

# 臺北市消費者保護自治條例

## Taipei City Self-Government Ordinances for Consumer Protection

中華民國 111 年 11 月 16 日臺北市府(111)府法綜字第 1113048382 號令修正公布

Amended and promulgated by the Taipei City Government (111) Fu Fa Zhong Order No. 1113048382, on November 16, 2022

### 第二章 消費者權利之保護

#### Chapter 2 Protection of Consumer Rights

##### 第三條

本市應投保公共意外責任保險之消費場所，其所有人或使用人應投保公共意外責任保險。

企業經營者使用市政府各場地管理機關管理之場地作為消費場所者，應於使用期日前，檢具投保公共意外責任保險之證明文件經該場地管理機關審核通過，始得使用該場地。但場地管理機關已投保者，不在此限。

前二項所稱之消費場所，指提供消費關係之場所。

市政府執行機關對所主管之消費場所於辦理公共安全檢查、簽證、核發許可證照或相關業務檢查時，應一併查核第一項之消費場所有無投保公共意外責任保險。

第一項應投保公共意外責任保險之消費場所種類、範圍及其最低投保金額，由市政府定之。

#### Article 3

The owners or users of consuming places in the City that are required to be insured against public liability shall take out a public liability insurance.

Traders who use the places managed by the various venue management agencies of the City Government as consuming places shall submit the certificate of public liability insurance coverage and obtain approval from

the venue management agencies before using the places except that the insurance has been taken out by the venue management agencies.

The consuming places referred to in the foregoing paragraphs are the places where consumer relationships built.

The executive authorities of the City Government shall ascertain the consuming places stipulated in paragraph 1 have been taken out public liability insurance while conducting public safety inspections, providing certification, issuing licenses, or conducting related business inspections to the consuming places they are in charge of.

The type, scope, and minimum sum assured for the public liability insurance that consuming places are required to take out in paragraph 1 shall be determined by the City Government.

#### 第四條

消費場所之所有人或使用人申請相關許可證照時，應檢附投保公共意外責任保險證明文件，違反者不予核發證照。

消費場所之所有人或使用人應將每年投保公共意外責任保險之證明文件，送市政府備查，變更保險內容時，亦同。

#### **Article 4**

While applying for the relevant licenses, the owners or users of consuming places shall enclose the certificate of public liability insurance or the licenses shall not be issued.

The owners or users of the consuming places shall send the certificate of public liability insurance to the City Government annually for future reference. The same rule shall be applied when the policy amendments are made.

#### 第五條

企業經營者提供之消費場所、商品或服務於本市發生重大災害，致消費者生命、身體、健康或財產遭受重大損害者，執行機關得經受害消費者或罹難者之父母、子、女及配偶同意，協助其向法院對企業經營者、負責人或其他依法應負責任之人之財產，依法聲請假扣押或協助處理和解賠償事宜或提供其他必要之法律服務援助。  
前項重大災害認定標準及協助範圍，由市政府定之。

#### **Article 5**

In the event of a major disaster of consuming places, goods or services provided by traders in the City which caused material injuries to lives, bodies, health, or properties of consumers, with the consent of the parents, sons, daughters, and spouses of the deceased, the executive authorities may assist them in applying to the court for a provisional attachment of the properties of the traders, responsible persons of the companies, and whoever shall be held legally responsible, assist compensation settlement or provide legal services and assistance.

The criteria for major disaster and the scope of assistance as stipulated in the preceding paragraph shall be determined by the City Government.

#### **第六條**

利用付費電話提供服務之企業經營者，不得於以未滿十八歲之青少年為主要讀者之報章雜誌刊登廣告或向其散發廣告文宣行為。

#### **Article 6**

Traders who provide services through pay call shall not distribute promotional materials or advertise in newspapers and magazines which target groups are juveniles.

