

4318

2013-2014 Regular Sessions

I N   A S S E M B L Y

February 4, 2013

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Introduced by M. of A. DINOWITZ, PAULIN, STEVENSON, MILLMAN, GALEF,  
GIBSON, STECK, MAISEL, ROBERTS, COOK -- Multi-Sponsored by -- M. of A.  
BOYLAND, GOTTFRIED, HEASTIE, HIKIND, QUART, ROSENTHAL -- 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 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.  
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.

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

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1       5. ANY PERSON, FIRM, CORPORATION OR ASSOCIATION OFFERING A REBATE WHO  
2 VIOLATES THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY OF ONE HUNDRED  
3 DOLLARS FOR EACH SUCH VIOLATION.  
4       S 2. This act shall take effect on the first of September next  
5 succeeding the date on which it shall have become a law.