

CHAPTER 205-A

REQUIRED DISCLOSURES TO CONSUMERS

§1210. Charges after free trial period

1. Definitions. As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Established business relationship" means a prior or existing relationship formed by a voluntary 2-way communication between a seller and a consumer with an exchange of consideration on the basis of the consumer's purchase from or transaction with the seller within the 18 months immediately preceding the date of a free offer. [PL 2009, c. 502, §1 (NEW).]

B. "Free offer" means an offer of a rebate or of products or services without cost to a consumer by a seller under which, as a result of accepting the rebate, products or services, the consumer is required to contact the seller to avoid incurring a financial obligation for receiving additional products or services. [PL 2009, c. 502, §1 (NEW).]

[PL 2009, c. 502, §1 (NEW).]

2. Prohibition. A seller may not make a free offer to a consumer in the State unless, at the time the consumer agrees to the free offer:

A. The seller obtains directly from the consumer information necessary for billing the consumer; and [PL 2009, c. 502, §1 (NEW).]

B. The seller provides the consumer with clear and conspicuous information regarding the terms of the free offer, including any additional financial obligations that may be incurred as a result of accepting the free offer. [PL 2009, c. 502, §1 (NEW).]

[PL 2009, c. 502, §1 (NEW).]

SECTION HISTORY

PL 2001, c. 210, §1 (NEW). PL 2001, c. 471, §E1 (AMD). PL 2009, c. 502, §1 (RPR).

§1210-A. Violation

A seller that violates this chapter commits an unfair and deceptive act and a violation of Title 5, section 207. [PL 2009, c. 502, §2 (AMD).]

SECTION HISTORY

PL 2001, c. 210, §1 (NEW). PL 2009, c. 502, §2 (AMD).

§1210-B. Limitation

This chapter does not apply to the following: [PL 2001, c. 471, Pt. E, §2 (NEW).]

1. Sales under \$25.

[PL 2009, c. 502, §3 (RP).]

1-A. Established business relationships. A free offer when the seller and the consumer have an established business relationship. The consumer's established business relationship with the seller does not extend to affiliates of the seller, unless the consumer would reasonably expect an affiliate to be included given the nature and type of goods or services offered by the affiliate and the identity of the affiliate;

[PL 2009, c. 502, §4 (NEW).]

2. Home solicitation sales. A transaction regulated under Title 9-A, section 3-501 to 3-507;

[PL 2001, c. 471, Pt. E, §2 (NEW).]

3. Securities. A sale by a dealer or agent or salesman of a dealer registered pursuant to Title 32, chapter 135 of stocks, bonds, debentures or securities representing stocks, bonds or debentures registered pursuant to Title 32, chapter 135 or expressly exempt from registration pursuant to Title 32, chapter 135;

[PL 2005, c. 65, Pt. C, §6 (AMD).]

4. Insurance policies. A sale of insurance regulated under Title 24-A, sections 2515-A and 2717; or

[PL 2001, c. 471, Pt. E, §2 (NEW).]

5. Credit services. A sale of credit services by a supervised lender, as defined in Title 9-A, section 1-301, subsection 39, or an agent or affiliate of a supervised lender to the extent the affiliate or agent is selling or offering to sell the credit services of the supervised lender. For purposes of this paragraph, "credit services" includes any extension of credit and any product or service that a supervised lender is authorized by law or regulation to sell in connection with or relating to an extension of credit, such as credit insurance and a debt cancellation policy. For the purposes of this paragraph, "affiliate" has the same meaning as in Title 9-B, section 131, subsection 1-A. Transactions covered by this exemption are limited to those that become effective only after the consumer has affirmed the terms and conditions of the agreement by an acceptance initiated by the consumer.

[PL 2001, c. 471, Pt. E, §2 (NEW).]

SECTION HISTORY

PL 2001, c. 471, §E2 (NEW). PL 2005, c. 65, §C6 (AMD). PL 2009, c. 502, §§3, 4 (AMD).

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