#### **第七條**

企業經營者使用定型化契約者，應符合誠實信用與平等互惠原則，並依中央目的事業主管機關公告定型化契約應記載或不得記載事項辦理。

企業經營者與消費者訂立契約前，應給予消費者合理審閱期間。  
企業經營者應依法令或中央目的事業主管機關公告定型化契約應記載或不得記載事項，並確實辦理履約擔保。

#### **Article 7**

Traders who use standard contracts shall conform to the principle of good faith as well as equality and reciprocity and follow the mandatory or prohibitory provisions of standard contracts proclaimed by the authorities of the relevant competent authorities subordinate to the Central Government.

Before entering into contracts, traders shall provide a reasonable reviewing period for consumers to review the contract clauses.

Traders shall provide performance guarantees pursuant to the law as well as the mandatory or prohibitory provisions of standard contracts proclaimed by the relevant competent authorities subordinate to the Central Government.

#### 第八條

企業經營者以通訊交易或訪問交易方式訂立契約時，應將下列資訊以清楚易懂之文句記載於書面，提供消費者：

- 一、企業經營者之名稱、代表人、事務所或營業所及電話或電子郵件等消費者得迅速有效聯絡之通訊資料。
- 二、商品或服務之內容、對價、付款期日及方式、交付期日及方式。
- 三、消費者依消費者保護法（以下簡稱消保法）第十九條規定解除契約之行使期限及方式。
- 四、商品或服務依消保法第十九條第二項規定排除消保法第十九條第一項解除權之適用。
- 五、消費申訴之受理方式。
- 六、其他中央主管機關公告之事項。

經由網際網路所為之通訊交易，前項應提供之資訊應以可供消費者完整查閱、儲存之電子方式為之。

### **Article 8**

Where traders entering into contracts by distance sales or door-to-door sales with consumers, traders shall provide consumers with the following information clearly and conspicuously in writing:

1. The name of the traders, representatives, firms or business offices, phone number or email and contact information which consumers can get rapid and effective communication.
2. The contents, prices, payment dates, payment methods, delivery dates and method of delivery.
3. The period and procedure for consumers to exercise the right to rescind in accordance with Article 19 of the Consumer Protection Act (hereinafter referred to as the “CPA”).
4. The right to rescind, prescribed in paragraph 1 of Article 19 of the CPA, cannot be exercised upon the application of provisions prescribed in accordance with paragraph 2 of Article 19 of the CPA.
5. Consumer complaint handling procedure.
6. Any other matters proclaimed by the competent authorities.

Distance sales made via the Internet shall provide consumers with reviewable and savable information in electronic format.

### **第九條**

企業經營者對於其提供之商品或服務，應提供消費者充分與正確之資訊，不得有誤導、隱匿或欺罔之行為。

### **Article 9**

For the goods or services provided, traders shall provide consumers with adequate and accurate information and may not mislead, deceive or conceal from consumers.

## 第十條

企業經營者透過貸款機構以信用貸款分期付款方式（以下簡稱消費借貸契約）提供消費者商品或服務，或約定將其債權讓與貸款機構而由消費者分期付款與貸款機構者（以下簡稱債權讓與契約），除法令或中央目的事業主管機關公告定型化契約應記載或不得記載事項另有規定外，應於契約告知消費者下列事項，並取得消費者聲明已受告知之證明文件：

- 一、消費者已充分瞭解消費借貸契約或債權讓與契約，係指定用途之專案貸款，申貸款項將依消費者指示逕予撥款至企業經營者指定帳戶。
- 二、貸款機構名稱及聯繫方式。
- 三、消費借貸契約或債權讓與契約之利率、期數、總價款等內容。
- 四、企業經營者如有歇業、停業等無法繼續提供預付型商品或服務時，消費者得檢附催告企業經營者之存證信函或其他得證明企業經營者已無法繼續提供服務之證明，向貸款機構申請止付企業經營者未提供服務部分之貸款餘額。但企業經營者已有提供履約擔保者，不在此限。
- 五、終止或解除商品或服務契約，消費借貸契約或債權讓與契約亦同時終止或解除。惟商品或服務契約之終止或解除，企業經營者能證明係因可歸責於消費者之事由所致者，貸款機構得逕向消費者收取企業經營者已提供服務之分期款。

