

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1424 Session of
2007

INTRODUCED BY HARHAI, BAKER, BENNINGHOFF, BIANCUCCI, BISHOP,
CALTAGIRONE, CARROLL, CASORIO, COSTA, CREIGHTON, CURRY,
DeLUCA, DONATUCCI, FREEMAN, GEORGE, GIBBONS, GRUCELA,
HALUSKA, HARHART, HARRIS, HENNESSEY, HERSHEY, M. KELLER,
KOTIK, KULA, MAHONEY, MANDERINO, MELIO, MILLARD, R. MILLER,
MOUL, O'NEILL, PETRONE, PHILLIPS, PYLE, RUBLEY, SONNEY,
R. STEVENSON, SURRA, J. TAYLOR, THOMAS, TRUE, YOUNGBLOOD AND
BOYD, JUNE 5, 2007

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, JUNE 5, 2007

AN ACT

1 Amending the act of December 17, 1968 (P.L.1224, No.387),
2 entitled "An act prohibiting unfair methods of competition
3 and unfair or deceptive acts or practices in the conduct of
4 any trade or commerce, giving the Attorney General and
5 District Attorneys certain powers and duties and providing
6 penalties," further defining "unfair or deceptive acts or
7 practices"; and further providing for unlawful acts or
8 practices.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Section 2(4)(xxi) of the act of December 17, 1968
12 (P.L.1224, No.387), known as the Unfair Trade Practices and
13 Consumer Protection Law, reenacted and amended November 24, 1976
14 (P.L.1166, No.260) and amended December 4, 1996 (P.L.906,
15 No.146), is amended and the clause is amended by adding a
16 subclause to read:

17 Section 2. Definitions.--As used in this act.

18 * * *

(4) "Unfair methods of competition" and "unfair or deceptive acts or practices" mean any one or more of the following:

* * *

(xxi) Including in any written material sent in the mails to the customer of a credit card company, a blank check containing the name and address or account number of the customer or other information that identifies the customer, provided that the check was not specifically requested by the customer and is designed for payment from the credit card company.

[(xxi)] (xxii) Engaging in any other fraudulent or deceptive conduct which creates a likelihood of confusion or of misunderstanding.

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Section 2. Section 3 of the act, amended November 29, 2006 (P.L.1624, No.185), is amended to read:

Section 3. Unlawful Acts or Practices; Exclusions.--Unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce as defined by [subclauses (i) through (xxi) of] clause (4) of section 2 of this act and regulations promulgated under section 3.1 of this act are hereby declared unlawful. The provisions of this act shall not apply to any owner, agent or employe of any radio or television station, or to any owner, publisher, printer, agent or employe of an Internet service provider or a newspaper or other publication, periodical or circular, who, in good faith and without knowledge of the falsity or deceptive character thereof, publishes, causes to be published or takes part in the publication of such advertisement.

Section 3. This act shall take effect in 60 days.