

First Extraordinary Session, 2005

SENATE BILL NO. 114

BY SENATOR SCHEDLER

CONSUMERS/PROTECTION. Prohibits discrimination on terms for contracts for certain displaced persons as an unfair trade practice. (gov sig)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

AN ACT

To enact R.S. 51:1422, relative to unfair trade practices; to prohibit contracts with displaced persons for less advantageous terms than with consumers who are domiciled in the vicinity of the persons' or entities' principal place of business; to provide for penalties; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 51:1422 is hereby enacted to read as follows:

§1422. Unfair acts or practices; service contracts; certain displaced persons

A. During a state of emergency declared by the governor, it shall be unlawful for any person or entity to contract for services with a person, including a displaced person, for no less than the most advantageous terms than those existing immediately prior to the declared state of emergency.

B. For purposes of this Section, the term "displaced person" shall mean a person who is temporarily located in an area other than his normal domicile due to a gubernatorially declared disaster or emergency.

C.(1) Any violation of this Section shall be an unfair trade practice and shall subject the violator to any and all actions and penalties provided for in this

Chapter.

(2) In addition to any other civil remedies provided for by law, any violation of this Section shall cause the immediate rescission of the contract or reformation of the contract to the same terms that existed immediately prior to the declared emergency.

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

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

DIGEST

Proposed law provides that, during a state of emergency declared by the governor, it shall be unlawful for any person or entity to contract for services with a person, including a displaced person, for no less than the most advantageous terms than those existing immediately prior to the emergency.

Proposed law provides that, in addition to the penalties provided for in the Unfair Trade Practices and Consumer Protection Law, any violation of proposed law shall cause the immediate rescission of the contract or reformation of the contract to the same terms that existed prior to the emergency.

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

(Adds R.S. 51:1422)