

AMENDMENTS TO LB 469

1 1. Strike original sections 11 to 13 and all amendments
2 thereto and insert the following new sections:

3 "Sec. 11. A violation of the Telemarketing and Prize
4 Promotions Act shall be a deceptive trade practice under the
5 Uniform Deceptive Trade Practices Act and all the provisions of the
6 Uniform Deceptive Trade Practices Act shall apply to such
7 violations except as the Telemarketing and Prize Promotions Act may
8 otherwise specifically provide.

9 Sec. 12. Section 87-302, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 87-302. (a) A person engages in a deceptive trade
12 practice when, in the course of his or her business, vocation, or
13 occupation, he or she:

14 (1) Passes off goods or services as those of another;

15 (2) Causes likelihood of confusion or of misunderstanding
16 as to the source, sponsorship, approval, or certification of goods
17 or services;

18 (3) Causes likelihood of confusion or of misunderstanding
19 as to affiliation, connection, or association with, or
20 certification by, another;

21 (4) Uses deceptive representations or designations of
22 geographic origin in connection with goods or services;

23 (5) Represents that goods or services have sponsorship,
24 approval, characteristics, ingredients, uses, benefits, or

1 quantities that they do not have or that a person has a
2 sponsorship, approval, status, affiliation, or connection that he
3 or she does not have;

4 (6) Represents that goods are original or new if they are
5 deteriorated, altered, reconditioned, reclaimed, used, or
6 secondhand, except that sellers may repair damage to and make
7 adjustments on or replace parts of otherwise new goods in an effort
8 to place such goods in compliance with factory specifications;

9 (7) Represents that goods or services are of a particular
10 standard, quality, or grade, or that goods are of a particular
11 style or model, if they are of another;

12 (8) Disparages the goods, services, or business of
13 another by false or misleading representation of fact;

14 (9) Advertises goods or services with intent not to sell
15 them as advertised;

16 (10) Advertises goods or services with intent not to
17 supply reasonably expectable public demand, unless the
18 advertisement discloses a limitation of quantity;

19 (11) Makes false or misleading statements of fact
20 concerning the reasons for, existence of, or amounts of price
21 reductions;

22 (12) Uses or promotes the use of a chain distributor
23 scheme in connection with the solicitation of business or personal
24 investments from members of the public; ~~or~~

25 (13) With respect to a sale or lease to a natural person
26 of goods or services purchased or leased primarily for personal,
27 family, household, or agricultural purposes, uses or employs any

1 referral or chain referral sales technique, plan, arrangement, or
2 agreement; or

3 (14) Violates the Telemarketing and Prize Promotions Act.

4 (b) In order to prevail in an action under ~~sections~~
5 ~~87-301 to 87-306~~ the Uniform Deceptive Trade Practices Act, a
6 complainant need not prove competition between the parties.

7 (c) This section does not affect unfair trade practices
8 otherwise actionable at common law or under other statutes of this
9 state.

10 Sec. 13. Original section 87-302, Reissue Revised
11 Statutes of Nebraska, is repealed."

12 2. On page 2, line 1, strike "13" and insert "11".

13 3. Insert underscoring in the original sections and all
14 amendments thereto.