

JAN 17 2025

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;



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

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

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

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

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

For the purposes of this subsection, "person" has the same meaning as defined in section 481B-21."

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

"~~[+]~~**\$481A-5**~~[+]~~ **Application.** (a) This chapter does not apply to:



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

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

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

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

15 (c) Section 481A-3(a)(12) shall not apply to a person
16 providing broadband internet access service on its own or as
17 part of a bundle in compliance with the broadband consumer label
18 requirements in title 47 Code of Federal Regulations section
19 8.1(a). For the purposes of this subsection, "broadband
20 internet access service" has the same meaning as defined in
21 title 47 Code of Federal Regulations section 8.1(b)."

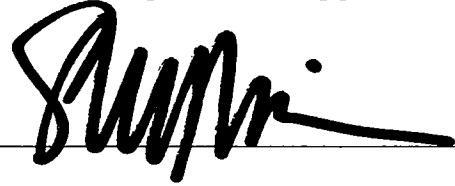


1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

A handwritten signature in black ink, appearing to be "S. Murphy", is written over a horizontal line.

S.B. NO. 1148

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.

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