
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 545 Session of
2019

INTRODUCED BY BROWNE, COSTA, BREWSTER, FONTANA AND TARTAGLIONE,
APRIL 10, 2019

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
APRIL 10, 2019

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 defining "unfair or deceptive acts or
7 practices"; and further providing for unlawful acts or
8 practices and exclusions.

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

11 Section 1. Section 2(4) of the act of December 17, 1968
12 (P.L.1224, No.387), known as the Unfair Trade Practices and
13 Consumer Protection Law, is amended by adding subclauses to
14 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 (xx.1) Failing to disclose to members of the consuming

1 public a retail establishment's refund and exchange policy as to
2 all merchandise exposed or offered for sale at retail, unless
3 the policy is clearly and conspicuously posted in the following
4 manner:

5 (A) on a sign attached to the merchandise itself;

6 (B) on a sign affixed to each cash register or point of
7 sale;

8 (C) on a sign so situated as to be clearly visible to the
9 buyer from the cash register; or

10 (D) on a sign posted at each store entrance used by members
11 of the consuming public.

12 The sign shall conspicuously disclose any and all material
13 conditions of, or qualifications to, the policy, including,
14 without limitation: whether a refund will be given on
15 merchandise for which no proof of purchase exists; whether a
16 refund will be given at any time, or only up to a specified time
17 after the date of purchase; and whether a refund will be given
18 in cash, as a credit to the account on which the purchase was
19 debited or as a store credit only.

20 (xx.2) Failing to disclose to members of the consuming
21 public that a retail establishment charges a restocking fee on a
22 product it sells, unless the retail establishment:

23 (A) discloses in any print advertising and promotional
24 material, including a catalog, that a restocking fee may apply
25 to the purchase of goods, and the disclosure is printed in a
26 clear and conspicuous manner in the advertising and promotional
27 material;

28 (B) posts a notice stating that a restocking fee may apply
29 to the purchase of goods and where the consumer may obtain the
30 full restocking fee policy and makes the notice clearly and

1 conspicuously visible to the consumer before purchase;

2 (C) discloses on the sales receipt in a conspicuous manner
3 in type at least as large as the majority of the printed text on
4 the receipt and in print that is clear and legible, both of the
5 following:

6 (I) that a restocking fee may apply to the purchased good;
7 and

8 (II) where the customer may obtain the full restocking fee
9 policy; and

10 (D) at the point of purchase for a good on the Internet
11 website of the retail establishment, discloses that a restocking
12 fee may apply to the purchase of goods. The retail establishment
13 shall provide the full restocking fee policy on the Internet
14 website in a clear and conspicuous manner.

15 * * *

16 Section 2. Section 3 of the act is amended to read:

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

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