

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 2005

By: Bastin

AS INTRODUCED

An Act relating to the Oklahoma Deceptive Trade Practices Act; amending 78 O.S. 1991, Section 53, which relates to acts constituting deceptive trade practices; adding circumstance that constitutes a deceptive trade practice; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 78 O.S. 1991, Section 53, is amended to read as follows:

Section 53. (a) A person engages in a deceptive trade practice when in the course of his business, vocation, or occupation, he:

- (1) passes off goods or services as those of another;
- (2) knowingly makes a false representation as to the source, sponsorship, approval, or certification of goods or services;
- (3) knowingly makes a false representation as to affiliation, connection, association with, or certification by another;
- (4) uses deceptive representations or designations of geographic origin in connection with goods or services;
- (5) knowingly makes a false representation as to the characteristics, ingredients, uses, benefits or quantities of goods

or services or a false representation as to the sponsorship, approval, status, affiliation, or connection of a person therewith;

(6) represents that goods are original or new if they are not;

(7) represents that goods or services are a particular standard, quality, or grade, or that goods are a particular style or model, if they are another;

(8) disparages the goods, services, or business of another by false or misleading representation of fact;

(9) advertises goods or services which differ from those offered for sale in the advertisements;

(10) advertises goods or services with intent not to supply reasonably expectable public demand, unless the advertisement discloses a limitation of quantity;

(11) makes false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions~~;~~ or

(12) advertises the price of an item after deduction of a rebate unless the actual selling price is advertised and clear and conspicuous notice is given in the advertisement that a mail-in rebate is required to achieve the lower net price.

(b) Evidence that a person has engaged in a deceptive trade practice shall be prima facie evidence of intent to injure competitors and to destroy or substantially lessen competition.

(c) The deceptive trade practices listed in this section are in addition to and do not limit the types of unfair trade practices actionable at common law or under other statutes of this state.

SECTION 2. This act shall become effective November 1, 1997.

46-1-5586

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