

2024 -- S 2700

=====
LC004903
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY
JANUARY SESSION, A.D. 2024

—————
A N A C T

RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS --
DECEPTIVE TRADE PRACTICES

Introduced By: Senators Felag, Raptakis, Bissaillon, and Acosta

Date Introduced: March 01, 2024

Referred To: Senate Special Legislation and Veterans Affairs

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.**

4 As used in this chapter:

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

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

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

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

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

1 (6) “Unfair methods of competition and unfair or deceptive acts or practices” means any
2 one or more of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 in the advertisement;

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

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

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

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

14 or

15 (xxi) Engaging in any act or practice that is unfair or deceptive by a person advising or
16 assisting any veteran filing a claim for disability benefits with the Department of Veterans Affairs.

17 SECTION 2. Title 6 of the General Laws entitled "COMMERCIAL LAW — GENERAL
18 REGULATORY PROVISIONS" is hereby amended by adding thereto the following chapter:

19 CHAPTER 60

20 VETERANS' PROTECTION

21 **6-60-1. Purpose.**

22 The purpose of this chapter is to provide protection and a cause of action under Rhode
23 Island general laws to prevent unethical and improper conduct and collection of fees by a person
24 advising or assisting any veteran filing a claim for disability benefits with the Department of
25 Veterans Affairs.

26 **6-60-2. Definitions.**

27 As used in this chapter:

28 (1) "Compensation" means payment of any money, thing of value, or financial benefit.

29 (2) "Person" means an individual, corporation, business trust, estate, trust, partnership,
30 limited liability company, association, joint venture, public corporation, government or
31 governmental subdivision, agency, or instrumentality, or any other validly organized entity.

32 (3) "Veterans benefits matter" means the preparation, presentation, or prosecution of any
33 claim affecting any veteran who has filed or expressed an intent to file a claim for any benefit,
34 program, service, commodity, function, or status, entitlement to which is determined under the laws

1 and regulations as administered by the United States Department of Veterans Affairs or the United
2 States Department of Defense, pertaining to veterans, their dependents, survivors, and any other
3 individual eligible for such benefits.

4 **6-60-3. Prohibitions.**

5 (a) No person shall receive compensation for preparation, presentation, prosecution,
6 advising, consulting, or assisting any veteran with regard to any veterans' benefits matter before the
7 Department of Veterans Affairs, except as permitted under Title 38 of the U.S. Code.

8 (b) No person shall receive compensation for referring any veteran to another person to
9 prepare, present, prosecute, advise, consult, or assist the veteran with any veterans' benefits matter
10 before the Department of Veterans Affairs.

11 (1) Notwithstanding the subsection (a) or (b) of this section, nothing set forth herein shall
12 be construed as prohibiting a division of fees between attorneys which is allowed pursuant to Model
13 Rules of Professional Conduct, Rule 1.5(e), of the American Bar Association.

14 **6-60-4. Ethical considerations.**

15 (a) Any person that receives compensation for preparation, presentation, prosecution,
16 advising, consulting, or assisting a veteran with regard to any veterans' benefits matter before the
17 Department of Veterans Affairs, shall be held to the same ethical standards as an attorney licensed
18 to practice law in the State of Rhode Island regarding the following:

19 (1) Advertising;

20 (2) Solicitation of new clients;

21 (3) Confidentiality;

22 (4) Duty of care;

23 (5) Duty of honesty; and

24 (6) Duty to zealously pursue what is in the best interest of the client.

25 **6-60-5. Penalty.**

26 A violation of the provisions of this chapter shall be an unfair or deceptive act or practice
27 as defined in § 6-13.1-1, and the violator shall be subject to the civil penalties provided pursuant to
28 the provisions of § 6-13.1-8.

29 **6-60-6. Contracts violating prohibitions.**

30 Any contract or agreement entered in violation of the provisions of this chapter shall be
31 void and unenforceable as violating the public policy of this state.

32 SECTION 3. This act shall take effect upon passage.

=====
LC004903

=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO COMMERCIAL LAW -- GENERAL REGULATORY PROVISIONS --
DECEPTIVE TRADE PRACTICES

1 This act would provide protection and prevent the unethical, improper conduct and the
2 collection of fees, by anyone advising or assisting a veteran filing a claim for disability benefits
3 with the Department of Veterans Affairs, except as authorized by federal law.

4 This act would take effect upon passage.

=====
LC004903
=====