

2024 Regular Session

SENATE BILL NO. 340

BY SENATOR HARRIS

TRADEMARKS/TRADE NAMES. Provides for penalties for unauthorized use of a regional transit authority's streetcar image or likeness. (gov sig)

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AN ACT

To enact Subpart L of Part VI of Chapter 1 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:300.51, relative to regional transit authorities; to provide for reproduction, counterfeit, copy, or colorable imitation of certain streetcars of regional transit authorities in certain locales; to provide relative to image or likeness; to provide for remedies; to provide for penalties; to provide relative to terms, conditions, and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Subpart L of Part VI of Chapter 1 of Title 51 of the Louisiana Revised Statutes, comprised of R.S. 51:300.51, is hereby enacted to read as follows:

**§300.51. Infringement and remedies**

**A. No person shall use, without the consent of a regional transit authority located in a parish with a population of not less than three hundred eighty thousand and not more than three hundred ninety thousand according to the most recent federal decennial census, any reproduction, counterfeit, copy, or colorable imitation of a 900-series Perley Thomas streetcar in connection with the sale, offering for sale, or advertising of any goods or services.**

1           **B. No person shall reproduce, counterfeit, copy, or colorably imitate the**  
2           **900-series Perley Thomas streetcar of a regional transit authority located in a**  
3           **parish with a population of not less than three hundred eighty thousand and not**  
4           **more than three hundred ninety thousand according to the most recent federal**  
5           **decennial census or apply the reproduction, counterfeit, copy, or colorable**  
6           **imitation to labels, clothing, jewelry, signs, prints, packages, wrappers,**  
7           **receptacles, or other items or advertisements.**

8           **C. Whoever violates the provisions of this Section shall be liable in a civil**  
9           **action by the regional transit authority for remedies provided in this Section,**  
10          **including attorney fees and costs. Whoever violates the provisions of this Section**  
11          **may be subject to a fine not to exceed five thousand dollars.**

12          **D. The regional transit authority may proceed by suit to enjoin the**  
13          **unauthorized manufacture, use, display, or sale of any counterfeits or imitations**  
14          **of the street cars of the regional transit authority, and any court of competent**  
15          **jurisdiction may grant an injunction to restrain the manufacture, use, display,**  
16          **or sale as may be deemed by the court to be just and reasonable, and may**  
17          **require the defendant to pay the regional transit authority all profits derived**  
18          **from and all damages suffered by reason of the wrongful manufacture, use,**  
19          **display, or sale. The court may also order that any counterfeits or imitations in**  
20          **the possession or under the control of any defendant in the case be delivered to**  
21          **an officer of the court, or the complainant, to be destroyed.**

22          **E. The enumeration of any right or remedy in this Section shall not affect**  
23          **the right of the regional transit authority to sue, prosecute, or seek prosecution**  
24          **under any other law of this state.**

25          Section 2. This Act shall become effective upon signature by the governor or, if not  
26          signed by the governor, upon expiration of the time for bills to become law without signature  
27          by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
28          vetoed by the governor and subsequently approved by the legislature, this Act shall become  
29          effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michelle Ridge.

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DIGEST

SB 340 Original 2024 Regular Session Harris

Proposed law provides that no person shall use, without the consent of a regional transit authority (RTA) located in a parish with a population of not less than 380,000 and not more than 390,000, any reproduction, counterfeit, copy, or colorable imitation of a 900-series Perley Thomas streetcar in connection with the sale, offering for sale, or advertising of any goods or services.

Proposed law provides that no person shall reproduce, counterfeit, copy, or colorably imitate the 900-series Perley Thomas streetcar of an RTA located in a parish with a population of not less than 380,000 and not more than 390,000 or apply the reproduction, counterfeit, copy, or colorable imitation to labels, clothing, jewelry, signs, prints, packages, wrappers, receptacles, or other items or advertisements.

Proposed law provides for a civil action by the RTA for remedies provided in proposed law, including attorney fees and costs. Provides that a person who violates proposed law may be subject to a fine not to exceed \$5,000.

Proposed law provides that the RTA may seek to enjoin the unauthorized manufacture, use, display, or sale of any counterfeits or imitations of the street cars of the regional transit authority, and any court of competent jurisdiction may grant injunctions to restrain the manufacture, use, display, or sale as the court deems appropriate.

Proposed law provides that the court may order the defendants to pay the RTA all profits derived from and all damages suffered due to the wrongful manufacture, use, display, or sale. Provides the court may order that counterfeits or imitations in the possession or under the control of any defendant in the case be delivered to an officer of the court, or the complainant, to be destroyed.

Proposed law provides that any right or remedy afforded to the RTA in proposed law will not affect the RTA's right to sue, prosecute, or seek prosecution otherwise authorized by present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 51:300.51)