

SENATE BILL 179

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3lr0448

By: **Senator Kagan**

Introduced and read first time: January 20, 2023

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Consumer Protection – Retail Sales – Return and Exchange Policy**
3 **(Right to Refund Information Act)**

4 FOR the purpose of requiring, before the completion of certain retail sales transactions,
5 that merchants provide to consumers notice of the merchants' refund and exchange
6 policies or policies of no refunds or exchanges in a certain manner; making a violation
7 of this Act an unfair, deceptive, or abusive trade practice that is subject to
8 enforcement and penalties under the Maryland Consumer Protection Act; and
9 generally relating to merchant-to-consumer retail sales transactions.

10 BY repealing and reenacting, without amendments,
11 Article – Commercial Law
12 Section 13–101(a), (c), (d), and (g) and 13–301(14)(i)
13 Annotated Code of Maryland
14 (2013 Replacement Volume and 2022 Supplement)

15 BY adding to
16 Article – Commercial Law
17 Section 13–321
18 Annotated Code of Maryland
19 (2013 Replacement Volume and 2022 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
21 That the Laws of Maryland read as follows:

22 **Article – Commercial Law**

23 13–101.

24 (a) In this title the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(c) (1) “Consumer” means an actual or prospective purchaser, lessee, or recipient of consumer goods, consumer services, consumer realty, or consumer credit.

(2) “Consumer” includes:

(i) A co-obligor or surety for a consumer;

(ii) A licensee or recipient of computer information or computer programs under a consumer contract as defined in § 22–102 of this article;

(iii) An individual who sells or offers for sale to a merchant consumer goods or consumer realty that the individual acquired primarily for personal, household, family, or agricultural purposes; or

(iv) A fraternal, religious, civic, patriotic, educational, or charitable organization that purchases, rents, or leases goods or services for the benefit of the members of the organization.

(d) (1) “Consumer credit”, “consumer debts”, “consumer goods”, “consumer realty”, and “consumer services” mean, respectively, credit, debts or obligations, goods, real property, and services which are primarily for personal, household, family, or agricultural purposes.

(2) “Consumer goods” and “consumer services” include, respectively, goods and services which are purchased, rented, or leased by a fraternal, religious, civic, patriotic, educational, or charitable organization for the benefit of the members of the organization.

(g) (1) “Merchant” means a person who directly or indirectly either offers or makes available to consumers any consumer goods, consumer services, consumer realty, or consumer credit.

(2) “Merchant” includes a person:

(i) Who directly or indirectly purchases or offers to purchase any consumer goods or consumer realty from a consumer; and

(ii) Whose business includes paying off consumer debt in connection with the purchase of any consumer goods or consumer realty from a consumer.

13–301.

Unfair, abusive, or deceptive trade practices include any:

(14) Violation of a provision of:

(i) This title;

1 13-321.

2 (A) (1) IN THIS SECTION, "RETAIL SALE" MEANS THE SALE OF CONSUMER
3 GOODS BY A MERCHANT TO A CONSUMER FOR:

4 (I) THE USE OR CONSUMPTION OF THE CONSUMER GOODS BY
5 THE CONSUMER; OR

6 (II) THE BENEFIT OR SATISFACTION THAT THE CONSUMER MAY
7 DERIVE FROM THE USE OR CONSUMPTION OF THE CONSUMER GOODS BY ANOTHER.

8 (2) "RETAIL SALE" DOES NOT INCLUDE THE SALE OF CONSUMER
9 GOODS FOR RESALE BY THE PURCHASER.

10 (B) BEFORE THE COMPLETION OF ANY RETAIL SALE TRANSACTION A
11 MERCHANT SHALL PROVIDE TO THE CONSUMER MAKING THE PURCHASE NOTICE OF
12 THE MERCHANT'S REFUND AND EXCHANGE POLICY OR POLICY OF NO REFUNDS OR
13 EXCHANGES BY CONSPICUOUSLY DISPLAYING THE NOTICE:

14 (1) FOR IN-PERSON RETAIL SALES:

15 (I) ON A LABEL AFFIXED TO THE CONSUMER GOODS BEING
16 SOLD; OR

17 (II) AT THE LOCATION WHERE THE TRANSACTION OCCURS; OR

18 (2) FOR ONLINE RETAIL SALES, ON A WEBPAGE THE CONSUMER MUST
19 VIEW BEFORE COMPLETING THE TRANSACTION.

20 (C) THE REQUIREMENTS OF THIS SECTION MAY NOT BE SATISFIED BY ONLY
21 STATING A REFUND AND EXCHANGE POLICY OR POLICY OF NO REFUNDS OR
22 EXCHANGES:

23 (1) IN A MERCHANT'S TERMS AND CONDITIONS OF SERVICE; OR

24 (2) ON A RECEIPT PROVIDED TO A CONSUMER ON COMPLETION OF A
25 TRANSACTION.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2023.