

SENATE BILL 1440

By Campfield

AN ACT to amend Tennessee Code Annotated, Title 47,
Chapter 18, Part 1, relative to instructions
accompanying goods.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 47-18-104(b), is amended by adding the following language as a new, appropriately designated subdivision:

() Violating § 47-18-131;

SECTION 2. Tennessee Code Annotated, Title 47, Chapter 18, Part 1, is amended by adding the following language as a new section:

§ 47-18-131.

(a) For the purposes of this section:

(1) "Retailer" means a person engaged in the business of making sales at retail within this state. A person who engages in occasional and isolated sales is not engaged in the business of making sales at retail; and

(2) "Sale at retail" means a sale to any person for any purpose other than for resale.

(b) A retailer who sells, or offers for sale, any good in this state knowing that the instructions that accompany the good for the use or consumption of the good are not in English shall disclose that such instructions are not in English in the following manner:

(1) On a conspicuous ticket, label, or tag attached to the good or its packaging; or

(2) On a conspicuous sign:

(A) Affixed to each cash register or point of sale at which such good is offered for sale; or

(B) Situated as to be clearly visible to the consumer from the register or points of sale.

(c) A retailer who sells, or offers for sale, any good by mail or through the Internet, in this state knowing that the instructions that accompany the good for the use or consumption of the good are not in English shall disclose that such instructions are not in English in any written or electronic advertisement relating to the good. Such disclosure shall be made in type of a conspicuous size and placed in a conspicuous location.

(d)

(1) Any retailer who sells a good in this state, or to a consumer in this state, that is not accompanied by instructions for use or consumption of the good in English, and fails to disclose such fact as provided in this section, shall be liable to the consumer who purchased the good for a refund for a period of up to thirty (30) days from the date of purchase, provided that the good purchased has not been used or damaged. A good is not used or damaged for purposes of this subsection if the packaging has been opened, but the good itself has not been used or damaged.

(2) This subsection shall apply whether or not the retailer has knowledge at the time of the sale that the instructions that accompany the good are not in English.

(e) For the purposes of this section, instructions are in English if assembly, if required, and use of the good are described in illustrations and English so that an individual who reads only English can assemble and use the good for its advertised use.

This section does not prohibit the sale, or offer of sale, of goods accompanied by instructions in languages in addition to English.

(f) This section does not authorize any sale, or offer for sale, of a good that is specifically prohibited by a federal or state law or to relieve the retailer of any responsibility under federal or state law for bringing the good into compliance with such law.

SECTION 3. This act shall take effect July 1, 2011, the public welfare requiring it, and shall apply to sales or offers occurring on or after such date.