企業經營者應於消費借貸契約或債權讓與契約訂立後給與消費者該契約書正本。

前二項契約及證明文件，企業經營者得經消費者同意以電子文件為表示方法，並依電子簽章法規定辦理。

### Article 10

Unless otherwise stipulated by law or by the mandatory or prohibitory provisions of standard contracts proclaimed by the relevant competent authorities subordinate to the Central Government, when traders provide goods or services to consumers through lending institutions by means of installment credit ( hereinafter referred to as the “contract of loan for

consumption” ) or agree to assign the claims to lending institutions and the consumers pay the lending institutions by installments (hereinafter referred to as the “assignment of claims agreement”), the traders shall inform the consumers of the following matters in the agreements and obtain documents certifying that the consumers have been informed:

1. The consumers have fully understood that contracts of loan for consumption or assignment of claims agreements are loan projects with designated purposes and the funds shall be released directly to the designated accounts of the traders in accordance with the consumers' instructions.
2. The names and contact information of the lending institutions.
3. The interest rate, number of installments, and total amount of contracts of loan for consumption or assignment of claims agreements.
4. In case the traders may no longer provide prepaid goods or services due to temporary closure or shutdown, the consumers may request the lending institutions to stop payment of remaining loan balance for unprovided services by enclosing legal attest letters to the traders or other supporting documents, except the traders have provided performance guarantees.
5. In the event that goods or services contracts are terminated or rescinded, the contracts of loan for consumption or the assignment of claims agreements shall be terminated or rescinded at the same time. For causes attributable to the consumers proved by the traders, the lending institutions may request the consumers to pay the installments for services provided.

Traders shall provide consumers with reserved copies of the contracts of loan for consumption or the assignment of claims agreements after the agreements are concluded.

With the consent of the consumers, the contracts and supporting documents specified in the foregoing paragraphs may be executed in electronic form in accordance with the Electronic Signatures Act.

#### 第十一條

企業經營者於展覽活動販售商品或服務前，應提供下列文件予策劃展覽活動者檢視：

- 一、公司或商業登記等證明文件。若企業經營者所營事業應經目的事業主管機關許可者，並應提供目的事業主管機關核發之營業許可。
- 二、所販售之商品或服務，依法令或中央目的事業主管機關公告定型化契約應記載或不得記載事項應辦理履約擔保者，應提供履約擔保證明文件。

策劃展覽活動者應依前項規定檢視參與展覽之企業經營者之文件，企業經營者未依前項規定提供文件者，應拒絕企業經營者參與該次展覽活動。

策劃展覽活動者於展覽活動期間發現參與展覽之企業經營者所販售之商品或服務有損及消費者權益且情節重大者，應立即通報市政府。

#### **Article 11**

Traders shall provide the following documents to exhibition organizers for inspection before selling goods or services at exhibitions.

1. Certificate of company or business registration and other supporting documents. Traders shall provide the licenses if the business scopes require approval from relevant competent authorities.
2. Traders shall provide performance guarantees and the documents thereof towards goods or services provided pursuant to the law as well as the mandatory or prohibitory provisions of standard contracts proclaimed by the relevant competent authorities subordinate to the Central Government.

Exhibition organizers shall examine the documents of exhibitors in accordance with the preceding paragraph. Traders fail to provide the



documents in accordance with the preceding paragraph shall be refused to participate in the exhibition.

Exhibition organizers shall notify the City Government when the goods or services provided by exhibitors are seriously detrimental to interests of consumers during the exhibition.

## 第六章 消費爭議之處理

### Chapter 6 – Handling Consumer Disputes

#### 第一節 申訴

#### Section 1 Complaint

#### 第三十條

消費者與企業經營者因商品或服務發生消費爭議，符合下列情形之一者，消費者得向消費者服務中心申訴：

- 一、企業經營者之營業所或事務所所在地在本市。
- 二、契約之訂立地或履行地在本市。
- 三、侵權行為之行為地或結果地在本市。
- 四、消費者住居所在本市。

#### Article 30

When a consumer dispute arises between consumers and traders relating to goods or services in any of the following situations, consumers may file a complaint with the Consumer Service Center:

1. The business office or firm of the trader is in the City.
2. The place where the contract is made or performed is in the City.
3. The place where the tort committed or the result occurred is in the City.
4. The domicile or residence of the consumer is in the City.

