

 **Oklahoma Statutes Citationized** **Title 15. Contracts** **Chapter 20 - Consumer Protection** **Consumer Protection Act** **Section 752 - Definitions**

Cite as: O.S. §, \_\_\_ \_\_

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As used in the Oklahoma Consumer Protection Act:

1. "Person" means a natural person, corporation, trust, partnership, incorporated or unincorporated association, or any other legal entity;
2. "Consumer transaction" means the advertising, offering for sale or purchase, sale, purchase, or distribution of any services or any property, tangible or intangible, real, personal, or mixed, or any other article, commodity, or thing of value wherever located, for purposes that are personal, household, or business oriented;
3. "Credit card" means any instrument or device, whether known as a credit card, credit plate, charge plate or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining money, goods, services or anything else of value on credit. All credit cards lawfully issued shall be considered the property of the cardholders or the issuer for all purposes;
4. "Debit card" means any instrument or device, whether known as a debit card or by any other name, issued with or without fee by an issuer for the use of the cardholder in depositing, obtaining or transferring funds from a consumer banking electronic facility;
5. "Documentary material" means the original or a copy of any book, record, report, memorandum, paper, communication, tabulation, map, chart, photograph, mechanical transcription, or other tangible document or recording, wherever located;
6. "Examination" when used in reference to documentary material includes the inspection, study, or copying of any such material, and the taking of testimony under oath, or acknowledgment in respect to any such documentary material or copy thereof;
7. "Merchandise" includes any object, ware, good, commodity, intangible, real estate, or service;
8. "Closing out sale" means any offer to sell, or actual sale, to the public of goods, wares, or merchandise on the implied or direct representation that the sale is in anticipation of the termination of a business at its present location, or that the sale is being held other than in the ordinary course of business. It also shall mean but shall not be limited to any sale held or advertised as a "closing out sale", "going out of business sale", "discontinuance of business sale", "quitting business sale", "sell out", "liquidation", "loss of lease sale", "must vacate sale", "forced out of business sale", "fire sale", "smoke and water damage sale", "adjustment sale", "creditor's sale", "bankrupt sale", "insolvent sale", "mortgage sale", or other like or similar title;
9. "Advertisement" means any advertisement or announcement published in the news media including but not limited to the radio, television, newspapers, handbills, and mailers;
10. "License" means the written authorization issued by the court clerk of the district court in any county in this state to any person to conduct a closing out sale;
11. "Clerk" means the court clerk of the district court of any county of this state in which a person applying for a license intends to conduct a closing out sale;
12. "Automatic dial announcing device" means automatic equipment that:
  - a. stores telephone numbers to be called, or has a random or sequential number generator capable of producing numbers to be called,
  - b. conveys a prerecorded or synthesized voice message to the number called, and
  - c. is used for the purpose of offering any goods or services for sale or conveying information regarding such goods or services;
13. "Deceptive trade practice" means a misrepresentation, omission or other practice that has deceived or could reasonably be expected to deceive or mislead a person to the detriment of that person. Such a practice may occur before, during or after a consumer transaction is entered into and may be written or oral;
14. "Unfair trade practice" means any practice which offends established public policy or if the practice is immoral, unethical, oppressive, unscrupulous or substantially injurious to consumers;
15. "Cemetery" means any land or structure in this state dedicated to or used, or intended to be used, for the interment of human remains; and

16. "Deceptive use of another's name in notification or solicitation" occurs when a business, or a person acting on its behalf, engages in the following activity:

- a. through advertisement, solicitation or other notification, either verbally or through any other means, informs a consumer of the availability of any type of goods or services that are not free,
- b. the name of an unrelated and unaffiliated person is mentioned in any manner,
- c. the goods or services mentioned are not actually provided by the unrelated and unaffiliated person whose name is mentioned,
- d. the business on whose behalf the notification or solicitation is made does not have a consensual right to mention the name of the unrelated and unaffiliated person, and
- e. neither the actual name nor trade name of the business on whose behalf the notification or solicitation is being made is stated, nor the actual name or trade name of any actual provider of the goods or services is stated, so as to clearly identify for the consumer a name that is distinguishable and separate from the name of the unrelated and unaffiliated person whose name is mentioned in any manner in the notification or solicitation, and thereby a misleading implication or ambiguity is created, such that a consumer who is the recipient of the advertisement, solicitation or notification may reasonably but erroneously believe:

(1) that the goods or services whose availability is mentioned are made available by or through the unrelated and unaffiliated person whose name is mentioned, or

(2) that the unrelated and unaffiliated person whose name is mentioned is the one communicating with the consumer.

#### **Historical Data**

Added by Laws 1972, HB 1344, c. 227, § 2, operative September 1, 1972; Amended by Laws 1979, c. 145, § 1, eff. October 1, 1979; Amended by Laws 1980, c. 192, § 1, eff. October 1, 1980; Amended by Laws 1983, c. 103, § 1, eff. November 1, 1983; Amended by Laws 1991, c. 312, § 1, eff. July 1, 1991; Amended by Laws 1992, c. 317, § 1, eff. July 1, 1992; Amended by Laws 1994, c. 235, § 1, eff. September 1, 1994; Amended by Laws 1996, c. 8, § 2, eff. July 1, 1996; Amended by Laws 1999, HB 1187, c. 175, § 2, eff. November 1, 1999 ([superseded document available](#)); Amended by Laws 2002, SB 931, c. 296, § 1, eff. November 1, 2002 ([superseded document available](#)); Amended by Laws 2003, HB 1683, c. 61, § 1, eff. November 1, 2003 ([superseded document available](#)).

#### **Citationizer<sup>®</sup> Summary of Documents Citing This Document**

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<b>Oklahoma Court of Civil Appeals Cases</b>		
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<a href="#">2005 OK CIV APP 31, 114 P.3d 468,</a>	<a href="#">CLINE v. DAIMLERCHRYSLER COMPANY</a>	Cited
<b>Oklahoma Supreme Court Cases</b>		
Cite	Name	Level
<a href="#">2004 OK 36, 92 P.3d 88,</a>	<a href="#">THE ESTATE OF ILAR HICKS</a>	Cited

#### **Citationizer: Table of Authority**

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<b>Title 15. Contracts</b>		
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