

SENATE No. 127

The Commonwealth of Massachusetts

PRESENTED BY:

Richard T. Moore

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to rebates.

PETITION OF:

NAME:

Richard T. Moore

DISTRICT/ADDRESS:

Worcester and Norfolk

SENATE No. 127

By Mr. Richard T. Moore, a petition (accompanied by bill, Senate, No. 127) of Richard T. Moore for legislation relative to rebates. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to rebates.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 93A of the General Laws, as so appearing, is hereby amended by
2 inserting at the end thereof the following new section:

3 Section 12. (a) As used in this section the following words shall have the following
4 meanings, unless the context clearly requires otherwise:

5 “Rebate,” means the return to a purchaser of any portion of the purchase price, which
6 serves as a discount or reduction in price;

7 "Actual selling price," means the price the consumer would have paid in the absence of a
8 rebate.

9 “Net price,” means the price of the item after the rebate has been deducted from the
10 item’s actual selling price;

11 “Clear and conspicuous,” means that the material representation being disclosed is of
12 such size, color, contrast or audibility and is so presented as to be readily noticed and understood
13 by a reasonable person to whom it is being disclosed;

14 “Redeem,” means to fulfill, to make good or to meet the requirements of.

15 (b) It shall be an unfair method of competition and a deceptive act or practice to engage
16 in the following:

17 (i) Advertising for sale at a retail establishment the availability of a manufacturer’s
18 rebate by displaying the net price of the advertised item, without disclosing the actual selling

19 price in the same font and size as the net price and without providing clear and conspicuous
20 notice in the advertisement that a mail-in rebate is required to achieve the net price, unless the
21 amount of the manufacturer's rebate is fully discounted from the actual selling price at the point
22 of sale. It shall be the retailer's burden to redeem the rebate offered to the consumer.

23 (ii) Refusing to accept a photocopy or other reasonable facsimile of an original sales
24 receipt when the consumer is redeeming a rebate and/or failing to give the consumer at least
25 thirty days from the date of purchase to submit applicable documents for the rebate. Rebate
26 documents shall be considered submitted the date they are postmarked if submitted by mail, or
27 the date they are received by the manufacturer if submitted by telephone, internet or other means
28 of transmission.

29 (iii) Any person, firm, corporation or association who violates this section shall be
30 subject to a civil fine of no greater than five hundred dollars per violation.

31 SECTION 2. This act shall take effect on January 1, 2014.