

10173

I N A S S E M B L Y

May 10, 2012

Introduced by M. of A. HEVESI -- read once and referred to the Committee
on Consumer Affairs and Protection

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 ASSEM-
BLY, 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 OR IN COOPERATION WITH A MANUFACTURER RETURNING TO A
10 PURCHASER OF ANY GOOD OR SERVICE ANY PORTION OF THE PURCHASE PRICE THER-
11 EOF OR A SPECIFIC MONETARY AMOUNT.

12 2. ANY RETAIL ESTABLISHMENT OFFERING A REBATE AND DIRECTLY RESPONSIBLE
13 FOR THE FULFILLMENT OF SUCH REBATE SHALL REMIT SUCH REBATE TO THE
14 PURCHASER AT THE TIME OF RETAIL PURCHASE OF THE GOOD OR SERVICE TO WHICH
15 THE REBATE APPLIES.

16 3. THE RETAIL ESTABLISHMENT SHALL DETERMINE AND DISCLOSE IN ANY ADVER-
17 TISEMENT OF THE REBATE THE METHOD BY WHICH THE REBATE SHALL BE REMITTED
18 TO THE PURCHASER.

19 4. THE PROVISIONS OF SUBDIVISIONS TWO AND THREE OF THIS SECTION SHALL
20 NOT APPLY WHEN A REBATE IS A MANUFACTURER'S REBATE AND IS ADVERTISED OR
21 OTHERWISE DISCLOSED CONSPICUOUSLY AS SUCH.

22 5. ANY PERSON, FIRM, CORPORATION OR ASSOCIATION OFFERING A REBATE WHO
23 VIOLATES THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY OF ONE HUNDRED
24 DOLLARS FOR EACH SUCH VIOLATION.

25 S 2. This act shall take effect on the first of January next succeed-
26 ing the date on which it shall have become a law.

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

LBD05604-10-2