
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; [ø€]

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; or

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

15 SECTION 2. Section 481A-5, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "[+] §481A-5[+] **Application.** (a) This chapter does not
18 apply to:

19 (1) Conduct in compliance with the orders or rules of, or
20 a statute administered by, a federal, state, or local
21 governmental agency;

1 (2) Publishers, broadcasters, printers, or other persons
2 engaged in the dissemination of information or
3 reproduction of printed or pictorial matters who
4 publish, broadcast, or reproduce material without
5 knowledge of its deceptive character; or

6 (3) Actions or appeals pending on July 14, 1969.

7 (b) Sections 481A-3(a)(2) and 481A-3(a)(3) do not apply to
8 the use of a service mark, trademark, certification mark,
9 collective mark, trade name, or other trade identification that
10 was used and not abandoned before July 14, 1969 if the use was
11 in good faith and is otherwise lawful except for this chapter.

12 (c) Section 481A-3(a)(12) does not apply to persons
13 providing broadband internet access service on its own or as
14 part of a bundle in compliance with the broadband consumer label
15 requirements in title 47 Code of Federal Regulations section
16 8.1(a). For the purposes of this subsection, "broadband
17 internet access service" has the same meaning as defined in
18 title 47 Code of Federal Regulations section 8.1(b)."

19 SECTION 3. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 4. This Act shall take effect on July 1, 2040.



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. Takes effect 7/1/2040. (SD1)

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