

1 House BILL NO. 688  
 2 INTRODUCED BY Frazer Vincent & Gordon Russell  
 3 Country  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO MAKE UNLAWFUL THE  
 5 USE OF IMPROPER AND INFERIOR MATERIALS AND DEVICES TO  
 6 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  
 9 UNLAWFUL ANY FALSE OR MISLEADING STATEMENT REGARDING THE  
 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:

16 "94-6-308. Deceptive business practices. (1) A 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:

- 20 (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
- 25 service; or

1 (c) takes or attempts to take more than the  
 2 represented quantity of any commodity or service when as  
 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 mislabeled  
 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 misleading~~  
 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 lawfully  
 20 promulgated administrative regulation, or if none, as set by  
 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  
 25 administrative regulation, or if none, as set by established

1 commercial usage; or

2 (b) represented as being another person's produce,  
3 though otherwise labeled accurately as to quality and  
4 quantity.

5 ~~(4) A person convicted of the offense of deceptive~~  
6 ~~business practices shall be fined not to exceed five hundred~~  
7 ~~dollars (\$500) or be imprisoned in the county jail for a~~  
8 ~~term not to exceed six (6) months, or both.~~ Possession of  
9 the material or device specified in subsection (1)(g),  
10 together with the use or offer to use such material or  
11 device in rendering the service, is prima facie evidence of  
12 a purpose to commit an offense under subsection (1)(g).

13 (5) A person convicted of the offense of deceptive  
14 business practices shall be fined not to exceed \$500 or be  
15 imprisoned in the county jail for a term not to exceed 6  
16 months, or both."

-End-

Approved by Committee  
on Business and Industry

1 HOUSE BILL NO. 688

2 INTRODUCED BY FRATES, VINCENT,

3 J. GUNDERSON, D'CONNELL, COURTNEY

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SECOND READING

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18 (4) A PERSON CONVICTED OF THE OFFENSE OF DECEPTIVE  
19 BUSINESS PRACTICES SHALL BE FINED NOT TO EXCEED \$500 OR BE  
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