

OKLAHOMA STATE SENATE
CONFERENCE
COMMITTEE REPORT

May 19, 2023

Mr. President:

Mr. Speaker:

The Conference Committee, to which was referred

SB871

By: Floyd of the Senate and Blancett of the House

Title: Consumer protection; prohibiting misrepresentation as a state agency or an affiliate. Effective date.

together with Engrossed House Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the House recede from Amendment 1.
2. That the Senate accept Amendment 2.

Respectfully submitted,

SENATE CONFEREES:


Floyd 




Weaver

Coleman

Pugh


Thompson, K.

Prieto

Brooks

HOUSE CONFEREES:

Conference Committee on Business and Commerce

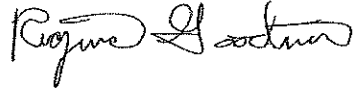
Senate Action _____ Date _____ House Action _____ Date _____

HOUSE CONFEREES

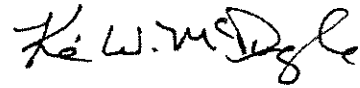
Banning, Chris

Cornwell, Rusty


Goodwin, Regina



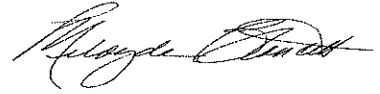
McDugle, Kevin



Tedford, Mark



Blancett, Meloyde



Dobrinski, Mike



Kendrix, Gerrid

Stinson, Preston

1 ENGROSSED HOUSE AMENDMENTS
TO
2 ENGROSSED SENATE BILL NO. 871 By: Floyd of the Senate
3 and
4 Blancett of the House
5
6

7 An Act relating to consumer protection; amending 15
8 O.S. 2021, Section 753, which relates to unlawful
9 practices; prohibiting misrepresentation as a state
10 agency or an affiliate; and providing an effective
11 date.

12 AMENDMENT NO. 1. Page 1, Lines 6 through 8, strike the title to
13 read:

14 "[consumer protection - unlawful practices -
15 affiliates - effective date]"

16
17 AMENDMENT NO. 2. Page 2, Lines 13 through 14, delete beginning with
18 the word "designation" through the word
19 "publication" and insert the following language:

20 "gives the false or misleading impression, of
21 being affiliated with a state agency or an
22 affiliate of a state agency through advertisement
23 or publication"

24 and amend title to conform

1 Passed the House of Representatives the 27th day of April, 2023.

2
3
4 Presiding Officer of the House of
5 Representatives

6 Passed the Senate the ____ day of _____, 2023.

7
8
9 Presiding Officer of the Senate

1 ENGROSSED SENATE
2 BILL NO. 871

By: Floyd of the Senate

3 and

4 Blancett of the House

5
6 An Act relating to consumer protection; amending 15
7 O.S. 2021, Section 753, which relates to unlawful
8 practices; prohibiting misrepresentation as a state
9 agency or an affiliate; and providing an effective
10 date.

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

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

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

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

20 2. Makes a false or misleading representation, knowingly or
21 with reason to know, as to the source, sponsorship, approval, or
22 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. Knowingly or with reason to know, makes a false or
13 misleading representation or designation as a state agency or an
14 affiliate of a state agency through advertisement or publication;

15 7. Represents, knowingly or with reason to know, that the
16 subject of a consumer transaction is original or new if the person
17 knows that it is reconditioned, reclaimed, used, or secondhand;

18 ~~7.~~ 8. Represents, knowingly or with reason to know, that the
19 subject of a consumer transaction is of a particular standard, style
20 or model, if it is of another;

21 ~~8.~~ 9. Advertises, knowingly or with reason to know, the subject
22 of a consumer transaction with intent not to sell it as advertised;

23 ~~9.~~ 10. Advertises, knowingly or with reason to know, the
24 subject of a consumer transaction with intent not to supply

1 reasonably expected public demand, unless the advertisement
2 discloses a limitation of quantity;

3 ~~10.~~ 11. Advertises under the guise of obtaining sales personnel
4 when in fact the purpose is to sell the subject of a consumer
5 transaction to the sales personnel applicants;

