

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE BILL 1823

By: Jett

AS INTRODUCED

An Act relating to consumer protection; amending 15 O.S. 2021, Section 753, which relates to unlawful practices; prohibiting the targeting to minors of content or messages containing obscene material; and providing an effective date.

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

SECTION 1. AMENDATORY 15 O.S. 2021, Section 753, is amended to read as follows:

Section 753. A person engages in a practice which is declared to be unlawful under the Oklahoma Consumer Protection Act when, in the course of the person's business, the person:

1. Represents, knowingly or with reason to know, that the subject of a consumer transaction is of a particular make or brand, when it is of another;

2. Makes a false or misleading representation, knowingly or with reason to know, as to the source, sponsorship, approval, or certification of the subject of a consumer transaction;

1       3. Makes a false or misleading representation, knowingly or  
2 with reason to know, as to affiliation, connection, association  
3 with, or certification by another;

4       4. Makes a false or misleading representation or designation,  
5 knowingly or with reason to know, of the geographic origin of the  
6 subject of a consumer transaction;

7       5. Makes a false representation, knowingly or with reason to  
8 know, as to the characteristics, ingredients, uses, benefits,  
9 alterations, or quantities of the subject of a consumer transaction  
10 or a false representation as to the sponsorship, approval, status,  
11 affiliation or connection of a person therewith;

12       6. Represents, knowingly or with reason to know, that the  
13 subject of a consumer transaction is original or new if the person  
14 knows that it is reconditioned, reclaimed, used, or secondhand;

15       7. Represents, knowingly or with reason to know, that the  
16 subject of a consumer transaction is of a particular standard, style  
17 or model, if it is of another;

18       8. Advertises, knowingly or with reason to know, the subject of  
19 a consumer transaction with intent not to sell it as advertised;

20       9. Advertises, knowingly or with reason to know, the subject of  
21 a consumer transaction with intent not to supply reasonably expected  
22 public demand, unless the advertisement discloses a limitation of  
23 quantity;

1        10. Advertises under the guise of obtaining sales personnel  
2 when in fact the purpose is to sell the subject of a consumer  
3 transaction to the sales personnel applicants;

4        11. Makes false or misleading statements of fact, knowingly or  
5 with reason to know, concerning the price of the subject of a  
6 consumer transaction or the reason for, existence of, or amounts of  
7 price reduction;

8        12. Employs "bait and switch" advertising, which consists of an  
9 offer to sell the subject of a consumer transaction which the seller  
10 does not intend to sell, which advertising is accompanied by one or  
11 more of the following practices:

- 12            a. refusal to show the subject of a consumer transaction
- 13                    advertised,
- 14            b. disparagement of the advertised subject of a consumer
- 15                    transaction or the terms of sale,
- 16            c. requiring undisclosed tie-in sales or other
- 17                    undisclosed conditions to be met prior to selling the
- 18                    advertised subject of a consumer transaction,
- 19            d. refusal to take orders for the subject of a consumer
- 20                    transaction advertised for delivery within a
- 21                    reasonable time,
- 22            e. showing or demonstrating defective subject of a
- 23                    consumer transaction which the seller knows is
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1 unusable or impracticable for the purpose set forth in  
2 the advertisement,

3 f. accepting a deposit for the subject of a consumer  
4 transaction and subsequently charging the buyer for a  
5 higher priced item, or

6 g. willful failure to make deliveries of the subject of a  
7 consumer transaction within a reasonable time or to  
8 make a refund therefor upon the request of the  
9 purchaser;

10 13. Conducts a closing out sale without having first obtained a  
11 license as required in the Oklahoma Consumer Protection Act;

12 14. Resumes the business for which the closing out sale was  
13 conducted within thirty-six (36) months from the expiration date of  
14 the closing out sale license;

15 15. Falsely states, knowingly or with reason to know, that  
16 services, replacements or repairs are needed;

17 16. Violates any provision of the Oklahoma Health Spa Act;

18 17. Violates any provision of the Home Repair Fraud Act;

19 18. Violates any provision of the Consumer Disclosure of Prizes  
20 and Gifts Act;

21 19. Violates any provision of Section 755.1 of this title or  
22 Section 1847a of Title 21 of the Oklahoma Statutes;

23 20. Commits an unfair or deceptive trade practice as defined in  
24 Section 752 of this title;

1        21. Violates any provision of Section 169.1 of Title 8 of the  
2 Oklahoma Statutes in fraudulently or intentionally failing or  
3 refusing to honor the contract to provide certain cemetery services  
4 specified in the contract entered into pursuant to the Perpetual  
5 Care Fund Act;

6        22. Misrepresents a mail solicitation as an invoice or as a  
7 billing statement;

8        23. Offers to purchase a mineral or royalty interest through an  
9 offer that resembles an oil and gas lease and that the consumer  
10 believed was an oil and gas lease;

11       24. Refuses to honor gift certificates, warranties, or any  
12 other merchandise offered by a person in a consumer transaction  
13 executed prior to the closing of the business of the person without  
14 providing a purchaser a means of redeeming such merchandise or  
15 ensuring the warranties offered will be honored by another person;

16       25. Knowingly causes a charge to be made by any billing method  
17 to a consumer for services which the person knows was not authorized  
18 in advance by the consumer;

19       26. Knowingly causes a charge to be made by any billing method  
20 to a consumer for a product or products which the person knows was  
21 not authorized in advance by the consumer;

22       27. Violates Section 752A of this title;

23       28. Makes deceptive use of another's name in notification or  
24 solicitation, as defined in Section 752 of this title;

1       29. Falsely states or implies that any person, product or  
2 service is recommended or endorsed by a named third person;

3       30. Falsely states that information about the consumer,  
4 including but not limited to, the name, address or phone number of  
5 the consumer has been provided by a third person, whether that  
6 person is named or unnamed;

7       31. Acting as a debt collector, contacts a debtor and threatens  
8 to file a suit against the debtor over a debt barred by the statute  
9 of limitations which has passed for filing suit for such debt; ~~or~~

10       32. Acting as a debt collector, contacts a debtor and uses  
11 obscene or profane language to collect a debt; or

12       33. Targets knowingly, or with reason to know, minors with  
13 content or messages containing obscene material or sexual conduct as  
14 defined in Section 1024.1 of Title 21 of the Oklahoma Statutes.

15       SECTION 2. This act shall become effective November 1, 2022.

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