HOUSE DOCKET, NO. 1722 FILED ON: 1/20/2011

HOUSE . . . . . No. 1035

The Commonwealth of Massachusetts

PRESENTED BY:

Steven M. Walsh

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 passage of the accompanying:

An Act relative to consumer rebates.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Steven M. Walsh	*11th Essex*

HOUSE DOCKET, NO. 1722 FILED ON: 1/20/2011

HOUSE . . . . . No. 1035

By Mr. Walsh of Lynn, a petition (accompanied by bill, House, No. 1035) of Steven M. Walsh for legislation to further regulate consumer rebates on certain purchases. Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *321* OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to consumer rebates.

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

Chapter 93A of the Massachusetts General Laws, is hereby amended by inserting at the end thereof the following section: Section 12. In addition to the foregoing sections, it shall be an unfair method of competition and a deceptive act or practice to engage in the following: (A) Advertising for sale at a retail establishment the availability of a manufacturer's rebate by displaying the net price of the advertised item, without disclosing the actual selling price in the same font and size as the net price and without providing clear and conspicuous notice in the advertisement that a mail-in rebate is required to achieve the net price, unless the amount of the manufacturer's rebate is fully discounted from the actual selling price at the point of sale. It shall be the retailer's burden to redeem the rebate offered to the consumer. (B) Refusing to accept a photocopy or other reasonable facsimile of an original sales receipt when the consumer is redeeming a rebate and/or failing to give the consumer at least thirty days from the date of purchase to submit applicable documents for the rebate. Rebate documents shall be considered submitted the date they are postmarked if submitted by mail, or the date they are received by the manufacturer if submitted by telephone, internet or other means of transmission. (C) Any person, firm, corporation or association who violates this section (Section 12) shall be subject to a civil fine of no greater than five hundred dollars per violation. (D) Definitions. As Used in this section:i. "Rebate" means the return to a purchaser of any portion of the purchase price, which serves as a discount or reduction in price. iii."Actual selling price" refers to the price the

19 consumer would have paid in the absence of a rebate. iii. Net price means the price of the item
20 after the rebate has been deducted from the item's actual selling price. iv. Clear and Conspicuous
21 means that the material representation being disclosed is of such size, color, contrast or audibility
22 and is so presented as to be readily noticed and understood by a reasonable person to whom it is
23 being disclosed. V. Redeem means to fulfill, to make good or to meet the requirements of.

24 (E) This Section shall take effect on the first date of January next succeeding the date of
25 passage.