

RÉSUMÉ DIGEST

ACT 192 (HB 458)

2020 Regular Session

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New law provides definitions for "agreement", "consumer", "likeness", "merchant", "third-party delivery platform", and "third-party delivery service".

New law prohibits a third-party delivery service from advertising, promoting, or conveying a relationship with a merchant or using the name, likeness, trademark, or intellectual property of a merchant on the third-party delivery platform without an agreement with the merchant.

New law prohibits a third-party delivery service and merchant from entering an agreement pursuant to new law that includes a clause or provision that requires the merchant to indemnify the third-party delivery service or independent contractors or agents of the third-party delivery service for damages or harm that occurs after the product leaves the merchant's place of business.

New law establishes the merchant's right to bring an action in a court of competent jurisdiction when a third-party delivery service uses the name, likeness, trademark, or intellectual property of the merchant in violation of new law.

New law allows a court of competent jurisdiction to impose a civil penalty, not to exceed \$5,000 or the amount of the merchant's actual damages, whichever is greater, against a third-party delivery service found to be in violation of new law. Further, new law allows the court to award attorney fees to the prevailing party.

Effective Aug. 1, 2020.

(Adds R.S. 51:3171 and 3172)