

(H. B. 1590)

(No. 240)

(Approved November 10, 2006)

AN ACT

To direct the Secretary of the Department of Consumer Affairs to establish, by means of Regulations, the necessary procedures to prohibit the sale of computers or components thereof that have used, recycled or refurbished parts without an affixed notification, sticker, sign or label of not less than one (1) inch by two (2) inches in a visible and legible place on the equipment, as well as on the box in which it is packaged, in both English and Spanish, to notify consumers that same may have the aforementioned parts, and for other purposes.

STATEMENT OF MOTIVES

The protection of consumer rights is one of the most important responsibilities of the Organic Act of the Department of Consumer Affairs. Unfortunately, through the years, these rights have been adversely affected for different reasons.

This amendment intends to protect Puerto Rican consumers from deceptive practices they may fall prey to when purchasing computer equipment. We have also based ourselves upon the fact that similar laws have been enacted in several states of the United States of America.

Used, recycled, or refurbished parts in electronic items such as computers have become a common practice of the industry. Some merchants sell only these refurbished items, and so do advertise; they extend warranties at a much lower cost than that of a completely new item. We know full well that a market for this type of item exists.

On the other hand, there are merchants that sell products with used, recycled, or refurbished parts as if they were new items without telling the consumer. Consumers have no way of knowing that the purchased item has or is made with used, recycled, or refurbished parts.

The purpose of this bill is to protect these consumers. Consumers who purchase an item, in this case a computer or its components, as if new and for whom discovering the situation is practically impossible.

It is not illegal to sell computers with used, recycled or refurbished parts. It would be illegal if the computers did not have an affixed notification, sticker, sign or label of not less than one (1) inch by two (2) inches in a visible and legible place on the equipment, as well as on the box in which it is packaged, in both English and Spanish, to notify consumers that same may have the aforementioned parts.

In addition, it offers protection to any consumer that purchases computers or components thereof that have used, recycled or refurbished parts without compliance with the purposes of this Act on part of the vendor, that are defective as a result of having such parts. Within the first year as of the purchase thereof, said consumers shall be entitled to the repair of same within not more than ten (10) days after delivery for such purposes, or twenty (20) days, if the defect is repaired out of the jurisdiction of Puerto Rico.

Should the vendor not comply with the repairs within the aforementioned term, the buyer shall be entitled to total reimbursement of the price paid for such item or product and its components, once they are delivered to the vendor.

Finally, it is absolutely prohibited to sell computers or components thereof that have used, recycled, or refurbished parts that have been returned

for being defective as a result of having such parts, and which have not been repaired within the previously specified term.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.— The Secretary of the Department of Consumer Affairs is hereby directed to establish the Regulations necessary to prohibit the sale of computers or components thereof that have used, recycled, or refurbished parts without having an affixed notification, sticker, sign or label of not less than one (1) inch by two (2) inches in a visible and legible place on the equipment, as well as on the box in which it is packaged, in both English and Spanish, to notify consumers that same may have the aforementioned parts. Furthermore, he/she shall establish that any consumer who purchases computers or components thereof that have used, recycled, or refurbished parts without compliance with the purposes of this Act on part of the vendor, which are defective as a result of having such parts, shall be entitled, within a year of the sale, to the repair of same within not more than ten (10) days after delivery for such purposes, or twenty (20) days, if the defect is repaired out of the jurisdiction of Puerto Rico. Should the vendor not comply with the repairs within the aforementioned term, the buyer shall be entitled to total reimbursement of the price paid for such item or product and its components, once they are delivered to the vendor. It shall be provided that it is absolutely prohibited to sell computers or components thereof that have used, recycled, or refurbished parts that have been returned for being defective as a result of having such parts, and which have not been repaired within the previously specified term.

Section 2.— The Secretary of the Department of Consumer Affairs is hereby authorized to issue orders and impose fines for violations against this

regulation as provided in Sections 13 and 18 of Act No. 5 of April 23, 1973, as amended.

Section 3.— The Department of Consumer Affairs, in accordance with the provisions of Act No. 170 of August 12, 1988, as amended, known as the “Uniform Administrative Procedure Act,” shall establish the regulations necessary to enforce compliance with the provisions of this Act.

Section 4.— Should any part of this Act be ruled null by a court with competent jurisdiction, said ruling shall not affect or invalidate the remaining provisions of this Act, but rather its effect shall be limited to the portion that is the object of such ruling.

Section 5.— This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 240 (H.B. 1590) of the 4th Session of the 15th Legislature of Puerto Rico:

AN ACT to direct the Secretary of the Department of Consumer Affairs to establish, by means of Regulations, the necessary procedures to prohibit the sale of computers or components thereof that have used, recycled or refurbished parts without an affixed notification, sticker, sign or label of not less than one (1) inch by two (2) inches in a visible and legible place on the equipment, as well as on the box in which it is packaged, in both English and Spanish, to notify consumers that same may have the aforementioned parts, and for other purposes,

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

In San Juan, Puerto Rico, today 13th of March of 2007.

Francisco J. Domenech
Director