

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1674 Session of  
1995

INTRODUCED BY E. Z. TAYLOR, CORRIGAN, HENNESSEY, RUBLEY,  
GODSHALL, MCGEEHAN, HERSHEY, YOUNGBLOOD, JAROLIN, SAYLOR,  
TRELLO AND SURRA, MAY 24, 1995

REFERRED TO COMMITTEE ON CONSUMER AFFAIRS, MAY 24, 1995

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 methods of competition"  
7 and "unfair or deceptive acts or practices"; and further  
8 providing for regulations.

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

11 Section 1. Section 2(4) 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), is amended by adding a subclause to read:

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

16 \* \* \*

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

19 \* \* \*

20 (xviii) Advertising for the sale of new or used automobiles

1 which uses disclaimers which tend to confuse, contradict,  
2 unreasonably limit or materially modify a principal  
3 advertisement or which fails to disclose material facts,  
4 including, but not limited to, disclaimers, qualifications,  
5 limitations, conditions, exclusions or restrictions applicable  
6 to the sale of any automobile or automobiles. Specific examples  
7 of deceptive practices include, but are not limited to:

8 (A) the use of one or more footnotes or asterisks, which  
9 alone or in combination modify the principal message;

10 (B) the use of any print in type size so small as not to be  
11 easily readable;

12 (C) the use of color contrasts which render the text  
13 difficult to read;

14 (D) the use of inaccurate photographs or illustrations in  
15 describing specific automobiles;

16 (E) the use of unexplained abbreviations or jargon which is  
17 not readily understood by the general public; and

18 (F) the use of bait and switch advertising.

19 In addition, any advertised inducement relating to price,  
20 equipment, warranty, trade-in allowance, rebate, credit term or  
21 availability, or the giving of free gifts which does not clearly  
22 and completely disclose all the conditions or criteria to be met  
23 for the purchaser to be eligible to take advantage of the  
24 inducement is prohibited.

25 Section 2. Section 3.1 of the act is amended to read:

26 Section 3.1. Regulations.--(a) The Attorney General may  
27 adopt, after public hearing, such rules and regulations as may  
28 be necessary for the enforcement and administration of this act.  
29 Such rules and regulations when promulgated pursuant to the act  
30 of July 31, 1968 (P.L.769, No.240), known as the "Commonwealth

1 Documents Law," shall have the force and effect of law.

2 (b) The Attorney General shall promulgate rules and  
3 regulations for the specific enforcement of the prohibitions  
4 against deceptive advertising practices for new and used  
5 automobile sales pursuant to section 2(4)(xviii) of this act.

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