#### 第三十一條

消費者服務中心受理申訴案件，應即依其性質移送執行機關處理。執行機關自移送之日起逾三十日未將處理結果告知消費者服務中心者，消費者服務中心得依申訴人之申請將案件移送消保官處理，並函知該執行機關改善。

申訴案件有下列情形之一者，消費者服務中心應不予受理，並函復申訴人：

- 一、經法院一審言詞辯論終結或判決。
- 二、經通知限期補正，屆期未補正。
- 三、非屬消費爭議事件。
- 四、非消費者或其代理人提起。
- 五、曾依消保法第四十四條申請調解，經調解不成立。
- 六、曾依法調解或仲裁成立。
- 七、同一消費爭議事件，重複依消保法第四十三條規定提起申訴。

### **Article 31**

When a complaint case is handled by the Consumer Service Center, it shall be referred to an executive authority in accordance with its content. Where the executive authority fails to inform the Consumer Service Center of the final result within 30 days of the referral, the Consumer Service Center may refer the case to the consumer ombudsman on receipt of the second complaint and shall inform the executive authority for improvement with a notification letter.

The Consumer Service Center shall reject the complaint in cases hereunder and inform the complainant with a notification letter:

1. The oral argument has concluded or the judgement has rendered in the court of first instance.
2. The complaint document is not corrected within the time limit as notified.
3. The matter is not a consumer dispute case.
4. The complaint is not filed by the consumer or his/her agent.

5. The consumer has applied for a mediation in accordance with Article 44 of the CPA, but the mediation failed.
6. A successful mediation or arbitration has reached in accordance with the law.
7. A complaint filed in accordance with Article 43 of the CPA being filed repeatedly.

### 第三十二條

執行機關處理申訴案件，應依下列程序辦理：

- 一、申訴案件不屬執行機關主管業務者，應錄案後移送各該管轄機關。
- 二、無前款情形者，應即函請企業經營者於文到之日起十五日內妥適處理，如須瞭解其事實和經過者，得轉請企業經營者查復。
- 三、企業經營者未予妥適處理而執行機關如認申訴人有理由時，應擇期請企業經營者及申訴人說明案情，商議解決方法。
- 四、經前二款方式仍未獲妥適處理者，執行機關應將處理結果函復申訴人及副知企業經營者，並得依申訴人之申請將全案移送消保官或本市消費爭議調解委員會處理。

執行機關依前項所為之處理，均應副知消費者服務中心及申訴人。

執行機關依前二項函復或副知申訴人、企業經營者或消費者服務中心，經其同意者，得以電子文件通知。

### Article 32

The executive authority shall handle a complaint case in accordance with the following procedures:

1. Where the complaint case found to be irrelevant to the executive authority, it shall be registered into the system and referred to its jurisdictional authority.
2. Except for the cases mentioned in the preceding subparagraph, the executive authority shall request the trader to handle the complaint properly within 15 days from the receipt of the letter notification. Furthermore, to know the truth and the whole story, the executive authority may request the trader for clarification and reply if needed.

3. Where the complaint is not handled properly and the executive authority finds the complainant is in the right, the executive authority may schedule a meeting for the two parties for clarification and resolution.
4. In the cases that a complaint is not handled properly as provided in the foregoing subparagraphs, the executive authority shall inform the complainant of the situation with a letter notification and provide a copy to the trader. And may refer the case to the consumer ombudsman or the Consumer Dispute Mediation Committee of the City.

The executive authority shall provide the Consumer Service Center and the complainant with the copies of the case referral in the preceding paragraph.

With the consent of the complainant, the trader or the Consumer Service Center, the notification letter in the foregoing paragraphs may be provided by electronic document.

