



General Assembly

Substitute Bill No. 6516

January Session, 2009

* HB06516GL 031209 *

AN ACT ESTABLISHING MINIMUM RETAIL REFUND AND EXCHANGE POLICIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 42-110aa of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective January 1, 2010*):

3 (a) No person engaged in trade or commerce in this state, upon the
4 return of goods purchased from such person's place of business, shall
5 refuse to accept the returned goods [immediately] with a receipt and
6 shall immediately issue the individual returning such goods either a
7 cash or credit refund of the purchase price, [or credit towards the
8 purchase of another item offered for sale at such person's place of
9 business] corresponding to the form of payment at the time the goods
10 were purchased, provided such return is made [within the period of
11 time established by such person for the acceptance of returned goods
12 and provided further, such goods are returned in a manner consistent
13 with such person's conspicuously posted refund or exchange policy]
14 not more than thirty days after the date the individual purchased the
15 goods. Such person engaged in trade or commerce in this state shall
16 conspicuously post such person's refund or exchange policies at such
17 person's place of business. Any such person that utilizes an electronic
18 system to record, monitor and limit the number or total dollar value of
19 returns made by a consumer shall clearly indicate the use of such

20 system within such person's conspicuously posted refund or exchange
21 policy.

22 (b) [Any] Subject to the provisions of subsection (a) of this section,
23 any person that utilizes an electronic system to record, monitor and
24 limit the number or total dollar value of returns made by a consumer
25 shall, prior to terminating the right of any such consumer to return
26 goods at such person's place of business pursuant to any such
27 limitation, provide written notice to such consumer that indicates such
28 termination. Such termination notice shall not affect such consumer's
29 right to return any goods purchased by such consumer or purchased
30 for the benefit of such consumer prior to the date of such notice, if such
31 consumer has a valid receipt evidencing a purchase date for such
32 goods that is prior to the date such consumer receives such notice. Any
33 such notice that is mailed to the last known address of such consumer
34 or to the address of such consumer that is obtained through reasonably
35 available public records shall be deemed to comply with the
36 notification requirements of this subsection.

37 (c) This section shall not be construed to prohibit any person
38 engaged in trade or commerce in this state from extending the period
39 of time during which such person will accept the return of goods
40 purchased from such person's place of business.

41 (d) This section does not apply to: [perishable] (1) Perishable goods,
42 including readily perishable foods and beverages, [or] goods clearly
43 marked as nonreturnable pursuant to such person's conspicuously
44 posted refund or exchange policy, (2) custom made or special order
45 items, (3) books, magazines and other periodicals, (4) opened or used
46 compact discs, digital video discs or other recorded media, and (5)
47 goods that are damaged by the consumer and not fit for resale by the
48 seller.

49 (e) Any violation of the provisions of subsection (a) of this section
50 shall constitute an unfair trade practice for purposes of section 42-110b.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>January 1, 2010</i>	42-110aa
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GL *Joint Favorable Subst.*