

1990

Recent Legislative Activity

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Cigarette Fire Safety

Congress passed the **Fire Safe Cigarette Act of 1990**, requiring the development of a cigarette fire safety performance standard to help reduce cigarette ignited fires. Cigarette ignited fires are the leading cause of fire deaths in America, accounting for more than 1,400 deaths, 3,800 serious injuries, and over 400 billion dollars of property damage in 1987. The Act directs the National Institute for Standards to complete fire safety research and develop a standard test method to determine cigarette ignition propensity. The Act also requires the Consumer Product Safety Commission to begin a study which will provide data on cigarettes, ignited products, and smokers involved in cigarette fires. A Technical Advisory Group is established to assist in implementing the Act. Additionally, the Act requires the chairman of the Consumer Product Safety Commission to submit three reports to Congress. Pub. L. No. 101-352, 104 Stat. 405 (1990).

Dog And Cat Sales

Florida law now provides consumer remedies for purchasers of a dog or cat subsequently found unfit for purchase. The new law specifies that each dog or cat offered for sale shall be dewormed and inoculated against a list of specific diseases, such as rabies, hepatitis and distemper. The seller must provide the buyer with a certificate of veterinary inspection prior to the sale of the animal. If the animal is later found to have been unfit for purchase at the time of the sale, the buyer may return the animal for an exchange or refund. The new law also allows the buyer reimbursement of reasonable veterinary costs necessary to cure the animal, provided the costs do not exceed the purchase price. These remedies

are also available where the seller misrepresents the breed, sex, or health of the animal. 1990 Fla. Sess. Law Serv. 90-154 (West).

Telecommunication Frequencies

The Senate is considering the **Emerging Telecommunications Technologies Act of 1991**. The Act requires the Secretary of Commerce to make additional electromagnetic frequencies available for commercial assignment to promote telecommunication technologies. The Act also directs the Secretary to submit a report to the President and Congress identifying and recommending for reassignment certain frequencies that the government previously reserved for its use under the Communications Act of 1934. The frequencies available for reassignment will be those which have the greatest potential for commercial use that the government no longer needs. A private sector committee will advise the Secretary on which frequencies should be included in the final report, and recommend methods for reforming the current process of allocating frequencies for civilian use. The President will then withdraw from governmental assignment those frequencies identified in the report, and will notify the FCC and Congress of his actions. S. 218, 102d Cong., 1st Sess. (1991).

Travel Promoter Regulation

New York now requires travel promoters to provide consumers with written disclosure of all terms and limitations of travel service contracts within five business days of the formation of the agreement. Written disclosure must include an itemized statement of the amount due, the due date, the name of the

carrier, conditions for cancellation, and the rights and obligations of the parties. The law also grants consumers a three day cooling-off period after receiving the written disclosure, during which time they may cancel the agreement without penalty. After notice of cancellation, the travel promoter must refund all pre-payments within ten days. The law covers agreements for transportation, lodging, time-sharing, and travel investments. The law also prohibits travel promoters from engaging in misrepresenting the quality of service, the type or size of transporting vehicles, the times of arrival and departure, the travel route, or the type and availability of lodging or accommodations. 1990 N.Y. Sess. Laws 754 (McKinney).

False Advertising

Louisiana passed a law prohibiting persons from using misleading terms such as "federal" or "United States" in an attempt to sell goods or services by suggesting an affiliation with the United States government. Manufacturers must now provide a clear disclaimer in large legible print on the face of any printed sales material denying any connection with the U.S. government. The law prohibits the use of any term which would lead a reader to conclude that the seller represents the U.S. government or one of its agencies. The law also prohibits persons from charging the fee stated in any printed material unless that fee is stated in large, legible and bold print on the face of the material. 1990 La. Sess. Law Serv. 833 (West).

