

HOUSE COMMITTEE AMENDMENTS

2025 Regular Session

Substitute for Original House Bill No. 430 by Representative Carver as proposed by the House Committee on Commerce

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

To enact R.S. 51:1407(F) and 1430, relative to unfair or deceptive acts or practices relative to attorney advertising; to allow the attorney general to be awarded certain costs and fees; to provide relative to advertisement for services; to provide relative to a false, misleading, and deceptive statement in an advertisement; to provide for violations, actions, and penalties; to provide for definitions, terms, conditions, and procedures; to provide for severability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 51:1407(F) and 1430 are hereby enacted to read as follows:

§1407. Restraining prohibited acts

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F. In any action brought by the attorney general, wherein the state prevails, the court shall, in addition to the relief granted pursuant to this Chapter, award reasonable costs, investigative expenses, and attorney fees to the attorney general.

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§1430. Unfair or deceptive trade practice or act; misleading assertion of monetary result obtained

A. As used in this Section, the following words and phrases have the following meanings:

(1) "Actually received" means the net amount of money received by a person, calculated by deducting from the person's gross recovery all expenses including but not limited to attorney fees, broker fees, expert witness fees, interest, court costs, costs of collection or recovery, and all other expenses related to litigation.

(2) "Advertisement" means any communication to the public regarding services provided for a fee including but not limited to a communication transmitted through any of the following:

(a) Print media, such as a telephone directory, legal directory, newspaper, magazine, or other periodical publication.

(b) Outdoor advertising, such as billboards and other signs.

(c) Radio and television commercials.

(d) Any communication accessed by a computer, tablet, or handheld device, such as a text message, instant message, or digital advertisement of any kind.

(e) A recorded message the public may access by telephone.

(3) "False, misleading, or deceptive statement" means any communication that states or infers that a person actually received an amount of money that he did not actually receive.

(4) "Media entity" means a radio broadcast station, television broadcast station, cable television company, newspaper company, periodical company, billboard company, advertisement agency, media platform, or bona fide news or public interest website operator.

(5) "Monetary result obtained" means any amount claimed to have been recovered on behalf of a client through a legal judgment or settlement.

(6) "Person" means an individual, partnership, unincorporated association of individuals, joint stock company, corporation, limited liability company, or other legal entity of any kind. "Person" does not include a media entity.

B. No person in any advertisement shall make, or permit to be made, a false, misleading, or deceptive statement about a monetary result obtained on behalf of a client or fail to disclose information necessary to prevent the information supplied in an advertisement from being false, misleading, or deceptive.

C.(1) Any violation of this Section shall be an unfair or deceptive trade practice declared unlawful by this Chapter and shall subject the violator to any and all actions and penalties provided for in this Chapter.

(2) For the purpose of this Section, each iteration of an advertisement constitutes an unfair or deceptive trade practice.

(3)(a) The provisions of this Section do not apply to any media entity responsible for the production or publication of any advertisement found to be in violation of this Section.

(b) The carriage, distribution, transmission, or display of any advertisement, including but not limited to those for legal services, by a media entity is not considered a violation of this Section.

D. In addition to all other remedies provided for in this Chapter, any person who is found to have made, or to have permitted to be made on his behalf, a false, misleading, or deceptive statement in accordance with the provisions of this Section shall be liable to the attorney general for all costs, expenses, and fees related to investigations and proceedings associated with the violation, including attorney fees. An action to recover costs, expenses, fees, and attorney fees shall be ancillary to and shall be filed and heard in the same court as a civil action filed pursuant to the provisions of this Section.

E. The remedies and rights provided for in this Section are in addition to and do not preclude any right or remedy otherwise authorized by law, including the enforcement of professional rules against the person by any licensing board or court. If a licensing board or court adopts a comparable rule and a process for approval of advertisements, then the approval of an advertisement under that rule and process shall constitute prima facie evidence of compliance with the provisions of this Section.

F.(1) This Section is intended to comply with federal and state constitutional provisions and shall be construed to maintain a balance between consumer protection and free speech rights.

(2) If any provision of this Section is found to be unconstitutional or otherwise invalid, the remaining provisions shall remain in force and effect.

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 Draft

2025 Regular Session

Abstract: Provides for unfair or deceptive acts or practices regarding attorney advertising.

Present law provides that unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce are unlawful.

Proposed law retains present law and provides that in any action brought by the attorney general pursuant to present law (Uniform Trade Practices and Consumer Protection Law in which the state prevails, the court is required, in addition to relief granted by law, to award reasonable costs, investigative expenses, and attorney fees to the attorney general.

Proposed law provides that no person in any advertisement shall make, or permit to be made, a false, misleading, or deceptive statement about a monetary result obtained on behalf of a client or fail to disclose information necessary to prevent the information supplied in an advertisement from being false, misleading, or deceptive.

Proposed law defines "actually received", "advertisement", "media entity", "monetary result obtained", "false, misleading, or deceptive statement", and "person".

Proposed law excludes a media entity as a person.

Proposed law provides that any violation of proposed law shall be an unfair or deceptive trade practice declared unlawful and shall subject the violator to any and all actions and penalties pursuant to present law (Unfair Trade Practices and Consumer Protection Law). Proposed law provides that each iteration of an advertisement constitutes an unfair or deceptive trade practice.

Proposed law provides that proposed law does not apply to any media entity responsible for the production or publication of any advertisement found to violate proposed law.

Proposed law provides that proposed law does not apply to a media entity that is responsible for the carriage, distribution, transmission, or display of any advertisement found to violate proposed law.

Proposed law provides that in addition to all other remedies provided in present law (Unfair Trade Practices and Consumer Protection Law), any person who is found to have made, or to have permitted to be made on his behalf, a false, misleading, or deceptive statement under the provisions of proposed law shall be liable to the attorney general for all costs, expenses, and fees related to investigations and proceedings associated with the violation, including attorney fees.

Proposed law provides that an action to recover costs, expenses, fees, and attorney fees shall be ancillary to and shall be filed and heard in the same court as a civil action filed for the unfair or deceptive trade practice.

Proposed law provides that the remedies and rights provided in proposed law are in addition to and shall not preclude any right or remedy otherwise authorized by law, including the enforcement of professional rules against the person by any licensing board or court.

Proposed law provides that if a licensing board or court adopts a comparable rule and a process for approval of advertisements, then the approval of an advertisement under that rule and process shall constitute prima facie evidence of compliance with proposed law.

(Adds R.S. 51:1407(F) and 1430)