

111TH CONGRESS
2^D SESSION

H. R. 4501

To require certain return policies from businesses that purchase precious metals from consumers and solicit such transactions through an Internet website.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 21, 2010

Mr. WEINER introduced the following bill; which was referred to the
Committee on Energy and Commerce

A BILL

To require certain return policies from businesses that purchase precious metals from consumers and solicit such transactions through an Internet website.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Guarantee of a Legiti-
5 mate Deal Act of 2009”.

6 **SEC. 2. RETURN REQUIREMENTS FOR PURCHASERS OF**
7 **PRECIOUS METALS.**

8 (a) UNLAWFUL CONDUCT.—It shall be unlawful for
9 any online purchaser of precious metals to—

1 (1) refine through melting or otherwise perma-
2 nently destroy an item of jewelry or precious metal
3 which the online purchaser of precious metals has
4 made an offer to purchase before receiving an af-
5 firmative acceptance of such offer from the con-
6 sumer to whom such offer was made;

7 (2) fail to promptly return to the consumer any
8 jewelry or other precious metal if the consumer de-
9 clines the offer to purchase made by the online pur-
10 chaser of precious metals; or

11 (3) fail to insure any shipment of such jewelry
12 or precious metals in an amount equal to—

13 (A) 60 percent of the melt-value of the
14 jewelry or precious metals; or

15 (B) the amount the consumer insured the
16 shipment of the jewelry or precious metals to
17 the online purchaser of precious metals, if the
18 consumer provides the online purchaser of pre-
19 cious metals with proof of such insurance.

20 (b) DEFINITIONS.—As used in this Act—

21 (1) the term “online purchaser of precious met-
22 als” means a person who—

23 (A) is in the business of purchasing jewelry
24 or other precious metals directly from con-
25 sumers; and

1 (B) maintains an Internet website through
2 which such person solicits such transactions;
3 and

4 (2) the term “melt-value” means the estimated
5 value of any item of jewelry or precious metal, as de-
6 termined by the online purchaser of precious metals,
7 once such item has been processed and refined by
8 the online purchaser of precious metals.

9 **SEC. 3. ENFORCEMENT BY THE FEDERAL TRADE COMMIS-**
10 **SION.**

11 (a) UNFAIR AND DECEPTIVE ACT OR PRACTICE.—
12 A violation of this Act shall be treated as an unfair and
13 deceptive act or practice in violation of a regulation under
14 section 18(a)(1)(B) of the Federal Trade Commission Act
15 (15 U.S.C. 57a(a)(1)(B)) regarding unfair or deceptive
16 acts or practices.

17 (b) POWERS OF COMMISSION.—The Commission
18 shall enforce this Act in the same manner, by the same
19 means, and with the same jurisdiction, powers, and duties
20 as though all applicable terms and provisions of the Fed-
21 eral Trade Commission Act (15 U.S.C. 41 et seq.) were
22 incorporated into and made a part of this Act. Any person
23 who violates such regulations shall be subject to the pen-

1 alties and entitled to the privileges and immunities pro-
2 vided in that Act.

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