

2 State of Arkansas  
3 88th General Assembly  
4 Regular Session, 2011

*As Engrossed: H3/22/11*

# A Bill

HOUSE BILL 2180

5  
6 By: Representative Fielding

7 Filed with: Interim House Committee on Insurance and Commerce  
8 pursuant to A.C.A. §10-3-217.

## 9 For An Act To Be Entitled

10 AN ACT CONCERNING RETAIL FEES, CHARGES, AND  
11 ASSESSMENTS; TO REGULATE RESTOCKING FEES; AND FOR  
12 OTHER PURPOSES.

## 13 Subtitle

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15 CONCERNING RETAIL FEES, CHARGES, AND  
16 ASSESSMENTS AND TO REGULATE RESTOCKING  
17 FEES.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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23 *SECTION 1. Arkansas Code Title 4, Chapter 88, is amended to add an*  
24 *additional subchapter to read as follows:*

25 *4-88-901. Title.*

26 *This subchapter shall be known and may be cited as the "Restocking Fee*  
27 *Act".*

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29 *4-88-902. Definitions.*

30 *As used in this subchapter:*

31 *(1) "Customer" means a purchaser or potential purchaser of*  
32 *goods;*

33 *(2) "Goods" means tangible property that is offered for sale or*  
34 *lease;*

35 *(3) "Restocking fee" means a fee charged directly or indirectly*  
36 *by a retail business to its customers to replenish its supply of goods upon*

1 the return or exchange of the goods;

2 (4) "Retail business" means a seller or lessor of goods; and

3 (5) "Retail price" means the actual cost of goods sold or  
4 leased.

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6 4-88-903. Limitation on restocking fee -- Requirements.

7 If a retail business charges a restocking fee, the restocking fee  
8 shall:

9 (1) Not exceed ten percent (10%) of the retail price at the time  
10 of purchase of the goods for which the restocking fee is charged; and

11 (2) Be disclosed under § 4-88-904.

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13 4-88-904. Disclosure of restocking fee.

14 (a) A retail business in this state that charges a restocking fee  
15 shall disclose the restocking fee by posting notice of the amount of the  
16 restocking fee and the goods subject to the restocking fee:

17 (1) On a customer's sales receipt printed in blue, bold, and a  
18 type at least the size of the other retail information;

19 (2) On each in-store cash register;

20 (3) In conspicuous areas throughout the retail store and at each  
21 entrance and exit;

22 (4) In print advertising and promotional materials; and

23 (5) On the website of the retail business.

24 (b) The notice shall disclose the retail business's restocking fee  
25 policy or advise customers where to obtain the full restocking fee policy.

26 (c) The notices and disclosure shall be printed in at least one inch  
27 (1") type and in a clear and conspicuous manner.

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29 4-88-905. Enforcement.

30 A violation of this subchapter is a deceptive and unconscionable trade  
31 practice subject to the penalties, remedies, and enforcement provided by § 4-  
32 88-101 et seq.

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34 /s/Fielding

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Referred by the Arkansas House of Representatives  
Prepared by: ANS/VJF