

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 3537

(SENATE AUTHORS: PORT and Marty)		
DATE	D-PG	OFFICIAL STATUS
02/12/2024	11554	Introduction and first reading
		Referred to Commerce and Consumer Protection
02/26/2024	11824	Author added Marty

1.1

A bill for an act

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relating to consumer protection; defining deceptive trade practices to include the

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failure to disclose mandatory fees in advertising; amending Minnesota Statutes

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2023 Supplement, section 325D.44, subdivision 1.

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

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Section 1. Minnesota Statutes 2023 Supplement, section 325D.44, subdivision 1, is

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amended to read:

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Subdivision 1. **Acts constituting.** A person engages in a deceptive trade practice when,

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in the course of business, vocation, or occupation, the person:

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

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(2) causes likelihood of confusion or of misunderstanding as to the source, sponsorship,

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approval, or certification of goods or services;

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(3) causes likelihood of confusion or of misunderstanding as to affiliation, connection,

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or association with, or certification by, another;

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(4) uses deceptive representations or designations of geographic origin in connection

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with goods or services;

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(5) represents that goods or services have sponsorship, approval, characteristics,

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ingredients, uses, benefits, or quantities that they do not have or that a person has a

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sponsorship, approval, status, affiliation, or connection that the person does not have;

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(6) represents that goods are original or new if they are deteriorated, altered,

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reconditioned, reclaimed, used, or secondhand;

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

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

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

(10) advertises goods or services with intent not to supply reasonably expectable public demand, unless the 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;

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

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

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

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