

SECOND REGULAR SESSION

HOUSE BILL NO. 1796

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SCHIEFFER (Sponsor), ONDER, DONNELLY, HODGES, AULL, PAGE, LeVOTA, DOUGHERTY, WHORTON, DARROUGH, WILDBERGER, QUINN (9), CASEY, OXFORD, SALVA, MEADOWS, KUESSNER, HOLSMAN, KOMO, CORCORAN, LOWE (44), FRAME, HUGHES, LIESE, GEORGE, SHIVELY, LOW (39), NASHEED, WRIGHT-JONES, DEEKEN, STREAM, WRIGHT, SCHNEIDER, TILLEY, HARRIS (110), SKAGGS, WILSON (119), BROWN (50), FUNDERBURK, JONES (89), SANDER AND FAITH (Co-sponsors).

Read 1st time January 23, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4088L.011

AN ACT

To amend chapter 407, RSMo, by adding thereto one new section relating to deceptive advertising practices.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 407, RSMo, is amended by adding thereto one new section, to be known as section 407.311, to read as follows:

- 407.311. 1. As used in this section, the following terms shall mean:**
- (1) **"Local telephone directory"**, a publication listing telephone numbers for various businesses in a certain geographic area and distributed free of charge to some or all telephone subscribers in that area;
- (2) **"Local telephone number"**, a telephone number that can be dialed without incurring long distance charges from telephones located within the area covered by the local telephone directory in which the number is listed. The term shall not include long distance numbers, toll-free numbers, or nine hundred exchange numbers listed in the local telephone directory;
- (3) **"Person"**, an individual, partnership, limited liability partnership, corporation, or limited liability corporation.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

12 **2. No person shall misrepresent the geographic location of the supplier of a service**
13 **or product by listing a fictitious business name or an assumed business name in a local**
14 **telephone directory if:**

15 **(1) The name misrepresents the geographic location of the supplier;**

16 **(2) The listing fails to identify the address, including the state of the business of the**
17 **supplier;**

18 **(3) Calls to the local telephone number are routinely forwarded or otherwise**
19 **transferred to a business location that is outside the calling area covered by the local**
20 **telephone directory; and**

21 **(4) The business location of the supplier is located in a county that is not contiguous**
22 **to a county in the calling area covered by the local telephone directory.**

23 **3. No person shall list a fictitious business name or assumed business name in a**
24 **directory assistance database if:**

25 **(1) The name misrepresents the geographic location of the supplier;**

26 **(2) Calls to the local telephone number are routinely forwarded or otherwise**
27 **transferred to a business location that is outside the local calling area; and**

28 **(3) The business location of the supplier is located in a county that is not contiguous**
29 **to a county in the local calling area.**

30 **4. For purposes of this section, a telephone company or other provider of a**
31 **telephone directory or directory assistance service or its officer or agent is immune from**
32 **liability for publishing the listing of a fictitious business name or assumed business name**
33 **of a supplier in its directory or directory assistance database unless the telephone company**
34 **or other provider of a telephone or directory assistance service is the same person as the**
35 **supplier of the services or products who has committed the deceptive act.**

36 **5. Any person who violates the provisions of this section is guilty of an unlawful**
37 **practice under section 407.020.**

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