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service; or

1	House BILL NO. 688
2	INTRODUCED BY Frater Vinent & Kunder Olaxell
3	Rentres
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO MAKE UNLAWFUL THE
5	USE OF IMPROPER AND INFERIOR MATERIALS AND DEVICES TO
5	PERFORM CONTRACTED SERVICES; TO PROVIDE THAT POSSESSION OF
7	AND OFFER TO USE SUCH MATERIAL OR DEVICE IS PRIMA FACIE
8	EVIDENCE OF A PURPOSE TO COMMIT THE OFFENSE; AND TO MAKE
_	UNLAWFUL ANY FALSE OR MISLEADING STATEMENT REGARDING THE
9	
10	NEED FOR ANY PRODUCT OR SERVICE; AMENDING SECTION 94-6-308.
11	R.C.M. 1947.
12	
13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14	Section 1. Section 94-6-308, R.C.M. 1947, is amended
15	to read as follows:
	*94-6-308. Deceptive business practices. (1) A person
16	-94-8-308. Deceptive business practices. (1) * person
17	commits the offense of deceptive business practices if in
18	the course of engaging in a business, occupation, or
19	profession he purposely or knowingly:
23	(a) uses or possesses for use a false weight or
21	measure, or any other device for falsely determining or
22	recording any quality or quantity; or
23	(b) sells, offers, or exposes for sale, or delivers
24	less than the represented quantity of any commodity or

1	(c) takes or attempts to take more than the
2	represented quantity of any commodity or service when a
3	buyer he furnished the weight or measure; or
4	(d) sells, offers or exposes for sale adulterated
5	commodities; or
6	(e) sells, offers or exposes for sale mislabele
7	commodities; or
8	(f) makes a deceptive statement regarding the quantity
9	or price of goods in any advertisement addressed to the
10	public*:
11	(g) uses or offers to use a material or device in
12	rendering a service for another for an agreed purpose
13	knowing that the material or device will not accomplish the
14	proclaimed purpose: or
15	(h) induces or attempts to induce another to purchase
16	a product or service by means of false or misteading
17	statements as to the need for such product or service.
18	(2) "Adulterated" means varying from the standard of
19	composition or quality prescribed by statute or lawfull
20	promulgated administrative regulation, or if none, as set b
21	established commercial usage.
22	(3) "Mislabeled" means:
23	(a) varying from the standard of truth or disclosure
24	in labeling prescribed by statute or lawfully promulgated

administrative regulation, or if none, as set by established

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commercial usage; or

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- (b) represented as being another person's produce. though otherwise labeled accurately as to quality and quantity.
- (4) A-person-convicted-of-the-offense-of-deceptive business-practices-shall-be-fined-not-to-exceed-five-hundred dollars-(\$500)-or-be-imprisoned-in-the-county--jail--for--a 7 term--not--to--exceed-six-(6)-monthsy-or-boths Possession of the material or device specified in subsection (II(d). together with the use or offer to use such material or device in rendering the service, is prima facie evidence of a purpose to commit an offense under subsection (I)(g).
- 13 (5) A person convicted of the offense of deceptive 14 business practices shall be ifined not to exceed \$500 or be 15 imprisoned in the county jail for a term not to exceed 6 16 months or Noth

-End-

45th Legislature Hr 0688/02 HB 0688/02

## Approved by Committee on Business and Industry

l	HOUSE BILL NO. 688
2	INTRODUCED BY FRATES, VINCENT,
3	J. GUNDERSON. D'CONNELL, COURTNEY
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5	A BILL FOR AN ACT ENTITLED: "AN ACT TO MAKE UNLAWFUL THE
5	USE OF IMPROPER AND INFERIOR MATERIALS AND DEVICES TO
7	PERFORM CONTRACTED SERVICES; TO-PROVIDE-THATPOSSESSIONOF
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9	EVIDENCE-BF-A-PURPOSE-TO-GOMMIT-THEOFFENSET AND TO MAKE
10	UNLAWFUL ANY FALSE OR MISLEADING STATEMENT REGARDING THE
11	NEED FOR ANY PRODUCT OR SERVICE; AMENDING SECTION 94-6-308,
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16	commits the offense of deceptive business practices if in
19	the course of engaging in a business, occupation, or
20	profession he purposely or knowingly:
21	(a) uses or possesses for use a false weight or
22	measure, or any other device for falsely determining or
23	recording any quality or quantity; or
24	(b) sells, offers, or exposes for sale, or delivers
25	less than the represented quantity of any commodity or

ı	service; or
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4	buyer ne furnished the we
5	(d) sells, offers
6	commodities; or
7	(e) sells, offers
8	commodities; or
9	(f) makes a deception
10	or price of goods in
11	public#1
12	(g) uses or offers
1,3	rendering a service fo
14	knowing that the material
15	proclaimed purpose: or
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17	a product or sorvice b

- (c) takes or attempts to take more than the represented quantity of any commodity or service when as buyer ne furnished the weight or measure; or
- 5 (d) sells, offers or exposes for sale adulterated 6 commodities: or
- 7 (e) sells, offers or exposes for sale mislabeled
  8 commodities: er
- 9 (f) makes a deceptive statement regarding the quantity 10 or price of goods in any advertisement addressed to the 11 public\*;
- 2 (g) uses or offers to use a material or device in
  3 rendering a service for another for an agreed purpose.
  4 knowing that the material or device will not accomplish the
- 16 (b) induces or attempts to induce another to purchase

  17 a product or service by means of false or misleading

  18 statements as to the need for such product or service.
- 19 (2) "Adulterated" means varying from the standard of 20 composition or quality prescribed by statute or lawfully 21 promulgated administrative regulation, or if none, as set by 22 established commercial usage.
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1	.administrative regulation, or if none, as set by established
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11	together with the use of offer to use such material or
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15	business-practices shall be fined not to exceed 4500 or be
16	imprisoned in the county joil for a term not to exceed (
17	sonthan or boths
18	(4) A PERSON CONVICTED DE THE DEFENSE DE DECEPTIVE
19	BUSINESS PRACTICES SHALL BE FINED NOT TO EXCEED \$500 OR BE
20	IMPRISONED IN THE COUNTY JAIL FOR A TERM NOT TO EXCEED 6
21	MONTHS & OR BOTH

-End-

~3- HB 688

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HOUSE BILL NO. 688

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-End-

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