

SENATE, No. 1262

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED FEBRUARY 3, 2022

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.



S1262 PENNACCHIO

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

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

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8 1. As used in this act:

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

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

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

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

28
29 3. a. Every retail mercantile establishment which requires a
30 person returning merchandise without proof of purchase to display a
31 permit, license, or identification card, shall conspicuously post that
32 requirement on a sign in at least one of the following locations:

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

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

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

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

42
43 4. A retail mercantile establishment violating any provision of
44 this act shall be subject to a civil penalty of \$250 for the first
45 offense, \$500 for the second offense, and not less than \$1000 for
46 the third and each subsequent offense, to be collected in a civil
47 action by a summary proceeding under the "Penalty Enforcement
48 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).

S1262 PENNACCHIO

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

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

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STATEMENT

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

21

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

32

33 The bill stipulates that any retail mercantile establishment which
34 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.