

2020 Regular Session

HOUSE BILL NO. 815

BY REPRESENTATIVE MACK

1 AN ACT

2 To amend and reenact R.S. 37:3103(A)(3), (3.1), and (4) and to enact R.S. 37:3103(A)(11)
3 and 3105(C) and (D), relative to online auctions; to define terms; to provide for
4 auctions conducted through internet-based platforms; to provide for the employment
5 of live auctioneers; to provide for responsible parties; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 37:3103(A)(3), (3.1), and (4) are hereby amended and reenacted and
9 R.S. 37:3103(A)(11) and 3105(C) and (D) are hereby enacted to read as follows:

10 §3103. Definitions of terms

11 A. As used in this Chapter, these terms shall have the definitions ascribed to
12 them, unless the context indicates otherwise:

13 * * *

14 (3)(a) "Auction" means the sale by competitive bid by means of a verbal
15 exchange, regular mail, telecommunications, or the internet of any property which
16 sale consists of a series of invitations for offers to purchase property made by the
17 auctioneer ~~and~~ or offers to purchase made by members of the audience culminating
18 in the acceptance by the auctioneer of the highest or most favorable bid.

19 (b) "Auction" includes but is not limited to all of the following:

20 (i) Live auctions.

21 (ii) Online auctions.

1 (iii) Real-time auctions.

2 (iv) Extended auctions.

3 (v) Any similar events as may be devised with the development of
 4 technology.

5 (vi) Any combination of the Items provided in this Subparagraph.

6 (3.1)(a) "Auction house", "auction company", and "auction business" are
 7 synonymous and interchangeable terms and mean any entity, whether a sole
 8 proprietorship, partnership, limited liability partnership, limited liability company,
 9 corporation, or any other legal entity defined by the board, which arranges, manages,
 10 sponsors, advertises, or carries out two or more auctions within any twelve-month
 11 period and which regularly represents that goods are sold at auction. The terms
 12 include entities defined in this Subparagraph which conduct business on an internet-
 13 based platform.

14 (b) However, a A public livestock auction business which exclusively
 15 auctions livestock and which is regulated as a public livestock market by the
 16 Louisiana Board of Animal Health pursuant to R.S. 3:2091 et seq. shall not be
 17 defined as an auction business for purposes of this Chapter. ~~"Auction house,"~~
 18 ~~"auction company," and "auction business" shall not mean an entity which sells~~
 19 ~~property through an Internet-based trading platform unless such entity's activities~~
 20 ~~constitute an "auction" as defined in Paragraph (3) of this Subsection.~~

21 (4) "Auctioneer" means any person who, for another, with or without
 22 receiving or collecting a fee, commission, or other valuable consideration, sells or
 23 offers to sell property at an auction. ~~"Auctioneer" shall not mean a person who sells~~
 24 ~~property through an Internet-based trading platform unless such person's activities~~
 25 ~~constitute an "auction" as defined in Paragraph (3) of this Subsection.~~

26 * * *

1 (11) "Internet-based platform" means a website which is used by licensed
2 auction houses or auctioneers to conduct auctions as defined in this Chapter.

3 * * *

4 §3105. Auction regulations generally

5 * * *

6 C. Auction houses which conduct business solely through internet-based
7 platforms are not required to employ a licensed auctioneer to call the auction. Any
8 live, real-time, or simulcast auction is required to employ a licensed auctioneer to
9 call the live, real-time, or simulcast auction.

10 D. Auction houses which conduct any auction through an internet-based
11 platform are responsible for the actions of that platform and its employees or agents
12 in the conduct of that auction.

13 Section 2. This Act shall become effective on January 1, 2021.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____