

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 75 Session of 2009

INTRODUCED BY GREENLEAF, TARTAGLIONE, WILLIAMS, ERICKSON,  
RAFFERTY, M. WHITE, FERLO, KASUNIC, EARLL, O'PAKE AND STACK,  
FEBRUARY 2, 2009

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,  
FEBRUARY 2, 2009

AN ACT

1 Amending the act of December 17, 1968 (P.L.1224, No.387),  
2 entitled "An act prohibiting unfair methods of competition  
3 and unfair or deceptive acts or practices in the conduct of  
4 any trade or commerce, giving the Attorney General and  
5 District Attorneys certain powers and duties and providing  
6 penalties," further defining "unfair or deceptive acts or  
7 practices"; and further providing for unlawful acts or  
8 practices.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. Section 2(4) of the act of December 17, 1968  
12 (P.L.1224, No.387), known as the Unfair Trade Practices and  
13 Consumer Protection Law, reenacted and amended November 24, 1976  
14 (P.L.1166, No.260), is amended by adding a subclause to read:

15 Section 2. Definitions.--As used in this act.

16 \* \* \*

17 (4) "Unfair methods of competition" and "unfair or deceptive  
18 acts or practices" mean any one or more of the following:

19 \* \* \*

20 (xxi.1) Failing to disclose to members of the consuming

1 public a retail establishment's refund and exchange policy as to  
2 all merchandise exposed or offered for sale at retail, unless  
3 the policy is clearly and conspicuously posted in the following  
4 manner:

5 (A) on a sign attached to the merchandise itself;

6 (B) on a sign affixed to each cash register or point of  
7 sale;

8 (C) on a sign so situated as to be clearly visible to the  
9 buyer from the cash register; or

10 (D) on a sign posted at each store entrance used by members  
11 of the consuming public.

12 The sign shall conspicuously disclose any and all material  
13 conditions of, or qualifications to, the policy, including,  
14 without limitation: whether a refund will be given on  
15 merchandise for which no proof of purchase exists; whether a  
16 refund will be given at any time, or only up to a specified time  
17 after the date of purchase; and whether a refund will be given  
18 in cash, as a credit to the account on which the purchase was  
19 debited or as a store credit only.

20 (xxi.2) Failing to disclose to members of the consuming  
21 public that a retail establishment charges a restocking fee on a  
22 product it sells, unless the retail establishment:

23 (A) discloses in any print advertising and promotional  
24 material, including a catalog, that a restocking fee may apply  
25 to the purchase of goods, and the disclosure is printed in a  
26 clear and conspicuous manner in the advertising and promotional  
27 material;

28 (B) posts a notice stating that a restocking fee may apply  
29 to the purchase of goods and where the customer may obtain the  
30 full restocking fee policy and makes the notice clearly and

1 conspicuously visible to the customer before purchase;

2 (C) discloses on the sales receipt in a conspicuous manner  
3 in type at least as large as the majority of the printed text on  
4 the receipt and in print that is clear and legible, both of the  
5 following:

6 (i) that a restocking fee may apply to the purchased good;  
7 and

8 (ii) where the customer may obtain the full restocking fee  
9 policy; and

10 (D) at the point of purchase for a good on the Internet  
11 website of the retail establishment, discloses that a restocking  
12 fee may apply to the purchase of goods. The retail establishment  
13 shall provide the full restocking fee policy on the Internet  
14 website in a clear and conspicuous manner.

15 Section 2. Section 3 of the act, amended November 29, 2006  
16 (P.L.1624, No.185), is amended to read:

17 Section 3. Unlawful Acts or Practices; Exclusions.--Unfair  
18 methods of competition and unfair or deceptive acts or practices  
19 in the conduct of any trade or commerce as defined by  
20 [subclauses (i) through (xxi) of] clause (4) of section 2 of  
21 this act and regulations promulgated under section 3.1 of this  
22 act are hereby declared unlawful. The provisions of this act  
23 shall not apply to any owner, agent or employe of any radio or  
24 television station, or to any owner, publisher, printer, agent  
25 or employe of an Internet service provider or a newspaper or  
26 other publication, periodical or circular, who, in good faith  
27 and without knowledge of the falsity or deceptive character  
28 thereof, publishes, causes to be published or takes part in the  
29 publication of such advertisement.

30 Section 3. This act shall take effect in 60 days.