

1 ENGROSSED HOUSE  
2 BILL NO. 2278

By: Glenn, Shelton, Luttrell  
and Hoskin of the House

3 and

4 Wyrick of the Senate  
5  
6  
7

8 An Act relating to contracts; amending 15 O.S. 2001,  
9 Section 765.3, which relates to consumer protection;  
10 modifying acts constituting home repair fraud;  
11 defining term; providing for penalties; and providing  
12 an effective date.

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

14 SECTION 1. AMENDATORY 15 O.S. 2001, Section 765.3, is  
15 amended to read as follows:

16 Section 765.3 A. A person commits the offense of home repair  
17 fraud if the person knowingly or with reason to know:

18 1. Enters into a consumer transaction for home repair and  
19 knowingly or with reason to know:

- 20 a. misrepresents a material fact relating to the terms of  
21 the consumer transaction or the preexisting or  
22 existing condition of any portion of the property  
23 involved, or creates or confirms an impression of the  
24 consumer which is false ~~and which the violator does~~

1           ~~not believe to be true~~, or promises performance which  
2           the violator does not intend to perform or knows will  
3           not be performed~~+~~, or

4           b.    uses or employs any deception, false pretense or false  
5           promises in order to induce, encourage or solicit such  
6           consumer to enter into any consumer transaction~~+~~, or

7           c.    requires payment for the home repair at a price which  
8           unreasonably exceeds the value of the services and  
9           materials needed for the home repair;

10          2.    Damages the property of a person with the intent to enter  
11          into a consumer transaction for home repair; ~~or~~

12          3.    Misrepresents himself or another to be an employee or agent  
13          of any unit of the federal, state, county, or municipal government,  
14          or an employee or agent of any public utility, with the intent to  
15          cause a person to enter into, with himself or another, any consumer  
16          transaction for home repair; or

17          4.    Represents that the person, in any way, is licensed,  
18          insured, or bonded when entering into a consumer transaction for  
19          home repair, and fails to provide in writing to the consumer a  
20          detailed description of any and all licenses held by the person and  
21          employees, as well as all information with regard to insurance and  
22          bonding coverage prior to entering into the consumer transaction.

23          For purposes of this paragraph, a "detailed description" shall  
24          include:

- 1           a. the type of license,  
2           b. name, mailing address and phone number of the  
3           licensing agency,  
4           c. license number, if any,  
5           d. the issuance and expiration dates of each license,  
6           e. insurance and bonding policy number, if any, and  
7           f. the name, mailing address and phone number of the  
8           insurance and bonding company.

9           B. Anyone in violation of this section who places, or causes to  
10 be placed, any lien upon the property involved, in addition to other  
11 penalties as provided for in the Oklahoma Consumer Protection Act,  
12 shall be punishable by incarceration in the custody of the  
13 Department of Corrections for not more than two (2) years or by a  
14 fine not to exceed Ten Thousand Dollars (\$10,000.00) or both such  
15 fine and incarceration. Any such lien shall be considered null,  
16 with no legal effect, and the court may issue an order to that  
17 effect.

18           SECTION 2. This act shall become effective November 1, 2010.  
19  
20  
21  
22  
23  
24

1 Passed the House of Representatives the 16th day of February,  
2 2010.

3  
4  
5 Presiding Officer of the House of  
6 Representatives

7 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2010.

8  
9  
10 Presiding Officer of the Senate

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24