

HOUSE BILL NO. 285
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE FINKELSTEIN

Introduced: 4/19/93

Referred: Labor & Commerce, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the return of property by consumers after purchase."

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * Section 1. AS 45.50.471(b) is amended by adding a new paragraph to read:

4 (33) failing to comply with AS 45.50.950 - 45.50.970 (return of goods).

5 * Sec. 2. AS 45.50 is amended by adding new sections to read:

6 **ARTICLE 9. RETURN OF GOODS.**

7 **Sec. 45.50.950. CASH REFUND REQUIRED.** Notwithstanding AS 45.01 -
8 AS 45.09, and except as provided in AS 45.50.955 - 45.50.960, a seller may not refuse
9 to give a cash refund to a consumer who returns goods purchased by the consumer
10 from the seller, if the consumer

11 (1) returns the goods in

12 (A) an undamaged condition; or

13 (B) a damaged condition if the damage resulted from

14 (i) normal use of the goods, except food, by the

- 1 consumer for their intended purpose; or
2 (ii) a defect or design flaw in the goods;
3 (2) returns the goods within 30 days after the date of purchase; and
4 (3) presents proof of the purchase at the time of the return.

5 Sec. 45.50.955. ALTERATION OF REFUND REQUIREMENT. A seller may
6 alter the cash refund requirements of AS 45.50.950 if the seller clearly and
7 conspicuously displays on the seller's business premises written notice of the seller's
8 refund policy. The notice must be in bold face type of a minimum size of 14 points.

9 Sec. 45.50.960. EXEMPTIONS. AS 45.50.950 and 45.50.955 do not apply to

- 10 (1) the sale of goods that are specially ordered for the consumer;
11 (2) the sale of perishable food;
12 (3) the sale of a motor vehicle, except for a motorcycle, snowmobile,
13 or off-the-road vehicle, unless

14 (A) the motor vehicle is delivered in a damaged condition, if
15 sold as new;

16 (B) the motor vehicle is delivered in a more damaged condition
17 than when sold, if sold as used or damaged;

18 (C) within 10 days after the sale and after making good faith
19 efforts to obtain the insurance, the buyer is unable to obtain insurance for the
20 motor vehicle to comply with the insurance requirements under AS 28.22; or

21 (D) within 10 days after the sale and after making good faith
22 efforts to obtain the loan, the consumer is unable to obtain a loan necessary to
23 pay for the motor vehicle;

24 (4) a door-to-door sale under AS 45.02.350; or

25 (5) a sale that is conducted and consummated entirely by mail,
26 telephone, facsimile machine, or a combination of those methods.

27 Sec. 45.50.965. PENALTIES. A seller who violates this section is

28 (1) guilty of a class B misdemeanor; and

29 (2) subject to a civil penalty of \$500 payable to the state for each
30 violation.

31 Sec. 45.50.970. DEFINITIONS. In this section,

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(1) "cash refund" means

(A) cash provided at the time of the return;

(B) a check mailed to the consumer within three working days after the return; or

(C) if the sale was paid for by a credit card, a credit to the account charged for the sale within three working days after the return;

(2) "consumer" means a natural person who buys goods for personal, family, or household purposes and not for business purposes;

(3) "seller" means a person who regularly sells goods at retail to consumers.

* Sec. 3. AS 45.50.950 - 45.50.970, enacted by sec. 2 of this Act, do not apply to the return of goods to a seller unless the goods are purchased after the effective date of this Act.