

1 **SENATE FLOOR VERSION**

2 February 21, 2013

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 325

By: Halligan of the Senate

and

Williams of the House

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7  
8  
9 [ floral business locations - prohibiting  
10 misrepresentation of geographical location of  
business - codification - effective date -  
11 emergency ]

12  
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 1705 of Title 59, unless there  
16 is created a duplication in numbering, reads as follows:

17 A. A person may not misrepresent the geographical location of a  
18 business that derives fifty percent (50%) or more of its gross  
19 income from the sale or arranging for the sale of flowers or floral  
20 arrangements in the listing of the business:

21 1. In a telephone directory or other directory assistance  
22 database;

23 2. On an Internet website; or

24 3. In a print advertisement.

1 B. A person is considered to misrepresent the geographical  
2 location of a business for purposes of subsection A of this section  
3 if the name of the business indicates that the business is located  
4 in a geographical area and:

5 1. The business is not located within the geographical area  
6 indicated;

7 2. The listing fails to identify the municipality and state of  
8 the business's geographical location; and

9 3. A telephone call to the local telephone number:

10 a. listed in the directory or database routinely is  
11 forwarded or transferred to a location that is outside  
12 the calling area covered by the directory or database  
13 in which the number is listed; or

14 b. provided on the Internet website or in a print  
15 advertisement routinely is forwarded or transferred to  
16 a location that is outside the calling area of the  
17 geographical area as indicated by the name of the  
18 business.

19 C. A person may place a listing for a business, described by  
20 subsection A of this section, the name of which indicates that it is  
21 located in a geographical area that is different from the  
22 geographical area in which the business is located if a conspicuous  
23 notice in the listing states the municipality and state in which the  
24 business is located.

1 D. The provisions of this section shall not apply to:

2 1. A publisher of a telephone directory or other publication or  
3 a provider of a directory assistance service publishing or providing  
4 information about another business;

5 2. An Internet website that aggregates and provides information  
6 about other businesses;

7 3. An owner or publisher of a print medium providing  
8 information about other businesses;

9 4. An Internet service provider; or

10 5. An Internet service that displays or distributes  
11 advertisements for other businesses.

12 E. The provisions of this section shall apply only to a print  
13 advertisement disseminated or an Internet website posting available  
14 for viewing on or after the effective date of this act. A print  
15 advertisement disseminated or an Internet website posting available  
16 for viewing before the effective date of this act shall be governed  
17 by the laws applicable to deceptive advertising or unfair business  
18 practices or another provision of law in effect at the time the  
19 advertisement was disseminated or the posting was available for  
20 viewing. Nothing in this act shall be deemed to alter or modify any  
21 other provision of law in effect on or after the effective date of  
22 this act.

23 SECTION 2. This act shall become effective July 1, 2013.  
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1       SECTION 3. It being immediately necessary for the preservation  
2 of the public peace, health and safety, an emergency is hereby  
3 declared to exist, by reason whereof this act shall take effect and  
4 be in full force from and after its passage and approval.

5 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE  
6 February 21, 2013 - DO PASS AS AMENDED  
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