

PROPOSED
HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1537
(Reference to Senate engrossed bill)

1 Strike everything after the enacting clause and insert:
2 "Section 1. Title 44, chapter 10, article 7, Arizona Revised
3 Statutes, is amended by adding section 44-1535, to read:
4 44-1535. Goods and services; pricing; unlawful practice;
5 state of emergency; digital shelf label
6 prohibition; attorney general powers; civil
7 penalty; definitions
8 A. A PERSON THAT ADVERTISES, DISPLAYS OR OFFERS A PRICE FOR GOODS
9 OR SERVICES IN THIS STATE SHALL:
10 1. INCLUDE ALL MANDATORY FEES OR CHARGES IN THE PRICE.
11 2. DESCRIBE A CLEAR PROCESS ON A RECEIPT AFTER PURCHASE RELATING TO
12 REFUNDS, INCLUDING WHETHER THE TOTAL AMOUNT PAID MAY BE REFUNDED AND THE
13 TIME FRAME FOR A REFUND.
14 B. IF THE GOVERNOR DECLARES A STATE OF EMERGENCY PURSUANT TO TITLE
15 26, CHAPTER 2, THE CURRENT PRICE OF GOODS OR SERVICES MAY NOT INCREASE
16 MORE THAN TEN PERCENT IMMEDIATELY BEFORE THE GOVERNOR DECLARED A STATE OF
17 EMERGENCY.
18 C. A BUSINESS IN THIS STATE MAY NOT USE DIGITAL SHELF LABELS.
19 D. FAILURE TO COMPLY WITH THIS SECTION IS AN UNLAWFUL PRACTICE
20 PURSUANT TO SECTION 44-1522. THE ATTORNEY GENERAL MAY INVESTIGATE AND
21 TAKE APPROPRIATE ACTION AS PRESCRIBED BY THIS ARTICLE, INCLUDING SEEKING A
22 TEMPORARY OR PERMANENT INJUNCTION TO CEASE THE UNLAWFUL PRACTICE. A
23 PERSON THAT VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY NOT TO
24 EXCEED \$5,000.
25 E. FOR THE PURPOSES OF THIS SECTION:
26 1. "DIGITAL SHELF LABEL":
27 (a) MEANS A FORM OF DIGITAL WIRELESS DISPLAY TECHNOLOGY THAT HAS
28 THE CAPABILITY TO DISPLAY THE LABEL AND TO CHANGE THE PRICE REMOTELY.
29 (b) INCLUDES DIGITAL PRICE TAGS OR ANY OTHER SIMILAR TECHNOLOGY.
30 2. "MANDATORY FEES OR CHARGES":
31 (a) INCLUDES A FEE OR SURCHARGE TO WHICH ANY OF THE FOLLOWING
32 APPLIES:
33 (i) THAT MUST BE PAID TO PURCHASE THE ADVERTISED GOODS OR SERVICES.
34 (ii) THAT IS NOT REASONABLY AVOIDABLE.
35 (iii) FOR ANY GOODS OR SERVICES THAT A REASONABLE CONSUMER WOULD
36 EXPECT TO BE INCLUDED WITH THE PURCHASE OF THE ADVERTISED GOODS OR
37 SERVICES.
38 (b) DOES NOT INCLUDE TAXES IMPOSED BY THE GOVERNMENT."
39 Amend title to conform

KEVIN VOLK