

ACT No. 269

2021 Regular Session

HOUSE BILL NO. 64

BY REPRESENTATIVES ECHOLS, AMEDEE, BAGLEY, GADBERRY, GAINES,
GAROFALO, HORTON, LARVADAIN, SELDERS, STAGNI, AND THOMPSON

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AN ACT

To enact R.S. 51:391(A)(3) and 392, relative to solicitations; to prohibit solicitations with misleading connections to the secretary of state; to prohibit certain solicitations for warranties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 51:391(A)(3) and 392 are hereby enacted to read as follows:

§391. Solicitations; misleading governmental appearance prohibited; misleading connections to the secretary of state prohibited; disclaimer; penalty

A. A solicitation by a nongovernmental entity, for the purchase of or payment for a product or service, which is in the form of and reasonably could be interpreted or construed as a bill, invoice, or statement of account due, but constitutes, in fact, a solicitation for the order by the addressee of goods or services, or both, shall not contain any material which:

* * *

(3) Reasonably could be construed by a business registered with the secretary of state as implying any connection with the secretary of state or requiring payment or additional action to remain in good standing as a business registered with the secretary of state.

* * *

§392. Warranty solicitations

A. No individual or other entity shall offer, or attempt to offer, any solicitation to a resident of this state for the purchase of a warranty, by use of the United States Postal Service, an expedited shipping service, or any electronic means

1 using terms or phrases, such as: "final notice", "immediate response requested", or
 2 "official notification", unless the individual or entity has an existing business
 3 relationship with the resident.

4 B. Any violation of this Section shall constitute an unfair method of
 5 competition and an unfair or deceptive act or practice as provided for in R.S. 51:1405
 6 and shall be subject to the enforcement provisions of the Unfair Trade Practices and
 7 Consumer Protection Law of Chapter 13 of this Title, R.S. 51:1401 et seq.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____