

By: Senator(s) Mettetal

To: Business and Financial
Institutions

SENATE BILL NO. 2774

1 AN ACT TO AMEND SECTION 75-24-5, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE OPERATION OF CERTAIN ELECTRONIC TERMINALS BY ANY
3 PARTY OTHER THAN A FEDERALLY INSURED BANK OR THRIFT SHALL BE
4 PROHIBITED UNDER THE CONSUMER PROTECTION LAWS; AND FOR RELATED
5 PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** Section 75-24-5, Mississippi Code of 1972, is
8 amended as follows:

9 75-24-5. (1) Unfair methods of competition affecting
10 commerce and unfair or deceptive trade practices in or affecting
11 commerce are prohibited. Action may be brought under Section
12 75-24-5(1) only under the provisions of Section 75-24-9.

13 (2) Without limiting the scope of subsection (1) of this
14 section, the following unfair methods of competition and unfair or
15 deceptive trade practices or acts in the conduct of any trade or
16 commerce are hereby prohibited:

17 (a) Passing off goods or services as those of another;

18 (b) Misrepresentation of the source, sponsorship,
19 approval, or certification of goods or services;

20 (c) Misrepresentation of affiliation, connection, or
21 association with, or certification by another;

22 (d) Misrepresentation of designations of geographic
23 origin in connection with goods or services;

24 (e) Representing that goods or services have
25 sponsorship, approval, characteristics, ingredients, uses,
26 benefits, or quantities that they do not have or that a person has
27 a sponsorship, approval, status, affiliation, or connection that
28 he does not have;

29 (f) Representing that goods are original or new if they
30 are reconditioned, reclaimed, used, or secondhand;

31 (g) Representing that goods or services are of a
32 particular standard, quality, or grade, or that goods are of a
33 particular style or model, if they are of another;

34 (h) Disparaging the goods, services, or business of
35 another by false or misleading representation of fact;

36 (i) Advertising goods or services with intent not to
37 sell them as advertised;

38 (j) Advertising goods or services with intent not to
39 supply reasonably expectable public demand, unless the
40 advertisement discloses a limitation of quantity;

41 (k) Misrepresentations of fact concerning the reasons
42 for, existence of, or amounts of price reductions;

43 (l) Advertising by or on behalf of any licensed or
44 regulated health-care professional which does not specifically
45 describe the license or qualifications of the licensed or
46 regulated health-care professional; and

47 (m) Operating an electronic terminal or facilitating an
48 electronic funds transfer, both as defined in Section 81-5-100(1),
49 by any party not a federally insured bank or thrift in
50 noncompliance with Section 81-5-100(4).

51 **SECTION 2.** This act shall take effect and be in force from
52 and after its passage.