 15:50
- Alternative mortgage transactions, 15:33
- Appeal of denial of mortgage, 28:49
- Applications
  - Generally, 28:38 to 28:49
  - Appeal of denial of mortgage, 28:49
  - Appraisal report, availability, 28:45
  - Closing costs, disclosure, 28:43
  - Denial of mortgage, 28:48 to 28:50
  - Disclosures required, 28:41 to 28:45
  - Discrimination, denial of mortgage, 28:50
  - Licensing and regulation of brokers and nonbank lenders, 28:39
  - Limited purpose mortgage loans, 28:46, 28:47
  - Loan originators, licensing and regulation of, 28:40
  - Subprime borrowers, counseling of, 28:42
  - Total payments, disclosure, 28:44
- Appraisal report, availability, 28:45
- Balloon payments, 15:47, 28:78
- Closing costs, disclosure, 28:43
- Compulsory arbitration, prohibition, 15:52
- Credit secured by dwelling, 8:41

## INDEX

### **MORTGAGES—Cont'd**

- Cure of default, rights of mortgagor, 28:84
- Denial of mortgage, 28:48 to 28:50
- Discharge of mortgage, 28:82, 28:83
- Disclosures required, 28:41 to 28:45
- Discrimination, denial of mortgage, 28:50
- Due on sale clauses, 28:81
- FHA insured or guaranteed loans, 15:38
- Foreclosure rescue transactions, 28:85
- Graduated payment mortgages, 15:37
- High cost mortgage loans, this index
- Higher-priced loans, prohibited practices, 8:40
- Home equity loans, this index
- Information, second mortgage loans, 15:40
- Interest revision, 15:42
- Late charges or penalties, 15:45, 28:76
- Licensing of brokers and nonbank lenders, 28:39
- Limited purpose mortgage loans, 28:46, 28:47
- Loan originators, licensing and regulation of, 28:40
- Mandatory disclosures in sale or transfer of residential mortgage loans, 15:49
- Mandatory loan modification efforts, 15:54
- Modification of loan, mandatory efforts, 15:54
- Negative amortization, required disclosures, 15:53
- Payment
  - Generally, 28:75 to 28:83
  - Balloon payments, 28:78
  - Discharge of mortgage, 28:82, 28:83
  - Due on sale clauses, 28:81
  - Late charges, limitation, 28:76
  - Penalties, limitation on, 28:76, 28:77
  - Points, charging, 28:75

### **MORTGAGES—Cont'd**

- Payment—Cont'd
  - Preemption, cancellation of private mortgage insurance, 28:80
  - Prepayment of mortgage, 28:77
  - Private mortgage insurance, cancellation, 28:79, 28:80
- Penalties, 15:45, 15:46, 28:76, 28:77
- Points and similar fees, 15:43, 28:75
- Predatory home loan practices, 15:48
- Preemption, cancellation of private mortgage insurance, 28:80
- Prepayment of mortgage, 15:46, 28:77
- Prepayment penalties, restrictions on, 15:51
- Private mortgage insurance, cancellation, 28:79, 28:80
- Receipts, second mortgage loans, 15:40
- Regulation of brokers and nonbank lenders, 28:39
- Remedies for violations, second mortgage loans, 15:41
- Reverse mortgage loans, this index
- Sale or transfer of residential mortgage loans, mandatory disclosures, 15:49
- Second mortgage loans, 15:39 to 15:41
- Subprime borrowers, counseling of, 28:42
- Total payments, disclosure, 28:44
- Traditional first mortgage loans, 15:32
- VA insured or guaranteed loans, 15:38
- Variable interest rates, 15:34 to 15:36

### **MOTOR VEHICLES**

- Generally, 26:1 to 26:126
- Advertising
  - Generally, 26:9 to 26:14
  - False and misleading advertising, 26:10
  - Name or insignia of seller, placement on vehicle, 26:14
- Pricing information, 26:11, 26:12
- Trade-in vehicles, pricing information, 26:12

**MOTOR VEHICLES—Cont'd**

- Advertising—Cont'd
  - Used vehicles, 26:13
- Application and issuance of title, 26:6
- Clean Air Act, 26:118
- Collision damage waiver clauses, rentals, 26:125
- Dealer documents
  - Generally, 26:21 to 26:25
  - Licensing of dealers, 26:22
  - Purchase contract form, 26:25
  - Used vehicles, window sticker, 26:24
  - Window sticker, 26:23, 26:24
- Dealer practices
  - Generally, 26:15 to 26:20
  - Delivery date, misrepresentation, 26:19
  - Former owner of vehicle, failure to supply, 26:20
  - Increase of agreed-upon contract price, 26:18
  - Option packaging, 26:16
  - Unfair practices, generally, 26:15
  - Used vehicle, sale as new vehicle, 26:17
- Delivery date, misrepresentation, 26:19
- Equipment regulations, safety, 26:120
- False advertising, 26:10
- Former owner of vehicle, failure to supply, 26:20
- Highway Safety Act, 26:116
- Implied warranties, 6:47
- Increase of agreed-upon contract price, 26:18
- Insignia of seller, placement on vehicle, 26:14
- Inspections, safety, 26:121
- Installment sales, this index
- Issuance of title, 26:6
- Leases. Rentals, below
- Lemon laws, this index
- Liability of lessor to third party, 26:127
- Licensing and registration
  - Generally, 26:1 to 26:10
  - Dealers, 26:22

**MOTOR VEHICLES—Cont'd**

- Licensing and registration—Cont'd
  - Nonregistration or improper registration, effect, 26:4
  - Power of government to regulate, 26:1
  - Registration, generally, 26:2 to 26:4
  - Transfer of ownership, registration, 26:3
- Misleading advertising, 26:10
- Motor Vehicle Information and Cost Savings Act, 26:117
- Name of seller, placement on vehicle, 26:14
- National Traffic And Motor Vehicle Safety Act, this index
- Open-end or finance leases, 13:22
- Option packaging, 26:16
- Pricing information, advertising, 26:11, 26:12
- Purchase contract form, 26:25
- Recalls. Safety standards and recalls, below this group
- Registration. Licensing and registration, above
- Rentals
  - Generally, 26:122 to 26:125
  - Collision damage waiver clauses, 26:125
  - Lessor's liability to third party, 26:127
  - Prohibited acts, 26:123, 26:124
  - Selling of insurance, 26:126
- Repairs of motor vehicles, this index
- Safety standards and recalls
  - Generally, 26:96 to 26:121
  - Clean Air Act, 26:118
  - Equipment regulations, 26:120
  - Federal law, 26:96 to 26:118
  - Highway Safety Act, 26:116
  - Inspections, 26:121
  - Massachusetts law, 26:119 to 26:120 to 26:127
  - Motor Vehicle Information and Cost Savings Act, 26:117
  - National Traffic And Motor Vehicle Safety Act, this index

## INDEX

### **MOTOR VEHICLES—Cont'd**

#### **Sales**

- Generally, 26:9 to 26:25
- Advertising, above
- Dealer documents, above
- Dealer practices, above
- Lemon laws, this index
- Odometer laws, this index

- Salvage titles, 26:8

- Standards. Safety standards and recalls, above this group

- Third party, lessor's liability to, 26:127

#### **Title**

- Generally, 26:5 to 26:8
- Application and issuance, 26:6
- Salvage titles, 26:8
- Transfer of title, 26:7

- Trade-in vehicles, advertising of pricing information, 26:12

- Transfer of ownership, registration, 26:3

- Transfer of title, 26:7

#### **Used vehicles**

- Advertising, 26:13
- Lemon laws, this index
- New vehicle, sale as, 26:17
- Window sticker, 26:24

- Window sticker, 26:23, 26:24

### **MULTIPLE DAMAGES**

- Electronic banking, 21:45

- Leases, 29:19, 29:52

- Unfair or deceptive acts, 4:64 to 4:69

### **NATIONAL BANKS**

- Generally, 15:56, 15:57

- Usury, 15:57

### **NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT**

- Generally, 26:96 to 26:115

- Civil penalties, 26:112

- Criteria for safety standards, 26:100

- Dealer restrictions, remedies for noncompliance with safety standards or safety-related defects, 26:109

- Enforcement, 26:110 to 26:113

### **NATIONAL TRAFFIC AND MOTOR VEHICLE SAFETY ACT—Cont'd**

- Equipment covered, 26:98

- Exemptions, 26:101, 26:108

- Federal preemption, 26:114

- Imported vehicles, safety standards, 26:104

- Injunctive relief, 26:111

- Judicial review of safety standards, 26:102

- Notice of noncompliance with safety standards or safety-related defects, 26:105, 26:106

- Product liability law, relationship to state law, 26:115

- Prohibited activities, safety standards, 26:103

- Promulgation of safety standards, 26:100

- Remedies for noncompliance with safety standards or safety-related defects, 26:107 to 26:109

- Safety standards, generally, 26:99 to 26:104

- State law, relationship to, 26:114, 26:115

- Vehicles covered, 26:98

- Venue, 26:113

### **NATURAL GAS**

- Public utilities, this index

### **NEGLIGENCE**

- Collection of debts, infliction of emotional distress, 20:107

- Credit reports, negligent noncompliance, 17:78

- Unfair or deceptive acts, 4:29

### **NEGOTIABLE INSTRUMENTS**

- Generally, 19:11 to 19:16

- Consumer note statute, 19:15

- Federal Trade Commission rule, 19:16

- Holder in due course, 19:12 to 19:14

- Personal defenses, holder in due course, 19:14

### **NOT-FOR-PROFIT SCHOOLS**

- Proprietary Schools, this index

**NOTICE**

- Billing errors, 12:6
- Collection of debts, 20:31 to 20:33
- Credit reports, this index
- Door-to-door sales, cancellation, 3:44
- Electronic banking, 21:33, 21:36
- Hazardous substances, 7:73
- Installment sales, 16:15, 16:35, 16:44
- Lead paint, 29:45
- Magnuson-Moss Warranty Act, 6:75
- National Traffic and Motor Vehicle Safety Act, noncompliance with safety standards or safety-related defects, 26:105, 26:106
- Nursing homes, discharge or transfer of residents, 25:27
- Public utilities, tenants of delinquent landlords, 27:47
- Repairs of motor vehicles, authorization by customer, 26:87
- Repossession, 20:65
- Warranties, this index

