RÉSUMÉ DIGEST

ACT 374 (SB 304)   **2018 Regular Session**   **Walsworth**

<u>Prior law</u> defined "going-out-of-business sale" as any sale advertised, represented, or held forth as a sale to dispose of all goods as a means of ceasing to do business or changing business location. Such term includes a sale held under the designation of "going-out-of-business", "selling out", "liquidation", "lost our lease", "forced to vacate", "moving to a new location", or any other designation of like meaning. However, such term does not include an end-of-the-season sale or a going-out-of-business sale limited to sale of a particular brand or line of goods.

<u>New law</u> retains <u>prior law</u> and adds sales held under the designations "closing out sale" and "store closing sale".

<u>Prior law</u> required a deposit for each application for a "going-out-of-business sale" license of either $500 or a dollar amount equal to one percent of the wholesale cost of the inventory, whichever amount is greater.

<u>New law</u> retains <u>prior law</u>.

<u>New law</u> provides that upon failure of the licensee to return the "going-out-of-business sale" license or an affidavit in lieu of the return within 365 calendar days from expiration of the license, the deposit reverts to the Unclaimed Property Division of the Department of the Treasury in the name of the licensee and the consumer protection section of the Department of Justice.

<u>New law</u> requires that while in the hands of the Unclaimed Property Division, the deposit is subject to the provisions of <u>prior law</u>. Provides that the deposit be released to the licensee only upon verification by the Department of Justice that the licensee has returned the license to the consumer protection section which cancels the license with endorsement of the date of its delivery and cancellation and the deposit made for the license is held by the consumer protection section for 60 days from date of delivery of the returned license or affidavit.

Effective July 1, 2018.

(Amends R.S. 51:42(1) and 51(A); adds R.S. 51:51(E) and (F))