

1 SB104  
2 123334-1  
3 By Senators Coleman, Beasley and Dunn  
4 RFD: Commerce, Transportation, and Utilities  
5 First Read: 01-MAR-11

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8 SYNOPSIS: This bill would require issuers of rebates  
9 to remit the rebate within 30 days of receipt of  
10 any rebate materials required to be furnished by  
11 the purchaser and would give the purchaser a  
12 minimum of 45 days to submit the required rebate  
13 materials.

14  
15 A BILL  
16 TO BE ENTITLED  
17 AN ACT

18  
19 To add Section 8-19-5.1 to the Code of Alabama 1975,  
20 to require issuers of rebates to remit the rebate within 30  
21 days of receipt of any rebate materials required to be  
22 furnished by the purchaser and would give the purchaser a  
23 minimum of 45 days to submit the required rebate materials.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 8-19-5.1 is added to the Code of  
26 Alabama 1975, to read as follows:

27 §8-19-5.1.

1           (a) Any person, firm, corporation, or other business  
2           entity which offers and issues rebates with respect to any  
3           products or services sold to any purchaser residing or doing  
4           business in this state shall remit the proceeds of the rebate  
5           to the purchaser within 30 days of receipt by the issuer of  
6           any rebate materials required to be furnished by the  
7           purchaser. The purchaser shall have a minimum of 45 days from  
8           the date of purchase to submit the required rebate materials.

9           (b) In the event of noncompliance with the  
10          provisions of this section, the issuer shall pay a penalty to  
11          the purchaser for noncompliance in the amount of fifty dollars  
12          (\$50) for the first day of noncompliance and five dollars (\$5)  
13          for each day thereafter that the party remains in  
14          noncompliance. The purchaser shall also be entitled to a  
15          reimbursement of reasonable attorney's fees, if applicable,  
16          for the costs incurred by the purchaser in attempting to  
17          obtain the rebate to which the purchaser was lawfully  
18          entitled. Demand for penalties and, if applicable, attorney's  
19          fees and costs pursuant to this section may be made to the  
20          Consumer Protection Division of the Office of Attorney  
21          General, and the division shall direct the issuer to pay  
22          applicable penalties and reimburse affected purchasers for  
23          attorney's fees and costs incurred on confirmed instances of  
24          noncompliance. The Consumer Protection Division of the Office  
25          of Attorney General may promulgate such rules as are necessary  
26          to implement and administer the provisions of this section.

1                   (c) As used in this section, the term "first day of  
2 noncompliance" means the first day following the last day for  
3 an issuer or similar party to furnish the rebate.

4                   Section 2. This act shall become effective on the  
5 first day of the third month following its passage and  
6 approval by the Governor, or its otherwise becoming law.