Bill as Introduced

HB 1223 – AS INTRODUCED

2010 SESSION

10-2138
09/04

HOUSE BILL ***1223***

AN ACT relative to notice in class action cases under the consumer protection act.

SPONSORS: Rep. G. Richardson, Merr 4; Rep. Nixon, Hills 17; Rep. Rowe, Hills 6; Rep. W. O'Brien, Hills 4; Rep. Wall, Straf 7

COMMITTEE: Judiciary

ANALYSIS

This bill requires that notice in class action cases under the consumer protection act be provided in accordance with the rules of court.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

10-2138
09/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT relative to notice in class action cases under the consumer protection act.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Consumer Protection Act; Notice in Class Actions. Amend RSA 358-A:10-a, IV to read as follows:

IV. In any class action maintained other than under paragraph II(e)(2), the court shall direct to the members of the class the best notice practicable under the [~~circumstances~~] ***rules of court***, which may include[~~, as the plaintiff so elects,~~] either individual notice or publication or both ***as determined by the court***.

[~~(a) If the plaintiff elects notice by publication, the notice shall advise each member that:~~

~~(1) The court will include the member in the class if such member so requests by a specified date;~~

~~(2) The judgment, whether favorable or not, will include all members who request inclusion; and~~

~~(3) Any member who does request inclusion may, if the member desires, enter an appearance through the member's counsel.~~

~~(b) If the plaintiff elects individual notice, the notice shall advise each member that:~~

~~(1) The court will include the member in the class unless the member requests exclusion by a specified date;~~

~~(2) The judgment, whether favorable or not, will include all members who do not request exclusion;~~

~~(3) Any member who does not request exclusion may, if the member desires, enter an appearance through the member's counsel.~~]

2 Effective Date. This act shall take effect January 1, 2011.

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 1223 Date JANUARY 28, 2010

Committee JUDICIARY

** Please Print All Information **

Name	Address	Phone	Representing	(check one) Pro	Con
Robert Clegg	NH Assoc. For Justice			X	
Rep. Deborah H. Welwheeler	Merri. Co #6 Constituents			X	
Rep. Leishman	Peterborough	Hillsboro 3		X	

Hearing Minutes

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 1223

BILL TITLE: relative to notice in class action cases under the consumer protection act.

DATE: January 28, 2010

LOB ROOM: 208 Time Public Hearing Called to Order: 2:00 p.m.

Time Adjourned: 2:25 p.m.

(please circle if present)

Committee Members: Reps. D. Cote, Wall, Potter, Hackel, P. Preston, G. Richardson, L. Weber, B. Browne, Nixon, Thompson, Watrous, Rowe, N. Elliott, DiFruscia, W. O'Brien, Hagan, L. Perkins, Silva, W. Smith and Mead and Read.

Bill Sponsors: Rep. G. Richardson, Merr 4; Rep. Nixon, Hills 17; Rep. Rowe, Hills 6; Rep. W. O'Brien, Hills 4; Rep. Wall, Straf 7

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Gary Richardson sponsor

Chuck Douglas, Concord New Hampshire, Consumer Justice Center - supports
Current system allows cheap settlement in class actions because notice is not widely disseminated. Under bill, court decides fairness of notice, sets no fixed rules for noticing. How do people learn of a class action suit?

Rep. Frances Potter. Who sends out the notice? Ans. That is up to each case. Sometime it is paid by defendant or plaintiff as court may decide (part of negotiation).

Respectfully submitted,

Phil Preston

Philip Preston, Clerk

HOUSE COMMITTEE ON JUDICIARY

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HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 1223

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DATE: January 28, 2010

LOB ROOM: 208 Time Public Hearing Called to Order: 2:00 p.m.

Time Adjourned: 3:50 p.m

(please circle if present)

Committee Members: Reps. D. Cote, Wall, Potter, Hackel, P. Preston, G. Richardson, L. Weber, B. Browne, Nixon, Thompson, Watrous, Rowe, N. Elliott, DiFruscia, W. O'Brien, Hagan, L. Perkins, Silva, W. Smith and Mead.

