

IDAHO RETAILERS ASSOCIATION



February 26, 2018

RE: Please Support H405 – Unfair Sales Act Repeal

Honorable Members of the Senate Commerce & Human Resources Committee,

On behalf of the membership of the Idaho Retailers Association, I ask that you support House Bill 405 repealing the Unfair Sales Act.

*The Act was passed in 1939 and has not been touched since 1963. The circumstances that motivated the law no longer exist.

*The language in the law is antiquated, convoluted and virtually unenforceable.

*Many of the “concepts” of this Act are covered in other areas of current law. For example, deceptive advertising is also in Idaho Code 48-603(17) of the Consumer Protection Act. In addition, to protect against the practice of one business trying to drive out another business through “dumping”, there’s legal recourse in Idaho Code 48-105 of the Idaho Competition Act.

*Several parts of the Act, if followed, would actually harm consumers and the marketplace by creating even more “black markets” for products. For example, if a retailer was prohibited from quantity limits (like this Act states), then the first person to the store could purchase every new game systems or hottest toy that’s out each Christmas and turn around and sell it for tenfold, leaving most customers unable to find or purchase the product.

*If followed, this Act would also harm consumers by driving up prices since loss leaders and many other “deals” and “sales” that retailers regularly engage in would be prohibited.

*Some say this Act protects the small retailers, but the large retailers will always be able to purchase more product and at lower prices. This Act actually prohibits the smaller retailers from finding ways to compete and bring people into their stores.

The Idaho Retailers Association represents retailers of ALL types and ALL sizes ALL across Idaho, and the repeal of this act has unanimously and repeatedly been supported over the years. The membership feels there are enough protections in other parts of the law that they are more concerned about someone coming along in the future and trying to enforce this Act (that no one follows) than whatever protections this act could possibly still have (which we’re unsure what any of those are).

To protect retailers and consumers alike, please vote yes on H405. Thank you for your consideration on this matter. As always, please contact me if you have any questions (208.870.8312 or pameaton@idahoretailers.org)

Sincerely,

Pam Eaton

President/CEO

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