

# Know *your* Rights

## A Missouri Consumer Guide



Office of Missouri Attorney General  
**Jeremiah W. (Jay) Nixon**



# Guide will help you recognize, fight fraud

As Attorney General, one of my most important responsibilities is to protect consumers' rights. My office is pursuing this goal through aggressive enforcement of Missouri's Merchandising Practices law and continued expansion of our consumer education programs.



Attorney General Nixon shows how consumers now can electronically submit complaints on his Web site.

This information as well as action taken against dishonest operators also can be found on our Web site at [www.ago.mo.gov](http://www.ago.mo.gov).

Learn the facts, know your rights and fight back.

Sincerely,

A handwritten signature in black ink that reads "Jay Nixon". The signature is fluid and cursive.

Jeremiah W. (Jay) Nixon  
Attorney General of Missouri

"If you have been defrauded, you can file a consumer complaint online at [www.ago.mo.gov](http://www.ago.mo.gov) or call my Consumer Protection Hotline at 800-392-8222."

**Attorney  
General  
Nixon**



The  
Missouri  
Office of  
the Attorney  
General is  
an equal  
opportunity  
employer

# Know *your* Rights **INSIDE**

## HOME ISSUES

- 4 Landlord-tenant Law
- 4 The lease
- 5 Oral agreements
- 5 Security deposit
- 5 Repairs
- 6 Eviction
- 6 Discrimination
- 7 Home repair fraud



## SOLICITATION ISSUES

- 8 Thief in the mailbox
- 9 Reduce telemarketing calls, mail, credit offers
- 10 Sweepstakes, contests
- 10 Travel offers
- 11 Timeshares and travel clubs
- 12 Charitable solicitations
- 12 Check a Charity
- 13 Door-to-door sales



## PHONE ISSUES



- 14 Telemarketing
- 15 Reduce telemarketing calls:  
Get on the No Call list
- 16 Slamming and cramming
- 16 900 numbers
- 16 809 phone scam
- 17 Cell phones

## COMMON MISCONCEPTIONS

- 18 Separate fact from fraud
- 18 4 consumer rules to  
avoid scams, disputes  
and unexpected costs



## **AUTO ISSUES**

- 20 Buying a car
- 20 Lemon Law
- 20 Used cars
- 21 Repair



## **BUSINESS, CREDIT ISSUES**

- 22 Loans, credit scams
- 22 Advance-fee loan scam
- 22 Payday loan
- 22 Title loan
- 23 Pawnbroker loan
- 23 Credit card scam
- 23 Credit repair
- 24 Investments
- 25 Work-at-home schemes



## **INTERNET, PRIVACY ISSUES**

- 26 Shopping online
- 26 Online auctions
- 27 Identity theft
- 28 Get a free credit report
- 28 ID Theft Hotline



## **END-OF-LIFE ISSUES**

- 29 Pre-need funeral plans
- 29 Life Choices: Plan now for the end of life



## **TAKE ACTION**

- 30 How to handle a complaint
- 31 Sample complaint letter
- 32 Agencies to contact
- 35 Other brochures from the AG's Office

## Landlord-Tenant Law

Disputes between landlords and tenants are common but may be avoided when the landlord and renter both know the law. Missouri law:

- Makes it illegal for a landlord to shut off utilities, unless it is for health and safety reasons.
- Allows landlords to double rent if a renter lets another person take over the premises without the landlord's permission.
- Allows only two persons per bedroom, except for children born during the lease period.
- Allows county courts to order quick removal of renters involved in criminal activity, even without a conviction.
- Requires landlords to give 60 days' notice before ending leases for mobile home lots, if the lease is for less than a year.



### THE LEASE

An agreement to rent for one year or more must be in writing and signed by the tenant and landlord. It then becomes a legal contract.

The best way to avoid later problems is to make sure the lease you sign is clear about your responsibilities and the landlord's. Put in **writing** who has to mow the lawn, fix a clogged sink or pay the utility bills.

### Before signing a lease, you should:

- Read the entire lease and ask questions. Once you sign, you cannot get out of a lease just because you didn't understand it.
- Ask the landlord to change a lease requirement if you don't agree with it, and make sure that change is put in writing. The landlord has the right to refuse.

If changes are made, the landlord and tenant should put their initials by the written change to show they both agree to it.

Before you move in, make and keep a list of any damages or repairs that need to be made. Give a copy to the landlord and attach a copy to your lease. This will ensure your security deposit is not withheld to repair damage you did not do.

Some renters even videotape the property and give a copy to the landlord.

## ORAL AGREEMENTS (NO LEASE)

An oral agreement is only good for one month. A landlord can evict a tenant or raise rent with only one month's written notice. Likewise, a tenant must give one month's **written** notice to end financial obligations to a landlord.

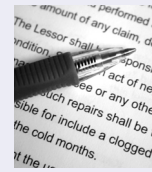
## SECURITY DEPOSIT



- A landlord cannot require more than two months' rent as a security deposit.
- At the end of the lease, the landlord has 30 days to return the deposit. A landlord may keep all or part of the deposit for repair of damages, unpaid rent or lost rent because the tenant moved without adequate notice. If damages are claimed, the landlord must provide a list of damages to be paid from the deposit.
- A landlord must notify the tenant of the time and date when a move-out inspection will be done.
- The tenant has the right to be present during the inspection, which must be conducted at a reasonable time.
- A tenant may not use the security deposit to pay for the last month's rent.
- If a landlord wrongfully withholds all or part of a deposit, the tenant may sue to recover up to twice the amount withheld.

## REPAIRS

- A lease should state which repairs are the landlord's responsibility and which are the tenant's.
- The landlord should make repairs caused by wear and tear and natural forces such as the weather.
- Tenants should pay for damages that they or a guest cause.



### Basic lease should include:

- Landlord's name, address and phone.
- Address of rental property.
- Amount of monthly rent.
- Amount of security deposit and conditions for its return.
- Who is responsible for repairs, utilities, bills and upkeep like lawn care and snow removal.

- A tenant cannot legally withhold rent payments until repairs are completed. You can get evicted.
- If a home becomes unsafe, the tenant should contact local health or housing authorities.



**Keep paying rent**

A landlord can legally evict a tenant who fails to pay rent, even if the money is spent on repairs.