**NURSING HOMES**

- Hospitals, nursing homes, and assisted living facilities, this index

**OBJECTIONS**

- Unfair or deceptive acts, investigative demands, 4:78

**OBSCENE LANGUAGE**

- Collection of debts, harassment of consumers, 20:41

**OCCUPATIONAL SCHOOLS**

- Proprietary schools, this index

**ODOMETER LAWS**

- Generally, 26:26 to 26:50
- Actual damages, 26:40
- Administrative actions, 26:44
- Attorneys' fees and costs, 26:42
- Civil actions, 26:45, 26:49, 26:50
- Contents of mileage disclosure, 26:31
- Criminal penalties, 26:20'54, 26:46
- Damages, 26:40, 26:41
- Evidence, 26:38, 26:39
- Exemptions from mileage disclosure, 26:30

**ODOMETER LAWS—Cont'd**

- Federal law, generally, 26:26 to 26:46
- Intent, 26:39
- Leased vehicles, 26:34
- Massachusetts law, 26:47 to 26:50
- Mileage disclosure, generally, 26:29 to 26:34
- Original owner, use of power of attorney by, 26:32
- Persons who may be sued, 26:37
- Persons who may sue, 26:36
- Power of attorney, use, 26:32, 26:33
- Private remedies, generally, 26:35 to 26:42, 26:49
- Prohibited activities, 26:28
- Public enforcement, 26:43 to 26:46, 26:50
- Relation of federal and state laws, 26:27
- Statutory minimum damages, 26:41
- Subsequent purchaser, use of power of attorney by, 26:33

**OFFER**

- Contracts, 1:4, 1:6

**OIL**

- Household heating fuel, 30:69

**OMBUDSMAN**

- Hospitals and nursing homes, 25:30 to 25:32

**OPEN-END CREDIT**

- Generally, 15:63
- Advertising, 9:5, 9:6, 9:7, 9:8
- College affinity cards, 9:8
- College students, offers to, 9:7
- Truth in lending, this index

**OPINION**

- Warranties, 6:29, 6:30

**OPTIONS**

- Consumer leases, 13:15
- Credit, federal preemption, 15:8
- Motor vehicles, 26:16

**ORGANIC FOODS**

- Identity and quality, 24:57

## INDEX

### **OVERDRAFT PROTECTION**

Electronic banking, 21:14  
Truth in savings, 22:14

### **PACKAGES**

Food, drugs, and cosmetics, this index

### **PAINT**

Lead paint, this index  
Product safety, 7:107, 7:127

### **PAINTINGS**

Non-original paintings, 30:75

### **PARENT AND CHILD**

Children and minors, this index

### **PAROL EVIDENCE**

Contracts, 1:26, 1:27  
Warranties, 6:94

### **PARTIAL PERFORMANCE**

Frauds, statute, 1:22

### **PAWNBROKERS**

Consumer loans, other types, 15:60 to 15:62

### **PAYDAY LOANS**

Current developments, 8:22

### **PAYMENTS**

Balloon payments, this index  
Late payments, this index  
Mortgages, this index  
Prepayment, this index

### **PAY-PER-CALL TRANSACTIONS**

Telephones, 27:23, 27:33

### **PENALTIES**

Administrative enforcement and penalties, this index  
Advertising, Federal Trade Commission, 2:33, 2:34, 2:36  
Billing errors, 12:15  
Consumer leases, early termination or late payment, 13:29  
Criminal proceedings and penalties, this index  
Food, drugs, and cosmetics, 24:112  
Hazardous substances, 7:75, 7:76  
Health clubs, 30:37

### **PENALTIES—Cont'd**

Mortgages, 15:45, 15:46, 28:76, 28:77  
National Traffic and Motor Vehicle Safety Act, 26:112  
Product safety, 7:56 to 7:60  
Real Estate Settlement Procedures Act, 28:64 to 28:70  
Repairs of motor vehicles, registration of damage repair shops, 26:78  
Small loans, 15:30  
Usury, 15:16

### **PENSIONS**

Trustee process, 20:79

### **PERIODIC STATEMENTS**

Truth in lending, 10:40, 10:41  
Truth in savings, 22:13

### **PERSONAL INJURIES**

Leases, condition of premises, 29:58  
Warranties, statute of limitations, 6:80

### **PESTICIDES**

Identity and quality of food, 24:47

### **PHARMACEUTICALS**

Advertising, 24:13

### **PHARMACISTS**

Duties, prior authorization, 24:79  
Food, drugs, and cosmetics, 24:75 to 24:79

### **PHTHALATES**

Prohibition on sale of certain products, 7:132

### **PLASTIC BAGS AND PLASTIC FILM**

Product safety, 7:111

### **POINT-OF-SALE FINANCE CHARGES**

Credit cards and charge cards, disclosures, 10:56

### **POINTS**

Mortgages, 15:43, 28:75



**POISON PREVENTION  
PACKAGING ACT**

Product safety, 7:78

**POSTDATED CHECKS**

Collection of debts, 20:59

**POULTRY**

Identity and quality, 24:58

**PREDATORY HOME LOAN  
PRACTICES**

Mortgages, 15:48

**PREEMPTION**

Credit, 15:7, 15:8  
Credit reports, 17:7, 17:53, 17:69  
Interstate Land Sales Full Disclosure Act, 28:30  
Mortgages, cancellation of private mortgage insurance, 28:80  
National Traffic and Motor Vehicle Safety Act, 26:114  
Product safety, 7:5, 7:6, 7:88, 7:123  
Truth in lending, this index  
Unfair or deceptive acts, 4:14, 4:15

**PRE-EXISTING DUTY**

Consideration, 1:10

**PREMIUM FINANCING**

Insurance premium financing, this index

**PRE-NEED CONTRACTS**

Funeral services, 30:41 to 30:45

**PREPAYMENT**

Installment sales, 16:28, 16:52  
Insurance premium financing, 16:62  
Mortgages, 15:46, 28:77  
Small loans, 15:27

**PRESCRIPTION DRUGS**

Advertising, 24:11, 24:12

**PRICING OF GOODS OR  
SERVICES**

Generally, 3:2 to 3:17  
Budget size representations, 3:15  
Comparable merchandise, comparison to, 3:12  
Comparisons of prices, 3:7 to 3:15

**PRICING OF GOODS OR  
SERVICES—Cont'd**

Economy size representations, 3:15  
Factory prices, 3:6  
Federal regulation of pricing practices, 3:4  
Food, drugs, and cosmetics, this index  
Free gift offers, 3:16  
Future price, comparison to, 3:10  
List price, comparison to, 3:13  
Manufacturer's list or suggested retail price, comparison to, 3:13  
Motor vehicles, advertising, 26:11, 26:12  
Other sellers' prices, comparison to, 3:11  
Past price, comparison to, 3:8, 3:9  
Range of savings claims, 3:14  
Reduction of price, claim, 3:14  
Regular price, comparison to, 3:8, 3:9  
Sale terminology, use, 3:5  
State regulation of pricing practices, 3:3  
Suggested retail price, comparison to, 3:13  
Wholesale prices, 3:6

**PRINTERS INK**

Advertising, action by Attorney General, 2:37

**PRIVACY**

Cable television, 30:2  
Collection of debts, 20:108, 20:109  
Electronic banking, 21:13  
Hospitals and nursing homes, 25:19 to 25:21

**PRIVATE BUSINESS SCHOOLS**

Proprietary schools, this index

**PRIVATE EMPLOYMENT  
AGENCIES**

Employment agencies, this index

**PRIVITY**

Warranties, 6:70

**PRIZE CONTESTS**

Retail practices, 3:53 to 3:55

## INDEX

### PRODUCT SAFETY

- Generally, 7:1 to 7:133
- Adhesives, 7:106
- Advance notice, safety rules, 7:39
- Advertising of tobacco products, 7:119
- Aircraft, smoking on, 7:120
- Antennas, 7:85
- Appliances, household, 7:101 to 7:104
- Attorneys' fees and costs, 7:66
- Baby furniture and equipment, 7:97
- Bans, special procedures, 7:42
- Bicycles and bicycle helmets, 7:113, 7:114
- Boats, 7:86 to 7:88
- Child related items, 7:90, 7:97, 7:124 et seq.
- Children's products, 7:126
- Children's sleepwear, 7:90
- Civil penalties, 7:56 to 7:59
- Clothing, 7:89, 7:90
- Commerce clause, 7:12
- Compromise of civil penalties, 7:59
- Condemnation of products, 7:48 to 7:50
- Confidentiality, right of manufacturer to, 7:30
- Consumer Product Safety Act, generally, 7:7 et seq.
- Consumer Product Safety Commission, generally, 7:21 to 7:23
- Contact adhesives, 7:106
- Criminal penalties, 7:60
- Defenses, boats, 7:87
- Disseminating information
  - Generally, 7:27 to 7:32
  - Confidentiality, right of manufacturer to, 7:30
  - Freedom of Information Act, 7:29
  - Procedure, 7:31
  - Public's right to information, 7:28
  - Retractions, 7:32
- Doors, glass, 7:99
- Durable nursery products, federal safety standards, 7:126
- Enforcement
  - Generally, 7:45 to 7:67

### PRODUCT SAFETY—Cont'd

- Enforcement—Cont'd
  - Amount of civil penalties, 7:58
  - Civil penalties, 7:56 to 7:59
  - Compromise of civil penalties, 7:59
  - Criminal penalties, 7:60
  - Flammable Fabrics Act, 7:80
  - Injunctions, 7:54, 7:55
  - Intent, civil penalties, 7:57
  - Jurisdiction, injunctions, 7:55
  - Penalties, 7:56 to 7:60
  - Private enforcement, below
  - Recall of products, 7:51 to 7:53
  - Seizure and condemnation of products, 7:48 to 7:50
  - Substantial and imminent hazards, distinguished, 7:47
- Exporters as subject to act, 7:15
- Eyeglasses, 7:91
- Federal preemption, 7:5, 7:6, 7:88
- Federal toy safety statutes, 7:125
- Firearms, 7:92
- Fire hazards, tobacco products, 7:121
- Fireworks, 7:93
- Flammable Fabrics Act, 7:79, 7:80
- Freedom of Information Act, 7:29
- Garage door openers, 7:94
- Gathering information, 7:24 to 7:26
- Glass doors, 7:99
- Hazardous substances, this index
- Heating equipment, 7:95
- Helmets, bicycle, 7:114
- Home furnishings, 7:96, 7:97
- Household appliances, 7:101 to 7:104
- Household maintenance products, 7:105 to 7:107
- Houses, structural components, 7:98 to 7:100
- Housewares, 7:108
- Importers as subject to act, 7:14
- Injunctions, 7:54, 7:55
- Intent, civil penalties, 7:57
- Judicial review, safety rules, 7:44
- Jurisdiction, injunctions, 7:55
- Labeling requirements for advertising toys and games, 7:131
- Lawnmowers, 7:109

