

ONE HUNDRED FIFTH LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 416

Introduced by McCollister, 20.

PURPOSE: The purpose of this study is to examine which advertising practices should be considered unlawful acts under the Weights and Measures Act in section 89-197. The study shall include, but not be limited to, the following issues:

(1) What pricing structures are unfair or deceptive practices in the advertising of retail motor fuel;

(2) From an unfair and deceptive practices perspective, the acts or practices that are likely to result in substantial injury to consumers, cannot be reasonably avoided by consumers, and are not outweighed by countervailing benefits to consumers or to competition;

(3) What constitutes an act or practice that is deceptive where (a) a representation, omission, or practice misleads or is likely to mislead the consumer, (b) a consumer's interpretation of the representation, omission, or practice is considered reasonable under the circumstances, and (c) the misleading representation, omission, or practice is material; and

(4) Whether or not certain pricing practices violate other areas of consumer protection laws or regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.