**EVICTION**

A landlord cannot evict a tenant without a court order. The landlord may begin eviction proceedings if a tenant:

- Damages property.
- Fails to pay rent.
- Violates terms of the lease.
- Injures the landlord or another tenant.
- Allows drug-related criminal activity or gambling on the premises.
- Fails to move when the lease is up.

The tenant will receive notice if an eviction lawsuit has been filed and will have the chance to be heard in court before any eviction.

**DISCRIMINATION**

Landlords cannot refuse to sell, rent, sublease, charge higher rent or falsely state that housing is not available based on a renter’s race, color, religion, sex, disability, national origin or family relationships. If you believe you have been a victim of discrimination you may contact:

**Missouri Human Rights Commission:**

Toll-free: 877-781-4236  
 Jefferson City area: 573-751-3325  
 St. Louis area: 314-340-7590

**U.S. Department of Housing and Urban Development**

Housing Discrimination Hotline: 800-669-9777

**Metropolitan St. Louis Equal Housing Opportunity Council:**

For residents of St. Louis city and St. Louis, St. Charles, Franklin and Jefferson counties:  
 314-534-5800 or 800-555-3951



# Home repair fraud

Home repair and improvement scams are among the top complaints made to the Attorney General's Office.



## Common scams, often targeting seniors:

- Asphalt. Solicitors offer to use leftover asphalt from an earlier job to repave your driveway. Workers usually start the job and then say it will cost hundreds or thousands of dollars more to complete it. Or they will just lay black paint and leave town with your money.
- Foundation and attic work. Repairs often are worthless and overpriced.
- Free home inspections. A con artist comes to your home offering a free evaluation to look for damage. The estimate will be bogus or the crook may want to simply get into your home to rob you or worse. Never trust a free inspection.
- Requests for large down payments. Some con artists even offer to go to the bank with the consumer to withdraw money.

## The do's and don'ts for avoiding scams and disputes:

**DON'TS** Beware of any worker who:

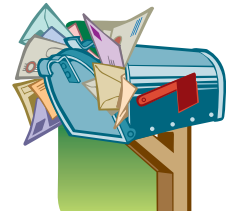
- Solicits door to door. Most con artists operate this way.
- Drives an out-of-state or unmarked vehicle, especially after damaging storms.
- Has no identification or address, just a phone number.
- Demands full payment before beginning the work.

**DO'S** Before starting home repair work:

- Hire companies that are known or recommended. Check the background of companies by calling the Attorney General's Consumer Protection Hotline at 800-392-8222 or your nearest Better Business Bureau.
- Check the credentials of companies. Verify their numbers and addresses in the phone book, check for county and local permits, and ask if they are licensed, bonded and insured.
- Get at least two estimates and a third if possible, and get all of them in writing.
- Get all agreements in writing, including description of the job, completion dates and price.
- Make full payment only when the terms of the contract are met.

## THIEF IN THE MAILBOX

Reaching you through the mail is another way con artists get your money. Seniors receive an especially heavy amount of direct mail solicitations. A number of these may be traps, including:



- Foreign lotteries. In this scam, a letter appears to be from a foreign lottery claiming you have won a drawing. The crook may ask you to send money in advance to cover taxes or processing fees, or ask for your bank account number so your winnings can be deposited in your account. Be aware that your money will flow in the other direction.
- Bogus cashier's checks. Any time a stranger sends you a check for a large amount of money, beware. This check will likely bounce. Before you find that out, however, you may be asked to deposit the check and send some of the money elsewhere. Eventually, your bank will inform you the check was no good.
- Offers that look like bills. These solicitations pitching magazines or other products will look like invoices. Many consumers are tricked into thinking they owe the money, and they pay.
- Promotional or "live" checks. You may receive a check in the mail for \$2 or another small amount. This check will likely obligate you to something such as credit card protection, a magazine subscription or a new long-distance carrier.
- Charitable solicitations. Make sure the charity participates in the Attorney General's Check A Charity program (page 12) and follow our wise-giving suggestions.
- Letters that look official, urgent or are in an envelope that looks like an important telegram. Con artists use this gimmick to get attention or look legitimate.
- Nigerian letters. You may be contacted by someone who claims to be from another country with an oppressive government. The con artist says he has money he can't access, so he needs the help of a trustworthy American to sneak it out of the country, and he will supposedly give you a percentage of the

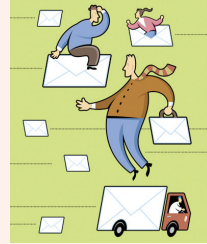
## Reduce telemarketing calls, mail, credit offers

### TELEMARKETING CALLS

Missouri's No Call law prohibits telemarketers, with some exceptions, from calling households on the Attorney General's No Call list. A telemarketer violating the list faces a civil penalty of up to \$5,000 per violation. Register your home phone number for free: [www.ago.mo.gov](http://www.ago.mo.gov) Toll-free 866-NOCALL1 (866-662-2551)

### MAIL

Mail Preference Service lets you delete your name from many direct mail lists. Send your request in writing or go online: DMA Mail Preference Service  
PO Box 643  
Carmel, NY 10512  
[www.dmaconsumers.org](http://www.dmaconsumers.org)



### PRE-APPROVED CREDIT CARD OFFERS

Credit bureaus allow you to “opt out” of having pre-approved offers of credit and insurance sent to you: 888-5-OPTOUT (888-567-8688) [www.optoutprescreen.com](http://www.optoutprescreen.com)

loot. Consumers who fall for this come-on eventually are asked to pay “earnest” money in advance. Again, your money will only be flowing in one direction.

- Pyramid schemes and chain letters. These solicitations offer a “get-rich-quick” scheme promising little work, little or no “sales” of products, and big money when you recruit others to join the same program. Pyramid schemes may be disguised as multilevel marketing organizations. Beware of plans that ask new distributors to buy expensive inventory or claim you will make money through continued growth of your “downline.” If most of your money is made by recruiting, rather than selling a product, this is an illegal pyramid.

## **SWEEPSTAKES, CONTESTS**

Deceptive sweepstakes are common. Many mailings are designed to make you believe you are a grand prize winner.

