

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 SENATE BILL 325

By: Halligan

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6 AS INTRODUCED

7 An Act relating to floral business locations;
8 prohibiting misrepresentation of geographical
9 location of business; construing misrepresentations;
10 providing certain exceptions; construing certain
11 provisions; authorizing the Department of Labor to
12 investigate and enforce complaints and violations;
13 authorizing administrative fines; requiring rules;
14 directing the Department of Labor to promulgate
15 rules; providing for codification; providing an
16 effective date; and declaring an emergency.

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

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

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

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

2. On an Internet website; or

1 3. In a print advertisement.

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

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

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

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

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

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

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

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

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

7 2. An Internet website that aggregates and provides information
8 about other businesses;

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

11 4. An Internet service provider; or

12 5. An Internet service that displays or distributes
13 advertisements for other businesses.

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

1 F. The Department of Labor is authorized to investigate and
2 enforce any complaint of a violation of any provision of this
3 section. The Department of Labor shall establish by rule
4 administrative fines and other disciplinary sanctions for any
5 violation of the provisions of this section.

6 G. The Department of Labor is directed to promulgate rules to
7 implement the provisions of this act.

8 SECTION 2. This act shall become effective July 1, 2013.

9 SECTION 3. It being immediately necessary for the preservation
10 of the public peace, health and safety, an emergency is hereby
11 declared to exist, by reason whereof this act shall take effect and
12 be in full force from and after its passage and approval.

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