

1 **RETAIL MERCHANTS OVERCHARGES**

2 1999 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: D. Edgar Allen**

5 Ed P. Mayne

6 AN ACT RELATING TO COMMERCE AND TRADE; PROHIBITING CERTAIN DECEPTIVE
7 PRICING; AND PROVIDING FOR REMEDIES.

8 This act affects sections of Utah Code Annotated 1953 as follows:

9 ENACTS:

10 **13-11a-6**, Utah Code Annotated 1953

11 *Be it enacted by the Legislature of the state of Utah:*

12 Section 1. Section **13-11a-6** is enacted to read:

13 **13-11a-6. Deceptive pricing.**

14 (1) It is a deceptive trade practice for a supplier to knowingly:

15 (a) advertise that goods or services will be sold at a specific price; and

16 (b) have an automated retail check-out system capable of interpreting a product identity
17 code at the point of sale charge a price higher than that advertised.

18 (2) (a) The supplier shall comply with Subsection (2)(b) if:

19 (i) a person is charged a price higher than that advertised; and

20 (ii) the person notifies the supplier within a reasonable time that the person is charged a
21 price higher than that advertised.

22 (b) If the conditions of Subsection (2)(a) are met the, supplier shall:

23 (i) give the person the good or service free of charge; or

24 (ii) provide the person compensation that is equal to or greater than the total of:

25 (A) the difference of the advertised price and the higher price charged; and

26 (B) \$3.

27 (3) For a violation of Subsection (1), unless the supplier has compensated the person in

28 accordance with Subsection (2), a person or the state may take any action permitted under this
29 chapter.

Legislative Review Note

as of 2-9-99 6:23 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel