
Rules of Elected Officials

Division 60—Attorney General

Chapter 4—Time-Sharing Rules

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Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 4—Time-Sharing Rules

15 CSR 60-4.010 Definitions

PURPOSE: The attorney general enforces the provisions of sections 407.600–407.630, RSMo. The attorney general may make rules as are necessary to carry out the provisions of sections 407.600–407.630, RSMo and may define terms, whether or not used in those sections, insofar as the definitions are not inconsistent with those sections. This rule defines certain terms used in the administration of sections 407.600–407.630, RSMo and in these rules made thereunder.

(1) Unless inconsistent with the meanings provided in chapter 407, RSMo, as used in sections 407.600–407.630, RSMo and in these rules, the following terms shall mean:

(A) Giveaway or gift award, a promotional program, device or other method of promoting the sale of time-share plans in which all recipients of the promotional program, device or other method of promotion are guaranteed the receipt of the gift(s) offered in the promotional program, device or other method of promotion;

(B) Manufacturer's suggested retail price, the retail value attached to a product by the manufacturer thereof or the retail price charged or advertised for sale by a national or local retail outlet for an identical or substantially similar item. If a manufacturer's suggested retail price cannot be established because the item is not advertised or sold commercially then a verifiable estimate of the item's value must be provided;

(C) Promotional device, includes, but is not limited to, promotional brochures; pamphlets; advertisements or advertising material; transcripts of radio or television advertisements; sweepstakes; giveaways or gift awards; premiums; discounts; drawings; display booths; postcards; envelopes; and all other such advertising materials and statements disseminated in connection with the solicitation of sales of time-share periods;

(D) Seller, includes the owner or developer of a time-share plan or facility; and the owner's or developer's agents, employees and representatives including, but not limited to, independent marketing or sales contractors and their employees and representatives who make material representations to prospective purchasers;

(E) Sweepstakes, a method of promoting the sale of time-share plans which involves the offering, giving or awarding of prizes which have odds associated with the actual

delivery of the prize or gift and in which, as implied by the odds, not every participant is guaranteed to win a prize;

(F) Ticket, a card or pass entitling the bearer to admission to a music, theatre, dinner, museum, variety or any other type of entertainment or educational show or presentation; and

(G) Vacation certificate, or vacation prize, a certificate or agreement which entitles a person to receive free or discounted lodging or a trip or vacation outside the state of Missouri and which may include one (1) or more of the following:

1. The right to use accommodations or facilities at any hotel, motel, campground, time-share or other similar establishments; and

2. Transportation, meals or other material benefits.

*AUTHORITY: section 407.145, RSMo 1986. * Original rule filed Nov. 14, 1986, effective May 11, 1987.*

**Original authority: 407.145, RSMo 1986.*

15 CSR 60-4.020 Prize, Gift or Other Inducement, Devices, Disclosures

PURPOSE: This rule further elaborates upon the minimum requirements set forth in subsection 1 of section 407.610, RSMo for inclusion in each promotional program.

(1) Each promotional program shall disclose any and all conditions and requirements in connection with the offer of a vacation certificate or vacation prize including, but not limited to, the following:

(A) The odds of being awarded the vacation prize;

(B) The number of persons for whom air fare or other method of transportation will be provided free of charge as part of the vacation prize package;

(C) All details concerning departure location for the vacation;

(D) All details concerning lodging accommodations including, but not limited to, how many persons will receive free lodging and the length of time for which free lodging will be provided;

(E) Whether or not meals will be included in the vacation prize package;

(F) Any requirements that the recipient of the vacation prize or certificate purchase airline tickets, railway tickets, bus tickets or tickets for any other mode of commercial transportation from any particular provider and the cost of the ticket(s);

(G) All details concerning the time period in which the vacation prize is available;

(H) Whether or not a deposit shall be made by the recipient of the vacation prize in order to redeem the vacation certificate or to collect the vacation prize and such conditions of the deposit; and

(I) All conditions and terms under which a deposit may and may not be refunded to the recipient of the vacation prize. For example, if the marketing, travel or tour company must make deposits with hotels or airlines in connection with providing this vacation prize and cancellation is made at the fault of the recipient subsequent to the expiration of the cancellation period, the providing company who loses their deposit may retain the recipient's refundable deposit.

