S T A T E O F N E W Y O R K

3377

2013-2014 Regular Sessions

I N A S S E M B L Y

January 25, 2013

Introduced by M. of A. PERRY, COLTON -- Multi-Sponsored by -- M. of A. AUBRY, CLARK, MILLMAN, RIVERA, WRIGHT -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to public notification of tracking return policy

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

Section 1. The general business law is amended by adding a new section 218-b to read as follows:

S 218-B. DISCLOSURE; ELECTRONIC TRACKING OF RETURNS OR EXCHANGES. 1. EVERY RETAIL MERCANTILE ESTABLISHMENT THAT UTILIZES AN ELECTRONIC SYSTEM TO RECORD AND MONITOR THE FREQUENCY AND VOLUME OF A BUYER'S RETURN OR EXCHANGE OF GOODS, WARES, OR MERCHANDISE SHALL CONSPICUOUSLY POST, IN THE FOLLOWING MANNER, A NOTICE CLEARLY INDICATING THE USE OF SUCH SYSTEM:

(A) ON A LABEL ATTACHED TO THE ITEM ITSELF; OR

(B) ON A SIGN AFFIXED TO EACH CASH REGISTER OR POINT OF SALE; OR

(C) ON A SIGN SO SITUATED AS TO BE CLEARLY VISIBLE TO THE BUYER FROM THE CASH REGISTER; OR

(D) ON A SIGN POSTED AT EACH STORE ENTRANCE USED BY THE PUBLIC.

2. ANY RETAIL MERCANTILE ESTABLISHMENT THAT VIOLATES THIS SECTION SHALL BE LIABLE, FOR A PERIOD OF UP TO TWENTY DAYS FROM THE DATE OF PURCHASE, TO THE BUYER FOR A CASH REFUND OR CREDIT, AT THE BUYER'S OPTION, PROVIDED THAT THE MERCHANDISE HAS NOT BEEN USED OR DAMAGED BY THE BUYER.

3. ANY RETAIL MERCANTILE ESTABLISHMENT THAT VIOLATES THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY OF NOT LESS THAN ONE HUNDRED DOLLARS NOR MORE THAN FIVE HUNDRED DOLLARS FOR EACH VIOLATION.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.

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

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