

CONFERENCE COMMITTEE REPORT

HB 634

2018 Regular Session

Hunter

May 18, 2018

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 634 by Representative Hunter, recommend the following concerning the Reengrossed bill:

- 1. That the set of Senate Committee Amendments by the Senate Committee on Commerce, Consumer Protection, and International Affairs (#2851) be adopted.
- 2. That the following amendments to the Reengrossed bill be adopted:

AMENDMENT NO. 1

In Senate Committee Amendment No. 1 by the Senate Committee on Commerce, Consumer Protection, and International Affairs (#2851), on page 1, line 7, after "common" delete "area" and insert in lieu thereof "areas"

AMENDMENT NO. 2

On page 1, line 4, after "is provided;" insert "to provide for damages;"

AMENDMENT NO. 3

On page 2, after line 10, insert the following:

"C. An owner or lessor of a short-term rental structure shall not use any audio, video, or photographic footage obtained pursuant to this Chapter for any commercial or exploitative purpose nor shall he make the footage available to members of the public.

D. Any guest of a short-term rental structure who is documented on any audio, video, or photographic footage obtained in violation of this Chapter shall have a civil cause of action against an owner or lessor of a short-term rental structure who obtained, used, or made available the footage in violation of this Chapter, and is entitled to recover from any such owner or lessor all of the following:

- (1) Actual damages.
- (2) A reasonable attorney fee and other litigation cost reasonably incurred.
- (3) Punitive Damages."

Respectfully submitted,

Representative Marcus Hunter

Senator Daniel "Danny" Martiny

Representative Thomas Carmody

Senator Michael A. Walsworth

Representative Katrina Jackson

Senator Rick Ward

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)]

CONFERENCE COMMITTEE REPORT DIGEST

House Bill No. 634 by Representative Hunter

Keyword and oneliner of the instrument as it left the House

COMMERCE: Requires notification by bed and breakfast businesses that rooms are under film surveillance

Report adopts Senate amendments to:

1. Limit the installation and use of a camera to the common areas of the short-term rental structure.

Report amends the bill to:

1. Prohibit an owner or lessor of a short-term rental structure from using any audio, video, or photographic footage obtained pursuant to proposed law for any commercial or exploitive purpose.
2. Prohibit an owner or lessor of a short-term rental structure from making any audio, video, or photographic footage obtained pursuant to proposed law available to members of the public.
3. Provide that any guest documented in footage obtained in violation of proposed law shall have a civil cause of action against any owner or lessor who obtained, used, or made available the footage in violation of proposed law, and shall be entitled to actual damages, reasonable attorney fees, and punitive damages.

Digest of the bill as proposed by the Conference Committee

Proposed law defines "camera", "common area", and "short-term rental structure".

Proposed law prohibits the use of a camera on the premises of a short-term rental structure except as provided by proposed law.

Proposed law provides that the owner or lessor of a short-term rental structure may install or use a camera only in the common areas of the structure provided notice of the use of cameras is posted on the premises.

Proposed law provides that an owner or lessor of a short-term rental structure shall not use any audio, video, or photographic footage obtained pursuant to proposed law for any commercial or exploitive purpose nor shall he make the footage available to members of the public.

Proposed law provides that any guest documented in footage obtained in violation of proposed law shall have a civil cause of action against any owner or lessor who obtained, used, or made available the footage in violation of proposed law, and shall be entitled to actual damages, reasonable attorney fees, and punitive damages

(Adds R.S. 21:61)