

Proposed law provides that in a court action by the division to enforce proposed law, the court may do any of the following:

- (1) Declare that the act or practice violates a provision of proposed law.
- (2) Issue an injunction for a violation of proposed law.
- (3) Order any profits, gains, gross receipts or benefit from a violation of proposed law to be forfeited and paid to the aggrieved person.
- (4) Impose a civil penalty of up to \$2,500 for each violation of proposed law.
- (5) Award damages to the aggrieved person or other relief considered reasonable and necessary by the court.

Proposed law provides that if a court grants a judgment or injunctive relief in favor of the division, the court shall award the division reasonable attorney fees, court costs, and investigative costs.

Proposed law provides that the division shall provide a person with an alleged violation of proposed law with a written explanation of the basis of the allegations 30 days prior to the division initiating an action against a person. Provides that the division shall not initiate an action if the person cures the alleged violation within 30 days of receiving notice from the division in accordance with proposed law.

Proposed law provides that the division may initiate a civil action against a person that does either of the following:

- (1) Fails to cure a violation after receiving the written notice of an alleged violation.
- (2) Commits another violation of the same provision after curing a violation.

Proposed law provides that a person who violates an administrative or court order issued for a violation of proposed law is subject to a civil penalty of not more than \$5,000 for each violation. Provides that all civil penalties received shall be used by the division to promote consumer protection and education.

Proposed law requires the division to compile an annual report that evaluates the liability and enforcement of proposed law, summarizes the consumer interactions that are protected and not protected by proposed law, and maintains an account of all fines and civil penalties collected during the year.

Proposed law provides that a person may bring a direct action against another person that does not comply with proposed law. Provides that a person bringing an action is entitled to reasonable attorney fees, court costs, and damages in the amount of \$2,500 for each violation or damages for financial, physical, and emotional distress, or whichever is greater.

Proposed law prohibits waiver of certain protections, requirements, and private rights.

Effective August 1, 2023.

(Adds R.S. 51:1751-1760)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the original bill

1. Make technical changes.