

(H. B. 1872)
(Reconsidered)

(No. 95)

(Approved May 16, 2006)

AN ACT

To create the “Act for the Preservation of Warranty Documents and Purchase Receipts”, in order to require all establishments operating in Puerto Rico to issue to every consumer who acquires goods or services therein a purchase receipt, the lettering of which shall be printed or written with lasting materials, namely permanent ink and paper, to guarantee the preservation of the information printed thereon for a term of more than one (1) year or for the term of the warranty of the acquired good and/or service rendered, whichever is the longest; to authorize the Department of Consumer Affairs (DACO, Spanish acronym) to approve regulations, supervise, implement and execute the provisions set forth in this Act; and to impose penalties.

STATEMENT OF MOTIVES

When acquiring goods and services in commercial establishments, consumers usually receive a purchase receipt document, which in turn is useful for making any claims on the warranty of the product. Sometimes, in addition to the purchase receipt, consumers are given a document that explicitly specifies the terms and conditions of the warranty of the product sold or the service rendered.

In many establishments, consumers are issued purchase receipts or warranty documents whose lettering is erased after a relatively short time.

This may cause serious problems for consumers who wish to claim the warranty of the acquired goods and services.

The Department of Consumer Affairs (DACO, Spanish acronym) has approved Regulations for Deceitful Practices and Advertising. These Regulations provide that the establishments or businesses that use a printing technology for receipts that erases with time, has the obligation to notify the customer that he/she must photocopy the receipt in order to preserve the warranty.

Said provision implies that the consumer has the obligation to photocopy the purchase receipt document and to do so promptly, or otherwise the lettering on the receipt shall disappear and the consumer shall lose any guarantee that may be in his/her favor.

The Legislature of Puerto Rico has recognized that our Island has fully entered into the consumer oriented society, where the interest of the consumer is identified with the public interest, and that in spite of the important position of consumers, their problems are often ignored or overlooked, or solutions and remedies are belated.

Consumers must avoid the serious problems that are caused by erasable warranty and purchase receipt documents. That, precisely, is our intention with the approval of this measure.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- This Act shall be known as the “Act for the Preservation of Guarantee Documents and Purchase Receipts.”

Section 2.- The following terms, as used in this Act, shall have the meaning stated hereinbelow:

- (a) “Department” shall mean the Department of Consumer Affairs.
- (b) “Establishment” shall mean any structure, building, location, warehouse, lot or similar place in which any type of

operation involving the sale, retailing or distribution of goods and services to consumers is conducted.

(c) “Warranty” shall mean the document issued by an establishment to affirm the suitability and quality of the goods sold or of the services rendered to consumers, and where there is a commitment of the establishment and/or the manufacturer of the product to reimburse, repair, substitute or offer any other adequate remedy to correct any faults, defects or deficiencies identified in those goods or services within a specific term.

(d) “Purchase Receipt” shall mean the written document or receipt stating the date, time and place, the acquired good and/or the type of service rendered, and the amount paid by the consumer to an establishment for certain goods or services.

Section 3.- Every establishment operating in Puerto Rico must issue to all consumers who acquire goods or services therein a purchase receipt, the lettering of which shall be printed or written with lasting materials, namely permanent ink and paper, to guarantee the preservation of the information printed thereon for a term of more than one (1) year or for the term of the warranty of the acquired good and/or service rendered, whichever is the longest.

Section 4.- When an establishment operating in Puerto Rico issues a written warranty for the goods sold or the services rendered, said document shall be printed or written using lasting materials, namely permanent ink and paper, to guarantee the preservation of the information printed thereon for a

term of more than one (1) year or for the term of the warranty of the acquired good and/or service rendered, whichever is the longest.

Section 5.- The Secretary of the Department of Consumer Affairs (DACO, Spanish acronym) shall approve Regulations to implement the provisions set forth in this Act, and pursuant to the provisions in Act No. 170 of August 12, 1988, as amended, known as the “Uniform Administrative Procedures Act,” within one hundred eighty (180) days after the date of approval of this Act.

Section 6.- Every establishment operating in Puerto Rico must comply with the provisions of this Act and in the Regulations approved thereunder, after a term of one hundred eighty (180) days, as of the date on which the Regulations take effect.

Section 7.- The Secretary of the Department of Consumer Affairs shall oversee compliance with the provisions set forth in this Act and the Regulations approved thereunder, and shall give orientations on the provisions of this Act to the administrators or persons in charge of the establishments.

Section 8.- The Secretary of the Department of Consumer Affairs may impose on any natural or juridical person, who violates the provisions of this Act, an administrative fine of not less than one hundred (100) dollars nor more than ten thousand (10,000) dollars for each violation.

Section 9.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 95 (H.B. 1872) (Reconsidered) of the 3rd Session of the 15th Legislature of Puerto Rico:

AN ACT to create the “Act for the Preservation of Warranty Documents and Purchase Receipts”, in order to require all establishments operating in Puerto Rico to issue to every consumer who acquires goods or services therein a purchase receipt, the lettering of which shall be printed or written with lasting materials, namely permanent ink and paper, to guarantee the preservation of the information printed thereon for a term of more than one (1) year or for the term of the warranty of the acquired good and/or service rendered, whichever is the longest; etc.,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 8th of September of 2006.

Francisco J. Domenech
Director