

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 190 Session of 2011

INTRODUCED BY WASHINGTON, COSTA, FARNESE, RAFFERTY, BREWSTER AND
WOZNIAK, MARCH 25, 2011

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
MARCH 25, 2011

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 providing for definitions and for
7 unlawful acts or practices.

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

10 Section 1. Section 2(4) of the act of December 17, 1968
11 (P.L.1224, No.387), known as the Unfair Trade Practices and
12 Consumer Protection Law, reenacted and amended November 24, 1976
13 (P.L.1166, No.260), is amended by adding a subclause and the
14 section is amended by adding a clause 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 (xxii) Engaging in the business practice of charging

1 restocking fees for consumer returns of retail items that exceed
2 ten percent of the original purchase price or fifty dollars of
3 the original purchase price.

4 (5) "Restocking fee" means any charge for acceptance by a
5 merchant of returned goods by a purchaser which goods are
6 restocked for resale.

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

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

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