You may receive an “official notification” with “congratulations, you’re a winner” in big, bold type, only to be followed with a disclaimer in small print “if you have the winning number.”

Although it is illegal to require a purchase to enter a contest or sweepstakes, promoters know that if consumers are convinced they have won a big prize they are more likely to spend money for magazines, cheap jewelry or other merchandise. Some consumers even lose their life savings ordering products they believe will increase their chances of winning.



It is illegal for a company to require a purchase to enter a sweepstakes or contest, or even to suggest that it would improve your chances of winning.

## **TRAVEL OFFERS**

If you receive a phone call or postcard offering a free vacation, beware. No business is in the business of giving away free vacations to strangers.

### **Tips to avoid trips to nowhere**

- Be cautious of firms that ask you to pay before confirming reservations. Most reputable travel agents will confirm before payment.
- Deal with an established firm. If a firm is unfamiliar, check with relatives, friends, the Better Business Bureau or the Attorney General’s Consumer Protection Hotline at 800-392-8222.
- Don’t give out your credit card information unless you expect to be charged.
- Make sure any verbal promises are listed in the contract. Many consumers report being told one thing in a presentation, only to find out it is not in their written agreement.

- Request written information for total cost and all items included. Any transportation, lodging, meals or other items not specifically mentioned may not be included. “Free vacations” often do not include meals, taxes, deposits or other surcharges.
- Ask about the right to cancel or you could end up paying for a trip you never take. Also ask about cancellation insurance.
- Be wary of vacation offers that are “good today only.”

### **TIMESHARES AND TRAVEL CLUBS**

A timeshare is a property, usually in a resort area, that a consumer may buy for a certain length of time each year. Missouri law allows five days to cancel a timeshare contract.

Some consumers buy a membership in a travel club for hundreds or thousands of dollars. This product supposedly helps them save money on future trips. Some consumers complain to the Attorney General’s Office, however, saying they could have found the same savings on their own through a travel agency or the Internet. Another risk is that your travel club could go out of business after you have paid.

In Missouri, you have three days to cancel a contract with a travel club.

Many travel companies will offer a free hotel night or other bonus if you attend a 90-minute presentation about their timeshare or travel club. These presentations can turn into high-pressure sales pitches that may far exceed the 90 minutes.

Remember, you are under no obligation to buy these products during or after the presentation, and you are free to leave after the agreed-upon time is up.



### **Don’t get taken for a ride**

Get in writing all items included in a vacation package such as lodging, meals and transportation.

## Charitable solicitations

Most charitable organizations use money wisely; some, however, spend the majority of donations on salaries, administrative costs and professional fundraisers.

### When charities call, give wisely by:

- Asking how the contribution will be spent.
- Asking what percentage of your donation will go to administrative costs. Most consumer advocates suggest giving to a charity that spends at least 65 percent of its donations on program services, namely the cause it represents.
- Consulting the Attorney General's Check a Charity program at [www.ago.mo.gov](http://www.ago.mo.gov). You can find information such as how individual charities spend their money.

### Tips

- Once a year, review potential charities and decide where your money will go, rather than waiting for solicitors to call.
- Don't judge a charity by its name. False charities may use names that closely resemble legitimate charities.
- Don't let callers play on your sympathy by identifying their organization with law enforcement, firefighters, veterans groups or needy children. This can be a tactic to get your money.
- Don't be pressured. Give only when you are comfortable with the charity.
- Don't commit over the phone. Ask for written information.
- Avoid cash donations and make checks payable to the organization, not to an individual.
- Be careful about letting solicitors into your home.

## CHECK A CHARITY

Donors who want to find out what percentage of their gifts go to the charitable purpose and what percentage is used for administrative costs can go to the Attorney General's Check a Charity Web site at [www.ago.mo.gov](http://www.ago.mo.gov).

## Door-to-door sales

Door-to-door sellers sometimes use high-pressure or scare tactics and may misrepresent the quality and value of products. Criminals may even pose as salespeople to enter your home.

### To avoid being a victim:

- Ask for proper identification before listening to a sales pitch or allowing a salesperson to enter your home.
- Don't fall for the "sympathy" approach. Sellers may say they are working their way through college or use other lines.
- Do not let yourself be hurried, intimidated or coerced.
- If you are interested in a product, get everything in writing including price, warranty and all conditions. Tell the salesperson you will get back to him.
- Use a credit card if you buy.

State law gives you the right to cancel the contract within three business days (excluding weekends and legal holidays) if the seller personally solicited and presented the contract in your home. The salesperson must advise you of this right and acknowledge it in the contract. If you cancel, the notice must be in writing. The seller must return any payment or trade-in goods within 10 days after notification of cancellation, and must mark the contract "canceled."

The buyer may keep any item the seller does not request returned within 20 days of the contract's cancellation.

### Cancellation cannot be made when:

- The buyer requested the goods or services immediately because of an emergency.
- The dealer in good faith started to fulfill the agreement before receiving the cancellation.
- The goods cannot be returned to the seller in "substantially" the same condition as when received by the buyer.



### Right to cancel

You have the right to cancel any contract within three business days if the seller solicited and presented the contract in your home.

## Telemarketing

Criminals have found an easy way to get into your home and into your pocket — the telephone. Con artists are cheating consumers out of over \$40 billion a year by offering phony prizes, cheap products and using high-pressure sales tactics by phone.

The best way to cut down on telemarketing calls is to register for free with the Attorney General's No Call list at 866-NOCALL1 (866-662-2551) or [www.ago.mo.gov](http://www.ago.mo.gov). Here are some things you should know about telemarketers:

- Most telemarketers are forbidden by law from calling you if you are on the No Call list.
- Some telemarketers are exempt: nonprofits, charities, companies that have an existing business relationship with you (your bank, insurance company, cable TV provider), political groups and researchers.
- Telemarketers can only call you from 8 a.m. to 9 p.m.
- You have the right to tell any telemarketer — even exempt ones — not to call again. Report violators to the Attorney General's Office.

### **Still, scam artists may continue to call you. Don't be caught off guard:**

- Free is free. If you are told you have won a great prize but you must pay an upfront fee, shipping charge or taxes — forget about it. That prize will not be worth the money sent to claim it.
- Hang up on offers to buy tickets in foreign lotteries. It is a violation of U.S. law to buy lottery tickets by phone or mail.
- Don't be pressured into acting if you are told an offer is good "today and today only."

