

1 HB244
2 214665-2
3 By Representative Shaver
4 RFD: Judiciary
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ENROLLED, An Act,

Relating to the sale of collectibles; to authorize a consumer to recover the purchase price plus a penalty if a collectible item is purchased based on a false representation that the collectible item is authentic; to authorize civil actions; and to provide for civil penalties for false representations.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. As used in this act, the following terms shall have the following meanings:

(1) AUTHENTICATE. The representation by a dealer or other person that a collectible is authentic.

(2) AUTOGRAPHED ITEM. A sports item or entertainment media item bearing the signature of a particular person that is sold or offered for sale for fifty dollars (\$50) or more, excluding sales tax and shipping fees, when the dealer offers the signed item at a higher price than the dealer would charge for a comparable item without the signature.

(3) COLLECTIBLE. An autographed item, entertainment media item, historical artifact, limited edition item, item of memorabilia, sports item, or similar item represented to have value based on the collectible nature of the item.

(4) CONSUMER. A natural person who purchases an autographed collectible from a dealer for personal, family, or

1 household purposes. The term includes a prospective purchaser
2 meeting these criteria.

3 (5) DEALER. A person who is in the business of
4 selling or offering for sale collectibles and has sold three
5 or more collectibles in the preceding 12 months. The term
6 includes a person engaged in a mail-order, telephone-order,
7 online, or television business for the sale of collectibles.
8 The term does not include any of the following:

9 a. A pawnbroker that acquired the collectible
10 through a foreclosure on a collateral loan, provided that the
11 pawnbroker does not hold himself or herself out as having
12 knowledge or skill peculiar to autographed collectibles.

13 b. The person who autographed the collectible.

14 (6) ENTERTAINMENT MEDIA ITEM. An item related to
15 music, television, and films, including, but not limited to, a
16 picture, photo, record, compact disc, digital video disc,
17 ticket, program, playbill, clothing, hat, poster, toy, plaque,
18 trading card, musical instrument, or other entertainment
19 memorabilia.

20 (7) HISTORICAL ARTIFACT. An object, such as a tool,
21 or the remains of one, such as a shard of pottery, or a
22 historical writing, manuscript, or document, characteristic of
23 an earlier time or cultural stage, valued for its historical
24 significance and authenticity.

1 (8) LIMITED EDITION. An autographed collectible that
2 meets all of the following requirements:

3 a. A person has produced a specific quantity of an
4 autographed collectible and placed it on the open market.

5 b. The person has posted a notice, at its primary
6 place of business, that it will provide any consumer, upon
7 request, with a copy of a notice that states the exact number
8 of an autographed collectible produced in that series of
9 limited editions.

10 c. The person makes available, upon request of a
11 consumer, evidence that the electronic encoding, films, molds,
12 or plates used to create the autographed collectible have been
13 destroyed after the specified number of autographed
14 collectibles have been produced.

15 d. The sequence number of the autographed
16 collectible and the number of the total quantity produced in
17 the limited edition are printed on the autographed
18 collectible.

19 (9) MEMORABILIA. Objects kept or collected because
20 of their historical interest, particularly those deriving
21 value from their connection to a particular memorable person
22 or event, and also deriving value from authenticity.

23 (10) REPRESENTATION. Any written representation,
24 including, but not limited to, a representation in an
25 advertisement, brochure, catalog, flyer, invoice, sign, online

1 communication, Internet web page, email, or other commercial
2 or promotional material.

3 (11) SPORTS ITEM. A photograph, ticket, plaque,
4 sports program, trading card, item of sports equipment or
5 clothing, or other sports memorabilia.

6 Section 2. This act does not apply to a collectible
7 if purchased based on any of the following:

8 (1) The collectible was purchased by barter or trade
9 for other items.

10 (2) The collectible was sold by one dealer to
11 another dealer.

12 Section 3. (a) A consumer who purchases an
13 authenticated collectible from a dealer based on a
14 representation that the collectible is authentic is entitled
15 to recover from the dealer the full purchase price of the
16 collectible plus damages within three years of the purchase if
17 the consumer presents substantial evidence to the dealer that
18 the collectible is in fact not authentic.

19 (b) A consumer may file a civil action to enforce
20 the rights provided by this act.

21 (c) The remedies specified in this section are in
22 addition to, and not in lieu of, any other remedy that may be
23 provided by law.

1 Section 4. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.

