

CHAPTER NO. 134

SENATE BILL NO. 1012

By Ford

Substituted for: House Bill No. 1290

By Lois DeBerry

AN ACT to amend Tennessee Code Annotated, Title 47, Chapter 18, Part 1, relative to consumer protection.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 47-18-104(b), is amended by adding the following language as new, appropriately designated subdivisions:

(37) Refusing to accept the return of clothing or accessories sold at retail directly to a purchaser, who seeks to return the same for any reason for refund or credit, provided:

(A) The purchaser presents the clothing or accessories within the retailer's prescribed period for return of merchandise;

(B) The purchaser presents satisfactory proof of purchase;

(C) The merchandise is, in no way, damaged and exhibits no sign of wear or cleaning;

(D) All tags and stickers affixed or attached to the merchandise at the time of sale remain affixed or attached at the time of return; and

(E) The sale of the merchandise was not marked, advertised or otherwise characterized as "final", "no return", "no refunds" or in any manner reasonably indicating that the merchandise would not be accepted for return.

(38) Requiring the purchaser to present his or her driver's license as a prerequisite for accepting the return of clothing or accessories for refund or credit, notwithstanding compliance with the conditions set forth in subdivision (37), unless such a requirement is for the purpose of preventing fraud and abuse.

SECTION 2. Notwithstanding any provision of Section 1(37) or 1(38) of this act to the contrary, return denials are permitted for the purpose of preventing fraud and abuse.

SECTION 3. This act shall take effect July 1, 2005, the public welfare requiring it.

PASSED: April 27, 2005


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 9th day of May 2005


PHIL BREDESEN, GOVERNOR