

SENATE BILL 88

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1999 Regular Session
9lr0636

By: **Senator Conway**

Introduced and read first time: January 15, 1999

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Consumer Protection - Restocking and Return Fees**

3 FOR the purpose of prohibiting a merchant from charging a consumer who returns
4 merchandise purchased from the merchant a restocking or return fee that
5 exceeds certain amounts under certain circumstances; and generally relating to
6 restocking or return fees charged by merchants to consumers.

7 BY adding to

8 Article - Commercial Law

9 Section 13-319

10 Annotated Code of Maryland

11 (1990 Replacement Volume and 1998 Supplement)

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

14 **Article - Commercial Law**

15 13-319.

16 (A) THIS SECTION APPLIES ONLY TO A CONSUMER'S RETURN OF
17 MERCHANDISE IF:

18 (1) THE MERCHANDISE MALFUNCTIONED;

19 (2) THE PACKAGING OF THE MERCHANDISE IS NOT OPENED; OR

20 (3) THE RETURN IS NECESSITATED BY ERROR OF THE MANUFACTURER,
21 WHOLESALE, OR RETAILER.

22 (B) SUBJECT TO SUBSECTION (A) OF THIS SECTION, A MERCHANT MAY NOT
23 CHARGE A CONSUMER WHO RETURNS MERCHANDISE PURCHASED FROM THE
24 MERCHANT A RESTOCKING OR RETURN FEE IN EXCESS OF:

25 (1) 10% OF THE PURCHASE PRICE OF THE MERCHANDISE, IF THE
26 PURCHASE PRICE OF THE MERCHANDISE DID NOT EXCEED \$1,000; OR

1 (2) \$100, IF THE PURCHASE PRICE OF THE MERCHANDISE EXCEEDED
2 \$1,000.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 1999.