

SESSION OF 2002

**CONFERENCE COMMITTEE REPORT
HOUSE BILL NO. 2078**

As Agreed to May , 2002

Brief *

HB 2078 expands civil liability to the parents of minors who shoplift.

Under current law, a civil action can be filed, when the merchandise is not recoverable in merchantable condition, for twice the retail cost of the merchandise or \$50, whichever is greater, but the civil penalty cannot be more than \$500. If the merchandise is recovered in merchantable condition, the civil penalty can be \$50 or 50 percent of the retail cost, whichever is greater. The civil penalty cannot exceed \$350.

Under the bill, parental liability, when the shoplifter is an unemancipated minor, if the merchandise is recovered in merchantable condition, is limited to \$50.

The merchant who is damaged by such shoplifting must demand adequate reimbursement in consideration for not filing a civil action. The written demand must precede the filing of a civil action. Under current law, the demand is not mandatory.

A claim or judgement under these provisions will not constitute an obligation or liability against any insurer or third party payor.

Background

The House Committee of the Whole amendment changed provisions of the original bill, which provided for the same penalties for minors as current law described above, to provide that parental liability,

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when the shoplifter is an unemancipated minor, is limited to \$50 when the merchandise is recovered in merchantable condition.

The Senate Committee deleted the House Committee of the Whole amendment which limited the civil penalty to \$50 if the merchandise was recovered in merchantable condition by the merchant. Other amendments were clarifying.

Conference Committee Action. The Conference Committee agrees to reinsert the House Committee of the Whole amendment whereby parental liability is capped at \$50 when the merchandise is recovered in marketable condition.