
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)]

HB 1040 Engrossed

2022 Regular Session

LaCombe

Abstract: Requires payment-processing companies to return payments if those funds cannot be delivered to the intended recipient.

Proposed law defines "company", "crowdfunding platform", "payment processor", and "payment-processing services".

Proposed law requires a company that provides payment-processing services to deliver funds to the recipient, as designated by the person providing the funds.

Proposed law requires the company to return the funds to the original provider if it cannot deliver the funding to the designated recipient.

Except as provided for in present law (R.S.51:1406), a violation of proposed law is an unfair trade practice and subjects violators to the applicable provisions of present law (R.S. 51:1401).

Proposed law provides that an entity who is exempted from the application of the unfair trade practice provisions provided in present law, shall instead be subject to the enforcement powers of the commissioner of financial institutions pursuant to present law (R.S. 6:121.1).

Proposed law does not apply to an entity that provides unauthorized or illegal acts.

(Adds R.S. 51:1751-1754)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Exempt certain entities from the application of the unfair trade practice law and provides that the exempted entities are subject to the enforcement power of the commissioner of the office of financial institutions provided in present law.
2. Provide that proposed law does not apply to an entity that provides payment-processing services for unauthorized or illegal acts.
3. Make technical changes.