

AMENDMENTS TO LB 155

Introduced by Rogert, 16.

1 1. Insert the following new section:

2 Sec. 21. Section 87-302, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 87-302 (a) A person engages in a deceptive trade
5 practice when, in the course of his or her business, vocation,
6 or occupation, he or she:

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

8 (2) Causes likelihood of confusion or of misunderstanding
9 as to the source, sponsorship, approval, or certification of goods
10 or services;

11 (3) Causes likelihood of confusion or of misunderstanding
12 as to affiliation, connection, or association with, or
13 certification by, another;

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

16 (5) Represents that goods or services have sponsorship,
17 approval, characteristics, ingredients, uses, benefits, or
18 quantities that they do not have or that a person has a
19 sponsorship, approval, status, affiliation, or connection that he
20 or she does not have;

21 (6) Represents that goods are original or new if they
22 are deteriorated, altered, reconditioned, reclaimed, used, or
23 secondhand, except that sellers may repair damage to and make

1 adjustments on or replace parts of otherwise new goods in an effort
2 to place such goods in compliance with factory specifications;

3 (7) Represents that goods or services are of a particular
4 standard, quality, or grade, or that goods are of a particular
5 style or model, if they are of another;

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

8 (9) Advertises goods or services with intent not to sell
9 them as advertised or advertises the price in any manner calculated
10 or tending to mislead or in any way deceive a person;

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

14 (11) Makes false or misleading statements of fact
15 concerning the reasons for, existence of, or amounts of price
16 reductions;

17 (12) Uses or promotes the use of a chain distributor
18 scheme in connection with the solicitation of business or personal
19 investments from members of the public;

20 (13) With respect to a sale or lease to a natural person
21 of goods or services purchased or leased primarily for personal,
22 family, household, or agricultural purposes, uses or employs any
23 referral or chain referral sales technique, plan, arrangement, or
24 agreement;

25 (14) Knowingly makes a false or misleading statement in a
26 privacy policy, published on the Internet or otherwise distributed
27 or published, regarding the use of personal information submitted

1 by members of the public;

2 (15) Uses any scheme or device to defraud by means of:

3 (i) Obtaining money or property by knowingly false or
4 fraudulent pretenses, representations, or promises; or

5 (ii) Selling, distributing, supplying, furnishing, or
6 procuring any property for the purpose of furthering such scheme;

7 (16) Offers an unsolicited check, through the mail or
8 by other means, to promote goods or services if the cashing or
9 depositing of the check obligates the endorser or payee identified
10 on the check to pay for goods or services. This subdivision does
11 not apply to an extension of credit or an offer to lend money;

12 (17) Mails or causes to be sent an unsolicited billing
13 statement, invoice, or other document that appears to obligate the
14 consumer to make a payment for services or merchandise he or she
15 did not order; or

16 (18) Violates any provision of the Nebraska Foreclosure
17 Protection Act.

18 (b) In order to prevail in an action under the Uniform
19 Deceptive Trade Practices Act, a complainant need not prove
20 competition between the parties.

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

24 2. Strike the Rogert amendment, FA42.

25 3. Strike the Avery amendment, AM1399.

26 4. Renumber the remaining sections and correct the
27 repealer and title accordingly.