SENATE, No. 871

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JANUARY 27, 2020

Sponsored by:
Senator JOSEPH PENNACCHIO
District 26 (Essex, Morris and Passaic)

SYNOPSIS

Prohibits retail mercantile establishments from requiring certain consumer identification for return of merchandise.

CURRENT VERSION OF TEXT

As introduced.

AN ACT prohibiting retail mercantile establishments from requiring certain consumer identification for the return of merchandise and supplementing Title 56 of the Revised Statutes.

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

1. As used in this act:

"Proof of purchase" means a receipt, bill, credit card slip, or any other form of evidence which constitutes reasonable proof of purchase.

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

2. a. No retail mercantile establishment shall require a person to display any permit, license, or identification card issued by this State or any other state or the federal government in order to return merchandise unless the person fails to provide a proof of purchase for that merchandise.

b. No retail mercantile establishment shall scan, photocopy, or otherwise retain a copy of a permit, license, or identification card when requiring a person to submit a permit, license, or identification card in order to return merchandise without a proof of purchase.

3. a. Every retail mercantile establishment which requires a person returning merchandise without proof of purchase to display a permit, license, or identification card, shall conspicuously post that requirement on a sign in at least one of the following locations:

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

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

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

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

4. A retail mercantile establishment violating any provision of this act shall be subject to a civil penalty of $250 for the first offense, $500 for the second offense, and not less than $1000 for the third and each subsequent offense, to be collected in a civil action by a summary proceeding under the “Penalty Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.).

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

6. This act shall take effect on the 120th day next following enactment.

STATEMENT

This bill prohibits retail mercantile establishments from requiring a person to display any permit, license, or identification card issued by any state or the federal government in order to return merchandise, unless the person fails to provide a proof of purchase for that merchandise. This bill also prohibits retail mercantile establishments from scanning, photocopying, or otherwise retaining a copy of a permit, license, or identification card when requiring a person to submit a permit, license, or identification card to return merchandise without a proof of purchase.

Under this bill, if a retail mercantile establishment requires a person returning merchandise without proof of purchase to display a permit, license, or identification card, or uses return data concerning the frequency or dollar amount of a person’s returns as a basis to deny a return to that person, the establishment shall conspicuously post that requirement on a sign in at least one of the following locations: (1) Affixed to each cash register or point of sale; (2) So situated as to be clearly visible to the buyer from the cash register; or (3) Posted at each store entrance used by the public.

The bill stipulates that any retail mercantile establishment which violates any provision of the bill is subject to a civil penalty of $250 for the first offense, $500 for the second offense, and not less than $1000 for the third and each subsequent offense.