(2) Each promotional program shall disclose all conditions and restrictions in connection with the offer of any type of tickets or free or discounted admissions as a gift or prize in exchange for touring the time-share property and facilities in conjunction with a sales presentation. Alternatively, the promotional program may include a general disclosure statement regarding the ticket, gift or prize, an example of which follows: "All tickets are subject to any restrictions or conditions as determined by participating merchants, that is, time, availability, etc."

(3) Each promotional program shall contain an accurate and complete description of each prize, award or gift offered to the consumer. The promotional program shall not misrepresent to the consumer the type, quality, true nature, size, usage, kind or any other condition of the prize by way of description, name, manufacturer's suggested retail, narrative copy or graphic depiction so as to mislead or deceive the consumer.

*AUTHORITY: section 407.145, RSMo 1986. * Original rule filed Nov. 14, 1986, effective May 11, 1987.*

**Original authority: 407.145, RSMo 1986.*

15 CSR 60-4.030 Promotional Devices Considered to Be Misleading

PURPOSE: This rule prescribes and clarifies specific types of marketing techniques used in promotion programs or devices which are considered to be misleading to consumers and shall be incorporated into subsection 1 of section 407.610, RSMo as a standard upon

which the approval or disapproval of the promotional program shall be made by the attorney general as required by subsection 1 of section 407.610, RSMo.

(1) A promotional device shall not employ any terms such as national representative, central representative or midwest representative which lead the recipient to believe s/he has been selected as the only recipient from a particular geographical area or other similar designated class, unless, in fact, this is the case.

(2) A promotional device shall not employ any terms, such as finalist, award winner or similar terms which may lead the consumer to believe that s/he has been selected, randomly or by any other method, from a larger group of persons to compete or participate in final competition or to receive an award or prize unless this is, in fact, the case.

(3) A promotional program shall not represent to a consumer that s/he is being notified for the second or final time in the promotional program of the right to participate and collect his/her prize, gift, award or discount in exchange for participating in a sales presentation and touring a time-share property or facility, if, in fact, it is not the second or final attempt to notify the consumer of the offer.

(4) A promotional device shall not employ the use of any device resembling a negotiable instrument, such as a check, money order or cashier's check, in a way as to mislead the recipient to believe s/he is in receipt of a negotiable instrument.

(5) A promotional device shall not refer to a prize, gift, award or any type of inducement as being previously claimed unless, in fact, all of those prizes, gifts, awards or other type of inducements have been awarded during the same promotional program. No prize, gift, award or other inducement device shall be offered unless, in fact, at least one (1) of such prizes, gifts, awards or other types of inducements is available to be awarded at the beginning of the promotional device.

(6) A promotional device shall not misrepresent the source of a promotional device by leading the recipient to believe that the promotional device is mailed or connected with a governmental or official agency, credit bureau, bank or attorney, unless, in fact, the entity represented as being the source is the source of mailing.

(7) A promotional device shall not represent that there is a limited time in which to accept the terms of the offer in a promotional device or that a gift is only available on the day a recipient visits the time-share property or facility, if, in fact, such is not the case. A promotional device shall not be represented that it is urgent, nor shall it convey a sense of urgency by use of description, narrative copy or phrasing on the envelope, unless, in fact, there is a limited time period in which a recipient must accept the terms of the offer in the promotional device. Such limited time period must be clearly stated in the promotional device.

(8) A promotional device shall not misrepresent the manufacturer's suggested retail price. The attorney general may request documentation from the developer, seller or marketing representative of a time-share property in order to verify the accuracy of the manufacturer's suggested retail price.

(9) A promotional device shall not misrepresent any rule, term, requirement or preconditions necessary to be fulfilled by the recipient in order to claim the prize, gift, award or inducement offered.

AUTHORITY: section 407.145, RSMo 1986. Original rule filed Nov. 14, 1986, effective May 11, 1987.*

**Original authority: 407.145, RSMo 1986.*

15 CSR 60-4.040 Specific Disclosure Requirements for Promotional Devices

PURPOSE: This rule is designed to set forth particular standards to ensure that disclosure of material information required under section 407.610, RSMo is not disclosed in such a way as to mislead or conceal it from the consumer.

(1) All disclosures required under subsection 1 of section 407.610, RSMo, and rules 15 CSR 60-4.020–15 CSR 60-4.080, shall be printed in type no smaller in size than ten (10) point.