**PRODUCT SAFETY—Cont'd**

- Lead, ban on children's products containing, 7:129
- Lead-based paint, 7:107
- Lighting products, seasonal and decorative, 7:102
- Maintenance products, household, 7:105 to 7:107
- Mandatory third-party testing for children's products, 7:128
- Manufactured homes, 7:110
- Manufacturers, responsibilities, 7:16 to 7:18
- Membership of Consumer Product Safety Commission, 7:22
- Mobile homes, 7:110
- Motorized recreational vehicles, 7:115
- National Traffic and Motor Vehicle Safety Act, 26:115
- Non-manufacturers, responsibilities, 7:19
- Operation of Consumer Product Safety Commission, 7:23
- Overview of act, 7:8
- Paint, 7:107, 7:127
- Penalties, 7:56 to 7:60
- Person subject to act, 7:13 to 7:15
- Phthalates, prohibition on sale of certain products, 7:132
- Plastic bags and plastic film, 7:111
- Poison Prevention Packaging Act, 7:78
- Policy considerations, 7:2
- Preemption, 7:5, 7:6, 7:88, 7:123
- Private enforcement
  - Generally, 7:61 to 7:67
  - Attorneys' fees and costs, 7:66
  - Injuries, actions for, 7:63 to 7:65, 7:67
  - Remedies, actions for injuries, 7:65
- Product liability vs. product safety, 7:3, 7:4
- Products covered by act, 7:10 to 7:12
- Promulgation of safety rules, 7:41
- Publication of safety rules, 7:40
- Radiation emitting household appliances, 7:103

**PRODUCT SAFETY—Cont'd**

- Recreational equipment, 7:112 to 7:116
- Refrigerators, 7:104
- Reports, 7:17, 7:18
- Retractions, disseminating information, 7:32
- Safety rules
  - Generally, 7:33 to 7:44
  - Advance notice, 7:39
  - Authority to promulgate, amend, or revoke, 7:34
  - Bans, special procedures, 7:42
  - Hazardous product bans, 7:37
  - Judicial review, 7:44
  - Mandatory safety standards, 7:35
  - Private developers of standards, assistance to, 7:43
  - Procedure for issuance, 7:38 to 7:42
  - Promulgation or withdrawal, 7:41
  - Publication, 7:40
  - Voluntary safety standards, 7:36
- Seasonal and decorative lighting products, 7:102
- Seizure and condemnation of products, 7:48 to 7:50
- Sleepwear for children, 7:90
- Smokeless tobacco, 7:122
- Sources of information, 7:25
- State attorneys general, enforcement of Consumer Product Safety Act, 7:46
- Structural components of houses, 7:98 to 7:100
- Structural componets, 7:100
- Swimming pool drains, 7:117
- Swimming pool slides, 7:116
- Textiles, 7:89, 7:90
- Tobacco products, 7:118 to 7:123
- Toys and games, labeling requirements for advertising, 7:131
- Toys and other child related items, 7:124 et seq.
- Tracking labels for children's products, 7:130
- Use of information, 7:26
- Voluntary safety standards, 7:36
- Withdrawal of safety rules, 7:41

## INDEX

### **PROFANE LANGUAGE**

Collection of debts, harassment of consumers, 20:41

### **PROMISSORY ESTOPPEL**

Consideration, 1:12

### **PROPANE**

Household fuels, 30:69

### **PROPERTY INSURANCE**

Credit insurance, 18:12, 18:13

### **PROPRIETARY SCHOOLS**

Generally, 23:4 to 23:25  
Advertising, 23:10 to 23:13  
Bonds, 23:9  
Curriculum, 23:20  
Definitions, 23:5  
Disclosures requirement, 23:14  
Enforcement, 23:22 to 23:24  
Enrollment contracts, 23:15  
Equipment, 23:19  
Facilities, 23:19  
Future employment or earnings, advertising, 23:13  
Licenses, 23:6 to 23:8  
Money back agreements, advertising, 23:12  
Operation of school, 23:18 to 23:21  
Private actions, 23:24  
Prohibited practices, 23:17  
Records and reports, 23:21  
Recruitment of students, 23:11  
Representatives of schools, licenses, 23:8  
Revocation of licenses, 23:7  
Student complaints, 23:23  
Suspension of licenses, 23:7  
Termination of tuition contracts, 23:16  
Types of schools, 23:5

### **PROXIES**

Hospitals and nursing homes, 25:14

### **PSYCHOLOGICALLY IMPACTED PROPERTY**

Real property, disclosures prior to sale, 28:5

### **PUBLICITY**

Collection of debts, harassment of consumers, 20:42

Food, drugs, and cosmetics, 24:108

### **PUBLIC UTILITIES**

Generally, 27:1 to 27:68  
Access to service, 27:7 to 27:10  
Administrative enforcement, 27:61 to 27:63, 27:69  
Alternative dispute resolution, 27:67  
Applicable law, determination, 27:2  
Baby in house, termination of service, 27:42  
Background, 27:1  
Billing, 27:27 to 27:29, 27:63  
Changes in rates, 27:16  
Choice of electric service, 27:8  
Civil rights actions by consumers, 27:66  
Condominium owners, cost of service, 27:19  
Consumer protection, generally, 27:5, 27:6  
Correctional institutions, inmate calling services, 27:24  
Cost of service  
Generally, 27:14 to 27:26  
Changes in rates, 27:16  
Condominium owners, 27:19  
Disclosures, 27:21 to 27:23  
Electric industry restructuring, effect, 27:15  
Fuel adjustment charges, 27:17, 27:18  
Low-income rates, 27:20  
Meters, accessibility and readability, 27:25  
Rates, 27:14 et seq.  
Criminal penalties, 27:69  
Deposits, 27:9, 27:10  
Disclosure of rights, 27:6, 27:29, 27:39, 27:44  
Disclosures, cost of service, 27:21 to 27:23  
Elderly customers, termination of service, 27:38, 27:39  
Electric industry restructuring, 27:4, 27:15, 27:62

**PUBLIC UTILITIES—Cont'd**

Enforcement  
 Generally, 27:59 to 27:69  
 Administrative enforcement, 27:61 to 27:63  
 Alternative dispute resolution, 27:67  
 Billing disputes, 27:63  
 Civil rights actions by consumers, 27:66  
 Criminal and administrative penalties, 27:69  
 Electric industry restructuring provisions, violation, 27:62  
 Judicial review of administrative decisions, 27:64  
 Lien for unpaid bills, 27:68  
 Private actions by consumers, 27:65, 27:66  
 Responsibility for enforcement, 27:60  
 Estimated bills, 27:28  
 Financial hardship. Termination of service, below  
 Fuel adjustment charges, 27:17, 27:18  
 Gas and electric deposits, 27:9  
 Judicial review of administrative decisions, 27:64  
 Leases, 29:27  
 Lien for unpaid bills, 27:68  
 Low-income rates, 27:20  
 Meters, accessibility and readability, 27:25  
 Nature, 27:1  
 Nonpayment, termination of service, 27:37  
 Notice, tenants of delinquent landlords, 27:47  
 Quality of service, 27:12, 27:13  
 Rates. Cost of service, above  
 Regulatory structure, 27:3, 27:4  
 Restoration of service, 27:51  
 Restructuring of electric industry, 27:4  
 Seriously ill customers, termination of service, 27:41  
 Telephones, this index

**PUBLIC UTILITIES—Cont'd**

Termination of service  
 Generally, 27:35 to 27:51  
 Baby in house, financial hardship, 27:42  
 Disclosure of rights, 27:39, 27:44  
 Elderly customers, 27:38, 27:39  
 Financial hardship  
 Generally, 27:40 to 27:45  
 Baby in house, 27:42  
 Determination of eligibility for protection, 27:45  
 Disclosure of rights, 27:44  
 Seriously ill customers, 27:41  
 Winter, termination in, 27:43  
 Grounds, 27:36, 27:37  
 Nonpayment, 27:37  
 Notice, tenants of delinquent landlords, 27:47  
 Procedure for shut-off, 27:50  
 Restoration of service, 27:51  
 Seriously ill customers, financial hardship, 27:41  
 Telephones, below  
 Tenants of delinquent landlords, 27:46 to 27:49  
 Winter, termination in, 27:43  
 Winter, termination in, 27:43

**PUFFING**

Advertising, distinguished, 2:10  
 Warranties, 6:29, 6:30

**PUNITIVE DAMAGES**

Credit reports, 17:89  
 Warranties, 6:124

**PYRAMID PROMOTIONAL SCHEMES**

Retail practices, 3:59

**QUALITY**

Food, drugs, and cosmetics, this index

**QUASI-CONTRACT**

Contract, distinguished, 1:3

**QUIET ENJOYMENT**

Leases, 29:35, 29:36

## INDEX

### **RADIATION**

Product safety, household appliances,  
7:103

### **RADIO OR TELEVISION**

Repairs, 30:76  
Television, this index

### **RATES**

Cable television, disclosures, 30:4  
Home equity loans, 10:62, 10:63  
Public utilities, this index  
Telephones, this index  
Unconscionability, credit arrange-  
ments, 5:36

### **REAL ESTATE SETTLEMENT PROCEDURES ACT**

Generally, 28:51 to 28:71  
Advance inspection and delivery of  
settlement statement, 28:59  
Affiliated business arrangements,  
28:58  
Background, 28:51  
Covered transactions, 28:52, 28:53  
Disclosures required, 28:54 to 28:60  
Escrow account statements, 28:60,  
28:68  
Exempt transactions, 28:53  
Good faith, 28:56, 28:70  
Kickbacks, prohibition, 28:62, 28:65  
Liabilities, generally, 28:64 to 28:70  
Mortgage servicing transfers, 28:57,  
28:67  
Penalties, generally, 28:64 to 28:70  
Procedure, liabilities and penalties,  
28:69  
Prohibitions, 28:61 to 28:63  
Purpose, 28:51  
Referral fees, prohibition, 28:62  
Special information booklet, 28:55  
State law, relation to, 28:71  
Title insurance, 28:63  
Title insurance company, prohibition  
against requiring use, 28:63,  
28:66  
Unearned fees, prohibition, 28:62,  
28:65

