

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1042 Session of  
2005

INTRODUCED BY TANGRETTI, BELARDI, BELFANTI, CALTAGIRONE,  
CORRIGAN, DeLUCA, DeWEESE, FREEMAN, GEORGE, GRUITZA, HARHAI,  
HENNESSEY, JAMES, LEDERER, MARKOSEK, McGEEHAN, PALLONE,  
PICKETT, REICHLEY, SANTONI, STABACK, THOMAS, WALKO, WATERS,  
W. KELLER, MANDERINO, McCALL, MUNDY, PETRARCA, READSHAW,  
ROONEY, SHANER, STETLER, TIGUE AND WANSACZ, MARCH 21, 2005

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, MARCH 21, 2005

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," prohibiting negative option billing for renewal  
7 of maintenance service contracts.

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

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

14 Section 7.1. Renewal of Maintenance Service Contracts.--(a)  
15 A provider of maintenance services may not bill a consumer for  
16 renewal of a service contract which a consumer has not  
17 affirmatively ordered by request. A consumer's failure to reject  
18 an offered renewal is not an affirmative order.

1     (b) A consumer's affirmative order for renewal may be made  
2     electronically or in writing.

3     (c) As used in this section, the following words and phrases  
4     shall have the meanings given to them in this subsection:

5     "Service contract" means an agreement covering services to  
6     maintain and repair a product purchased by a consumer for an  
7     agreed period of time.

8     Section 2. This act shall take effect in 60 days.