

1 SB315
2 210496-3
3 By Senators Jones, Smitherman and Waggoner
4 RFD: Judiciary
5 First Read: 09-MAR-21

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 Relating to the sale of collectibles; to authorize a
12 consumer or other person to recover the purchase price plus a
13 penalty if a collectible item is purchased based on a false
14 representation that the collectible item is authentic; to
15 authorize civil actions; and to provide for civil penalties
16 for false representations.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

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

5 (4) CONSUMER. A natural person who purchases an
6 autographed collectible from a dealer for personal, family, or
7 household purposes. The term includes a prospective purchaser
8 meeting these criteria.

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

15 a. A pawnbroker that acquired the collectible
16 through a foreclosure on a collateral loan, provided that the
17 pawnbroker does not hold himself or herself out as having
18 knowledge or skill peculiar to autographed collectibles.

19 b. The person who autographed the collectible.

20 (6) ENTERTAINMENT MEDIA ITEM. An item related to
21 music, television, and films, including, but not limited to, a
22 picture, photo, record, compact disc, digital video disc,
23 ticket, program, playbill, clothing, hat, poster, toy, plaque,
24 trading card, musical instrument, or other entertainment
25 memorabilia.

26 (7) HISTORICAL ARTIFACT. An object, such as a tool,
27 or the remains of one, such as a shard of pottery, or a

1 historical writing, manuscript, or document, characteristic of
2 an earlier time or cultural stage, valued for its historical
3 significance and authenticity.

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

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

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

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

18 d. The sequence number of the autographed
19 collectible and the number of the total quantity produced in
20 the limited edition are printed on the autographed
21 collectible.

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

26 (10) REPRESENTATION. Any written representation,
27 including, but not limited to, a representation in an

1 advertisement, brochure, catalog, flyer, invoice, sign, online
2 communication, Internet web page, email, or other commercial
3 or promotional material.

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

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

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

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

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

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

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

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

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Senate

Read for the first time and referred to
the Senate committee on Judiciary..... 09-MAR-21

Read for the second time and placed on
the calendar 1 amendment..... 07-APR-21

Read for the third time and passed as
amended 20-APR-21

Yeas 29
Nays 0

Patrick Harris,
Secretary.