### **REAL PROPERTY**

Generally, 28:1 to 28:96, 29:1 to  
29:77  
Attachment, 20:73, 20:75  
Attorney's certification of title, 28:72  
to 28:74  
Certification of title by attorney,  
28:72 to 28:74  
Common law, disclosure of condition  
of property, 28:3  
Condition of property, 28:3, 28:4,  
28:35  
Consumer Protection Act, disclosure  
of condition of property, 28:4  
Contingency clauses, offer form,  
28:32  
Contract documents  
Generally, 28:31 to 28:37  
Condition of property at closing,  
28:35  
Contingency clauses, offer form,  
28:32  
Fixtures and personal property,  
28:34  
Merger by acceptance of deed,  
28:36  
Offer form, 28:31, 28:32  
Purchase and sales agreement,  
28:33 to 28:37  
Remedies on default, 28:37  
Contractors. Home improvement  
contractors, this index  
Disclosures prior to sale  
Generally, 28:3 to 28:30  
Common law, condition of prop-  
erty, 28:3  
Condition of property, 28:3, 28:4  
Consumer Protection Act, condi-  
tion of property, 28:4  
Environmental issues, 28:6 to  
28:11  
Insulation, 28:8  
Interstate Land Sales Full  
Disclosure Act, this index  
Lead paint, 28:6, 28:7  
Psychologically impacted property,  
28:5  
Septic systems, 28:10  
Smoke detectors, 28:9

**REAL PROPERTY—Cont'd**

- Disclosures prior to sale—Cont'd
  - Urea formaldehyde foamed-in-place insulation, 28:8
- Environmental issues, disclosures prior to sale, 28:6 to 28:11
- Fixtures, contract documents, 28:34
- Home equity loans, this index
- Home improvement contractors, this index
- Implied warranty of habitability, 28:2
- Improvements. Home improvement contractors, this index
- Insulation, disclosures prior to sale, 28:8
- Interstate Land Sales Full Disclosure Act, this index
- Lead paint, disclosures prior to sale, 28:6, 28:7
- Leases, this index
- Manufactured housing, this index
- Merger by acceptance of deed, contract documents, 28:36
- Mortgages, this index
- Offer form, 28:31, 28:32
- Payment. Mortgages, this index
- Personal property, contract documents, 28:34
- Psychologically impacted property, disclosures prior to sale, 28:5
- Purchase and sales agreement, 28:33 to 28:37
- Real Estate Settlement Procedures Act, this index
- Remedies on default, 28:37
- Rentals. Leases, this index
- Septic systems, disclosures prior to sale, 28:10
- Settlement procedures. Real Estate Settlement Procedures Act, this index
- Smoke detectors, disclosures prior to sale, 28:9
- Title certification by attorney, 28:72 to 28:74
- Unconscionability, 5:39
- Unfair or deceptive acts, 4:7
- Urea formaldehyde foamed-in-place insulation, disclosures prior to sale, 28:8

**RECALLS**

- Food, drugs, and cosmetics, 24:110
- Hazardous substances, 7:73

**RECEIPTS**

- Second mortgage loans, 15:40

**RECEIVERSHIP**

- Leases, sanitary code, 29:57

**RECORDS AND REPORTS**

- Charitable funds solicitation, 30:12, 30:13, 30:18
- Credit, this index
- Credit cards and charge cards, recording of cardholder information, 11:30
- Credit reports, this index
- Employment agencies, 30:52
- Food, drugs, and cosmetics, 24:78, 24:87
- Lead paint, 29:42
- Leases, security deposits, 29:14
- Product safety, 7:17, 7:18
- Proprietary schools, 23:21
- Public school students, 23:2
- Repairs of motor vehicles, registration of damage repair shops, 26:77

**RECREATION**

- Entertainment and recreation, this index

**RECREATIONAL VEHICLES**

- Product safety, 7:115

**REDEMPTION**

- Repossession, 20:67

**REFERRALS**

- Generally, 3:58
- Real Estate Settlement Procedures Act, 28:62
- Unconscionability, 5:24

**REFINANCING**

- Borrower's interest standard, 15:44

**REFRIGERATORS**

- Product safety, 7:104



## INDEX

### REFUNDS

- Credit cards and charge cards, 11:31
- Credit insurance, 18:22
- Lemon laws, this index
- Retail practices, 3:60
- Telephone or mail order transactions, 3:31
- Truth in lending, nondisclosure provisions, 8:33, 8:34
- Unconscionability, 5:42

### REGISTRATION

- Charitable funds solicitation, 30:12, 30:13
- Home improvement contractors, 28:87, 28:88
- Interstate Land Sales Full Disclosure Act, 28:19, 28:20
- Motor vehicles, this index
- Repairs of motor vehicles, this index
- Warranties, 6:68

### REINVESTIGATIONS

- Credit reports, this index

### REMEDIES

- Credit reports, this index

### REMOVAL SALES

- Retail practices, 3:57

### RENEGOTIATIONS

- Consumer leases, disclosure, 13:24

### RENT

- Leases, this index

### RENT-TO-OWN PLANS

- Consumer leases, 13:10

### REPAIRS

- Leases, condition of premises, 29:54
- Motor vehicles. Repairs of motor vehicles, this index
- Radio and television repairs, 30:76

### REPAIRS OF MOTOR VEHICLES

- Generally, 26:72 to 26:95
- Additional charges, authorization of repairs by customer, 26:88
- Advertising restrictions, 26:82
- Attorney General, regulations, 26:79 to 26:81

### REPAIRS OF MOTOR VEHICLES

#### —Cont'd

- Authorization of repairs by customer, 26:85 to 26:88
- Correction of defective work, 26:91
- Covered repair shops, 26:80
- Damages to customer's vehicle, liability for, 26:95
- Defective work, correction, 26:91
- Exemptions, 26:81
- Final bill, 26:93
- Fraudulent charges, 26:92
- Lien for unpaid repair charges, 26:94
- Misleading statements prohibited, 26:83
- Non-original manufacturer parts, estimate for body repairs using, 26:90
- Notices, authorization of repairs by customer, 26:87
- Penalties, registration of damage repair shops, 26:78
- Performance of repair work, 26:89 to 26:93
- Pre-repair written record, 26:84
- Recordkeeping, registration of damage repair shops, 26:77
- Registration of damage repair shops
  - Generally, 26:73 to 26:78
  - Denial of application for certificate of registration, 26:75
  - Obtaining certificate of registration, 26:74
  - Penalties for violations, 26:78
  - Recordkeeping, 26:77
  - Suspension or revocation of certificate of registration, 26:76
- Regulation of repair shops, generally, 26:79 to 26:95
- Revocation of certificate of registration of damage repair shops, 26:76
- Suspension of certificate of registration of damage repair shops, 26:76
- Theft of customer's vehicle, liability for, 26:95
- Time for completion of repair work, 26:89

**REPAIRS OF MOTOR VEHICLES  
—Cont'd**

Untrue statements prohibited, 26:83  
Waiver, authorization of repairs by  
customer, 26:86

**REPORTABLE FOOD REGISTRY**

Food, drugs, and cosmetics, 24:59

**REPORTS**

Records and reports, this index

**REPOSSESSION**

Generally, 20:61 to 20:67  
Choice of remedies, 20:63  
Cure, right to, 20:65  
Default, necessity, 20:64  
Disposition of collateral, 20:67  
Federal restrictions, 20:61  
Hearing, necessity, 20:66  
Massachusetts law, generally, 20:62  
to 20:67  
Notice of default, 20:65  
Procedure, 20:64 to 20:67  
Redemption of collateral, 20:67  
Retention of collateral, 20:67  
Wrongful repossession, 20:103,  
20:104

**RESCISSION**

Truth in lending, this index

**RESTATEMENT OF CONTRACTS**

Unconscionability, 5:6

**RESTATEMENT OF PROPERTY**

Unconscionability, 5:7

**RESTITUTION**

Contracts, 1:42  
Truth in lending, 14:7 to 14:9

**RETAIL PRACTICES**

Generally, 3:1 to 3:61  
Cashing of checks, 3:48, 3:49  
Check cashing, 3:48, 3:49  
Door-to-door sales, this index  
Federal law, prize contests, 3:55  
Fire sales, 3:56  
Gift certificates, 3:50, 3:51  
Law away plans, 3:52

**RETAIL PRACTICES—Cont'd**

Mail order transactions. Telephone or  
mail order transactions, this  
index  
Prepaid cards, 3:51  
Pricing of goods or services, this  
index  
Prize contests, 3:53 to 3:55  
Pyramid promotional schemes, 3:59  
Referral schemes, 3:58  
Refunds, 3:60  
Removal sales, 3:57  
Store gift cards, 3:51  
Telephone or mail order transactions,  
this index  
Termination sales, 3:57

**RETALIATION**

Billing errors, 12:12  
Leases, 29:59  
Manufactured housing, 29:75

**RETRACTIONS**

Product safety, 7:32

**REVERSE MORTGAGE LOANS**

Generally, 10:66 to 10:69  
Truth in lending, nondisclosure pro-  
visions, 8:37

**REVIEW**

Appeal and review, this index

**REVOCATION**

Suspension or revocation, this index

**REVOLVING CREDIT**

Installment sales, this index

**REVOLVING CREDIT**

**AGREEMENTS**

Collection actions, 16:37

**SACCHARIN**

Identity and quality, 24:45

**SAFETY**

Motor vehicles, this index  
National Traffic And Motor Vehicle  
Safety Act, this index  
Product safety, this index  
Standards and recalls. Motor  
vehicles, this index