Credit Card Identification

Delaware law now provides that a person may not write down or request the address or telephone

number of a credit card holder on a credit card transaction form. The statute provides for limited exceptions where the information is necessary for shipping, delivery, installation, or for special orders. An additional exception exists where authorization concerning the availability of credit is not required by the credit card issuer. 1990 Del. Legis. Serv. 423.

Emergency Price Gouging

Louisiana law now allows for prohibition of price gouging during a state of emergency. The prices charged for goods or services within designated emergency areas cannot exceed the prices ordinarily charged for comparable goods and services in that area. A formal proclamation by the governor of a state of emergency is required before an area comes under the provisions of this law. The prohibition applies both during and immediately before the declaration of the state of emergency. The law, however, provides that the prices may include reasonable expenses and a charge for any attendant business risk. Evidence that the price charged represents a gross disparity from the price of the goods or services normally charged before the emergency will be prima facie proof of violation. A court may impose a restraining order, civil penalty and restitution to aggrieved consumers. Additionally, violators shall be subject to criminal penalties. 1990 La. Sess. Law Serv. 152 (West).

Deceptive Jewelry Marking

Hawaii law now sets state requirements for gold and silver jewelry marking equivalent to federal law standards. The new law is designed to protect consumers by prohibiting the deceptive and misleading practice of overstating the gold or silver content of jewelry sold in Hawaii. The law makes it illegal for any person to manufacture, sell, import, or export gold or

silver articles having a stamp or mark indicating a higher precious metal content than actually exists. The standard of fineness marked shall not deviate by more than .003 parts for gold, or by more than .004 parts for silver. Additionally, silver articles marked "sterling" must be .925 parts pure silver. No plated article may be marked with words such as "gold," "solid gold," or "sterling silver." Also, no article bearing a fineness mark for gold or silver may be sold, imported, or exported from Hawaii without a registered trademark stamp. Violation of the fineness standard is a misdemeanor for articles valued at \$300 or less and a felony if the value exceeds \$300. The first violation of the trademarking requirement carries a misdemeanor charge while subsequent violations lead to a felony charge. 1990 Haw. Sess. Laws 343.

Closed-Captioned Television

The President signed the **Television Decoder Circuitry Act of 1990** which makes closed-captioned service on television broadcasts available to deaf and hearing-impaired consumers. Over 24 million people in the United States are either deaf or hearing-impaired. The law requires that televisions with a screen size of 13 inches or larger manufactured after July 1, 1993 be equipped with built-in decoders that can display closed-captioned television transmissions. The law applies to televisions manufactured or imported for sale in the United States. Pub. L. No. 101-431, 104 Stat. 961 (1990).

Children's Television Advertising

The **Children's Television Act of 1990** recently became law without the President's signature. The law limits the duration of advertising on children's television programming to 10.5 minutes per hour on weekends and 12 minutes per hour

on weekdays. The law directs the Federal Communications Commission to develop final standards including these advertising limits. Citing the slower development of United States' children in fundamental intellectual skills, the law also established a National Endowment for Children's Educational Television. The Endowment seeks to improve children's education by providing programming that develops reading, writing, mathematics, science and geography skills of children. Pub. L. No. 101-437, 104 Stat. 997 (1990).

Automobile Fuel Efficiency

The Senate is considering the **Motor Vehicle Fuel Efficiency Act** that would increase the fuel efficiency requirements for passenger cars and light trucks beginning in model year 1996. The bill states that improved efficiency in petroleum consumption is vitally important for decreasing dependence on foreign oil, improving the trade balance, and decreasing carbon dioxide emissions and subsequent atmospheric warming. The bill attempts to correct an unfairness in the current law by requiring each manufacturer to improve fuel efficiency by the same percentage. Additionally, the bill directs the Environmental Protection Agency to assess fuel economy deterioration during the lifetime of a vehicle. Civil penalties for repeated violations of the fuel economy standard double under the bill. S. 279, 102d Cong., 1st Sess. (1991).

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