### **Report violators**

If you suspect a scam or a violation of the No Call law, submit an online complaint on the Attorney General's Web site or call the Consumer Protection Hotline:

[www.ago.mo.gov](http://www.ago.mo.gov)  
800-392-8222







### **About to get a monstrous attitude about annoying telemarketers?**

Missourians who want to reduce the number of calls at home can sign up for the Attorney General's No Call list by Internet or phone. It is quick, simple and free:

[www.ago.mo.gov](http://www.ago.mo.gov)

Toll-free: 866-NOCALL1 (866-662-2551)

- Watch out when someone asks for your credit card, bank account or Social Security number. This is called a “phishing” scam, because an identity thief is fishing for your information.
- Ask for written information. A legitimate company will be glad to send it.

#### **How telemarketers get your name:**

- Contest entry forms and rebate checks. Always read the small print.
- “Sucker lists” that contain names of consumers who have responded to past telemarketing pitches. These lists are bought and sold by promoters.
- Advertisements. Responding to a TV, newspaper or magazine ad may get your name on a telemarketing list.

## SLAMMING AND CRAMMING

- **Slamming** occurs when your long-distance phone service is switched to a different provider without your knowledge. Although consent to switch must be obtained, some telemarketers have found ways to trick consumers into authorizing their service without realizing it. If you have been slammed, ask your local phone company to immediately switch you back to your preferred carrier, and remove all of the slammer's charges or at least "re-rate" them.
- **Cramming** is the addition of unordered services such as caller ID, voice mail or three-way calling on your phone bill. Contact your local phone service provider to dispute items on your bill.

### Tips to avoid being slammed, crammed

- Read the small print. Know what you're signing, especially on contest and sweepstakes entry forms at fairs and festivals and "bonus checks" received in the mail
- Carefully review your monthly phone bill. Make sure your requested long-distance carrier is still on the bill and all charges are correct.

## 900 NUMBERS

Beware of employment or other advertisements asking you to call "900" phone numbers. These calls are **not free**. You may be charged an expensive flat fee or per-minute charge.



## 809 PHONE SCAM

You may get a message from a stranger urging you to call a phone number in the 809 area code. This is a scam: 809 is an area code in Central America, and many of these calls will charge you a toll, similar to a 900 number in the U.S.

But unlike 900 numbers, there are no regulations protecting consumers. So you may not be told that there will be a high fee for this call, and it may be impossible to reverse the charges once you have made the call.

Other area codes of concern are 284 and 876. It is best to think twice and look up the area code before returning a call from a stranger. An Internet search or a telephone operator can help you.

Avoid calling area codes 900, 809, 284 and 876.

## CELL PHONES

Most cell phone complaints sent to the Attorney General's Office involve long-term contracts. Wireless companies offer consumers incentives to sign a long-term agreement, such as a cheaper monthly rate, more minutes or a better phone.

### When shopping for mobile phone service:

- Read your contract and know exactly what you're signing. Keep a copy.
- Try out your phone thoroughly when you first get it. Most contracts allow you to cancel your plan in the first few weeks if you are unsatisfied.
- Document any conversations you have with the phone provider or retail store.
- If you upgrade or change your plan, ask what will happen to your contract. Upgrading to more minutes or a better phone often means your contract will be extended.
- Ask about monthly or prepaid plans. They usually are higher-priced, but you won't have the problems associated with a long-term contract.
- If you want to terminate your contract early, you will likely face a large fee. But you may be able to find companies that help connect you with other consumers willing to take over your plan. Your fees will be much lower in this case.



### Can you hear me now?

Test a new cell phone's signal and features as soon as you get it. You may be able to cancel if you are not happy with the service.



### Telemarketer must identify self

Within the first 30 seconds of calling, a telemarketer must identify himself and his company, explain the purpose of the call and clearly describe what he is selling.

Consumers may have misconceptions about consumer laws. Knowing the facts can ward off expensive mistakes.

Separate

**FACT**

**MYTH 1** There is a three-day “cooling off” period after any major purchase in which you can cancel.

**FACT:** In general, the three-day rule applies only to “door-to-door” transactions when a solicitor makes a presentation and sale in your home.

**MYTH 2** The Lemon Law protects you on all big-ticket purchases, including used cars.

**FACT:** Missouri’s Lemon Law applies **only** to new vehicles and demonstrators or lease-purchase vehicles with a warranty.

**MYTH 3** If a landlord fails to make needed repairs, a tenant can withhold rent until the repairs are done or deduct the cost to get the repairs done by someone else.

**FACT:** A landlord can legally evict a tenant who fails to pay rent, even if the money is spent on repairs.

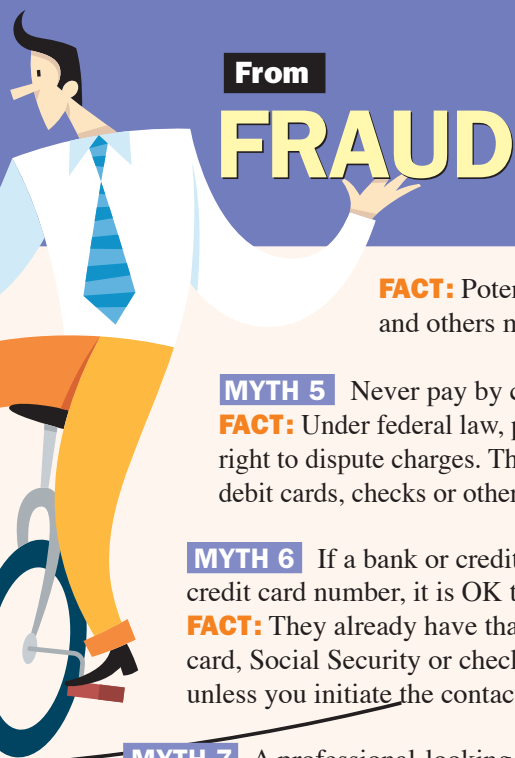
**MYTH 4** Your credit report only affects your ability to borrow money.

## 4 Consumer rules to avoid scam

**1** Never give out your personal information to anyone who contacts you. Only release the information when you initiate the contact. Only then do you know exactly who you’re dealing with.

