

SECOND REGULAR SESSION

HOUSE BILL NO. 1408

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DARROUGH (Sponsor), ZWEIFEL, CHAPPELLE-NADAL, WALSH, BAKER (25), DOUGHERTY, YAEGER, LAMPE, MEADOWS, BROWN (50), SPRENG, HARRIS (110), WILDBERGER AND YOUNG (Co-sponsors).

Read 1st time January 17, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3327L.011

AN ACT

To amend chapter 407, RSMo, by adding thereto one new section relating to rebates, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 407, RSMo, is amended by adding thereto one new section, to be known as section 407.1170, to read as follows:

407.1170. 1. As used in this section the following terms mean:

(1) "Merchandise", any objects, wares, goods, commodities, intangibles, real estate, or services;

(2) "Person", any natural person, partnership, for-profit or not-for-profit corporation, whether domestic or foreign, or limited liability company;

(3) "Rebate", a refund of all or a portion of any money or other consideration paid to a person in exchange for merchandise that is made by a person to the buyer of the merchandise and that is allowed under the laws of this state. Such refund may be contingent upon the buyer completing certain requirements set forth by the person.

2. Any person who makes a sale of merchandise that includes a rebate to any individual who is at the time of the sale a resident of this state shall make the rebate to the individual within thirty calendar days from the date the individual completes any requirements necessary to receive the rebate.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 **3. The attorney general may initiate proceedings relating to a violation of this**
15 **section. Such proceedings may include a civil penalty up to a maximum of five thousand**
16 **dollars for each violation, in any court of competent jurisdiction. The attorney general**
17 **may issue investigative demands, issue subpoenas, administer oaths, and conduct hearings**
18 **in the course of investigating a violation of this section.**

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