Read

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TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

FROM: Rep. Philip Preston, Clerk

DATE: Public hearing January 28, 2010

SUBJECT: Meeting minutes on HB 1223, relative to notice in class action cases under the consumer protection act.

HB 1223 relative to notice in class action cases under consumer protection act. 92: 07

Rep. Gary Richardson sponsor

Chuck Douglas, Concord NH, Consumer Justice Center · supports
Current system allows cheap settlement in class actions because notice is not widely disseminated. Under bill, court decides fairness of notice, sets no fixed rules for noticing. How do people learn of a class action suit?
Rep. Frances Potter. Who sends out the notice? Ans. That is up to each case. Sometime it is paid by defendant or plaintiff as court may decide (part of negotiation).

Voting Sheets

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 1223

BILL TITLE: **relative to notice in class action cases under the consumer protection act.**

DATE: February 16, 2010

LOB ROOM: 208

Amendments:

Sponsor: Rep. OLS Document #:

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Sponsor: Rep. OLS Document #:

Motions: (OTP) OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Thompson

Seconded by Rep. Richardson

Vote: 14-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 14-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Philip Preston, Clerk

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 1223

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DATE: February 16, 2010

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Seconded by Rep. Richardson

Vote: 14/0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Philip Preston, Clerk

OFFICE OF THE HOUSE CLERK 2010 SESSION

JUDICIARY

Bill #: HB 1223 **Title:** _____

PH Date: ____/____/____ Exec Session Date: 2/16/10

Motion: OTP Amendment #: _____

MEMBER	YEAS	NAYS
Cote, David E, Chairman	Y	
Wall, Janet G, V Chairman	Y	
Potter, Frances D	Y	
Hackel, Paul L	Y	
Preston, Philip, Clerk	Y	
Richardson, Gary B	Y	
Weber, Lucy M	Y	
Browne, Brendon S		
Nixon, David L	Y	
Thompson, Robert B	Y	
Watrous, Rick H	Y	
Rowe, Robert H	Y	
Elliott, Nancy J		
DiFruscia, Anthony R		
Mead, Robert D	Y	
O'Brien, William L	Y	
Hagan, Joseph M		
Perkins, Lawrence B		
Silva, Peter L		
Smith, William B	Y	
TOTAL VOTE:	14	0

Printed: 12/18/2009

Committee Report

CONSENT CALENDAR

February 17, 2010

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on JUDICIARY to which was referred HB1223,

AN ACT relative to notice in class action cases under the consumer protection act. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.

Rep. Robert B Thompson

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	JUDICIARY
Bill Number:	HB1223
Title:	relative to notice in class action cases under the consumer protection act.
Date:	February 17, 2010
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill requires that notice in class action cases under the consumer protection act are provided by the rules of the court, which may include either individual notice or publication or both as determined by the court. HB 1223 would have class actions under the consumer protection act comply with the same procedures for notice to class members that state and federal courts use in all other cases.

Vote 14-0.

Rep. Robert B Thompson
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

JUDICIARY

HB1223, relative to notice in class action cases under the consumer protection act. **OUGHT TO PASS.**

Rep. Robert B Thompson for JUDICIARY. This bill requires that notice in class action cases under the consumer protection act are provided by the rules of the court, which may include either individual notice or publication or both as determined by the court. HB 1223 would have class actions under the consumer protection act comply with the same procedures for notice to class members that state and federal courts use in all other cases. **Vote 14-0.**

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR MAJORITY REPORT

HB 1223, relative to notice in class action cases under the consumer protection act.

RECOMMENDATION: OUGHT TO PASS

VOTE: 14-0

REP. ROBERT B. THOMPSON

This bill requires that notice in class action cases under the consumer protection act are provided by the rules of the court, which may include either individual notice or publication or both as determined by the court. HB 1223 would have class actions under the consumer protection act comply with the same procedures for notice to class members that state and federal courts use in all other cases.