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

DIGEST

SB 395 Original

2020 Regular Session

Cloud

<u>Present law</u> provides that unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce are unlawful.

<u>Proposed law</u> provides that no person in any advertisement shall make, or permit to be made, a false, misleading, or deceptive statement about a monetary result obtained on behalf of a client or fail to disclose information necessary to prevent the information supplied in an advertisement from being false, misleading, or deceptive.

<u>Proposed law</u> defines "actually received", "advertisement", "monetary result obtained", "false, misleading, or deceptive statement", and "person".

<u>Proposed law</u> provides that any violation of <u>proposed law</u> shall be an unfair or deceptive trade practice declared unlawful and shall subject the violator to any and all actions and penalties pursuant to the Unfair Trade Practices and Consumer Protection Law. <u>Proposed law</u> provides that each iteration of an advertisement constitutes an unfair or deceptive trade practice.

The provisions of <u>proposed law</u> shall not apply to any advertisement agency or media platform responsible for the production or publication of any advertisement found to violate <u>proposed law</u>.

<u>Proposed law</u> provides that in addition to all other remedies provided in the Unfair Trade Practices and Consumer Protection Law, any person who is found to have made, or to have permitted to be made on his behalf, a false, misleading, or deceptive statement under the provisions of <u>proposed law</u> shall be liable to the attorney general for all costs, expenses, and fees related to investigations and proceedings associated with the violation, including attorney fees.

<u>Proposed law</u> provides that an action to recover costs, expenses, fees, and attorney fees shall be ancillary to and shall be filed and heard in the same court as a civil action filed for the unfair or deceptive trade practice.

The remedies and rights provided in <u>proposed law</u> are in addition to and shall not preclude any right or remedy otherwise authorized by law, including the enforcement of professional rules against the person by any licensing board or court.

Effective August 1, 2020.

(Adds R.S. 51:1429)