

ASSEMBLY, No. 3065

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED FEBRUARY 18, 2016

Sponsored by:

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

Assemblyman PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Assemblymen Holley, McKeon and Eustace

SYNOPSIS

Prohibits retailers from scanning consumer's identification card for return of merchandise.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/9/2017)

1 AN ACT concerning return policies of retail mercantile
2 establishments and supplementing Title 56 of the Revised
3 Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. As used in this act:

9 “Identification card” means a driver’s license, issued pursuant to
10 R.S.39:3-10, a probationary license, issued pursuant to section 4 of
11 P.L.1950, c.127 (C.39:3-13.4), a non-driver photo identification
12 card, issued pursuant to section 2 of P.L.1980, c.47 (C.39:3-29.3),
13 or any similar card issued by another state or the District of
14 Columbia for purposes of identification or permitting its holder to
15 operate a motor vehicle.

16 “Merchandise” means any objects, wares, goods, commodities,
17 or any other tangible items offered, directly or indirectly for sale.

18 “Retail mercantile establishment” means any place of business
19 where merchandise is exposed or offered for sale at retail.

20 “Return” means the return of merchandise by a person to the
21 retail mercantile establishment from which that merchandise was
22 purchased, resulting in a cancellation of the sale and a refund of
23 cash, credit, or store credit to the person of the amount of cash,
24 credit, or store credit paid at the time of sale.

25 “Scan” means to access the barcode or any other machine-
26 readable section of a person’s identification card with an electronic
27 device capable of deciphering, in an electronically readable format,
28 information electronically encoded on the identification card.

29
30 2. No retail mercantile establishment shall scan, photocopy, or
31 otherwise retain a copy of an identification card when requiring a
32 person to submit an identification card in order to return
33 merchandise.

34
35 3. a. Every retail mercantile establishment which requires a
36 person returning merchandise to display an identification card shall
37 conspicuously post that requirement on a sign in at least one of the
38 following locations:

39 (1) affixed to each cash register or point of sale;

40 (2) so situated as to be clearly visible to the buyer from the cash
41 register; or

42 (3) posted at each store entrance used by the public.

43 b. If a retail mercantile establishment uses return data
44 concerning the frequency or dollar amount of a person’s returns as a
45 basis to deny a return to that person, the establishment shall
46 conspicuously post that information as provided in subsection a. of
47 this section.

1 4. a. Any person who violates the provisions of this act shall
2 be subject to a civil penalty of \$2,500 for a first violation and
3 \$5,000 for any subsequent violation. The penalty prescribed in this
4 section shall be collected in a civil action by a summary proceeding
5 pursuant to the “Penalty Enforcement Law of 1999,” P.L.1999,
6 c.274 (C.2A:58-10 et seq.).

7 b. In addition to the penalties described in subsection a. of this
8 section, any person aggrieved by a violation of this act may bring
9 an action in the municipal court in the jurisdiction the retail
10 mercantile establishment operates to recover damages.

11
12 5. The Director of the Division of Consumer Affairs shall
13 adopt, pursuant to the “Administrative Procedure Act,” P.L.1968,
14 c.410 (C.52:14B-1 et seq.), any rules and regulations necessary to
15 effectuate the purposes of this act.

16
17 6. This act shall take effect on the first day of the third month
18 next following the date of enactment.

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20

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STATEMENT

22

23 This bill prohibits retail mercantile establishments from
24 scanning, photocopying, or otherwise retaining a copy of an
25 person’s identification card (i.e., a driver’s license, probationary
26 license, non-driver photo identification card, or other similar
27 government-issued identification) as a condition of the person
28 returning merchandise.

29 Under the bill, a retail mercantile establishment that requires a
30 person returning merchandise to display an identification card is
31 required to conspicuously post that return policy on a sign. The
32 sign could be affixed to each cash register or point of sale; situated
33 and clearly visible to the buyer from the cash register; or posted at
34 each store entrance. If a retail mercantile establishment uses return
35 data concerning the frequency or dollar amount of a person’s
36 returns as a basis to deny a return to that person, the establishment
37 would also be required to conspicuously post that information.

38 A person who violates the provisions of this bill would be
39 subject to a civil penalty of \$2,500 for a first violation and \$5,000
40 for any subsequent violation. A person may bring an action in the
41 municipal court in the jurisdiction the retail mercantile
42 establishment operates in order to recover damages.