

CONSUMER REFERENCE GUIDE



COUNTY OF ROCKLAND
DEPT OF WEIGHTS AND MEASURES
OFFICE OF CONSUMER PROTECTION
50 SANATORIUM ROAD, BLDG. A, 8TH FL
POMONA, NY 10970
845-364-3901
845-364-3902 (fax)

James J. Elcik
Director and Public Advocate

RAINCHECKS

- A consumer can demand a raincheck if an article advertised for sale, at retail, is unavailable for purchase during the offered sale period.
- The raincheck must be redeemable within thirty (30) days of the last original offering date.
- The consumer and vendor can modify the thirty-day redeemable period upon mutual consent.
- Rainchecks shall state
 - Date of issue
 - Last date to redeem
 - Name and description of article
 - Advertised price
 - Quantity
- Advertisements cannot state “No rainchecks” unless the advertisement clearly states the specific quantity of the article to be sold.
- Every retail establishment shall clearly post where rainchecks can be obtained.
- Consumers are **not** required to prepay for the article prior to receipt of the raincheck.
- For additional information see [Ch. 331 Article I of the Laws of Rockland County](#).

FURNITURE SALES

For furniture sales where a deposit has been paid and the furniture shall not be delivered on receipt of the deposit, the retailer shall provide the customer the following:

- A written receipt including:
 - Name and address of the furniture manufacturer
 - Manufacturer's identification, stock or catalog number of article(s) purchased
 - Amount of deposit paid
 - Balance due
 - Estimated delivery date

For additional information see [Chapter 278 of the Laws of Rockland County](#)

LAYAWAY PLANS

What is a layaway plan?

A layaway plan involves a purchase, of specific merchandise, over fifty dollars (\$50.00) where the consumer pays in two (2) or more installments, delivery to be made upon full payment at a definite future date or date selected by the consumer.

What information must the consumer receive?

The consumer must receive, in writing, from the vendor the following:

- Description of merchandise
 - Type of item
 - Name of manufacturer
 - Brand name
 - Color
 - Size
 - Style
 - Model Number

- Total cost including tax, installation, delivery and/or freight charges
- Cost of any charges for payment under a layaway plan such as service or carrying charge or cancellation fee. If these fees are not listed in the writing, you are not responsible for these charges.
- Plan duration
- Required payment schedule and consequences for missing payments
- Refund policy with respect to payments made
- Location where merchandise is stored
- If merchandise is not removed from inventory after first payment received one of the following disclosures must be prominently in writing:

- **“Notice: No merchandise will be removed from inventory until percent of the purchase price has been paid,”** OR
- **“Attention: Your selection of merchandise will not be ordered until you have made your next-to-final payment.”**
- Any other disclosures required under New York State or Federal law

When must the vendor deliver the merchandise?

The vendor must deliver the merchandise in good condition to the consumer, on demand, upon receipt of the final layaway payment unless otherwise stated in the plan.

Does the vendor have to post anything at their place of business?

A sign stating the following shall be conspicuously posted at the location where the layaway transactions take place:

“Layaway plans are regulated by Rockland County local law. For information, contact the Rockland County Office of Consumer Protection.”

Where can I get a copy of the local law?

Copies are available at the Rockland County Office of Consumer Protection during business hours.

The law is also available online at the following link:

[Chapter 331 Article VI](#)

REFUNDS

- Credit card purchases are refunded by credit to the consumer's credit card.
- Cash purchases are refunded by cash or check to the consumer.
- Check purchases are refunded by cash or check to the consumer. However, no refund is required until the purchaser's check has been paid and accepted by the purchaser's bank.
- Refund or exchange policies shall be conspicuously posted in the retail store.
- Exempt retailers include vendors of food or perishable items and of custom-made or altered goods.
- Signs shall include:
 - Whether or not refund will be made
 - Number of days after sale to receive a full refund
 - Number of days after sale to return for store credit
 - Policy regarding sales slips or absence thereof
 - Policy regarding credit card purchases
 - Any other policies
- For additional information see [Chapter 331-Article III](#)

SALE OF GOODS FOR FUTURE DELIVERY

If I purchased an item that cannot be delivered at the time of sale or lease what information must be in writing?

An estimated delivery date must be conspicuously posted in writing on the contract, bill of sale or receipt given at time the order is taken.

When must the goods be delivered?

The goods must be delivered by the last date promised as stated for delivery unless:

Consumer receives either written notification or oral communication confirmed in writing within one (1) day of the delay and is notified of the anticipated delivery date or range of delivery dates.

What are my rights if the goods are not delivered within thirty (30) days of the estimated delivery date or the merchant did not send written notification of the change?

