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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. 3277

March 1, 2010

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The bill was read for the first time and referred to the Committee on Commerce and Labor

1.1 A bill for an act
1.2 relating to commerce; specifying that advertising of deceptive local telephone
1.3 numbers for floral and locksmith businesses is a deceptive trade practice;
1.4 amending Minnesota Statutes 2008, section 325D.46, by adding a subdivision.

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

1.6 Section 1. Minnesota Statutes 2008, section 325D.46, is amended by adding a
1.7 subdivision to read:

1.8 **Subd. 3. Deceptive telephone-related directory listings and print**
1.9 **advertisements; florists and locksmiths.** (a) Sections 325D.43 to 325D.48 apply to floral
1.10 and locksmith businesses that violate this subdivision.

1.11 (b) A violation of this subdivision is a violation of section 325D.44, clauses (2)
1.12 and (4).

1.13 (c) This subdivision does not limit the application of sections 325D.43 to 325D.48 to
1.14 floral and locksmith businesses, or to any other business.

1.15 (d) For purposes of this subdivision:

1.16 (1) "floral business" means the business of selling, delivering, soliciting orders for,
1.17 or arranging for the sale of cut flowers, flower arrangements, or floral products;

1.18 (2) "locksmith business" means the sale, installation, and repair of locking devices,
1.19 including mechanical and electronic locking devices and related alarm systems; and

1.20 (3) "business is located within the geographic area," "geographic location of the
1.21 business," or similar term means that at least one owner or employee of the business
1.22 regularly performs services on behalf of the business at that location. Renting use of a
1.23 street address, post office box, or mail drop does not constitute having a business location.

2.1 (e) A person operating a floral or locksmith business shall not misrepresent the
2.2 geographic location of the business in the listing of the business in a telephone directory,
2.3 other directory assistance database, or on the Internet. A person misrepresents the
2.4 geographic location of the business under this section if the name of the business, or
2.5 the name under which the business is listed, indicates that the business is located in a
2.6 geographic area and all of the following apply:

2.7 (1) the business is not located within the geographic area indicated;

2.8 (2) the listing fails to identify the actual municipality and state of the business's
2.9 geographic location; and

2.10 (3) telephone calls to the local telephone number listed in the telephone directory,
2.11 directory assistance database, or on the Internet routinely are forwarded or transferred to a
2.12 location that is outside the calling area covered by the telephone directory or directory
2.13 assistance database in which the number is listed, or outside the local calling area for the
2.14 local telephone number posted on the Internet.

2.15 (f) A person operating a floral or locksmith business shall not misrepresent the
2.16 geographic location of the business in print advertisement. A person misrepresents the
2.17 geographic location of the business in print advertisement if a fictitious or assumed
2.18 business name is listed in print advertisement and both of the following apply:

2.19 (1) the name used misrepresents the geographic location of the business; and

2.20 (2) a telephone call to the local telephone number listed in the print advertisement
2.21 routinely is forwarded or transferred to a location that is outside the calling area for the
2.22 local telephone number listed.

2.23 **EFFECTIVE DATE.** This section is effective August 1, 2010, and applies to any
2.24 telephone directory, directory assistance database, Internet Web site, or print advertisement
2.25 provided, published, or posted on or after that date.