

2020 Second Extraordinary Session

HOUSE BILL NO. 76

BY REPRESENTATIVE MIKE JOHNSON

UTILITIES: Provides relative to unfair trade practices by certain utilities during a declared emergency or disaster (Item #38)

1 AN ACT

2 To enact R.S. 51:1429, relative to unfair trade practices; to prohibit certain service providers  
3 from charging for services in certain circumstances; to provide for penalties; to  
4 provide for damages; to provide for violations; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 51:1429 is hereby enacted to read as follows:

7 §1429. Unfair or deceptive acts or practices; collection for unprovided utility  
8 services

9 A. During a declared state of emergency, it shall be unlawful for broadband,  
10 cable, or telephone service providers to knowingly collect or attempt to collect  
11 money or other consideration from customers for time periods that the providers are  
12 unable to provide services or do not provide services.

13 B. Any violation of this Section shall be considered an unfair trade practice,  
14 and shall subject the violator to any and all penalties provided in this Chapter.

15 C. In addition to the imposition of penalties provided for in Subsection B of  
16 this Section, a court of competent jurisdiction may also award damages, not to  
17 exceed ten thousand dollars per violation, to a claimant who suffers harm as a result  
18 of a violation of this Section.

19 D. If a provider violates Subsection A of this Section, each residential or  
20 commercial building that was harmed shall be considered a separate violation.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 76 Original

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**Abstract:** Prohibits cable, broadband, and telephone service providers from knowingly collecting or attempting to collect money or other consideration from customers for time periods that the providers are unable to provide services or do not provide services during a declared disaster or emergency, and designates that act as an unfair trade practice.

Proposed law provides that if, during a declared disaster or emergency, certain utility providers knowingly collect or attempt to collect money or other considerations from customers for services they were unable to provide or did not provide. Proposed law also provides that this type of violation is considered an unfair trade practice and a violator is subject to all relative penalties provided for in present law.

Proposed law allows for a court to, in addition to the penalties provided for in present law, award damages of not more than \$10,000 per violation.

Proposed law describes what constitutes a violation for purposes of proposed law.

(Adds R.S. 51:1429)