## INDEX

### **SALE CREDIT**

Credit, this index

### **SALE TERMINOLOGY**

Pricing of goods or services, 3:5

### **SALVAGE TITLES**

Motor vehicles, 26:8

### **SAMPLES**

Warranties, 6:31

### **SANITARY CODE**

Leases, condition of premises, 29:32, 29:55 to 29:57

### **SCALPING OF TICKETS**

Entertainment and sports, 30:39

### **SCHEDULES**

Truth in savings, this index

### **SCHOOLS AND EDUCATION**

Generally, 23:1 to 23:33

Colleges and universities, this index

Disclosures requirement, 23:14

Prohibited practices, 23:17

Proprietary schools, this index

Records of public school students, 23:2

Student transcripts, 23:3

### **SEASONAL AND DECORATIVE LIGHTING PRODUCTS**

Product safety, 7:102

### **SECURED TRANSACTIONS**

Installment sales, consumer goods, 16:29

Truth in lending, 10:17, 10:37, 14:14

### **SECURITY**

Food, drugs, and cosmetics, packaging, 24:17

### **SECURITY DEPOSITS**

Cable television, 30:3

Leases, this index

Nursing homes, 25:4

Nursing homes and assisted living facilities, 25:4

### **SEIZURES**

Food, drugs, and cosmetics, 24:109

### **SEIZURES—Cont'd**

Hazardous substances, 7:73

Product safety, 7:48 to 7:50

### **SELF-HELP OFFSET**

Truth in lending, 14:44

### **SELF-SERVICE STORAGE FACILITIES**

Consumer safety, 30:78

### **SEPTIC SYSTEMS**

Real property, disclosures prior to sale, 28:10

### **SERVICE STATIONS**

Gasoline sales, 30:66

### **SETTLEMENT**

Compromise and settlement, this index

### **SIGNATURES**

Unconscionability, nonsignatories to arbitration agreement, obligation to arbitrate, 5:44

### **SLANDER**

Collection of debts, 20:114

### **SLEEPWEAR**

Product safety, 7:90

### **SMALL CLAIMS**

Leases, security deposits, 29:20

### **SMALL LOANS**

Generally, 15:17 to 15:31

Charges and fees, 15:25

Exemptions, 15:20

Fees and charges, 15:25

Interest rates, 15:24

Licensing of lenders, 15:22

Operation of business, regulation of lenders, 15:23

Penalties against lender, 15:30

Prepayment, 15:27

Regulation of lenders, 15:21 to 15:23

Remedies of borrower, 15:29

Scope, 15:19, 15:20

Statement of loan, 15:26

Violations, 15:28 to 15:30

**SMOKE DETECTORS**

Real property, disclosures prior to sale, 28:9

**SMOKELESS TOBACCO**

Advertising, 2:20  
Product safety, 7:122

**SPECIALLY MANUFACTURED GOODS**

Frauds, statute, 1:23

**SPECIFIC ENFORCEMENT**

Contracts, 1:41

**SPOUSES**

Collection of debts, communications with spouse, 20:44

**STANDING**

Unfair or deceptive acts, 4:53

**STATUTE OF FRAUDS**

Frauds, statute of, this index

**STATUTE OF LIMITATION**

Credit reports, 17:85  
Interstate Land Sales Full Disclosure Act, 28:28  
Tolling  
Truth in lending, 14:37  
Warranties, 6:81  
Truth in lending, 14:36 to 14:38  
Unfair or deceptive acts, 4:44  
Warranties, this index

**STOP PAYMENT**

Electronic banking, 21:12, 21:43

**STRUCTURAL COMPONENTS**

Product safety, 7:100

**SUBSTANTIATION PROGRAM**

Advertising, Federal Trade Commission, 2:25

**SUNDAY CONTRACTS**

Illegality, 1:37

**SUPPLEMENTARY PROCESS**

Collection of debts, 20:89

**SURCHARGES**

Credit cards and charge cards, 10:18, 11:29

**SURVEILLANCE**

Dressing rooms, 30:31

**SURVIVAL OF CLAIM**

Unfair or deceptive acts, consumer protection, 4:52

**SUSPENSION OR REVOCATION**

Interstate Land Sales Full Disclosure Act, disclosure of rights of purchaser, 28:20  
Lemon laws, acceptance, 26:70  
Proprietary schools, licenses, 23:7  
Repairs of motor vehicles, certificate of registration of damage repair shops, 26:76  
Warranties, this index

**SWIMMING POOLS**

Drains, product safety, 7:117  
Slides, product safety, 7:116

**TAXATION**

Leases, escalation clause, 29:26

**TELEPHONE OR MAIL ORDER TRANSACTIONS**

Generally, 3:18 to 3:39  
Abusive practices, 3:23  
Administrative action, mail fraud, 3:37  
Cancellation of order, 3:31  
Criminal penalties, 3:28, 3:38  
Delayed shipment of merchandise, 3:30  
Delivery date for merchandise, 3:29 to 3:31  
Disclosures required, 3:21, 3:33  
Enforcement of telemarketing laws, 3:24 to 3:28  
Fraud using mail, 3:36 to 3:38  
Massachusetts laws, 3:25  
Misrepresentations, 3:22  
Negative option plans, 3:32 to 3:34  
Protection from unwanted calls, 3:20  
Refund of order, 3:31  
Telemarketing, generally, 3:19 to 3:23  
Telemarketing and Consumer Fraud and Abuse Prevention Act, 3:27

## INDEX

### TELEPHONE OR MAIL ORDER TRANSACTIONS—Cont'd

- Telephone Consumer Protection Act  
of 1991, 3:26
- Unordered merchandise, shipment,  
3:35
- Unwanted calls, protection from,  
3:20

### TELEPHONES

- Generally, 27:30 to 27:34, 27:52 to  
27:58
- Access to service, 27:7, 27:10, 27:11
- Administrative enforcement and  
penalties, 27:61, 27:63, 27:69
- Alternative dispute resolution, 27:67
- Applicable law, determination, 27:2
- Background, 27:1
- Billing and billing errors, 12:2, 27:30  
to 27:34, 27:63
- Civil rights actions by consumers,  
27:66
- Collection of debts, 20:18, 20:43
- Consumer protection, 27:5, 27:6
- Contents of bills, 27:31
- Correctional institutions, inmate call-  
ing services, 27:24
- Cost of service, 27:14 et seq.
- Credit cards and charge cards,  
disclosures, 10:49
- Criminal penalties, 27:69
- Deferred payment agreements, 27:32
- Deposits, 27:10
- Directory assistance charges, 27:26
- Disclosures
  - Bill, right to dispute, 27:34
  - Consumer rights, 27:6
  - Elderly customers, rights, 27:55
  - Rates, 27:22, 27:23
- Elderly customers, termination of  
service, 27:54, 27:55
- Emergency procedures, access to  
service, 27:11
- Enforcement
  - Generally, 27:59 to 27:69
  - Administrative enforcement,  
27:61, 27:63
  - Alternative dispute resolution,  
27:67

### TELEPHONES—Cont'd

- Enforcement—Cont'd
  - Billing disputes, 27:63
  - Civil rights actions by consumers,  
27:66
  - Criminal and administrative penal-  
ties, 27:69
  - Judicial review of administrative  
decisions, 27:64
  - Lien for unpaid bills, 27:68
  - Private actions by consumers,  
27:65, 27:66
  - Responsibility for enforcement,  
27:60
- Installment sales, 16:9
- Judicial review of administrative  
decisions, 27:64
- Lien for unpaid bills, 27:68
- Long distance call, quality of service,  
27:13
- Nature, 27:1
- Pay-per-call transactions, 27:23,  
27:33
- Personal emergencies, termination of  
service, 27:57
- Quality of service, 27:13
- Rates, 27:14 et seq.
- Regulatory structure, 27:3
- Residential service, disclosure of  
rates, 27:22
- Serious illness, termination of ser-  
vice, 27:56
- Termination of service
  - Generally, 27:52 to 27:58
  - Disclosure of rights of elderly  
customers, 27:55
  - Elderly customers, 27:54, 27:55
  - Personal emergencies, 27:57
  - Procedure for shut-off, 27:58
  - Serious illness, 27:56
- Transactions by telephone. Telephone  
or mail order transactions, this  
index

### TELEVISION

- Advertising, television mockups,  
2:18
- Cable television, this index
- Repairs, 30:76

**TENANTS**

Leases, this index

**TERMINATION**

Cable television, 30:9  
Leases, nonpayment of rent, 29:28  
Proprietary schools, tuition contracts, 23:16  
Public utilities, this index  
Sales, 3:57  
Telephones, this index

**TESTIMONIALS**

Advertising, 2:17

**TEXTILES**

Product safety, 7:89, 7:90

**THEFT**

Credit cards and charge cards, liability for unauthorized use, 11:49 to 52  
Repairs of motor vehicles, 26:95

**THIRD-PARTY FINANCING**

Generally, 19:1 to 19:33  
Administrative enforcement, Federal Trade Commission rule, 19:32  
Close connection, interlocking loan statute, 19:22  
Consumer note statute, 19:28  
Consumer Protection Act, 19:30  
Credit card transactions, 19:8  
Defense cut-off devices, operation, 19:2  
Defense preservation rule  
Generally, 19:3 to 19:7  
Massachusetts law, relationship to, 19:7  
Omission of required notice, effect, 19:6  
Operation and effect, 19:5  
Scope, 19:4  
Federal Trade Commission rule, 19:23, 19:24, 19:31 to 19:33  
High cost mortgage loans, 19:10, 19:26  
History, 19:1  
Interlocking or vendor-related loans  
Generally, 19:20 to 19:24

**THIRD-PARTY FINANCING**

**—Cont'd**

Interlocking or vendor-related loans  
—Cont'd  
Close connection, interlocking loan statute, 19:22  
Federal Trade Commission rule, 19:23, 19:24  
Interlocking loan statute, 19:21, 19:22  
Purchase money loan, Federal Trade Commission rule, 19:24  
Massachusetts remedies, 19:27 to 19:30  
Negotiable instruments, this index  
Omission of required notice, defense preservation rule, 19:6  
Promissory notes. Negotiable instruments, this index  
Purchase money loan, Federal Trade Commission rule, 19:24  
Remedies, generally, 19:25 to 19:33  
Retail installment sales acts, 19:29  
Truth in lending violations, 19:9, 19:10  
Vendor-related loans. Interlocking or vendor-related loans, above  
Waiver of defense clauses  
Generally, 19:17 to 19:19  
Federal Trade Commission rule, 19:19  
Retail Installment Sales Act, 19:18

**THREATS**

Collection of debts, harassment of consumers, 20:40

**TICKET SCALPING**

Entertainment and recreation, 30:39

**TIE-IN ARRANGEMENTS**

Warranties, 6:69

**TIME-PRICE DOCTRINE**

Usury, 16:3

**TITLE**

Magnuson-Moss Warranty Act, 6:19  
Motor vehicles, this index  
Warranties, this index

## INDEX

### **TITLE INSURANCE**

Real Estate Settlement Procedures Act, 28:63, 28:66

### **TOBACCO PRODUCTS**

Advertising, 2:19, 2:20  
Product safety, 7:118 to 7:123  
Smokeless tobacco, this index

### **TOLERANCES**

Food, drugs, and cosmetics, 24:43

### **TOLLING**

Statute of limitation, this index

### **TORTS**

Collection of debts, this index  
Negligence, this index  
Personal injuries, this index

### **TOXIC SUBSTANCES**

Hazardous substances, this index

### **TOYS AND GAMES**

Labeling requirements for advertising, 7:131  
Product safety, 7:124 et seq.