You can, at your option, either:

- Cancel the contract with a full refund
 - **Note:** refund must be made within two (2) weeks of your request
- Cancel the contract and receive full credit with the merchant
- Negotiate a new delivery date
- Select new goods and receive credit for any payments made

The merchant should send written notification of these options within thirty (30) days of the estimated delivery date.

What if only a partial delivery was made?

Your rights apply only to the undelivered portion of the goods unless the goods were sold expressly as a set.

What if the delivery was delayed due to a strike or act of God?

The amount of time of the delay equal to the strike or act of God shall not be counted in computing the thirty (30) days.

What if I, as the consumer, cause the delay?

Merchants are not in violation when the consumer causes the delay.

Where can I obtain additional information?

Copies of the local law are available during business hours at the Rockland County Office of Consumer Protection.

The law is also available online at the following link:

[Chapter 331-19](#)

Consumer Security Freeze

Effective November 1, 2006, New York consumers can place a security freeze on their credit reports to block access to the information provided by the three major credit reporting agencies: TransUnion, Equifax and Experian. Once blocked, the consumer would have to formally request that the freeze be lifted, temporarily or permanently, for others to have access to their credit report such as prospective employers, insurers or credit card issuers.

Consumers can contact the credit reporting agencies at the following addresses:

[TransUnion Fraud Victim Assistance Department](#)

PO Box 6790, Fullerton, CA 92834
1-888-909-8872 or 1-800-680-7289

[Equifax Security Freeze](#)

PO Box 105788, Atlanta, GA 30348
1-800-685-1111

[Experian Security Freeze](#)

PO Box 9554, Allen, TX 75013
1-888-397-3742

Consumers must send a certified letter through the U.S. Postal Service or via an overnight delivery service requesting the Security Freeze. Sample letters are available on each of the credit reporting agencies' websites. Expect requests to be processed within five business days upon receipt. After the Security Freeze has been placed, a confirmation letter along with a password or personal identification number (PIN) will be provided.

After the first request, consumers who are not victims of identity theft can be charged \$5.00 for the placement, temporary lifting or removal of the Security Freeze. No charge will be assessed to consumers who provide a valid copy of a police report alleging the crime of identity theft or [Federal Trade Commission ID Theft Affidavit](#).

Other Resources:

[NYS Consumer Protection Board](#)
[Office of the NYS Attorney General](#)
[Federal Trade Commission](#)

What is Identity Theft?

Identity theft is a serious crime that can result in devastating and overwhelming circumstances for victims. It occurs when someone steals the victim's personal identification information (e.g., Social Security number, date of birth, bank account number) and uses it to commit fraud and other crimes, such as opening bank accounts, purchasing automobiles, applying for credit or loans, including mortgages, establishing services with utility companies and more. This is all done without the victim's knowledge and in his/her name.

How identity theft occurs

How can someone steal your identity? By using your name, Social Security number, credit card account number or some other personal information that belongs to you. When the identity thief uses the credit card, bank account (established in your name), Social Security number or cell phone and doesn't pay the bill, the delinquent account is reported on **your** credit report.

The identity thief will often change the address on the accounts, the bills are sent to the new address. When this happens, you may not immediately realize that there is a problem; consumers are often not aware that their "identities" have been stolen until damage has been done – when they are rejected for a mortgage or denied an employment opportunity or are faced with a bad credit evaluation.

How Identity Thieves Get Your Personal Information:

- They **steal wallets and purses** containing your identification (e.g., driver's license), credit and bank cards, social security cards, etc.
- They **steal your mail**, including bank and credit card statements, pre-approved credit cards, telephone calling cards and tax information.
- They complete "change of address" forms to **divert mail** to other locations.
- They engage in "**dumpster diving**": rummaging through trash for personal information.
- They fraudulently **obtain your credit report** by posing as a landlord, employer who someone else who might have a legitimate need for, including a legal right to personal information.
- They obtain your business or personnel **records from your place of employment**.
- They use **personal information that you use on the Internet**. When you are connected to the Internet through broadband service, you are more vulnerable to "hackers" who may try to obtain financial and other personal identity information that is stored in your computer.

MINIMIZE YOUR RISK: WHAT YOU CAN DO TO PREVENT IDENTITY THEFT

It may be impossible to completely prevent identity theft. However, you can minimize your risk by taking some basic precautions in how you manage your personal information.

- **Check your credit reports.** Order a copy of your credit report from each of three major credit reporting agencies every year. Make sure it is accurate and that your purchases and other financial transactions are those that you believe are legitimate.

