

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 729

By: Frix

AS INTRODUCED

An Act relating to the Oklahoma Consumer Protection Act; amending 15 O.S. 2021, Section 753, as amended by Section 1, Chapter 368, O.S.L. 2023 (15 O.S. Supp. 2024, Section 753), which relates to unlawful practices; adding actions prohibited as unlawful practices; defining term; 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, as amended by Section 1, Chapter 368, O.S.L. 2023 (15 O.S. Supp. 2024, 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;

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

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

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

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

15          6. Knowingly or with reason to know, makes a false or  
16 misleading representation or gives the false or misleading  
17 impression of being affiliated with a state agency or an affiliate  
18 of a state agency through advertisement or publication;

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

22          8. Represents, knowingly or with reason to know, that the  
23 subject of a consumer transaction is of a particular standard, style  
24 or model, if it is of another;

1           9. Advertises, knowingly or with reason to know, the subject of  
2 a consumer transaction with intent not to sell it as advertised;

3           10. Advertises, knowingly or with reason to know, the subject  
4 of a consumer transaction with intent not to supply reasonably  
5 expected public demand, unless the advertisement discloses a  
6 limitation of quantity;

7           11. Advertises under the guise of obtaining sales personnel  
8 when in fact the purpose is to sell the subject of a consumer  
9 transaction to the sales personnel applicants;

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

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

- 18           a. refusal to show the subject of a consumer transaction
- 19                 advertised,
- 20           b. disparagement of the advertised subject of a consumer
- 21                 transaction or the terms of sale,
- 22           c. requiring undisclosed tie-in sales or other
- 23                 undisclosed conditions to be met prior to selling the
- 24                 advertised subject of a consumer transaction,

- 1           d. refusal to take orders for the subject of a consumer  
2           transaction advertised for delivery within a  
3           reasonable time,  
4           e. showing or demonstrating defective subject of a  
5           consumer transaction which the seller knows is  
6           unusable or impracticable for the purpose set forth in  
7           the advertisement,  
8           f. accepting a deposit for the subject of a consumer  
9           transaction and subsequently charging the buyer for a  
10          higher priced item, or  
11          g. willful failure to make deliveries of the subject of a  
12          consumer transaction within a reasonable time or to  
13          make a refund therefor upon the request of the  
14          purchaser;

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

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

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

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

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

- 1 19. Violates any provision of the Consumer Disclosure of Prizes  
2 and Gifts Act;
- 3 20. Violates any provision of Section 755.1 of this title or  
4 Section 1847a of Title 21 of the Oklahoma Statutes;
- 5 21. Commits an unfair or deceptive trade practice as defined in  
6 Section 752 of this title;
- 7 22. Violates any provision of Section 169.1 of Title 8 of the  
8 Oklahoma Statutes in fraudulently or intentionally failing or  
9 refusing to honor the contract to provide certain cemetery services  
10 specified in the contract entered into pursuant to the Perpetual  
11 Care Fund Act;
- 12 23. Misrepresents a mail solicitation as an invoice or as a  
13 billing statement;
- 14 24. Offers to purchase a mineral or royalty interest through an  
15 offer that resembles an oil and gas lease and that the consumer  
16 believed was an oil and gas lease;
- 17 25. Refuses to honor gift certificates, warranties, or any  
18 other merchandise offered by a person in a consumer transaction  
19 executed prior to the closing of the business of the person without  
20 providing a purchaser a means of redeeming such merchandise or  
21 ensuring the warranties offered will be honored by another person;
- 22 26. Knowingly causes a charge to be made by any billing method  
23 to a consumer for services which the person knows was not authorized  
24 in advance by the consumer;

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

4 28. Violates Section 752A of this title;

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

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

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

16 33. Acting as a debt collector, contacts a debtor and uses  
17 obscene or profane language to collect a debt; or

18 34. Owns, operates, maintains, or advertises a massage therapy  
19 establishment that:

20 a. employs massage therapists as defined by Section  
21 4200.2 of Title 59 of the Oklahoma Statutes who are  
22 not appropriately licensed or are not in compliance  
23 with the applicable licensing requirements of the  
24 Massage Therapy Practice Act,

- 1           b. employs persons who violate the provisions of Section  
2           4200.13 of Title 59 of the Oklahoma Statutes, or  
3           c. is not in compliance with any applicable provisions of  
4           the Massage Therapy Practice Act or any local  
5           ordinance or municipal code relating to the licensing  
6           or regulation of massage therapy establishments.

7 For purposes of this paragraph, "massage therapy establishment"  
8 means a place of business where a licensed massage therapist  
9 provides massage therapy services to clients in exchange for  
10 payment. Massage therapy establishment does not include the home of  
11 a client.

12           SECTION 2. This act shall become effective November 1, 2025.

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