

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SENATE BILL 1860

By: Coffee

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6 AS INTRODUCED

7 An Act relating to unfair sales practices; amending
8 15 O.S. 2001, Section 598.5, which relates to
9 injunctive relief; clarifying language; and providing
10 an effective date.

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

12 SECTION 1. AMENDATORY 15 O.S. 2001, Section 598.5, is
13 amended to read as follows:

14 Section 598.5 (a) In addition to the penalties provided in this
15 act, any person injured by any violation, or who shall suffer injury
16 from any threatened violation of this act, may maintain an action in
17 any court of ~~equitable~~ competent jurisdiction to prevent, restrain
18 or enjoin such violation or threatened violation. If in such action
19 a violation or threatened violation of this act shall be
20 established, the court shall enjoin and restrain or otherwise
21 prohibit, such violation or threatened violation and, in addition
22 thereto, shall assess in favor of the plaintiff and against the
23 defendant the cost of suit. In such action if damages are alleged
24 and proved, the plaintiff in said action, in addition to such

1 injunctive relief and costs of suit, shall be entitled to recover
2 from the defendant the actual damages sustained by him.

3 (b) In the event no injunctive relief is sought or required, any
4 person injured by a violation of this act may maintain an action for
5 damages alone in any court of general jurisdiction, and the measure
6 of damages in such action shall be the same as prescribed in
7 subsection (a) of this section. Provided this act shall not
8 authorize suits or actions against newspapers, radio broadcasters,
9 or other advertising agencies through which such advertisements are
10 published, broadcast or otherwise made.

11 (c) Evidence of advertisement, offering to sell, or sale of
12 merchandise by any retailer or wholesaler at less than cost to him,
13 shall be prima facie evidence of intent to injure competitors and to
14 destroy or substantially lessen competition.

15 SECTION 2. This act shall become effective November 1, 2010.

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