(2) When disclosing the odds of winning a prize, award or gift, as required under subdivision (4) of subsection 1 of section 407.610, RSMo, the odds shall be disclosed as a statement of ratio of number of prizes available to be won to number of persons being solicited to participate in the promotional program. Examples are—1 in 100,000; 99,997 in 100,000.

AUTHORITY: section 407.145, RSMo 1986. Original rule filed Nov. 14, 1986, effective May 11, 1987.*

**Original authority: 407.145, RSMo 1986.*

15 CSR 60-4.050 List of Award Winners, Required Filing

PURPOSE: This rule is designed to provide access to the record of information maintained as required under subsection 2 of section 407.610, RSMo to the attorney general for verification that prizes have been awarded in compliance with the laws of the state of Missouri.

(1) A list of prize winners containing the names and addresses of winners for each promotional program shall be provided, upon request, to the attorney general within fifteen (15) days after the final day of the program. The attorney general may verify receipt of these prizes by contacting the prize recipients.

AUTHORITY: section 407.145, RSMo 1986. Original rule filed Nov. 14, 1986, effective May 11, 1987.*

**Original authority: 407.145, RSMo 1986.*

15 CSR 60-4.060 Costs Associated with Promotional Programs

PURPOSE: This rule is designed to clarify costs which may or may not be borne by the recipient of a gift, prize, award or other type of inducement device of a time-share property or facility.

(1) When a promotional device uses the words sweepstakes, drawing, giveaway, award, prize, gift or any other similar word which implies the recipient has won something, there shall be no other requirement of the recipient other than listening to a sales presentation and taking a tour of the time-share property being offered for sale. Pursuant to subsection 2 of section 407.610, RSMo, the seller offering the time-share property shall make delivery of the inducement gift, if not at the time of visitation, within ten (10) days following such visitation, or shall deliver instead of such gift, or its acceptable substitute, cash in an amount equal to the retail value of the gift. Cost of such delivery shall be paid by the seller.

(2) A promotional device shall not offer as a substitute for a prize, award, gift or other

inducement device, a certificate of redemption for an item unless it is fully disclosed that the recipient has not won an item but will be allowed to pay for that prize, award, gift or other inducement at a discounted price. The discount price to be paid by the recipient shall be printed in close proximity to the largest printed name of the product items offered.

AUTHORITY: section 407.145, RSMo 1986. Original rule filed Nov. 14, 1986, effective May 11, 1987.*

**Original authority: 407.145, RSMo 1986.*

15 CSR 60-4.070 Promotional Device, Copy for Recipient's Record and Information

PURPOSE: This rule is designed to protect consumer's information and allow preservation of prima facie evidence.

(1) Upon acceptance of the terms given in a promotional device, when the recipient presents his/her written promotional device at the time-share property or facility office or at the sales presentation, the recipient shall be given a copy of the original promotional device for his/her records.

AUTHORITY: section 407.145, RSMo 1986. Original rule Nov. 14, 1986, effective May 11, 1987.*

**Original authority: 407.145, RSMo 1986.*

15 CSR 60-4.080 Five-Day Cancellation Notice Requirements

PURPOSE: This rule is designed to ensure that each consumer is properly and sufficiently notified of the right to rescind a purchase contract in connection with the sale of a time-share period. In addition, this rule prescribes a specific period in which the purchaser can expect to receive a refund after the cancellation notice is made.

(1) The seller, his/her sales agent or independent marketing contractor shall not misrepresent a purchaser's rights of cancellation before, during or after consummation of the sales contract for the sale of a time-share period.

(2) The seller shall provide written notice of cancellation as required by section 407.620, RSMo. This written notice must be provided on a separate sheet of paper which must be

signed and dated by the purchaser and the seller or the seller's agent or it must be included in the sales contract. The seller's address to which notice of cancellation must be made shall be clearly stated on the contract as well as the Notice of Right to Cancel.

(3) Full refund shall be made to the purchaser, including any deposit and any payment made toward the principal balance and interest, within sixty (60) days following receipt of the notice of cancellation by seller.

AUTHORITY: section 407.145, RSMo 1986. Original rule filed Nov. 14, 1986, effective May 11, 1987.*

**Original authority: 407.145, RSMo 1986.*