

SECOND REGULAR SESSION

HOUSE BILL NO. 1713

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES NORR (Sponsor), TODD, HODGES, QUINN (9), CASEY,
ZIMMERMAN, WILDBERGER, ROORDA AND DARROUGH (Co-sponsors).

Read 1st time January 17, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3958L.02I

AN ACT

To amend chapter 407, RSMo, by adding thereto eight new sections relating to rebates.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 407, RSMo, is amended by adding thereto eight new sections, to be
2 known as sections 407.1850, 407.1852, 407.1854, 407.1856, 407.1858, 407.1860, 407.1862, and
3 407.1864, to read as follows:

407.1850. As used in sections 407.1850 to 407.1864, the following terms shall mean:

2 **(1) "Consumer", the purchaser, other than for the purposes of resale, of a product**
3 **that is accompanied by a rebate offer and any person to whom such product is transferred;**

4 **(2) "Net price", the ultimate price paid by a consumer after the consumer redeems**
5 **the rebate offered for an advertised item;**

6 **(3) "Person", any natural person or his or her legal representative, partnership,**
7 **firm, for-profit or not-for-profit corporation, whether domestic or foreign, company,**
8 **foundation, trust, business entity or association, and any agent, employee, salesperson,**
9 **partner, officer, director, member, stockholder, associate, trustee, or cestui que trust**
10 **thereof;**

11 **(4) "Rebate", an offer to provide cash, credit, or credit toward future purchases,**
12 **that is offered to consumers who acquire or purchase a specified product or service and**
13 **that is conditioned upon the consumer submitting a request for redemption after satisfying**
14 **the terms and conditions of the offer. The term shall not include any discount from the**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended
to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 purchase price that is taken at the time of purchase, any discount, cash, credit, or credit
16 toward a future purchase that is automatically provided to a consumer without the need
17 to submit a request for redemption, or any refund that may be given to a consumer in
18 accordance with a company's return, guarantee, adjustment, or warranty policies, or any
19 company's frequent shopper customer reward program.

20407.1852. 1. A violation of any provision or requirement of sections 407.1850 to
2 407.1864 shall be deemed a violation of this section and any person violating such
3 provisions shall be subject to all penalties, remedies and procedures provided in sections
4 407.010 to 407.145. The attorney general shall have all powers, rights, and duties
5 regarding violations of sections 407.1850 to 407.1864 as provided in sections 407.010 to
6 407.145.

7 2. The provisions of sections 407.1850 to 407.1864 are not exclusive and shall not
8 relieve the parties or persons subject thereto from compliance with other applicable
9 provisions of law nor shall such provisions bar any civil claim against any person who has
10 acquired moneys or property by means of any practice declared unlawful by any provision
11 of sections 407.1850 to 407.1864.

20407.1854. It shall be unlawful for any person to advertise a price that is only
2 available based on the redemption of a rebate, unless the price actually paid to the person
3 selling the item is clearly and conspicuously advertised along with the item's net price.

20407.1856. It shall be unlawful for any person to advertise a rebate offer without
2 clearly and conspicuously advertising all terms and conditions that a consumer must meet
3 in order to redeem the rebate.

20407.1858. Any person offering a consumer rebate shall:

2 (1) Provide a rebate redemption form directly with the product, or at the same
3 location and at the same time that the consumer purchased the product; or

4 (2) Supply the product's retailer with a sufficient quantity of rebate redemption
5 forms based on reasonably anticipated sales, or the means to create a rebate redemption
6 form prior to or at the time and place of sale; or

7 (3) For the purposes of Internet sales, provide a generally accessible Internet site
8 that clearly and conspicuously displays the rebate redemption form as a printable
9 document on the Internet page on which the product is purchased or an Internet page
10 accessible by a hyperlink from the page on which the product is purchased; or

11 (4) For the purposes of telephone sales, direct consumers to a generally accessible
12 Internet site that clearly and conspicuously displays the rebate redemption form as a
13 printable document on the Internet page, or, upon request, send the rebate redemption
14 form via the consumer's choice of regular or electronic mail or telefacsimile.

2 **407.1860.** Any person offering a consumer rebate shall accept from the consumer
3 a photocopy or other reasonable facsimile of an original sales receipt or any other
3 documentation required to redeem the rebate when the consumer is redeeming a rebate.

2 **407.1862.** Any person offering a consumer rebate shall allow the consumer a
2 minimum of fourteen days from the date the consumer purchases the product, or becomes
3 eligible for the rebate upon satisfying the terms and conditions of the offer, to submit a
4 request for redemption.

2 **407.1864.** Any person offering a consumer rebate shall mail the rebate check or
2 transmit the rebate funds to the consumer within sixty days of receipt of the consumer's
3 request for redemption meeting the terms and conditions of the rebate offer.

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