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DIVISION 3. OBLIGATIONS [1427 - 3273.69] (*Heading of Division 3 amended by Stats. 1988, Ch. 160, Sec. 14.)*

PART 4. OBLIGATIONS ARISING FROM PARTICULAR TRANSACTIONS [1738 - 3273.69] (*Part 4 enacted 1872.)*

TITLE 1.4. LAYAWAY PRACTICES [1749 - 1749.4] (*Title 1.4 added by Stats. 1975, Ch. 825.)*

1749. Any retail seller which permits consumers to lay away consumer goods shall provide to any consumer entering into a layaway agreement with the seller a written statement of the terms and conditions of the agreement, including the following information:

- (1) The amount of the deposit received.
- (2) The length of time the goods will be held on layaway which may be expressed as a period of time or as a date when final payment for the goods is due.
- (3) A specific description of the goods.
- (4) The total purchase price of the goods including a separate listing of any handling or processing charges.
- (5) Any other terms and conditions of the layaway agreement.
- (6) That the seller will refund any layaway deposit and subsequent payments, if any, when, before the end of the stated layaway period, the goods have for any reason become no longer available in the same condition as at the time of the sale to the consumer.

(*Added by Stats. 1975, Ch. 825.*)

1749.1. For purposes of this title, the following terms have the following meanings:

- (a) "Consumer good" means any article which is used or bought for use primarily for personal, family, or household purposes.
- (b) "Retail seller" means an individual, firm, partnership, corporation, joint stock company, association, organization, or other legal entity which engages in the business of selling consumer goods to retail buyers.
- (c) "Layaway" means an agreement by a retail seller with a consumer to retain specified consumer goods for sale to the consumer at a specified price, in earnest of which sale the consumer has deposited with the retail seller an agreed upon sum of money, and any other terms and conditions not contrary to law which are mutually agreed upon.

(*Added by Stats. 1975, Ch. 825.*)

1749.2. Any waiver by the buyer of consumer goods of the provisions of this title, except as expressly provided in this title, shall be deemed contrary to public policy and shall be unenforceable and void.

(*Added by Stats. 1975, Ch. 825.*)

1749.3. The remedies provided by this title are cumulative and shall not be construed as restricting any remedy that is otherwise available.

(*Added by Stats. 1975, Ch. 825.*)

1749.4. Nothing in this title shall be construed to limit or reduce any legal obligations imposed under Title 2 (commencing with Section 1801) of Part 4 of Division 3 or under any other applicable law.

(*Added by Stats. 1975, Ch. 825.*)

