

FINAL BILL REPORT

EHB 1422

C 168 L 15

Synopsis as Enacted

Brief Description: Concerning misrepresentation of a floral product business's geographic location and advertising requirements for floral product businesses.

Sponsors: Representatives Scott, Griffey and Condotta.

House Committee on Business & Financial Services
Senate Committee on Commerce & Labor

Background:

In 1999 legislation was enacted prohibiting florists from misrepresenting their geographic location. Where there is no conspicuous disclosure of the the actual location of the business, a floral business may not misrepresent its location by:

- listing a local telephone number in a local telephone directory if the calls to the number are routinely forwarded or otherwise transferred outside of the calling area covered by the directory; or
- listing a business name in a local telephone directory if the name misrepresents the business's geographic location.

A violation of these provisions is an unfair or deceptive act in trade or commerce and an unfair method of competition in violation of the Consumer Protection Act (CPA). Under the CPA, any person who is injured in his or her business or property by a violation may bring a civil action in superior court to enjoin further violations, to recover actual damages, as well as costs and attorneys' fees. A business in violation of the CPA by the use of unfair methods of competition and unfair or deceptive acts or practices is subject to a civil penalty of up to \$2,000.

Summary:

Businesses that provide floral or ornamental products or services are not permitted to list a local telephone number in an advertisement or listing unless the true physical address, including the city, is identified. If such a business lists a fictitious or assumed business name in any advertisement or listing that misrepresents the geographical location of the business, it must also identify the true location of the business including the city and state.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

If a business violates any of these prohibitions, the exclusive maximum punishment is a fine of \$250. The prohibitions do not apply to a publisher of a telephone directory or other publication, a provider of directory assistance, an Internet website that aggregates business information, or an Internet service provider.

Votes on Final Passage:

House	94	3	
Senate	44	5	(Senate amended)
House	96	0	(House concurred)

Effective: July 24, 2015