

**HOUSE . . . . . No. 01035**

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The Commonwealth of Massachusetts

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PRESENTED BY:

*Steven M. Walsh*

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*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 bill:

An Act relative to consumer rebates.

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PETITION OF:

NAME:

*Steven M. Walsh*

DISTRICT/ADDRESS:

*11th Essex*

# HOUSE . . . . . No. 01035

By Mr. Steven M. Walsh of Lynn, petition (accompanied by bill, House, No. 01035) of Steven M. Walsh for legislation to further regulate consumer rebates on certain purchases. Joint Committee on Consumer Protection and Professional Licensure.

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

## The Commonwealth of Massachusetts

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**In the Year Two Thousand Eleven**  
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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:*

1 Chapter 93A of the Massachusetts General Laws, is hereby amended by inserting at the end  
2 thereof the following section: Section 12. In addition to the foregoing sections, it shall be an  
3 unfair method of competition and a deceptive act or practice to engage in the following: (A)  
4 Advertising for sale at a retail establishment the availability of a manufacturer's rebate by  
5 displaying the net price of the advertised item, without disclosing the actual selling price in the  
6 same font and size as the net price and without providing clear and conspicuous notice in the  
7 advertisement that a mail-in rebate is required to achieve the net price, unless the amount of the  
8 manufacturer's rebate is fully discounted from the actual selling price at the point of sale. It shall  
9 be the retailer's burden to redeem the rebate offered to the consumer. (B) Refusing to accept a

10 photocopy or other reasonable facsimile of an original sales receipt when the consumer is  
11 redeeming a rebate and/or failing to give the consumer at least thirty days from the date of  
12 purchase to submit applicable documents for the rebate. Rebate documents shall be considered  
13 submitted the date they are postmarked if submitted by mail, or the date they are received by the  
14 manufacturer if submitted by telephone, internet or other means of transmission. (C) Any person,  
15 firm, corporation or association who violates this section (Section 12) shall be subject to a civil  
16 fine of no greater than five hundred dollars per violation. (D) Definitions. As Used in this  
17 section: i. "Rebate" means the return to a purchaser of any portion of the purchase price, which  
18 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 passage.