**2** Don’t pay full price up front if you haven’t received the product or service. If a contractor or service provider needs money in advance, pay no more than 25 percent.





From

# FRAUD

**FACT:** Potential employers, landlords, insurers and others may look at your report. Many do.

**MYTH 5** Never pay by credit card on the Internet.

**FACT:** Under federal law, paying by credit card gives you the right to dispute charges. This protection does not apply to cash, debit cards, checks or other forms of payment.

**MYTH 6** If a bank or credit card company calls to verify your credit card number, it is OK to give that information.

**FACT:** They already have that information. Never give your credit card, Social Security or checking account numbers to strangers, unless you initiate the contact.

**MYTH 7** A professional-looking Web site is a good indicator that a business is legitimate.

**FACT:** Anyone can set up shop on the Internet. Ask unfamiliar companies to send a catalog or brochure and their physical address.

## ns, disputes, unexpected costs



**3** Spend your money with companies that are known or recommended by someone you trust.

Check the reputation of businesses by checking with friends, relatives, the Better Business Bureau and the Attorney General's Office. Don't send money to strangers.

**4** Never make a financial decision under pressure. No matter what the salesperson says, you'll be better off if you take time to think about it, ask around and compare options.

## BUYING A CAR

Buying a car is a big step, and a mistake can be costly. There is no state law allowing a buyer to return a car and get a full or partial refund.

## LEMON LAW

Missouri's Lemon Law applies in very narrow circumstances by enforcing the manufacturer's expressed warranty. Included are new cars and demonstrators, or lease-purchase vehicles if a manufacturer's warranty was issued with the sale. Exempt are commercial and off-road vehicles, mopeds, motorcycles and the non-chassis portion of recreational vehicles. The law applies while the vehicle is under the manufacturer's expressed warranty or up to one year after the date of delivery, whichever expires first. A vehicle may be a "lemon" if:

- It has been in the repair shop for the same problem four or more times without correction.
- It has been out of service for 30 or more working days since delivery.

### Lemon Law requirements

- Owners must report problems or defects in writing to the manufacturer.
- The manufacturer is allowed a "reasonable number of attempts" to correct the problem.
- If the problem can't be fixed in a reasonable number of attempts, the manufacturer must offer a cash refund or a vehicle of comparable value.
- If the manufacturer disagrees that you have a lemon, you can use the manufacturer's informal dispute settlement procedure. Instructions for this process are in your owner's manual.

## USED CARS

Since the Lemon Law doesn't apply, it is especially important to be careful when buying a used car. Normally you won't have a warranty, so understanding the condition of the vehicle is critical.

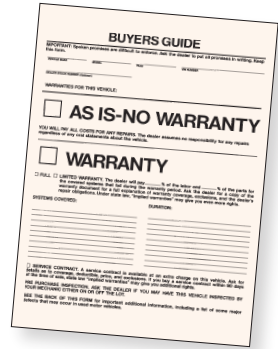


### Car is yours

Missouri does not have a three-day "cooling-off" period to return a car you have just bought.

If you're considering a used car sold by a dealership, look for the Buyers Guide, which is required by the Federal Trade Commission to be displayed in the car window. (This does not apply to vehicles sold by individuals.)

The Buyers Guide gives the basics about the car: make, model, year, vehicle identification number (VIN) and warranty information. A dealer can check one of two boxes: “warranty” or “as is — no warranty.” Most used cars are sold “as is.”



### Before driving home a used car:

- Look at the car during daylight. Any damage, defects or other problems will be easier to spot.
- Run a title search to learn about the vehicle's history. Searches cost about \$20 per car from [www.autocheck.com](http://www.autocheck.com) or [www.carfax.com](http://www.carfax.com). The search may indicate whether the car has been wrecked, stolen or used as a rental car.
- Test drive the car, which any seller should allow.
- Have a mechanic put the car on a lift and inspect it. Choose a mechanic you trust, rather than one employed or recommended by the seller.
- Get the vehicle's title or it will be hard to prove you own it. In addition, Missouri law requires the title to be transferred at the time of the sale. Many consumers file complaints with the Attorney General's Office saying they never received a title. Tell the seller, “No title, no deal.”
- Get a signed copy of any warranty.

### REPAIR

Car repair is one of the top consumer complaints made to the Attorney General's Office. Most complaints involve overcharging, poor work and deceptive repair practices. Here's how to avoid many problems:

- Check out a shop's reputation.
- Get in writing how much the job should cost. Most repair shops will give you a free estimate. Tell the mechanic to call for an OK before making any repairs not covered in the repair estimate.
- Get a second opinion if you think the mechanic wants to do unnecessary work.
- If the mechanic says parts must be replaced, ask that the old parts be returned. Have this in writing on the repair order before work begins.
- If the work is guaranteed — get it in writing.

## Loans, credit scams

### ADVANCE-FEE LOAN SCAM

This scam differs from legitimate credit offers — it guarantees a loan regardless of credit history and requires up-front payments, before the lender is identified and the application is completed.

Advertisements promising this loan generally appear in the classified section of newspapers and magazines and on the Internet.

Beware of anyone who says your credit history doesn't matter while offering you a loan or a credit card.

### PAYDAY LOAN

The payday loan industry has exploded in Missouri and across the country in recent years. These loans are intended to be paid back with your next paycheck.

However, some borrowers cannot afford to pay the loan by the deadline and renew or extend their loan. This cycle becomes addictive for many consumers, and the fees pile up. In 2005, the average consumer in Missouri paid a 408 annual percentage rate on a payday loan. That is more than four times the original loan amount.

Payday loans usually are used to help pay bills. But research shows that a payday loan is far more expensive than late fees for a credit card, rental property or utility bill.

### TITLE LOAN

Title loans may seem like an easy way to get extra money, but beware. You are getting the loan based on the equity, or dollar value, of your car. If you can't repay the loan, you could lose your car.



### Money tree not producing?

If you are having financial problems, contact a debt counselor. The Foundation for Credit Counseling can help find counselors at [www.nfcc.org](http://www.nfcc.org) or 800-388-2227.



