

2021 Regular Session

HOUSE BILL NO. 359

BY REPRESENTATIVE HOLLIS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

BANKS/BANKING: Provides relative to solicitors

1 AN ACT

2 To enact R.S. 6:412.1(I) and (J), relative to solicitors; to authorize enforcement by the  
3 commissioner; to provide for false advertising law and penalties; to authorize  
4 enforcement by the state attorney general; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 6:412.1(I) and (J) are hereby enacted to read as follows:

7 §412.1. Soliciting using lender's name or customer loan information; restrictions;  
8 injunction; damages; attorney fees; enforcement

9 \* \* \*

10 I. The commissioner may use the enforcement powers of R.S. 6:121.1  
11 against a solicitor who violates this Section.

12 J. In addition to the remedies provided in Subsections H and I of this  
13 Section, a solicitor who violates this Section shall be deemed to have violated the  
14 false advertising law contained in R.S. 51:411 and the penalties contained in R.S.  
15 51:411(E) may be enforced by the state attorney general.

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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)]

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HB 359 Original

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Hollis

**Abstract:** Allows the commissioner of the Office of Financial Institutions and the state attorney general to enforce provisions of solicitation law against violators.

Present law prohibits a solicitor from using a lender's name, trade name, service mark, or trademark in a solicitation for the offering of services or products to a consumer unless certain conditions are met.

Proposed law retains present law.

Proposed law allows the commissioner of the Office of Financial Institutions to use the enforcement powers granted to him in present law against a violating solicitor.

Proposed law provides that a violation of present law is considered a violation of the false advertising provisions of present law and allows the state attorney general to enforce the appropriate penalties provided in present law.

(Adds R.S. 6:412.1(I) and (J))