

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 653

By: Jech

4
5 AS INTRODUCED

6 An Act relating to floral business locations;
7 prohibiting misrepresentation of geographical
8 location of business; construing misrepresentations;
9 providing certain exceptions; construing certain
10 provisions; providing for codification; and providing
11 an effective date.

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

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

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

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

22 2. On an Internet website; or

23 3. In a print advertisement.

24 B. A person is considered to misrepresent the geographical
location of a business for purposes of subsection A of this section

1 if the name of the business indicates that the business is located
2 in a geographical area and:

3 1. The business is not located within the geographical area
4 indicated;

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

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

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

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

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

23 D. The provisions of this section shall not apply to:
24

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

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

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

8 4. An Internet service provider; or

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

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

22 SECTION 2. This act shall become effective November 1, 2015.
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