

7635--D

2011-2012 Regular Sessions

I N A S S E M B L Y

May 11, 2011

Introduced by M. of A. HEVESI -- read once and referred to the Committee on Consumer Affairs and Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Consumer Affairs and Protection in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to requirements for rebates provided by retailers

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The general business law is amended by adding a new section
2 391-s to read as follows:
3 S 391-S. REBATES. 1. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING
4 TERMS SHALL HAVE THE FOLLOWING MEANINGS:
5 (A) "REBATE" SHALL MEAN THE RETURN TO A PURCHASER OF ANY GOOD OR
6 SERVICE OF ANY PORTION OF THE PURCHASE PRICE THEREOF OR A SPECIFIC MONE-
7 TARY AMOUNT;
8 (B) "MANUFACTURER'S REBATE" SHALL MEAN A REBATE ADVERTISED OR OFFERED
9 BY OR ON BEHALF OF A MANUFACTURER RETURNING TO A PURCHASER OF ANY GOOD
10 OR SERVICE ANY PORTION OF THE PURCHASE PRICE THEREOF OR A SPECIFIC MONE-
11 TARY AMOUNT.
12 2. ANY RETAIL ESTABLISHMENT OFFERING A REBATE AND RESPONSIBLE FOR THE
13 FINANCING OF SUCH REBATE SHALL REMIT SUCH REBATE TO THE PURCHASER AT THE
14 TIME OF RETAIL PURCHASE OF THE GOOD OR SERVICE TO WHICH THE REBATE
15 APPLIES.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 3. THE RETAIL ESTABLISHMENT SHALL DETERMINE AND DISCLOSE IN ANY ADVER-
2 TISEMENT OF THE REBATE THE METHOD BY WHICH THE REBATE SHALL BE REMITTED
3 TO THE PURCHASER.
4 4. THE PROVISIONS OF SUBDIVISIONS TWO AND THREE OF THIS SECTION SHALL
5 NOT APPLY WHEN A REBATE IS A MANUFACTURER'S REBATE AND IS ADVERTISED OR
6 OTHERWISE DISCLOSED CONSPICUOUSLY AS SUCH.
7 5. ANY PERSON, FIRM, CORPORATION OR ASSOCIATION OFFERING A REBATE WHO
8 VIOLATES THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY OF ONE HUNDRED
9 DOLLARS FOR EACH SUCH VIOLATION.
10 S 2. This act shall take effect on the first of September next
11 succeeding the date on which it shall have become a law.