## **LOAN FROM PAWNBROKER**

Pawnbrokers lend money in exchange for collateral, but not for its full value. If you fail to repay the loan, you lose your property and the pawnbroker can sell it.

### **Under Missouri law, pawnbrokers:**

- Cannot charge more than 2 percent interest per month, plus any storage fees.
- Can lend money for only 30 days at a time. The loan can be extended if you and the pawnbroker agree.
- Cannot sell your property until 60 days after the date your loan repayment was due. You still can pay off your loan during this time with additional interest.

## **CREDIT CARDS**

### **Don't fall for credit card offers that:**

- Require you to call a “900” phone number. You call, you pay.
- Advertise that poor credit history is no problem.
- Require application or processing fees before you get a card. Some Missouri consumers have been duped into paying an advance fee for a credit card, to later find that the card is only usable from the company’s catalog.

## **CREDIT REPAIR**

There is no quick fix. Companies that advertise credit repair may be encouraging you to violate federal law by lying on a loan or credit application, misrepresenting your Social Security number or getting an employer identification number from the Internal Revenue Service under false pretenses. Regardless of scam artists’ claims, you cannot change true information on your report.

The only true way to restore your credit is to pay your bills and replace your bad credit history with good.

To find a debt counselor, contact the Foundation for Credit Counseling at [www.nfcc.org](http://www.nfcc.org) or 800-388-2227.



### **No quick fix**

No company can repair a poor credit history. Only time, effort and debt repayment can fix your credit.

## INVESTMENTS

Beware of promises of risk-free investments with huge financial returns. Some con artists may boast of inside information, hot tips or other tricks that will give you an advantage over other investors. No legitimate promoter will make such claims.

You also may hear that if you do not act quickly you will miss out on a once-in-a-lifetime opportunity, so you must send money by overnight courier or wire transfer. Once the money is sent, you never will hear from the salesperson.



### Tips to avoid scams

- Be skeptical of any unsolicited phone calls, e-mails or personal visits from strangers about investments.
- Don't do business with a faceless person over the phone. And work with companies that are known or recommended by someone you trust.
- Check out the company with the Securities Division of the Secretary of State's Office, 800-721-7996. All securities brokers and securities sold in Missouri (unless exempted by statute) must be registered.
- Ask for a prospectus, financial statement or similar document before you consider investing. Then read the fine print and make sure you understand the terms thoroughly before signing any commitment. Make checks payable to the company, not the broker.
- Ask the salesperson to send literature about the firm. Do not be swayed by glossy brochures some con artists produce. Also, ask for a written proposal describing conditions of the contract and a form outlining the investment risks.
- Get a second opinion on the investment from your lawyer, stockbroker, accountant or other qualified expert.

### Report missing credit card

Once you report your credit card is lost or stolen, you are not liable for unauthorized purchases.

- When in doubt, hang up. It is better to wait and miss an opportunity than to act hastily and lose your money.

## WORK-AT-HOME SCHEMES

Check out promises by those offering pay for work done at home, especially if you are asked to send upfront money. You probably will never make any money or even regain the money sent for supplies or materials.

### Common scams

- **Envelope-stuffing:** For \$20 you get instructions on how to place the same ad in other newspapers to trick others into sending you \$20.
- **Assembly or craft work:** You buy supplies and make items that the company agrees to buy but doesn't.
- **Proofreading:** In exchange for a fee you pay, you are promised books to proofread. The books are not provided.
- **Medical billing:** For several thousand dollars you are promised software, training and technical support that will bring you huge earnings using your computer to process claims for doctors and dentists. Promoters falsely promise to provide customers and experienced sales staff to assist you. Few consumers recover their investment.



### Save time, money

Check out the facts before taking a job. In general, you should **never** have to pay a fee up front for employment.

## Risky business

Invest only what you can afford to lose.

## SHOPPING ONLINE

Shopping on the Internet offers competition, bargains and convenience, but there are dangers. To protect yourself while shopping:

- Compare prices and offers at multiple Web sites. Many “e-tailers” offer free or low-priced shipping.
- Search online for coupons and rebates.

Many online retailers will ask for coupon codes at checkout, offering anything from discounts to free shipping.

- Check out refund and exchange policies. There is no law that requires a retailer to accept returned merchandise.
- Double-check your order before clicking the purchase button. Make sure the quantity and total price are correct.
- Pay by credit card. You will have a better chance of disputing the charges if you need to.
- Print out your purchase order with confirmation number.
- Be aware that if you make online purchases, your electronic mailbox often will receive more commercial e-mails. Check a retailer’s privacy policy to see if you can opt out of receiving such e-mail or having your information shared with third parties.

Enter your credit card number only on secure Web sites. Addresses that start with “https:” — not “http:” — are good indicators of a secure site. Look for the picture of a locked padlock in the lower-right corner of your browser window.



**Look for the lock on secure sites.**



## ONLINE AUCTIONS

The No. 1 Internet consumer complaint concerns online auctions. Like traditional auctions, the high bidder wins. But that is where the similarity ends — online auction houses don’t hold the merchandise. The bidder deals directly with the seller who makes arrangements for payment and delivery. Some sellers, however, take the money without delivering what was advertised. Such online fraudsters have faced criminal prosecution in Missouri.

## Before you bid

- Verify the seller's identity. Some sellers may use a forged e-mail header, making it impossible to contact them.
- Ask about return policies and who pays for shipping.
- Ask to pay by credit card. If there is a problem, you can challenge the charges.
- Ask about using an escrow agent or paying c.o.d. for expensive items if the seller does not take credit cards. Escrow agents (for a fee) hold the buyer's payment until the bid item is verified.



### A NEW YOU: IDENTITY THEFT

Identity theft occurs when someone uses, without your knowledge, your name and personal information such as Social Security, credit card and bank account numbers to commit fraud or theft.

### Armed with this personal information, thieves can:

- Open new credit accounts using your personal information. When bills are not paid, it goes on your credit report.
- Charge money on your credit card or make withdrawals from your bank account.
- Establish cellular phone service in your name.
- Open bank accounts and write bad checks.

### Preventing identity theft



- Don't give your Social Security or account numbers unless you initiate the contact. In a "phishing" scam, a con artist e-mails you, posing as an organization like a bank. You are instructed to confirm personal information.
- Don't put your Social Security number on checks and driver's license.



