
DIGEST

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HB 305 Reengrossed

2019 Regular Session

Falconer

Abstract: Provides for heightened damages in a private right of action for unfair trade practices by telephone, electronic mail, or text messaging when the person who suffers loss is an elder person or a person with a disability.

Present law (R.S. 51:1405) prohibits unfair and deceptive acts or practices in the conduct of any trade or commerce.

Present law (R.S. 51:1409) creates a private right of action to recover damages sustained pursuant to unfair or deceptive acts or practices.

Present law (R.S. 51:1402) defines "elder person" as any person sixty-five years of age or older. Present law also defines "person with a disability" as a person with a mental, physical, or developmental disability that substantially impairs that person's ability to provide adequately for his own care or protection.

Proposed law retains present law.

Proposed law defines telephone to include cellular phones and further provides definitions for electronic mail and text messaging.

Proposed law provides for an increased potential for damages when the prohibited unfair or deceptive act was knowingly committed against an elder person or person with a disability using a telephone, electronic mail, or text messaging.

Proposed law provides that no telephone, electronic mail, internet, cable, or other telecommunications service provider shall be liable for any violation of proposed law.

(Adds R.S. 51:1409.1)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Require that a person provide knowingly deceptive information to an elder person or a person with a disability in order to be in violation of proposed law.

2. Limit the liability of any telephone, electronic mail, internet, cable, or other telecommunications service provider when a person uses the provider's services for deceptive and unfair marketing.
3. Make technical changes.