### 第三十三條

消保官處理申訴案件，應依下列程序辦理：

- 一、非屬消費爭議或非屬第三十條所定案件，應不予受理或移送各該主管機關並副知申訴人。
- 二、須瞭解其事實及過程者，得請企業經營者、消費者保護團體或有關機關（構）提供有關資料研議或請企業經營者查復。
- 三、涉及法令規定疑義時，得送請有關機關（構）解釋及提供相關資料參考。
- 四、必要時得通知企業經營者及申訴人到場或以視訊等其他方式說明案情，商議解決方法。
- 五、經協商達成協議時，應製作協商紀錄，必要時得將紀錄函送雙方當事人；未獲妥適處理時，應告知申訴人，得向本市消費爭議調解委員會申請調解或逕向法院提起消費訴訟。

消保官依前項函送、副知申訴人或企業經營者，經其同意者，得以電子文件通知。

### **Article 33**

The consumer ombudsman shall handle a complaint case in accordance with the following procedures:

1. A case that is not a consumer dispute or what under Article 30 shall be rejected or referred to the competent authority and provide a copy to the complainant.
2. The consumer ombudsman may request the trader, the consumer protection groups or the relevant authorities to provide information for reference or request the trader for clarification and reply.
3. When the consumer ombudsman has any doubt about the provisions of the laws and regulations, he/she may request the relevant authorities to provide clarification and relevant information for his/her reference.
4. Inform the two parties to attend the meeting or join the conference call for the case clarification and dispute resolution if needed.
5. When an agreement is reached, a record of the negotiation shall be made and, if necessary, be sent to both parties. Where a complaint is not handled properly, the consumer ombudsman shall inform the complainant that a mediation application may be submitted to the Consumer Dispute Mediation Committee of the City or a consumer lawsuit may be filed in court.

With the consent of the complainant or the trader, the consumer ombudsman may provide them with the copy of referral or the record of the negotiation in the preceding paragraph by electronic document.

### **第三十四條**

消保官處理申訴案件，通知申訴人及企業經營者進行協商時，必要時得請執行機關派員列席。

### **Article 34**

When the consumer ombudsman handles a complaint case and informs the complainant and the trader of negotiation, representatives of the executive authority may be requested to attend the meeting if needed.

## 第二節 調解

### Section 2 Mediation

#### 第三十五條

消費者認為申訴案件未獲妥適處理時，得向本市消費爭議調解委員會申請調解。

消費爭議調解案件，當事人兩造之住居所、營業所或事務所均在本市轄區者，應向本市消費爭議調解委員會申請調解。有下列情形之一者，消費者亦得向本市消費爭議調解委員會申請調解：

- 一、消費者住居所、企業經營者之營業所或事務所所在地在本市。
- 二、消費關係發生地在本市。
- 三、兩造同意在本市調解。

#### Article 35

Where the consumer finds the complaint is not handled properly, the consumer may apply to the Consumer Dispute Mediation Committee of the City for mediation.

The consumer shall apply to the Consumer Dispute Mediation Committee of the City for mediation if the domiciles, residences, business offices or firms of the consumer dispute mediation case are all in the City. The consumer may apply to the Consumer Dispute Mediation Committee of the City for mediation also in cases hereunder.

1. The domicile or residence of consumer, or the business office or firm of the trader is in the City.
2. The consumer relationship built in the City.
3. Both parties agree to mediate in the City.

### 第三十六條

消費爭議調解案件調解成立者，應作成調解書並送法院核定；如經法院核定，與民事確定判決有同一效力。

調解不成立時，應製作調解不成立證明書；如申請調解人依法起訴時，得將調解不成立證明書附於書狀內。

#### **Article 36**

Where the mediation of a consumer dispute is successful, the mediation agreement shall be submitted to the court for approval. With the approval, the mediation agreement has the same binding effect as a final civil judgement.

In the case that the mediation fails, a mediation certificate shall be issued by the mediator to the petitioner as a pleading attachment in cases where an action is initiated pursuant to the applicable laws.

### 第三十七條

執行機關及消保官處理消費爭議案件所知悉之內容應予保密，不得予以洩漏或不當利用；發現有案件涉及刑事責任者，應將案件移請司法機關處理。

#### **Article 37**

The executive authority and the consumer ombudsman shall maintain confidentiality of the dispute case and shall not divulge or make improper use of it. Where there is criminal liability, it shall be referred to the judicial organ.