### **TRACKING LABELS**

Children's products, 7:130

### **TRADE SCHOOLS**

Proprietary schools, this index

### **TRANSCRIPTS**

Students, 23:3

### **TRAVEL SERVICES**

Generally, 30:79, 30:80  
Airlines, 30:81  
Disclosures, 30:80

### **TREBLE DAMAGES**

Multiple damages, this index

### **TRIGGER TERMS**

Credit advertising, 9:5, 9:9

### **TRUSTEE PROCESS**

Generally, 20:76 to 20:82  
Bank accounts, 20:80  
Exemptions, 20:78 to 20:82  
Government benefits, 20:81  
Pensions, 20:79

### **TRUSTEE PROCESS—Cont'd**

Procedure, 20:77  
Wages, 20:78

### **TRUTH IN LENDING**

Generally, 8:1 to 8:41, 9:1 to 9:19,  
10:1 to 10:83, 11:1 to 11:56,  
12:1 to 12:15, 13:1 to 13:39,  
14:1 to 14:74  
Access to creditors' records, 14:6  
Accuracy of disclosures, 10:24,  
10:25, 10:72  
Administrative enforcement  
Generally, 14:3 to 14:9  
Access to creditors' records, 14:6  
Agencies, 14:4, 14:5  
Exceptions and qualifications,  
restitution, 14:9  
Federal agencies, 14:4  
Mandatory vs. discretionary  
restitution, 14:8  
Restitution orders, 14:7 to 14:9  
State agencies, 14:5  
Administrative regulations, 8:17 to  
8:19  
Advertising, 8:11  
Annual percentage rate  
Closed-end credit, 10:22  
Disclosures, 10:20 to 10:22  
Open-end credit, 10:21  
Apparent violations, liability of  
assignees, 14:49  
Assignees, liability, 14:48 to 14:51  
Assumption of mortgage, closed-end  
credit, 10:78  
Attorneys' fees and costs  
Generally, 14:66 to 14:74  
Court costs, 14:74  
Measurement of award, 14:72,  
14:73  
Persons entitled to award, 14:67  
Procedure for determining award,  
14:70  
Successful actions, 14:68  
Waiver by consumer, 14:69  
Work covered by award, 14:71  
Billing errors, this index  
Billing rights statement, open-end  
credit, 10:38



**TRUTH IN LENDING—Cont'd**

- Bona fide error, defenses, 14:61 to 14:63
- Class actions, 14:52 to 14:56
- Clear and conspicuous standard, disclosures, 10:27
- Closed-end credit
  - Generally, 10:70 to 10:84
  - Accuracy of disclosures, 10:72
  - Annual percentage rate, 10:22
  - Assumption of mortgage, 10:78
  - High-cost mortgage loans, 10:80 to 10:83
  - Itemization requirements, 10:74
  - Open-end credit, distinguished, 8:20
  - Pre-transaction disclosures, 10:73 to 10:76
  - Refinancing, 10:77
  - Statutory damages, 14:43
  - Subsequent disclosures, 10:76 to 10:79
  - Time of disclosures, 10:71, 10:83
  - Variable-rate transactions, 10:75, 10:79
  - Waiver, high-cost mortgage loans, 10:83
- Consumer leases, this index
- Consummation of transaction, start of rescission period, 14:21
- Continuing violations, statute of limitations, 14:37
- Costs. Attorneys' fees and costs, above, 14:66 to 14:74
- Counterclaims, statute of limitations, 14:38
- Credit advertising, this index
- Credit balances, refund, 8:33
- Credit Card Accountability, Responsibility and Disclosure Act of 2009, 10:4 to 10:9, 11:5 to 11:23
- Credit cards and charge cards, this index
- Credit income, 10:15
- Credit insurance, 10:14, 10:32, 18:5, 18:30
- Creditor, defined
  - Generally, 8:25 to 8:29

**TRUTH IN LENDING—Cont'd**

- Creditor, defined—Cont'd
  - Finance charge, requirement, 8:27
  - Four installment rule, 8:28
  - Initially payable limitation, 8:29
  - Regular extender of credit, 8:26
- Credit sales distinguished from other transactions, 8:23
- Criminal penalties, enforcement, 14:2
- Damages, 14:39 to 14:44
- Defenses
  - Generally, 14:57 to 14:65
  - Bona fide error, 14:61 to 14:63
  - Good faith reliance on administrative interpretation, 14:64
  - High cost mortgage requirements, violations, 14:59
  - Official forms, use, 14:65
  - Reasonableness of error-catching procedures, 14:63
  - State law liability arising from same transaction, 14:58
  - Voluntary correction of error, 14:60
- Delay of creditor's performance during rescission period, 14:25
- Delivery of all material disclosures, start of rescission period, 14:23
- Delivery of right-to-rescind notice, start of rescission period, 14:22
- Disclosure
  - Generally, 8:12, 10:1 to 10:83
  - Accuracy of rate disclosure, 10:24, 10:25
  - Annual percentage rate, 10:20 to 10:22
  - Clear and conspicuous standard, 10:27
  - Closed-end credit, above
  - Credit cards and charge cards, this index
  - Credit insurance, 10:32
  - Estimates, accuracy of rate disclosure, 10:25
  - Finance charge, below
  - Form of disclosures, 10:26 to 10:29
  - Home equity loans, above
  - Model forms, 10:3

## INDEX

### TRUTH IN LENDING—Cont'd

#### Disclosure—Cont'd

Multiple creditors or consumers,  
transactions involving, 10:30

Open-end credit, below

Overview, 10:2

Payoff timing, 10:5

Renewal date, disclosures prior to,  
10:7

Rescission, 10:31, 14:11

Retention requirement, 10:29

Writing, requirement, 10:28

Emergency, waiver of rescission  
period, 14:26

#### Enforcement

Generally, 8:16, 14:1 to 14:74

Actual damages, 14:39, 14:40

Administrative enforcement, above

Apparent violations, liability of  
assignees, 14:49

Assignees, liability, 14:48 to 14:51

Attorneys' fees and costs, above

Class actions, 14:52 to 14:56

Closed-end credit transactions,  
statutory damages, 14:43

Consumer leases, class actions,  
14:53

Continuing violations and tolling,  
statute of limitations, 14:37

Counterclaims, statute of limita-  
tions, 14:38

Criminal penalties, 14:2

Damages, 14:39 to 14:44

Defenses, above

Judicial actions, generally, 14:33 et  
seq.

Massachusetts exemption from  
federal act, effect, 14:34

Multiple parties, 14:47

Multiple violations, 14:46

Nature and interpretation of civil  
liability provisions, 14:35

Open-end credit transactions,  
statutory damages, 14:42

Real property, liability of assign-  
ees, 14:50

Rescission, below

Self-help offset, 14:44

Special assignee defense, 14:51

### TRUTH IN LENDING—Cont'd

#### Enforcement—Cont'd

Statute of limitations, 14:36 to  
14:38

Statutory damages, 14:41 to 14:44,  
14:54, 14:55

Underlying debt, relationship to  
truth in lending claim, 14:45

Estimates, accuracy of rate  
disclosure, 10:25

Exemptions, 8:4, 8:5, 8:30

#### Finance charge

Generally, 8:27, 10:10 to 10:19

Cash and credit customers, fees  
paid by both, 10:12

Charges and fees generally includ-  
able, 10:11

Credit card discounts and  
surcharges, 10:18

Credit life, accident, health, or loss  
of income insurance  
premiums, 10:15

Credit loss insurance premiums,  
10:14

Exclusions from finance charge,  
10:19

Insurance premiums, 10:13 to  
10:16

Open-end credit, 10:35

Property insurance premiums,  
10:16

Secured transactions, fees in, 10:17

Four installment rule, 8:28

Good faith reliance on administrative  
interpretation as defense, 14:64

High-cost installment loans, current  
developments, 8:22

#### High cost mortgage loans

Closed-end credit, 10:80 to 10:83

Defenses, 14:59

Nondisclosure provisions, 8:38,  
8:39

#### Home equity loans

Nondisclosure provisions, 8:35,  
8:36

Open-end credit, 10:39

Insurance premiums, finance charge,  
10:13 to 10:16

**TRUTH IN LENDING—Cont'd**

- Itemization requirements, closed-end credit, 10:74
- Leases. Consumer leases, this index
- Multiple creditors or consumers, disclosures in transactions involving, 10:30
- Multiple parties, enforcement, 14:47
- Multiple violations, enforcement, 14:46
- Nondisclosure provisions
  - Generally, 8:31 to 8:41
  - Credit balances, refund, 8:33
  - High cost mortgage loans, 8:38, 8:39
  - Home equity loans, 8:35, 8:36
  - Prompt posting of consumer payments, 8:32
  - Refunds, 8:33, 8:34
  - Reverse mortgage loans, 8:37
  - Unearned interest, refund when consumer prepays, 8:34
- Official forms, use as defense, 14:65
- Open-end credit
  - Generally, 10:33 to 10:42
  - Annual percentage rate, 10:21
  - Billing rights statement, 10:38
  - Closed-end credit, distinguished, 8:20
  - Finance charge, 10:35
  - Home equity loans, 10:39
  - Opening of account, disclosures at time, 10:34 to 10:39
  - Other charges, 10:36
  - Other times, disclosures at, 10:42
  - Periodic statements, disclosures on, 10:40, 10:41
  - Security interests, 10:37
  - Statutory damages, 14:42
- Opening of account, disclosures at time, 10:34 to 10:39
- Overview of truth in lending acts, 8:10 to 8:20
- Payday loans, current developments, 8:22
- Periodic statements, disclosures on, 10:40, 10:41
- Preemption
  - Generally, 8:4, 8:6 to 8:9