6 ~~11.~~ 12. Makes false or misleading statements of fact, knowingly
7 or with reason to know, concerning the price of the subject of a
8 consumer transaction or the reason for, existence of, or amounts of
9 price reduction;

10 ~~12.~~ 13. Employs "bait and switch" advertising, which consists
11 of an offer to sell the subject of a consumer transaction which the
12 seller does not intend to sell, which advertising is accompanied by
13 one or more of the following practices:

- 14 a. refusal to show the subject of a consumer transaction
15 advertised,
- 16 b. disparagement of the advertised subject of a consumer
17 transaction or the terms of sale,
- 18 c. requiring undisclosed tie-in sales or other
19 undisclosed conditions to be met prior to selling the
20 advertised subject of a consumer transaction,
- 21 d. refusal to take orders for the subject of a consumer
22 transaction advertised for delivery within a
23 reasonable time,

24

1 e. showing or demonstrating defective subject of a
2 consumer transaction which the seller knows is
3 unusable or impracticable for the purpose set forth in
4 the advertisement,

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

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

12 ~~13.~~ 14. Conducts a closing out sale without having first
13 obtained a license as required in the Oklahoma Consumer Protection
14 Act;

15 ~~14.~~ 15. Resumes the business for which the closing out sale was
16 conducted within thirty-six (36) months from the expiration date of
17 the closing out sale license;

18 ~~15.~~ 16. Falsely states, knowingly or with reason to know, that
19 services, replacements or repairs are needed;

20 ~~16.~~ 17. Violates any provision of the Oklahoma Health Spa Act;

21 ~~17.~~ 18. Violates any provision of the Home Repair Fraud Act;

22 ~~18.~~ 19. Violates any provision of the Consumer Disclosure of
23 Prizes and Gifts Act;

1 ~~19.~~ 20. Violates any provision of Section 755.1 of this title
2 or Section 1847a of Title 21 of the Oklahoma Statutes;

3 ~~20.~~ 21. Commits an unfair or deceptive trade practice as
4 defined in Section 752 of this title;

5 ~~21.~~ 22. Violates any provision of Section 169.1 of Title 8 of
6 the Oklahoma Statutes in fraudulently or intentionally failing or
7 refusing to honor the contract to provide certain cemetery services
8 specified in the contract entered into pursuant to the Perpetual
9 Care Fund Act;

10 ~~22.~~ 23. Misrepresents a mail solicitation as an invoice or as a
11 billing statement;

12 ~~23.~~ 24. Offers to purchase a mineral or royalty interest
13 through an offer that resembles an oil and gas lease and that the
14 consumer believed was an oil and gas lease;

15 ~~24.~~ 25. Refuses to honor gift certificates, warranties, or any
16 other merchandise offered by a person in a consumer transaction
17 executed prior to the closing of the business of the person without
18 providing a purchaser a means of redeeming such merchandise or
19 ensuring the warranties offered will be honored by another person;

20 ~~25.~~ 26. Knowingly causes a charge to be made by any billing
21 method to a consumer for services which the person knows was not
22 authorized in advance by the consumer;

1 ~~26.~~ 27. Knowingly causes a charge to be made by any billing
2 method to a consumer for a product or products which the person
3 knows was not authorized in advance by the consumer;

4 ~~27.~~ 28. Violates Section 752A of this title;

5 ~~28.~~ 29. Makes deceptive use of another's name in notification
6 or solicitation, as defined in Section 752 of this title;

7 ~~29.~~ 30. Falsely states or implies that any person, product or
8 service is recommended or endorsed by a named third person;

9 ~~30.~~ 31. Falsely states that information about the consumer,
10 including but not limited to, the name, address or phone number of
11 the consumer has been provided by a third person, whether that
12 person is named or unnamed;

13 ~~31.~~ 32. Acting as a debt collector, contacts a debtor and
14 threatens to file a suit against the debtor over a debt barred by
15 the statute of limitations which has passed for filing suit for such
16 debt; or

17 ~~32.~~ 33. Acting as a debt collector, contacts a debtor and uses
18 obscene or profane language to collect a debt.

19 SECTION 2. This act shall become effective November 1, 2023.
20
21
22
23
24

