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AB-1842 Firearms: restocking fee. (2021-2022)

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Assembly Bill No. 1842

CHAPTER 141

An act to add Section 26883 to the Penal Code, relating to firearms.

[Approved by Governor July 21, 2022. Filed with Secretary of State July 21, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1842, Rodriguez. Firearms: restocking fee.

Existing law authorizes the licensing authority of a city, county, or city and county to issue licenses to sell firearms at retail if certain criteria are met, and generally regulates the sale, lease, or transfer of firearms by persons so licensed. Existing law generally prohibits a person purchasing a firearm from receiving the firearm within 10 days of the application to purchase the firearm. Existing law provides for the forfeiture of a license if certain prohibitions or requirements are violated and allows the department to assess a civil fine for a breach of any prohibition or requirement applicable to firearm licenses, as provided.

This bill would prohibit a licensee from charging more than 5% of the purchase price of the firearm as a restocking or other return-related fee when the purchase of the firearm, as specified, is canceled by the buyer within 10 days of the application.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 26883 is added to the Penal Code, to read:

26883. (a) A licensee shall not charge a restocking or other return-related fee of more than 5 percent of the purchase price of the firearm if the buyer decides to cancel the purchase of the firearm during the 10-day period imposed pursuant to Section 26815.

(b) This section shall not apply to a special order firearm by the buyer.

(c) For purposes of this section, "special order" means a specific request by the buyer for the licensee to order a firearm that is not available to the licensee.