

Regular Session, 2010

SENATE BILL NO. 415

BY SENATOR MICHOT

COMMERCIAL REGULATIONS. Provides that developing or manufacturing computer software products, or developing or supplying services, while knowingly using stolen or misappropriated computer software and selling or offering for sale such computer software is a deceptive or unfair trade practice or act. (8/15/10)

1 AN ACT

2 To enact R.S. 51:1427, relative to deceptive or unfair trade practices or acts; to prohibit a
3 person from selling or offering to sell computer software products which the person
4 has developed or manufactured, or services that the person develops or supplies,
5 while knowingly using stolen or misappropriated computer software; to provide for
6 sanctions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 51:1427 is hereby enacted to read as follows:

9 **§1427. Unfair or deceptive trade practices or acts; stolen or misappropriated**
10 **computer software; violations**

11 **A. It shall be unlawful for a person to develop or manufacture a product,**
12 **or to develop or supply a service using stolen or misappropriated property,**
13 **including but not limited to computer software that does not have the necessary**
14 **copyright licenses, where that product or service is sold or offered for sale in**
15 **competition with those doing business in this state.**

16 **B. Any violation of this Section shall be an unfair method of competition**
17 **and unfair practice or act and shall subject the violator to any and all actions**

1 **and penalties provided for in this Chapter. For the purpose of this Section, a**
2 **violation shall occur each time such a product or service is sold or offered for**
3 **sale.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alan Miller.

DIGEST

Michot (SB 415)

Proposed law provides that it is unlawful for a person to develop or manufacture a product, or to develop or supply a service using stolen or misappropriated property, including but not limited to computer software that does not have the necessary copyright licenses, where that product or service is sold or offered for sale in competition with those doing business in this state.

Proposed law provides that any violation of proposed law is an unfair method of competition and unfair practice or act and subjects the violator to any and all actions and penalties provided for in Unfair Trade Practices and Consumer Protection Law.

Proposed law provides that a violation of proposed law occurs each time such a product or service is sold or offered for sale.

Effective August 15, 2010.

(Adds R.S. 51:1427)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the original bill.

1. Made certain changes to terminology.
2. Added provision that a violation of proposed law occurs each time such a product or service is sold or offered for sale.