

# Hall of the House of Representatives

88th General Assembly - Regular Session, 2011

## Amendment Form

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### Subtitle of House Bill No. 2180

CONCERNING RETAIL FEES, CHARGES, AND ASSESSMENTS AND TO REGULATE  
RESTOCKING FEES.

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### Amendment No. 1 to House Bill No. 2180

Amend House Bill No. 2180 as originally introduced:

Delete everything after the enacting clause and substitute the following:

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

4-88-901. Title.

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

4-88-902. Definitions.

As used in this subchapter:

- (1) "Customer" means a purchaser or potential purchaser of goods;
- (2) "Goods" means tangible property that is offered for sale or lease;
- (3) "Restocking fee" means a fee charged directly or indirectly by a retail business to its customers to replenish its supply of goods upon the return or exchange of the goods;
- (4) "Retail business" means a seller or lessor of goods; and
- (5) "Retail price" means the actual cost of goods sold or leased.

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

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

- (1) Not exceed ten percent (10%) of the retail price at the time of purchase of the goods for which the restocking fee is charged; and
- (2) Be disclosed under § 4-88-904.

4-88-904. Disclosure of restocking fee.

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

- (1) On a customer's sales receipt printed in blue, bold, and a



type at least the size of the other retail information;

(2) On each in-store cash register;

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

(4) In print advertising and promotional materials; and

(5) On the website of the retail business.

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

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

4-88-905. Enforcement.

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

The Amendment was read \_\_\_\_\_

By: Representative Fielding

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Chief Clerk