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**By: Delegate Exum**

Introduced and read first time: January 29, 1996

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Consumer Protection - Advertised Sales of Consumer Goods - Required Notice**

3 FOR the purpose of requiring merchants that advertise a sale of consumer goods that are  
4 limited in quantity to include a certain notice in any advertisement of the sale if no  
5 rain check is provided for sold out items; providing that a violation of this Act is an  
6 unfair and deceptive trade practice under the Maryland Consumer Protection Act;  
7 defining certain terms; and generally relating to required notices in advertisements  
8 for sales of consumer goods.

9 BY adding to

10 Article - Commercial Law  
11 Section 14-1315  
12 Annotated Code of Maryland  
13 (1990 Replacement Volume and 1995 Supplement)

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

16 **Article - Commercial Law**

17 14-1315.

18 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
19 INDICATED.

20 (2) "CONSUMER GOODS" MEANS GOODS THAT ARE PRIMARILY FOR  
21 PERSONAL, HOUSEHOLD, OR FAMILY PURPOSES.

22 (3) "CUSTOMER" MEANS AN ACTUAL OR PROSPECTIVE PURCHASER OF  
23 CONSUMER GOODS.

24 (4) "MERCHANT" MEANS A PERSON THAT DIRECTLY OR INDIRECTLY  
25 EITHER OFFERS OR MAKES AVAILABLE TO CUSTOMERS ANY CONSUMER GOODS.

26 (B) IF A MERCHANT ADVERTISES A SALE OF CONSUMER GOODS THAT ARE  
27 LIMITED IN QUANTITY AND DOES NOT PROVIDE CUSTOMERS WITH A RAIN CHECK IF  
28 THE CONSUMER GOODS ON SALE ARE SOLD OUT, THE MERCHANT SHALL INCLUDE  
29 IN ANY ADVERTISEMENT OF THE SALE A NOTICE THAT:

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1                   (1) QUANTITIES OF THE CONSUMER GOODS ADVERTISED AS BEING ON  
2 SALE ARE LIMITED; AND

3                   (2) NO RAIN CHECK IS AVAILABLE IF SUPPLIES ARE SOLD OUT.

4                   (C) A VIOLATION OF THIS SECTION IS AN UNFAIR AND DECEPTIVE TRADE  
5 PRACTICE UNDER TITLE 13 OF THIS ARTICLE.

6                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 1996.