

AMENDED IN ASSEMBLY MAY 4, 2005
AMENDED IN ASSEMBLY APRIL 5, 2005
AMENDED IN ASSEMBLY MARCH 29, 2005
CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 695

Introduced by Assembly Member Mullin

February 17, 2005

An act to amend Section 1723 of, and to add Section 1724 to, the Civil Code, relating to retail sales.

LEGISLATIVE COUNSEL'S DIGEST

AB 695, as amended, Mullin. Retail sales.

Existing law requires a retail seller of goods to the public that has a policy of denying full cash or credit refunds for the exchange of merchandise for goods of equal value, for at least 7 days following purchase of the goods, as specified, to conspicuously display that store's refund and exchange policy.

This bill would instead require every retail seller *that has a policy of accepting returns* to conspicuously display ~~its~~ *that* return policy *at each public entrance or sales counter*, as specified. The bill ~~would also prohibit a retail seller from requiring identification for a cash purchase, from imposing limits on the number of returned items, from aggregating personal information for purposes of denying a return, and from sharing personal information with a nonaffiliated 3rd party.~~ The bill would further require a retail seller to provide legible receipts.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1723 of the Civil Code is amended to
2 read:

3 1723. (a) *For the purposes of this section, “return” means a*
4 *cash refund, store credit, or exchange for the full amount of the*
5 *purchase price of a good purchased from a retail seller.*

6 (b) Every retail seller that *has a policy of accepting returns*
7 *and that sells goods to the public in this state shall conspicuously*
8 *display its that return policy on signs posted at each-cash register*
9 *and sales counter. Every retail seller shall also conspicuously*
10 *display that policy on signs at each public entrance, on tags*
11 *attached to each item sold under that policy, or on the retail*
12 *seller’s order forms, if any. This display shall state the store’s*
13 *policy, including, but not limited to, all of the following:*

14 (1) ~~Cash refund, store credit, or exchanges will be given for~~
15 ~~the full amount of the purchase price within a minimum of 30~~
16 ~~days after purchase of a good upon presentation of a valid~~
17 ~~receipt.~~

18 (2) ~~The types of merchandise that are covered by the policy.~~

19 (3) ~~Whether the retailer has a policy of not giving full cash or~~
20 ~~credit refunds, or of not allowing equal exchanges.~~

21 (4) ~~Any other conditions that govern the refund, credit, or~~
22 ~~exchange of merchandise.~~

23 (b) ~~Every retail seller that sells goods to the public in this state~~
24 ~~shall not do any of the following:~~

25 (1) ~~Require the purchaser to show identification for items~~
26 ~~purchased with cash.~~

27 (2) ~~Impose limits on the number of items a purchaser may~~
28 ~~return.~~

29 (3) ~~Aggregate personal information for purposes of denying a~~
30 ~~return.~~

31 (4) ~~Share personal information with a nonaffiliated third party.~~

32 (e) *public entrance or sales counter. This display shall state the*
33 *retail seller’s policy, including, but not limited to, all of the*
34 *following:*

35 (1) *If a purchaser seeking to return a good purchased with*
36 *cash will be required to show identification.*

37 (2) *If a purchaser’s identifying information will be shared with*
38 *another company.*

1 (3) *If the retail seller imposes limits on the number of items*
2 *that a purchaser may return, what that limit is.*

3 (c) *Every retail seller that has a policy of not accepting*
4 *returns and that sells goods to the public in this state shall*
5 *conspicuously display that policy on signs at each public*
6 *entrance or sales counter.*

7 (d) This section does not apply to food, plants, flowers,
8 perishable goods, goods marked “as is,” “no returns accepted,”
9 “all sales final,” or with similar language, goods used or
10 damaged after purchase, customized goods received as ordered,
11 goods not returned with their original package, and goods that
12 cannot be resold due to health considerations.

13 ~~(d)~~

14 (e) (1) Any retail store that violates this section shall be liable
15 to the buyer for the amount of the purchase if the buyer returns,
16 or attempts to return, the purchased goods on or before the 30th
17 day after their purchase.

18 (2) Violations of this section shall be subject to the remedies
19 provided in the Consumers Legal Remedies Act (Title 1.5
20 commencing with Section 1750) of Part 4).

21 (3) The duties, rights, and remedies provided in this section
22 are in addition to any other duties, rights, and remedies provided
23 by state law.

24 SEC. 2. Section 1724 is added to the Civil Code, to read:

25 1724. Every retailer shall provide a receipt for the purchase of
26 goods that is legible for its entire return period.