

'JAN 17 2024'

A BILL FOR AN ACT

RELATING TO DECEPTIVE TRADE PRACTICES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 481A-3, Hawaii Revised Statutes, is
2 amended by amending its title and subsection (a) to read as
3 follows:

4 " ~~[+]~~ §481A-3 ~~[+]~~ Deceptive trade practices. (a) A person
5 engages in a deceptive trade practice when, in the course of the
6 person's business, vocation, or occupation, the person:

7 (1) Passes off goods or services as those of another;

8 (2) Causes likelihood of confusion or of misunderstanding
9 as to the source, sponsorship, approval, or
10 certification of goods or services;

11 (3) Causes likelihood of confusion or of misunderstanding
12 as to affiliation, connection, or association with, or
13 certification by, another;

14 (4) Uses deceptive representations or designations of
15 geographic origin in connection with goods or
16 services;



- 1 (5) Represents that goods or services have sponsorship,
2 approval, characteristics, ingredients, uses,
3 benefits, or quantities that they do not have or that
4 a person has a sponsorship, approval, status,
5 affiliation, or connection that the person does not
6 have;
- 7 (6) Represents that goods are original or new if they are
8 deteriorated, altered, reconditioned, reclaimed, used,
9 or secondhand;
- 10 (7) Represents that goods or services are of a particular
11 standard, quality, or grade, or that goods are of a
12 particular style or model, if they are of another;
- 13 (8) Disparages the goods, services, or business of another
14 by false or misleading representation of fact;
- 15 (9) Advertises goods or services with intent not to sell
16 them as advertised;
- 17 (10) Advertises goods or services with intent not to supply
18 reasonably expectable public demand, unless the
19 advertisement discloses a limitation of quantity;



1 (11) Makes false or misleading statements of fact
2 concerning the reasons for, existence of, or amounts
3 of price reductions; [øx]

4 (12) Advertises, displays, or offers a price for goods or
5 services that does not include all mandatory fees or
6 charges other than either of the following:

7 (A) Taxes or fees imposed by a government on the
8 transaction; or

9 (B) Postage or carriage charges that will be
10 reasonably and actually incurred to ship the
11 physical good to the consumer.

12 [~~(12)~~] (13) Engages in any other conduct [which] that
13 similarly creates a likelihood of confusion or of
14 misunderstanding."

15 SECTION 2. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17



S.B. NO. 2020

1 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

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S.B. NO. 2020

Report Title:

Deceptive Trade Practices; Hidden Fees; False Advertising

Description:

Makes it a deceptive practice to advertise, display, or offer a price for goods or services that does not include all mandatory fees or charges, with certain exceptions.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