**TRUTH IN LENDING—Cont'd**

- Preemption—Cont'd
  - Board, determination of inconsistency by, 8:8
  - Exemption, distinguished, 8:4
  - Tests for inconsistency, 8:7
- Principal dwelling, rescission, 14:15
- Private enforcement. Enforcement, above
- Prohibited acts or practices
  - Credit secured by consumer's principal dwelling, 8:41
  - Higher-priced mortgage loans, 8:40
- Prompt posting of consumer payments, 8:32
- Property insurance premiums, finance charge, 10:16
- Purpose of transaction, 8:24
- Reasonableness of error-catching procedures as defense, 14:63
- Refinancing, closed-end credit, 10:77
- Refunds, nondisclosure provisions, 8:33, 8:34
- Relationship between federal and Massachusetts law, 8:4 to 8:9
- Rescission
  - Generally, 14:10 to 14:32
  - Conditioning creditor's duties on consumer performance, 14:31
  - Consumer purpose, 14:13
  - Consummation of transaction, start of rescission period, 14:21
  - Delay of creditor's performance during rescission period, 14:25
  - Delivery of all material disclosures, start of rescission period, 14:23
  - Delivery of right-to-rescind notice, start of rescission period, 14:22
  - Disclosure, 10:31, 14:11
  - Emergency, waiver of rescission period, 14:26
  - End of rescission period, determination, 14:24
  - Failure to make disclosures, effect on three day rescission period, 14:19

## INDEX

### TRUTH IN LENDING—Cont'd

#### Rescission—Cont'd

- Legal effect of rescission, 14:32
- Persons who can exercise right of rescission, 14:17
- Post-rescission duties, 14:28 to 14:31
- Principal dwelling, 14:15
- Procedure, 14:27
- Requirements, 14:15, 14:16
- Return of payments and cancellation of liens by creditor, 14:29
- Scope of rescission right, 14:12 to 14:14
- Security interest, 14:14
- Start of rescission period, determination, 14:20 to 14:23
- Tender of loan proceeds by consumer, 14:30
- Three day rescission period, 14:18, 14:19
- Transactions subject to rescission, 14:16
- Restitution orders, 14:7 to 14:9
- Return of payments and cancellation of liens by creditor, 14:29
- Reverse mortgage loans, nondisclosure provisions, 8:37
- Scope of truth in lending acts, 8:21 to 8:30
- Secured transactions, fees in, 10:17
- Security interests, 10:37, 14:14
- Self-help offset, 14:44
- Statute of limitations, 14:36 to 14:38
- Tender of loan proceeds by consumer, rescission, 14:30
- Third-party financing, 19:9, 19:10
- Time of disclosures, closed-end credit, 10:71, 10:83
- Tolling, statute of limitations, 14:37
- Underlying debt, relationship to truth in lending claim, 14:45
- Unearned interest, refund when consumer prepays, 8:34
- Variable-rate transactions, closed-end credit, 10:75, 10:79
- Vehicle title loans, current developments, 8:22

### TRUTH IN LENDING—Cont'd

- Voluntary correction of error as defense, 14:60
- Waiver, 10:83, 14:69

### TRUTH IN SAVINGS

- Generally, 22:1 to 22:17
- Administrative enforcement of federal law, 22:16
- Advertising of deposit accounts
  - Generally, 22:4 to 22:8
  - Disclosures required, 22:6, 22:7
  - Non-print media, disclosures required, 22:7
  - Print media, disclosures required, 22:6
  - Prohibited advertisements, 22:8
- Enforcement, 22:15 to 22:17
- Federal law, generally, 22:2
- Interest, payment, 22:15
- Massachusetts law, generally, 22:3
- Overdraft protection, disclosures on, 22:14
- Periodic statements, disclosures on, 22:13
- Schedules of deposit accounts
  - Generally, 22:9 to 22:12
  - Distribution after account is opened, 22:12
  - Distribution before account is opened, 22:11
  - New account disclosures, 22:10

### TUITION

- Colleges and universities, disclosures, 23:32

### UNBLOCKABLE DRAINS

- Swimming pools, product safety, 7:117

### UNCONSCIONABILITY

- Generally, 5:1 to 5:61
- Adhesion or form contracts, 5:26 to 5:28
- Affirmative relief, 5:55
- Alternatives, availability, 5:23
- Arbitration clauses, 5:43
- Attorneys' fees, 5:56
- Bargaining power, inequality, 5:22, 5:23

**UNCONSCIONABILITY—Cont'd**

- Burden of proof, uniform Commercial Code, 5:19
- Charges, credit arrangements, 5:36
- Collection of debts, this index
- Consumer leases, Uniform Commercial Code, 5:12
- Consumer Protection Act, 5:8
- Credit arrangements, 5:35, 5:36
- Credit enforcement, 5:37
- Defensive options, remedies, 5:53, 5:54
- Defined, 5:2
- Disclosure of information, merchant's conduct, 5:30
- Disclosures by life settlement providers, 5:59
- Door-to-door sales, 5:25
- Evidence, uniform Commercial Code, 5:20
- Exclusion of remedies, 5:48
- Extrajudicial remedies, 5:45
- Good faith, uniform Commercial Code, 5:16
- Inflated price, 5:34
- Insurance contracts, 5:38
- Licensure for life insurance, 5:58
- Life insurance, life settlements, 5:57 to 5:61
- Life settlement brokers, disclosures by, 5:60
- Life settlement contracts, procedures relating to, 5:61
- Limitation of remedies, 5:48
- Liquidated damages, 5:15, 5:47
- Litigation, clauses affecting, 5:46
- Merchant's conduct, 5:29 to 5:31
- Military personnel, financial products and services, 5:51
- Nonsignatories to arbitration agreement, obligation to arbitrate, 5:44
- Post-transaction conduct, merchant's conduct, 5:31
- Price, inflated, 5:34
- Procedural unconscionability, generally, 5:21 to 5:32
- Procedural vs. substantive unconscionability, 5:3

**UNCONSCIONABILITY—Cont'd**

- Rates, credit arrangements, 5:36
- Real estate sales and leases, 5:39
- Referral sales, 5:24
- Refund policies, 5:42
- Remedies
  - Generally, 5:52 to 5:56
  - Arbitration clauses, 5:43
  - Extrajudicial remedies, 5:45
  - Limitation or exclusion of remedies, 5:48
  - Liquidated remedies, 5:47
  - Litigation, clauses affecting, 5:46
  - Refund policies, 5:42
- Restatement of Contracts, 5:6
- Restatement of Property, 5:7
- Restoration of benefits received by consumer, 5:54
- Substantive unconscionability, generally, 5:33 to 5:50
- Uniform Commercial Code
  - Generally, 5:9 to 5:20
  - Burden of proof, 5:19
  - Consumer leases, 5:12
  - Evidence, 5:20
  - Good faith, 5:16
  - Liquidated damages, 5:15
  - Nonsales transactions, 5:11
  - Pre-U.C.C. unconscionability, 5:4
  - Procedure, 5:18 to 5:20
  - Sales, 5:10, 5:11
  - Test for unconscionability, 5:17
- Warranties, provisions relating to, 5:40 to 5:50
- Weaknesses of consumer, 5:32

**UNDERTAKINGS**

- Bonds and undertakings, this index

**UNDUE INFLUENCE**

- Contracts, 1:35

**UNEMPLOYMENT INSURANCE**

- Credit insurance, 18:11

**UNFAIR OR DECEPTIVE ACTS**

- Generally, 4:1 to 4:83
- Adhesion contracts, credit practices used in connection with, 4:33

## INDEX

### UNFAIR OR DECEPTIVE ACTS

#### —Cont'd

- Advertising, unsubstantiated claims, 4:32
- Alternative bases of prohibited conduct, 4:16
- Appeal, attorney's fees on, 4:72
- Arbitrability of claim, 4:46
- Attorney General
  - Public enforcement, below
  - Regulations, 4:17
- Attorneys' fees, 4:70 to 4:72
- Background, 4:1 to 4:3
- Business organizations, transactions within, 4:8
- Causal connection, 4:58
- Charitable funds solicitation, 30:17
- Class actions, 4:43
- Coercive tactics, 4:34
- Collection of debts, this index
- Commerce. Trade or commerce, below
- Common law fraud, deception distinguished, 4:28
- Costs, 4:73
- Court or administrative agency, fraud on, 4:39
- Coverage, generally, 4:4 to 4:15
- Credit practices used in connection with adhesion contracts, 4:33
- Credit reports, prevention of deceptive marketing of, 10:9
- Death of party, multiple damages, 4:65
- Deception, generally, 4:24 to 4:29
- Door-to-door sales, 3:46
- Employer-employee disputes, 4:9
- Enforcement
  - Private enforcement, below
  - Public enforcement, below
- Equitable relief, 4:60
- Evidence of prohibited conduct, 4:56
- Exhaustion of administrative remedies, 4:45
- Federal diversity action, multiple damages, 4:69
- Federal law, influence, 4:18
- Federal preemption, 4:14

### UNFAIR OR DECEPTIVE ACTS

#### —Cont'd

- Federal Trade Commission
  - Generally, 4:2
  - Deception standards, 4:25, 4:26
  - Unfairness standards, 4:20 to 4:22
- Forum, suit against consumer in distant, 4:35
- High pressure tactics, 4:34
- History, 4:1 to 4:3
- Informal resolution of complaints, 4:76
- Injury to consumer, 4:57
- Intentional breach of contract to gain unfair advantage, 4:36
- Interest, 4:74
- Investigatory techniques, 4:77 to 4:79
- Isolated private transactions, exclusion, 4:6
- Joinder with other claims, 4:47
- Joint liability, 4:59
- Jurisdiction, 4:41
- Jury trial, 4:48, 4:49
- Limitation of actions, 4:44
- Manufactured housing, 29:61
- Material facts, nondisclosure, 4:31
- Misrepresentations, 4:37
- Model legislation, 4:3
- Multiple damages, 4:64 to 4:69
- Multiple defendants, multiple damages, 4:68
- Negligence, 4:29
- Nondisclosure of material facts, 4:31
- Objection to investigative demand, 4:78
- Persons protected by act, 4:11
- Persons subject to act, 4:12
- Preemption, 4:14, 4:15
- Private enforcement
  - Generally, 4:50 to 4:73
  - Actual damages, 4:61
  - Amount of damages to be multiplied, 4:66
  - Appeal, attorney's fees on, 4:72
  - Attorneys' fees, 4:70 to 4:72
  - Causal connection, 4:58
  - Costs, 4:73

