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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO COMMERCIAL LAW - GENERAL REGULATORY PROVISIONS -
DECEPTIVE TRADE PRACTICES - ANTI-TRUST LAW - RESIDENTIAL LANDLORD
AND TENANT ACT

Introduced By: Representatives Edwards, Trillo, and Guthrie

Date Introduced: February 15, 2012

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 6-13.1-1 of the General Laws in Chapter 6-13.1 entitled "Deceptive
2 Trade Practices" is hereby amended to read as follows:

3 **6-13.1-1. Definitions.** -- As used in this chapter:

4 (1) "Documentary material" means the original or a copy of any book, record, report,
5 memorandum, paper, communication, tabulation, map, chart, photograph, mechanical
6 transcription, or other tangible document or recording wherever situated.

7 (2) "Examination" of documentary material includes the inspection, study, or copying of
8 any documentary material, and the taking of testimony under oath or acknowledgment in respect
9 of any documentary material or copy of any documentary material.

10 (3) "Person" means natural persons, corporations, trusts, partnerships, incorporated or
11 unincorporated associations, and any other legal entity.

12 (4) "Rebate" means the return of a payment or a partial payment, which serves as a
13 discount or reduction in price.

14 (5) "Trade" and "commerce" mean the advertising, offering for sale, sale, or distribution
15 of any services and any property, tangible or intangible, real, personal, or mixed, and any other
16 article, commodity, or thing of value wherever situate, and include any trade or commerce
17 directly or indirectly affecting the people of this state.

18 (6) "Unfair methods of competition and unfair or deceptive acts or practices" means any

1 one or more of the following:

2 (i) Passing off goods or services as those of another;

3 (ii) Causing likelihood of confusion or of misunderstanding as to the source, sponsorship,
4 approval, or certification of goods or services;

5 (iii) Causing likelihood of confusion or of misunderstanding as to affiliation, connection,
6 or association with, or certification by, another;

7 (iv) Using deceptive representations or designations of geographic origin in connection
8 with goods or services;

9 (v) Representing that goods or services have sponsorship, approval, characteristics,
10 ingredients, uses, benefits, or quantities that they do not have or that a person has a sponsorship,
11 approval, status, affiliation, or connection that he or she does not have;

12 (vi) Representing that goods are original or new if they are deteriorated, altered,
13 reconditioned, reclaimed, used, or secondhand; and if household goods have been repaired or
14 reconditioned, without conspicuously noting the defect which necessitated the repair on the tag
15 which contains the cost to the consumer of the goods;

16 (vii) Representing that goods or services are of a particular standard, quality, or grade, or
17 that goods are of a particular style or model, if they are of another;

18 (viii) Disparaging the goods, services, or business of another by false or misleading
19 representation of fact;

20 (ix) Advertising goods or services with intent not to sell them as advertised;

21 (x) Advertising goods or services with intent not to supply reasonably expectable public
22 demand, unless the advertisement discloses a limitation of quantity;

23 (xi) Making false or misleading statements of fact concerning the reasons for, existence
24 of, or amounts of price reductions;

25 (xii) Engaging in any other conduct that similarly creates a likelihood of confusion or of
26 misunderstanding;

27 (xiii) Engaging in any act or practice that is unfair or deceptive to the consumer;

28 (xiv) Using any other methods, acts or practices which mislead or deceive members of
29 the public in a material respect;

30 (xv) Advertising any brand name goods for sale and then selling substituted brand names
31 in their place;

32 (xvi) Failure to include the brand name and or manufacturer of goods in any
33 advertisement of the goods for sale, and, if the goods are used or secondhand, failure to include
34 the information in the advertisement;

1 (xvii) Advertising claims concerning safety, performance, and comparative price unless
2 the advertiser, upon request by any person, the consumer council, or the attorney general, makes
3 available documentation substantiating the validity of the claim;

4 (xviii) Representing that work has been performed on or parts replaced in goods when the
5 work was not in fact performed or the parts not in fact replaced; or

6 (xix) Failing to separately state the amount charged for labor and the amount charged for
7 services when requested by the purchaser as provided for in section 44-18-12(b)(3).

8 (xx) Advertising for sale at a retail establishment the availability of a manufacturer's
9 rebate by displaying the net price of the advertised item (the price of the item after the rebate has
10 been deducted from the item's price) in the advertisement, unless the amount of the
11 manufacturer's rebate is provided to the consumer by the retailer at the time of the purchase of the
12 advertised item. It shall be the retailer's burden to redeem the rebate offered to the consumer by
13 the manufacturer.

14 (xxi) [Deleted by P.L. 2007, ch. 31, section 1 and P.L. 2007, ch. 38, section 1].

15 [\(xxii\) Adding charges or fees by a marina or an owner or lessor of a boat slip or storage](#)
16 [space to the invoices or charges of an independent marine service contractor who performed](#)
17 [service work on the boat or vessel of a person who rents a slip or boat storage space from such](#)
18 [marina.](#)

19 SECTION 2. Section 6-36-6 of the General Laws in Chapter 6-36 entitled "Antitrust
20 Law" is hereby amended to read as follows:

21 **6-36-6. Certain contracts unlawful.** – (a) A contract for the supplying of commodities
22 or furnishing of services, or for the fixing of prices charged the commodities or services, or for
23 the giving or selling of a discount or rebate, on the condition, agreement, or understanding that
24 one party shall not deal in the commodities or services of a competitor or competitors of the other
25 party is unlawful where the effect of the contract or the condition, agreement, or understanding
26 may be to lessen competition or tend to create a monopoly in any line of commerce in any region
27 of this state.

28 [\(b\) Adding charges or fees by a marina or an owner or lessor of a boat slip or storage](#)
29 [space to the invoices or charges of an independent marine service contractor who performed](#)
30 [service work on the boat or vessel of a person who rents a slip or boat storage space from such](#)
31 [marina, is unlawful.](#)

32 SECTION 3. Chapter 34-18 of the General Laws entitled "Residential Landlord and
33 Tenant Act" is hereby amended by adding thereto the following section:

34 **34-18-17.1. Prohibited provisions in rental agreements - Marina slips.** – A rental or

1 lease agreement for a marina slip may not include a provision which interferes with the tenant's
2 right of quiet enjoyment by prohibiting or limiting the tenant's opportunity to invite contractors
3 and other persons or entities onto the premises for the purpose of providing repairs or other
4 services to the owners of vessels.

5 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO COMMERCIAL LAW - GENERAL REGULATORY PROVISIONS -
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- 1 This act would prohibit marina owners from limiting or restricting who may provide
- 2 services to the owners of vessels renting slips.
- 3 This act would take effect upon passage.

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