Credit Bureaus

Equifax – www.equifax.com

To order a report call:

To report fraud call :

800-685-1111

800-525-6285

Experian – www.experian.com

To order a report call:

To report fraud call:

888-397-3742

888-397-3742

TransUnion – www.transunion.com

To order a report call:

To report fraud call:

800-916-8800

800-680-7289

- **Use harder-to-guess passwords.** Place passwords on your credit cards, bank accounts, telephone accounts, etc. Use harder-to-guess passwords; avoid using typical password information such as your mother's maiden name, your birth date, or the last four digits of your Social Security number. Fictitious words work well (as long as you can remember them). Use both letters and numbers.
- **Be cautious with your credit cards.** Sign new credit cards immediately. Cancel all inactive accounts; even though you may not use some accounts, the accounts are included in your credit report, which can be used by thieves.
- **Check security of employment information.** Be aware of security procedures at your place of employment. Make sure that personal information is provided only under the most stringent conditions.
- **Don't disclose personal information to strangers or on the phone.** Don't give out personal information on the phone, through the mail or over the Internet, unless you've initiated the contact or are sure about to whom you are giving the personal information. You can check the organization's website to look for scam alerts or call customer service to make sure that a transaction is legitimate.
- **Safeguard your mail.** Promptly remove mail from your mailbox. If you are going to be away from your residence, notify your local post office that you want your mail held. If you have an unanticipated emergency and cannot notify your post office, ask a neighbor or family member to remove your mail from your mailbox.
- **Shred sensitive trash.** Tear or shred receipts, copies of credit applications, especially pre-approved credit applications, bank statements, or any other documents that may include personal information, before discarding them.
- **Lighten your wallet.** Don't carry your Social Security card with you; keep it in a secure location. Never carry your birth certificate or passport unless necessary. Carry only the credit cards that you are likely to use.
- **Safeguard your Social Security number.** Only provide your Social Security number when there is no alternative. Always ask if other identifying information could meet requirements of those requiring your Social Security number. Also, find out why the Social Security number is being requested, how it will be used, and whether there is a law that requires you to provide it.
- **Secure your computer use.** Be very careful about using personal information or storing it in your computer. (1) Use **firewall software or hardware** to prevent unauthorized access to your computer. (2) Only use **secure web sites** for online ordering. A site should tell you how your account numbers and other personal identification information are safeguarded during transmission and whether the information is protected afterward if it is stored (usually the information is scrambled in a private code; i.e., encrypted).
- **Be careful at ATM's and using phone cards.** "Shoulder surfers" can get your "Pin Number" and get access to your accounts.
- **Keep carefully stored financial records.** Keep a list of all of your credit card account numbers and bank account numbers with customer service numbers and keep it in a safe place. (Do not keep the list on the hard drive of your computer if you are connected to the Internet).

WHAT TO DO IF YOU ARE A VICTIM OF IDENTITY THEFT

- **Act quickly!**
- **Report the crime.** Report the suspected crime to your local (town or village) police department. Make sure that you obtain a copy of police reports; creditors will often require verification that there was an alleged crime before they will conduct investigations.
- **Contact national credit bureaus.** Contact the fraud departments of each of the three major credit bureaus to inform them of the theft. Make sure that you ask the credit bureaus to flag your file with a fraud alert, including a statement that creditors should contact you for approval to open any new accounts in your name.

Credit Bureaus

Equifax – www.equifax.com

To order a report call:

To report fraud call :

800-685-1111

800-525-6285

Experian – www.experian.com

To order a report call:

To report fraud call:

888-397-3742

888-397-3742

TransUnion – www.transunion.com

To order a report call:

To report fraud call:

800-916-8800

800-680-7289

- **Keep records about your telephone contacts.** Keep a detailed log of phone conversations regarding the theft, including the date and time of conversations, information discussed and who you speak with.
- **Keep copies of documents.** Keep copies of all letters and documents you send or receive regarding the theft. It is best to send letters via certified mail.
- **Contact creditors.** Immediately (no more than two days after discovering that credit cards have been lost or stolen) contact all creditors with whom your personal information has been used fraudulently. You should notify the creditor both by telephone and then with a letter in which you provide specific details about the theft. You will need to cancel credit cards, change passwords, etc.
- **Notify your post office.** Notify your local post office if you suspect mail theft.
- **Contact your bank.** Contact your local bank to stop payment on checks that you believe have been stolen or misused. Consider closing existing bank accounts and then open new accounts with new account numbers.
- **Contact the Social Security Administration .** You can accomplish this by calling 1-800-269-0271 or www.ssa.gov to report fraudulent use of your Social Security number.
- **Contact your telephone service provider.** If you are the victim of phone fraud, contact your service provider immediately. Open new accounts and choose new PINs. If you have problems removing fraudulent phone charges, contact:

- your state Public Utility Commission (regarding local service)

- the Federal Communications Commission www.fcc.gov or 888-CALL - FCC (regarding cellular phones & long distance)

IDENTITY THEFT: FURTHER INFORMATION - RESOURCES

Federal Trade Commission (general information and specific tips; the FTC has several publications that educate consumers about the importance of personal information privacy)

www.consumer.gov/idtheft or Identity Theft Helpline 1-877-ID-THEFT (438-4338)

www.ftc.gov, see Site-Seeing on the Internet: A Traveler's Guide to Cyberspace from the FTC (re: computers and personal information safety)

New York State Attorney General

www.oag.state.ny.us once on the site (1) click Consumer Issues (2) click Consumer Tips – Identity Theft

U.S Postal Inspection Service (re: mail theft)

www.usps.gov/websites/depart/inspect or write to: or write to: Mail Fraud
Chief of Postal Inspector Service
475 L'Enfant Plaza, S.W.
Washington, D.C. 20260

Federal Communications Commission (FCC) (re: cell phone & long distance complaints)

www.fcc.gov or FCC Consumer Information Bureau 1-800-CALL-FCC

Social Security Administration (re: stolen or misused Social Security numbers)

www.ssa.gov or SSA Fraud Hotline 1-800-269-0271 or oig.hotline@ssa.gov

National Consumer Reporting Agencies: Credit Bureaus (re: obtaining credit reports and "fraud alert" services)

Equifax – www.equifax.com
To order a report call: 800-685-1111
To report fraud call : 800-525-6285

Experian – www.experian.com
To order a report call: 888-397-3742
To report fraud call: 888-397-3742

TransUnion – www.transunion.com
To order a report call: 800-916-8800
To report fraud call: 800-680-7289

HOW TO GET THE MOST FROM YOUR HOME IMPROVEMENT DOLLARS

CHECKLIST

- 1. Make a thorough list or plan of the work you want done.**
- 2. Get at least three (3) written estimates...each based on the same building specifications and materials.**
- 3. Get references from contractors and inspect jobs they have previously completed.**
- 4. Check with the Office of Consumer Protection at (845) 364-3901 to see if the contractors are licensed and/or have any complaints before you start.**
- 5. Get a written, detailed contract. Any changes to the contract should be in writing and signed.**
- 6. Limit your deposit to 15% of total or \$1,000. whichever is less.**
- 7. Contract should include approximate start and completion dates. At no time should payments exceed the cost of time and materials on work completed. Make sure contracts contain at least a one-year warranty on workmanship.**
- 8. Make sure your contractor gets all necessary building permits - unless otherwise stated in the contract.**
- 9. Protect yourself from all liens, in the event your contractor fails to pay the subcontractors or materials' suppliers by adding a release of lien clause to the contract or by paying subcontractors and suppliers directly.**
- 10. Thoroughly inspect work before making final payment or signing completion certificate.**

ITEM PRICING

What is item pricing?

All items bearing a universal product code must be individually marked with the item price.

Are there exceptions?

Yes, item pricing is not required for certain items provided that a shelf label and price look-up function are maintained for such items. Examples include: snack foods in single packages weighing five ounces or less, items under three cubic inches of size, weighing less than three ounces and priced under one dollar, vending machine items, fresh milk, fresh eggs, fresh produce, frozen foods, individual jars of strained and junior size baby food, individual boxes of dry gelatin and pudding, ice cream and frozen yogurt and cigarettes, cigars, tobacco and tobacco products.

Can stores be exempt from item pricing?

Yes, if the store uses a computer-assisted checkout system and files an item pricing waiver application with Rockland County Consumer Protection. Any store granted a waiver is required to provide a clear and readable shelf label for every stock-keeping unit.

How often is the waiver application filed?

Once a year.

Are the computer scanners checked?

Yes, all stores who apply for an item pricing waiver application must pass two separate scanner accuracy inspections and must pass with 98% accuracy.

What if the store fails the inspections?

If the store fails two consecutive inspections, the waiver is invalidated and the store is required to item price.

Is there anything else required of a store that is granted a waiver?

- ❑ Store must designate and make available a price check scanner in a location convenient to consumers
- ❑ Store shall post a sign explaining consumer rights consistent with the waiver
- ❑ Store shall make payment to consumers who have been overcharged as provided in 331-36
- ❑ Store shall correct all pricing errors identified by consumers at the store level within three hours
- For additional information see [Ch. 331 Article II and Article VII of the Laws of Rockland County.](#)