DIGEST

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HB 641 Original   2022 Regular Session   Deshotel

Abstract: Provides relative to digital application distribution platforms.

Proposed law provides definitions for developer, digital application distribution platform, domiciled in this state, general purpose operating system, in-application payment system, Louisiana user, provider, and special-purpose digital application distribution platform.

Proposed law provides that if the cumulative downloads of a software application by a provider of a general purpose operating system with a digital application distribution platform to Louisiana users exceed 1 million downloads in the previous or current calendar year then the provider shall not do any of the following:

(1)   Require a developer domiciled in this state to use a particular in-application payment system as an exclusive mode of accepting payments from a user to download a software application onto the operating system or purchase a digital or physical product or service through a software application installed on the operating system.

(2)   Require exclusive use of a particular in-application payment system as the exclusive mode of accepting payments from a Louisiana user to download a software application onto the operating system or purchase a digital or physical product or service through a software application installed on the operating system.

(3)   Retaliate against a developer domiciled in this state or a Louisiana user for using an in-application payment system or digital application distribution platform that is not owned, operated, or affiliated with the provider or retaliate against a developer for that use to distribute an application to or accept payments from a Louisiana user.

Proposed law provides that any conduct in violation of proposed law shall be deemed to be an unlawful practice. Proposed law further provides that a person aggrieved by a violation of proposed law may bring an action to enjoin the violation or for restitution.

Proposed law provides that the court may award the plaintiff costs, expenses, and reasonable attorney fees. Proposed law further provides that proposed law does not limit any other claims the plaintiff may have under any other provision of law.

Proposed law provides that proposed law shall not apply to a special-purpose digital application distribution platform.

Proposed law provides that the attorney general's office shall receive complaints and investigate violations under proposed law. Proposed law further provides that the attorney general's office may bring an action in any court of competent jurisdiction to obtain legal or equitable relief on behalf of a person aggrieved by the violation.

(Adds R.S. 51:1429)