
DIGEST

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HB 377 Original

2019 Regular Session

Leger

Abstract: Enacts the Allen Toussaint Legacy Act.

Proposed law enacts the Allen Toussaint Legacy Act.

Proposed law provides definitions for "authorized representative", "commercial purposes", "digital replica", "identity", "individual", and "performance".

Proposed law provides that every individual has a property right in connection with the use of that individual's identity for commercial purposes, and that those identity rights constitute property rights that do not expire upon the death of the individual so protected, whether or not such rights were commercially exploited by the individual during the individual's lifetime. Identity rights are heritable, licensable, and transferable to the executors, heirs, or legatees of the individual.

Proposed law provides that any license of an individual's identity rights is not valid unless in writing and signed by the individual or the individual's authorized representative, or if the individual is deceased, by more than 50% of the authorized representatives holding such rights.

Proposed law provides that the identity rights shall terminate upon the earlier of either of proof of non-use of the individual's identity for commercial purposes by an individual's authorized representative for a period of 10 consecutive years following the individual's death or 70 years following the individual's death.

Proposed law provides for the application of proposed law whether or not the individual died before, on, or after August 1, 2019.

Proposed law provides that rights under proposed law are not subject to levy or attachment and may not be the subject of a security interest, marital property distribution, or debt collection.

Proposed law prohibits the use of an individual's identity for a commercial purpose in Louisiana without having first obtained previous written consent from the individual or the individual's authorized representative.

Proposed law provides that a claim for a violation of an individual's identity rights may not be asserted unless the alleged act occurs within Louisiana, and shall be subject to a prescriptive period of one year from the date the violation was discovered or should have been discovered.

Proposed law provides for certain actions which result in a person submitting to the jurisdiction of this state.

Proposed law authorizes additional remedies including temporary or permanent injunctive relief, the greater of \$1,000 and the actual damages, and reasonable attorney fees, costs, and expenses relating to the action.

Proposed law provides certain exempt uses.

Proposed law provides that proposed law shall be liberally construed to accomplish its intent and purposes, and that the property rights granted by proposed law vest with an individual or the individual's authorized representative on August 1, 2019.

(Adds R.S. 51:470.1 - 470.6)