### Don't get hooked by a phishing scam

You may see e-mails that appear to be from a bank, government agency or other important organization, asking for personal information. These are always scams — don't bite.

### Thwart dumpster divers

Shred trash with personal information. The dumpster is a rich source of information for ID thieves.

**Get a free credit report three times a year  
at [www.annualcreditreport.com](http://www.annualcreditreport.com)**

or by calling toll-free 877-322-8228. Then check them to make sure the transactions are only yours.

Get a copy from each of the three credit bureaus: Trans Union, Experian and Equifax. The law allows you one free report per year from each company.

Note: This is the only Web site providing a free credit report. Watch for misleading sites requiring a purchase of another product.



- Shred trash with sensitive information. Include convenience checks and credit card offers you get in the mail.
- Send sensitive mail using a post office drop box, rather than your mailbox at home.
- Carry only the credit cards and documents you need on a daily basis. Don't carry your Social Security card.
- Opt out of pre-approved credit card offers and get fewer solicitations at home: [www.optoutprescreen.com](http://www.optoutprescreen.com) or 888-5OPTOUT (888-567-8688).
- Use virus protection, a firewall and spyware detection on your computer.

**DETECT AS WELL AS PROTECT**

- Check bank and credit card statements monthly to watch for unauthorized charges and withdrawals.
- Check your credit report yearly for free at all three credit bureaus.

**What victims can do**

- Contact that financial institution that says you owe money and file a dispute. Normally consumers are not held responsible for unauthorized charges.
- Close the accounts the thief has accessed, or at least get new account numbers.
- File a report with your local police and get a copy. You may need it to clear your name with creditors.
- File a complaint with the Attorney General's Identity Theft Hotline at 800-392-8222 or [www.ago.mo.gov](http://www.ago.mo.gov).

**ID Theft  
Hotline  
800-392-8222**

## Pre-need funeral plans

When a consumer buys a pre-need funeral plan, a seller agrees to provide funeral services and merchandise at the time of the buyer's death. Missouri law requires the seller to deposit 80 percent of the money in a trust fund only accessible to cover funeral expenses.

Funeral providers must give you an itemized list of services and costs.

Some consumers have been defrauded by funeral operators who take the money and spend it for other purposes. You have the right to see a record of all deposits made into the trust fund.

### Under Missouri law:

- Plans must specify exactly what merchandise and services you will receive, along with the prices for each.
- Sellers must register. Verify this with the Missouri Board of Funeral Examiners at 573-751-0813.
- You have the right to cancel a plan at any time.
- If you default on payments, you can recover any amount you paid into the plan, minus the first 20 percent of the purchase price.

## Life choices

For consumers of all ages, now is the time to make decisions about what kind of medical care you would like if you are unable to speak for yourself.

If the worst happens, do you want artificial nutrition and hydration? Life support? Life-prolonging treatment? CPR? If you can't speak, who would you like to speak for you?

These questions and others can be addressed in Life Choices, a publication from the Attorney General's Office.

Life Choices walks you through the legal process of putting your intentions in writing and provides forms such as the health care directive and durable power of attorney for health care.



To order a free copy:  
800-392-8222  
[www.ago.mo.gov](http://www.ago.mo.gov)

## HOW TO HANDLE A COMPLAINT

When you have a complaint, first contact the business. Accurately describe the problem and what action you would like taken. Do you want your money back, a repair or exchange?

Keep a record of your efforts, including copies of all correspondence.

### Complaint letter — what to say:

- Be brief.
- State your name, address, home or work phone number, and an account number if appropriate.
- Include date and place of purchase, who performed the service, product information such as serial or model number, and warranty terms.
- State the problem and how you want it corrected.
- Include **copies** of all supporting documents.

If you paid with a credit card, write that company. It might be able to resolve your problem about shoddy or nondelivered merchandise. If you are not satisfied with the results, file a formal complaint with the Attorney General's Office or your local Better Business Bureau.

You can get a consumer complaint form from the Attorney General's Office at [www.ago.mo.gov](http://www.ago.mo.gov) or by calling the Consumer Protection Hotline at 800-392-8222.

The BBB has offices in St. Louis (314-645-3300), Kansas City (816-421-7800) and Springfield (417-862-4222).

The BBB also offers a free consumer arbitration service to settle disputes between businesses and consumers.

As a last resort, you can file a lawsuit in small claims court or seek legal action in other courts. Consumers who have a claim for up to \$3,000 can, without hiring a lawyer, file suit to recoup their money in small claims court.



### Take steps to address complaint

You probably will get better results if you remain calm and rational as you work to resolve a complaint.

### Know a store's refund policy

Stores set their own policies on refunds. Missouri has no law on refund policies.



## Sample complaint letter

Your name  
Your address  
Your city, state, zip code

Date

**Replace the purple text with your own information**

Contact Person (if available)  
Title (if available)  
Company name  
Company address  
Company city, state, zip code

Re: account number, if applicable

Dear Contact Person:

On **date**, I **bought/leased/rented/had repaired** a product and **model number** at **location**. Unfortunately, I have not been satisfied because **state problem**. To resolve this problem, I would like your company to **state action you want taken**. Enclosed are copies of my records.

**Do not send originals**

I look forward to your prompt reply and a resolution to my complaint. You may contact me at the address listed above or by telephone at **number with area code**.

Thank you for your assistance and cooperation in this matter.

Sincerely,  
Your signature  
Your name

Enclosure(s) [Attach copies of all relevant records]

cc: List names of those receiving copies of this complaint letter if applicable

## Agencies to contact for help

### STATE AGENCIES

#### Attorney General's Office

[www.ago.mo.gov](http://www.ago.mo.gov)  
(get complaint forms)

#### Consumer Protection Hotline:

800-392-8222

Handles complaints against individuals or companies. You also can check for complaints already on file.

**No Call Hotline:** Toll-free 866-662-2551

Decrease telemarketing calls to your home.

#### Crime Victims Compensation Program

[www.dolir.mo.gov/wc/cv\\_help.htm](http://www.dolir.mo.gov/wc/cv_help.htm) 573-526-6006  
800-347-6881

Provides financial assistance to violent-crime victims or their dependents.

