

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1055
Commerce, Small Business and Entrepreneurship Committee Substitute Adopted
5/17/07

Short Title: Consumers' Rebates Redemption Deadline.

(Public)

Sponsors:

Referred to:

March 21, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE REBATES TO BE MAILED TO CONSUMERS WITHIN A
3 CERTAIN TIME FRAME AND TO REQUIRE THE DISCLOSURE OF THE
4 TERMS OF THE REBATE OFFERS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Article 1 of Chapter 75 of the General Statutes is amended by
7 adding a new section to read:

8 **"§ 75-40. Deadline for mailing consumer rebates.**

9 (a) Any person, firm, or corporation engaged in commerce that offers a rebate
10 shall provide the rebate to the consumer within 60 days of the postmark date of the
11 completed rebate form submitted by the consumer. If the rebate claim is submitted
12 electronically, the rebate shall be provided to the consumer within 60 days of the date
13 upon which the claim is submitted. As used in this section, the term 'rebate' means the
14 return of a portion of the purchase price paid by a consumer for goods or services that is
15 conditioned upon the consumer submitting a request for redemption after satisfying the
16 terms and conditions of the offer. The term 'rebate' shall not include any refund that may
17 be given to a consumer in accordance with a company's frequent shopper customer
18 rewards program.

19 (b) Rebate forms shall include the telephone number or e-mail address of the
20 person, firm, or corporation that is offering the rebate. Rebate forms shall also include
21 all of the following conspicuously printed on the rebate form:

22 (1) The terms of the rebate.

23 (2) Requirements for a valid claim, including any additional information
24 to be submitted with the rebate form.

25 (3) The expiration date of the rebate offer, if applicable.

26 (c) A rebate offer shall provide a period of at least 30 days during which the
27 consumer may submit the rebate form. The time period allowed for submission shall

1 begin as soon as reasonably possible, but no later than six months, after the date of
2 purchase.

3 (d) Nothing in this section shall apply to a rebate offer of five dollars (\$5.00) or
4 less.

5 (e) Nothing in this section shall be construed to create liability on the part of a
6 retailer for a rebate offered by a manufacturer or liability on the part of a manufacturer
7 for a rebate offered by a retailer.

8 (f) A violation of this section is an unfair trade practice under G.S. 75-1.1 and is
9 subject to all of the enforcement and penalty provisions of an unfair trade practice under
10 this Article."

11 **SECTION 2.** This act becomes effective October 1, 2007, and applies to
12 sales of goods and services that occur on or after that date.