## UNFAIR OR DECEPTIVE ACTS

### —Cont'd

#### Private enforcement—Cont'd

Double or treble, multiple damages, 4:67

Equitable relief, 4:60

Evidence of prohibited conduct, 4:56

Injury to consumer, 4:57

Interest, 4:74

Joint liability, 4:59

Liability, 4:56 to 4:59

Minimum damages, 4:62

Multiple damages, 4:64 to 4:69

Multiple defendants, multiple damages, 4:68

Overview, 4:51

Pretrial issues, 4:53 to 4:55

Purpose, 4:50

Remedies, 4:60 to 4:74

Settlement offer, limitation on damages by, 4:63

Standing to sue, 4:53

Survival of claim, 4:52

Thirty day demand letter, 4:54, 4:55

Procedure, generally, 4:40 to 4:49

#### Public enforcement

Generally, 4:75 to 4:83

Authority of Attorney General, 4:75

Enforcement of investigative demand, 4:79

Informal resolution of complaints, 4:76

Investigatory techniques, 4:77 to 4:79

Legal action by Attorney General, 4:81, 4:82

Objection to investigative demand, 4:78

Regulations of Attorney General, 4:83

Voluntary assurance of discontinuance, 4:80

Real estate transactions, 4:7

Regulatory law, transactions permitted by, 4:13

## UNFAIR OR DECEPTIVE ACTS

### —Cont'd

#### Remedies

Death of party, multiple damages, 4:65

Federal diversity action, multiple damages, 4:69

Settlement offer, limitation on damages by, 4:63

Standing to sue, 4:53

Statute of limitations, 4:44

Thirty day demand letter, 4:54, 4:55

#### Trade or commerce

Generally, 4:5 to 4:10

Business organizations, transactions within, 4:8

Employer-employee disputes, 4:9

Isolated private transactions, exclusion, 4:6

Real estate transactions, 4:7

Unfairness, generally, 4:19 to 4:23

Unsubstantiated advertising claims, 4:32

Venue, 4:42

Voluntary assurance of discontinuance, 4:80

Warranty, breach, 4:38

## UNIFORM COMMERCIAL CODE

Contracts and agreements, this index

Frauds, statute of, this index

Unconscionability, this index

Warranties, this index

## UNIVERSITIES

Colleges and universities, this index

## UREA FORMALDEHYDE

Foamed-in-place insulation, real property, disclosures prior to sale, 28:8

## USED GOODS

Implied warranties, 6:36

Motor vehicles, this index

## USURY

Generally, 15:3 to 15:5, 15:12 to 15:16

Calculation of interest, 15:4, 15:5

Equitable remedies, 15:15



## INDEX

### **USURY—Cont'd**

- Exemption through prior registration, 15:14
- Interest, what constitutes, 15:13
- National banks, 15:57
- Penalties, 15:16
- Time-price doctrine, 16:3

### **UTILITIES**

- Cable television, this index
- Public utilities, this index

### **VARIABLE RATE LOANS**

- Home equity loans, 10:63
- Installment sales, 16:27
- Mortgages, 15:34 to 15:36
- Truth in lending, closed-end credit, 10:75, 10:79

### **VEHICLES**

- Motor vehicles, this index

### **VEHICLE TITLE LOANS**

- Current developments, 8:22

### **VENDOR-RELATED LOANS**

- Third-party financing, this index

### **VENUE**

- Interstate Land Sales Full Disclosure Act, 28:27
- National Traffic and Motor Vehicle Safety Act, 26:113
- Unfair or deceptive acts, 4:42

### **VICARIOUS LIABILITY**

- Collection of debts, wrongful repossession, 20:104

### **VIOLENCE**

- Collection of debts, harassment of consumers, 20:40

### **VOCATIONAL SCHOOLS**

- Proprietary schools, this index

### **WAIVER**

- Credit repair organizations, 17:113
- Repairs of motor vehicles, authorization by customer, 26:86
- Third-party financing, this index
- Truth in lending, 10:83, 14:69

### **WARNINGS**

- Credit cards and charge cards, potential liability for unauthorized use, 11:48
- Food, drugs, and cosmetics, 24:108
- Home equity loans, 10:61

### **WARRANTIES**

- Generally, 6:1 to 6:131
- Advertising, 6:27
- Arbitration, wheelchairs, 6:8
- Basis of the bargain test, 6:24 to 6:26
- Conflicting warranties, 6:89
- Consequential damages, 6:122, 6:123
- Consumer leases
  - Generally, 6:11, 6:12, 6:21
  - Revocation of acceptance, 6:114
  - Statute of limitations, 6:78
- Consumer Protection Act, revocation of acceptance, 6:116
- Continued use of goods, revocation of acceptance, 6:110, 6:111
- Cover, measure of damages, 6:120
- Cure by seller, revocation of acceptance, 6:112, 6:113
- Damages
  - Generally, 6:117 to 6:125
  - Consequential damages, 6:122, 6:123
  - Emotional distress, consequential damages, 6:123
  - Incidental damages, 6:121
  - Measure of damages, 6:119, 6:120
  - Mitigation of damages, 6:125
  - Punitive damages, 6:124
  - Revocation of acceptance, measure of damages, 6:120
  - Title, warranty, 6:118
- Defenses, 6:86, 6:87
- Descriptions of product, 6:28
- Disclaimer, 6:67
- Emotional distress, consequential damages, 6:123
- Enforcement
  - Generally, 6:83 to 6:101
  - Alternatives to self-help or litigation, 6:84
- Arbitration clause, 6:99
- Conflicting warranties, 6:89

**WARRANTIES—Cont'd**

Enforcement—Cont'd

- Dealer, enforcement of  
manufacturer's warranty  
against, 6:85
- Defenses, 6:86, 6:87
- Evidence of warranties and breach,  
6:90 to 6:94
- Express warranties, 6:92
- Implied warranties, 6:93
- Interpretation of language of war-  
ranty, 6:88, 6:89
- Magnuson-Moss Warranty Act,  
this index
- Misuse as defense, 6:87
- Parol evidence, 6:94
- Title, warranty, 6:91
- Equitable estoppel, statute of limita-  
tions, 6:81
- Estimates, 6:29, 6:30
- Evidence of warranties and breach,  
6:90 to 6:94
- Express warranties, generally, 6:20 to  
6:32
- Good faith, 6:22
- Goods, requirement, 6:15
- Hybrid sales and service transactions,  
6:14
- Implied warranties, this index
- Incidental damages, 6:121
- Interpretation of language of war-  
ranty, 6:88, 6:89
- Limitation of remedies, contractual,  
6:104
- Magnuson-Moss Warranty Act, this  
index
- Misuse as defense, 6:87
- Mitigation of damages, 6:125
- Model, use, 6:31
- Modification, 6:67
- Non-contemporaneous statements,  
basis of the bargain test, 6:26
- Notice
  - Generally, 6:71 to 6:76
  - Adequacy, 6:73
  - Magnuson-Moss Warranty Act,  
6:75
  - Purpose of requirement, 6:72
  - Timeliness, 6:74

**WARRANTIES—Cont'd**

Notice—Cont'd

- Title, warranty, 6:76
- Offset for continued use of goods,  
revocation of acceptance, 6:111
- Opinion, 6:29, 6:30
- Parol evidence, 6:94
- Personal injury actions, statute of  
limitations, 6:80
- Privity, 6:70
- Puffing, 6:29, 6:30
- Punitive damages, 6:124
- Quality, expressions, 6:30
- Reasonable time, revocation of  
acceptance, 6:108
- Registration cards, 6:68
- Relationship between federal and  
state law, 6:4, 6:5
- Reliance, basis of the bargain test,  
6:25
- Remedies
  - Generally, 6:103 to 6:131
  - Damages, above
  - Limitation of remedies,  
contractual, 6:104
  - Magnuson-Moss Warranty Act,  
this index
  - Revocation of acceptance, this  
index
- Revocation of acceptance
  - Generally, 6:105 to 6:116
  - Consequences of revocation, 6:115
  - Consumer leases, 6:114
  - Consumer Protection Act, 6:116
  - Continued use of goods, 6:110,  
6:111
  - Cure by seller, 6:112, 6:113
  - Damages, measure, 6:120
  - Form and content of notice, 6:109
  - Offset for continued use of goods,  
6:111
  - Reasonable time, requirement,  
6:108
  - Statutory requirements, 6:106 to  
6:108
  - Substantial impairment, require-  
ment, 6:107
- Sale and seller, requirement, 6:13,  
6:14

## INDEX

### **WARRANTIES—Cont'd**

- Sample, use, 6:31
- Statute of limitations
  - Generally, 6:77 to 6:82
  - Consumer leases, 6:78
  - Future performance warranties, 6:82
  - Personal injury actions, 6:80
  - Title, warranty, 6:79
  - Tolling and equitable estoppel, 6:81
- Statutory requirements, 6:23
- Substantial impairment, revocation of acceptance, 6:107
- Tie-in arrangements, 6:69
- Timeliness of notice, 6:74
- Title, warranty
  - Generally, 6:16 to 6:19
  - Damages, 6:118
  - Disclaimer or modification, 6:67
  - Enforcement, 6:91
  - Magnuson-Moss Warranty Act, impact, 6:19
  - Notice, 6:76
  - Related warranties, 6:18
  - Statute of limitations, 6:79
  - Statutory requirements, 6:16
- Tolling of statute of limitations, 6:81
- Unconscionability, 5:40 to 5:50

### **WARRANTIES—Cont'd**

- Unfair or deceptive acts, 4:38
- Uniform Commercial Code, generally, 6:2, 6:10 et seq.
- Wheelchairs
  - Generally, 6:6 to 6:9
  - Arbitration, 6:8
  - Obligations of manufacturer, 6:7
  - Remedies for breach, 6:9

### **WATER**

- Public utilities, this index

### **WEAPONS**

- Product safety, 7:92

### **WHEELCHAIRS**

- Warranties, this index

### **WHOLESALE PRICES**

- Pricing of goods or services, 3:6

### **WINTER**

- Public utilities, termination of service, 27:43

### **WOOD**

- Household heating fuel, consumer protection, 30:70

### **WOOL PRODUCTS**

- Labeling, 30:26

### **WRONGFUL REPOSSESSION**

- Generally, 20:103, 20:104