

SECOND REGULAR SESSION

SENATE BILL NO. 1114

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRAY.

Read 1st time February 11, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

4966S.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.

2. No person who sells, or offers for sale, any service or product shall:

(1) List a fictitious business name or an assumed business name in a local telephone directory if:

(a) The name misrepresents the geographic location of such person;

(b) The listing fails to identify the person's business address,

22 including the state;

23 (c) Calls to the local telephone number are routinely forwarded
24 or otherwise transferred to a business location that is outside the
25 calling area covered by the local telephone directory; and

26 (d) The business location of the person is located in a county
27 that is not contiguous to a county in the calling area covered by the
28 local telephone directory; or

29 (2) List a fictitious business name or assumed business name in
30 a directory assistance database if:

31 (a) The name misrepresents the geographic location of such
32 person;

33 (b) Calls to the local telephone number are routinely forwarded
34 or otherwise transferred to a business location that is outside the local
35 calling area; and

36 (c) The business location of the person is located in a county that
37 is not contiguous to a county in the local calling area.

38 3. For purposes of this section, a telephone company or other
39 provider of a telephone directory or directory assistance service or its
40 officer or agent is immune from liability for publishing the listing of a
41 fictitious business name or assumed business name of a person in its
42 directory or directory assistance database unless the telephone
43 company or other provider of a telephone or directory assistance
44 service is the same person as the person who has committed the
45 deceptive act.

46 4. Any person who violates the provisions of this section is guilty
47 of an unlawful practice under section 407.020.

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