

2019 Regular Session

HOUSE BILL NO. 305

BY REPRESENTATIVES FALCONER, AMEDEE, BACALA, BAGLEY, BAGNERIS, BERTHELOT, BILLIOT, BOURRIAQUE, CHAD BROWN, TERRY BROWN, CARMODY, CHANEY, CONNICK, COUSSAN, COX, DAVIS, DUBUISSON, EMERSON, GAINES, GAROFALO, GISCLAIR, GUINN, HILFERTY, HOLLIS, HORTON, HOWARD, HUVAL, IVEY, JACKSON, JEFFERSON, JORDAN, LACOMBE, NANCY LANDRY, LEBAS, LEOPOLD, LYONS, MARCELLE, MCMAHEN, MIGUEZ, GREGORY MILLER, JAY MORRIS, MOSS, NORTON, PEARSON, PIERRE, PUGH, PYLANT, SCHEXNAYDER, STAGNI, STOKES, THOMAS, TURNER, WHITE, WRIGHT, AND ZERINGUE AND SENATOR THOMPSON

1 AN ACT

2 To enact R.S. 51:1409.1, relative to unfair trade practices; to provide with respect to elder  
3 persons and persons with disabilities; to provide for a private right of action; to  
4 provide with respect to fraudulent marketing through telephone, electronic mail, or  
5 text messaging; to provide for damages; to provide definitions; to provide for  
6 limitation of liability; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 51:1409.1 is hereby enacted to read as follows:

9 §1409.1. Deceptive practices; telephone, electronic mail, or text messaging; elder  
10 persons and persons with disabilities; private actions

11 A. For purposes of this Section, the following definitions apply:

12 (1) "Electronic mail" means an electronic message that is transmitted  
13 between two or more telecommunications devices, computers, or other electronic  
14 devices capable of sending and receiving electronic messages with a person  
15 identified by a unique electronic address.

16 (2) "Telephone" means a system for transmitting voices over a distance using  
17 wire, radio, cellular, or electric signals.

1                   (3) "Text messaging" means using a wireless telecommunications device to  
2                   manually communicate with any person by using a text-based communication  
3                   referred to as a text message, instant message, or direct message.

4                   B. In addition to any damages to which a person is entitled pursuant to R.S.  
5                   51:1409, the court may award damages not to exceed ten thousand dollars per  
6                   violation if a person knowingly sends deceptive information to any elder person or  
7                   person with a disability, as those terms are defined in R.S. 51:1402, who suffers  
8                   damage or injury as a result of an offense or violation described in this Chapter  
9                   through marketing by telephone, electronic mail, or text messaging.

10                  C. Nothing in this Section shall be construed to extend liability for violations  
11                  of the provisions of this Section to telephone, electronic mail, internet, cable, or other  
12                  telecommunications service providers.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_