#### Department of Health and Senior Services

Elder Abuse Hotline: 800-392-0210

Investigates reports of abuse, neglect or financial exploitation.

#### Division of Finance

[www.missouri-finance.org](http://www.missouri-finance.org) 573-751-3242

Handles complaints about mortgage bankers, debt collection and harassment, credit bureaus, payday and title loan stores and other lenders.

#### Department of Insurance, Consumer Affairs

Hot line: 800-726-7390

[www.insurance.mo.gov](http://www.insurance.mo.gov)

Handles complaints regarding insurance companies and will verify credentials of insurance sales representatives.

#### Public Service Commission

[www.psc.mo.gov](http://www.psc.mo.gov) 800-392-4211

Manufactured housing hot line: 800-819-3180

Investigates complaints against public utilities and manufactured housing (such as mobile homes) defects.

#### Late delivery

If a mail or telephone order does not arrive in the time period promised, you can cancel most orders.

**Office of Chief Disciplinary Counsel**

www.mochiefcounsel.org  
573-635-7400  
Processes complaints against attorneys in Missouri.

**Secretary of State**

www.sos.mo.gov

**Securities, Investments:**

800-721-7996

Toll-free hot line handles complaints and inquiries about stockbrokers, broker-dealers and investments.

**General inquiries:** 573-751-4153

Provides information on registrations of corporations, fictitious names and benevolent organizations.

**Hammer out a solution**

First try to work out a problem with a company or individual before considering court action. It may save you time and money.



**FEDERAL AGENCIES**

**Americans with Disabilities Act Information Line**

www.ada.gov 800-514-0301 TTY: 800-514-0383

Provides information on federal guidelines for the disabled.

**Federal Trade Commission**

www.ftc.gov Toll-free 877-FTC-HELP (877-382-4357)  
TDD-TTY: 866-653-4261

Federal consumer protection agency.

(You also can click onto www.consumer.gov, a one-stop link to a broad range of federal information on consumer issues.)

**Federal Information Center**

www.info.gov 800-FED-INFO (800-333-4636)

Provides phone numbers and general information about federal agencies and programs.

**Labor Department, Wage & Hour Division**

Kansas City district: 913-551-5721  
St. Louis district: 314-539-2706  
Springfield district: 417-831-5227  
Handles wage disputes.

**Social Security Administration,**

Office of Public Inquiries

[www.ssa.gov](http://www.ssa.gov)

800-772-1213 TTY: 800-325-0778

Provides information on retirement, disability and benefits for dependents and survivors.

**PRIVATE AGENCIES**

**AARP**

[www.aarp.org](http://www.aarp.org)

800-OUR-AARP (800-687-2777)

Lobbies for and promotes programs and issues of interest to seniors.

**BBB Wise Giving Alliance**

[www.give.org](http://www.give.org) 703-276-0100

Provides information on national nonprofit organizations.

**Better Business Bureau**

● **Kansas City:** [www.kansascity.bbb.org](http://www.kansascity.bbb.org) 816-421-7800

● **Springfield:** [www.springfield-mo.bbb.org](http://www.springfield-mo.bbb.org) 417-862-4222

● **St. Louis:** [www.stlouis.bbb.org](http://www.stlouis.bbb.org) 314-645-3300

Handles consumer complaints throughout Missouri. Offers free mediation services for disputes between customers and businesses.

**Missouri Bar**

[www.mobar.org](http://www.mobar.org) 573-635-4128

Provides free brochures to public on legal matters such as probate, wills, bankruptcy and finding legal help.

**Missouri Bar Lawyer Referral Service**

St. Louis: 314-621-6681

Kansas City: 816-221-9472

Greene County: 417-831-2783

Jefferson City: 573-636-3635

Provides lawyer referrals in your area. There is a fee.

**Missouri Victim Assistance Network**

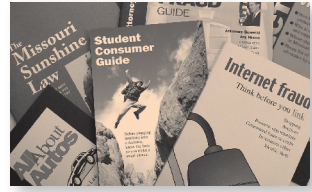
[www.mova.org](http://www.mova.org) 800-698-9199

Nonprofit organization advocates for fair treatment of crime victims.

**Warranty rights**

Your warranty rights do not run out for problems you complained about and were not fixed properly during the warranty period.

# Other brochures



## CONSUMER GUIDES

- For general public
- For college students
- For Hispanics

*Publications also are available at [www.ago.mo.gov](http://www.ago.mo.gov)*

## CAR/HOME

- All About Autos
- Charitable Giving
- Door-to-Door Sales
- Home Repair Fraud
- Identity Theft
- Internet Fraud
- Landlord-Tenant Law (available in Spanish)
- Lien Law
- Warranties

## SOLICITATIONS/SALES

- Buying Tips
- Contest Cons
- Magazine Sales
- Slamming & cramming
- Sweepstakes
- Telemarketing Fraud
- The Real Deal: Shows kids how to be smart shoppers
- Travel Scams
- Vacation Timeshares

## INVESTMENT

- Bank Examiner & Pigeon Drop Schemes
- Business Offers
- Home Equity Loans
- Investment Scams
- Pyramid (get-rich-quick) Schemes

## HEALTH

- Health & Fitness Clubs
- Life Choices: Plan now for end-of-life care
- Pre-need Funeral Plans

## LEGAL/BUSINESS

- The Court Process: How the criminal justice system works
- Credit Repair Scams
- Crime Victims' Rights
- Gambling, Lotteries, Raffles
- Protecting Victims of Domestic Violence
- Rules for Advertising: Code of State Regulations
- The Sunshine Law: State's Open Meetings & Records Law

## HANDLING COMPLAINTS

- Consumers, Take Action

**Get a free copy**



**CLICK**

**[www.ago.mo.gov](http://www.ago.mo.gov)**



**CALL**

Consumer Protection Hotline:  
**800-392-8222**

## **FILE A COMPLAINT**

To file a consumer complaint or to get more information, visit the Attorney General's Web site or call the Consumer Protection Hotline:



OFFICE OF ATTORNEY GENERAL

**JEREMIAH W. (JAY) NIXON**

PO Box 899

Jefferson City, MO 65102

573-751-3321

[www.ago.mo.gov](http://www.ago.mo.gov)

PRINTED JANUARY 2007