

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1370 Session of 2009

INTRODUCED BY MURT, BAKER, BOYD, BRENNAN, D. COSTA, CREIGHTON, GIBBONS, GODSHALL, GRUCELA, KORTZ, MELIO, MILLARD, MOUL, M. O'BRIEN, PAYNE, QUIGLEY, RAPP, REICHLEY, SAYLOR, SIPTROTH, K. SMITH, SWANGER AND J. TAYLOR, APRIL 28, 2009

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, APRIL 28, 2009

AN ACT

1 Amending the act of August 11, 1941 (P.L.900, No.344), entitled
2 "An act defining and prohibiting unfair sales, providing
3 remedies for violations thereof, and establishing penalties
4 therefor," further providing for nonapplicability.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 6 of the act of August 11, 1941 (P.L.900,
8 No.344), known as the Unfair Sales Act, is amended to read:

9 Section 6. The provisions of this act shall not apply to
10 sales at retail or sales at wholesale: (a) where merchandise is
11 sold in bona fide clearance sales, if advertised, marked and
12 sold as such; (b) where perishable merchandise must be sold
13 promptly in order to forestall loss; (c) where merchandise is
14 imperfect or damaged or is being discontinued and is advertised,
15 marked and sold as such; (d) where merchandise is sold upon the
16 final liquidation of any business; (e) where merchandise is sold
17 for charitable purposes or to relief agencies; (f) where
18 merchandise is sold on contract to departments of the government

1 or governmental institutions; (g) when the price of merchandise
2 is made in good faith to meet competition; (h) where merchandise
3 is sold by any officer acting under the order or direction of
4 any court; (i) where tools, equipment and materials used by
5 employes in their trade or business or appliances and products
6 which are used therein and are or may be beneficial to the
7 safety, health and working conditions of such employes are sold
8 to employes of the seller[.]; or (j) where the merchandise is a
9 prescription or nonprescription drug.

10 Section 2. This act shall take effect immediately.