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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3438

02/12/2024 Authored by Greenman; Rehm; Olson, L.; Frederick; Noor and others
The bill was read for the first time and referred to the Committee on Commerce Finance and Policy

1.1 A bill for an act
1.2 relating to consumer protection; defining deceptive trade practices to include the
1.3 failure to disclose mandatory fees in advertising; amending Minnesota Statutes
1.4 2023 Supplement, section 325D.44, subdivision 1.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2023 Supplement, section 325D.44, subdivision 1, is
1.7 amended to read:

1.8 Subdivision 1. Acts constituting. A person engages in a deceptive trade practice when,
1.9 in the course of business, vocation, or occupation, the person:

1.10 (1) passes off goods or services as those of another;

1.11 (2) causes likelihood of confusion or of misunderstanding as to the source, sponsorship,
1.12 approval, or certification of goods or services;

1.13 (3) causes likelihood of confusion or of misunderstanding as to affiliation, connection,
1.14 or association with, or certification by, another;

1.15 (4) uses deceptive representations or designations of geographic origin in connection
1.16 with goods or services;

1.17 (5) represents that goods or services have sponsorship, approval, characteristics,
1.18 ingredients, uses, benefits, or quantities that they do not have or that a person has a
1.19 sponsorship, approval, status, affiliation, or connection that the person does not have;

1.20 (6) represents that goods are original or new if they are deteriorated, altered,
1.21 reconditioned, reclaimed, used, or secondhand;

2.1 (7) represents that goods or services are of a particular standard, quality, or grade, or
2.2 that goods are of a particular style or model, if they are of another;

2.3 (8) disparages the goods, services, or business of another by false or misleading
2.4 representation of fact;

2.5 (9) advertises goods or services with intent not to sell them as advertised;

2.6 (10) advertises goods or services with intent not to supply reasonably expectable public
2.7 demand, unless the advertisement discloses a limitation of quantity;

2.8 (11) makes false or misleading statements of fact concerning the reasons for, existence
2.9 of, or amounts of price reductions;

2.10 (12) in attempting to collect delinquent accounts, implies or suggests that health care
2.11 services will be withheld in an emergency situation;

2.12 (13) engages in (i) unfair methods of competition, or (ii) unfair or unconscionable acts
2.13 or practices; ~~or~~

2.14 (14) engages in any other conduct which similarly creates a likelihood of confusion or
2.15 of misunderstanding; or

2.16 (15) advertises, displays, or offers a price for goods or services that does not include all
2.17 mandatory fees or surcharges. For purposes of this clause, "mandatory fee" includes but is
2.18 not limited to a fee or surcharge that: (i) must be paid in order to purchase the goods or
2.19 services being advertised; (ii) is not reasonably avoidable by the consumer; or (iii) a
2.20 reasonable consumer would expect to be included in the purchase of the goods or services
2.21 being advertised. Mandatory fee does not include taxes imposed by a government entity.