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HOUSE FLOOR AMENDMENTS

2019 Regular Session

Amendments proposed by Representative Leger to Engrossed House Bill No. 377 by Representative Leger

1 AMENDMENT NO. 1

2 On page 1, after line 19, add the following:

3 "(1) "Access software provider" means a provider of software,
 4 including client or server software, or enabling tools that do any one or more
 5 of the following:

6 (a) Filter, screen, allow, or disallow content.

7 (b) Pick, choose, analyze, or digest content.

8 (c) Transmit, receive, display, forward, cache, search, subset,
 9 organize, reorganize, or translate content."

10 AMENDMENT NO. 2

11 On page 2, at the beginning of line 1, change "(1)" to "(2)"

12 AMENDMENT NO. 3

13 On page 2, at the beginning of line 3, change "(2)" to "(3)(a)"

14 AMENDMENT NO. 4

15 On page 2, at the beginning of line 5, change "(a)" to "(i)"

16 AMENDMENT NO. 5

17 On page 2, at the beginning of line 7, change "(b)" to "(ii)"

18 AMENDMENT NO. 6

19 On page 2, at the beginning of line 9, change "(c)" to "(iii)"

20 AMENDMENT NO. 7

21 On page 2, between lines 9 and 10, insert the following:

22 "(b) "Commercial purposes" does not mean the use of an individual's
 23 name, voice, signature, photograph, or likeness to identify the individual for
 24 the purpose of either of the following:

25 (i) Data collection or data reporting and supplying the data collected
 26 or reported.

27 (ii) Data processing, data matching, data distribution, or data
 28 licensing."

29 AMENDMENT NO. 8

30 On page 2, at the beginning of line 10, change "(3)" to "(4)"

1 AMENDMENT NO. 9

2 On page 2, at the beginning of line 13, change "(4)" to "(5)"

3 AMENDMENT NO. 10

4 On page 2, line 13, change "such work" to "work such"

5 AMENDMENT NO. 11

6 On page 2, at the beginning of line 18, change "(5)" to "(6)"

7 AMENDMENT NO. 12

8 On page 2, at the beginning of line 20, change "(6)" to "(7)"

9 AMENDMENT NO. 13

10 On page 2, between lines 20 and 21, insert the following:

11 "(8) "Information content provider" means any person or entity that
12 is responsible, in whole or in part, for the creation or development of
13 information provided through the internet or any other interactive computer
14 service.

15 (9) "Interactive computer service" means any information service,
16 system, or access software provider that provides or enables computer access
17 by multiple users to a computer server, including specifically a service or
18 system that provides access to the internet and such systems operated or
19 services offered by libraries or educational institutions.

20 (10) "Internet" means the international computer network of both
21 federal and non-federal interoperable packet switched data networks."

22 AMENDMENT NO. 14

23 On page 2, at the beginning of line 21, change "(7)" to "(11)"

24 AMENDMENT NO. 15

25 On page 3, line 1, change "executors" to "succession"

26 AMENDMENT NO. 16

27 On page 5, between lines 4 and 5, insert the following:

28 "E. Any suit arising out of the alleged offending use of a digital
29 replica, expressive work, identity, or performance, or brought against a
30 newspaper, broadcast outlet, media outlet, online news outlet, news
31 publication, or other media pursuant to this Subpart shall be subject to the
32 provisions of Code of Civil Procedure Article 971, and any alleged violation
33 of this Subpart shall be presumed an act in furtherance of a person's right of
34 petition or free speech under the United States Constitution or the Louisiana
35 Constitution in connection with a public issue in accordance with Code of
36 Civil Procedure Article 971."

37 AMENDMENT NO. 17

38 On page 5, line 10, after "sports" and before "broadcast" insert "writing or"

1 AMENDMENT NO. 182 On page 5, line 11, after "of" and before "account" delete "an" and insert "a written"3 AMENDMENT NO. 194 On page 5, line 12, after "political" and before "public" delete the comma ","5 AMENDMENT NO. 206 On page 5, line 29, change "does" to "do"7 AMENDMENT NO. 21

8 On page 6, between lines 1 and 2, insert the following:

9 "(11)(a) To any use in criticism, comment, news reporting, teaching,
10 scholarship, or research, or any use which qualifies as a fair use of a
11 copyrighted work, including such use by reproduction in copies or
12 phonorecords. In determining whether the use made of a work in any
13 particular case is a fair use, the factors to be considered shall include all of
14 the following:15 (i) The purpose and character of the use, including whether such use
16 is of a commercial nature or is for nonprofit educational purposes.17 (ii) The nature of the copyrighted work.18 (iii) The amount and substantiality of the portion used in relation to
19 the copyrighted work as a whole.20 (iv) The effect of the use upon the potential market for or value of
21 the copyrighted work.22 (b) The fact that a work is unpublished shall not itself bar a finding
23 of fair use if such finding is made upon consideration of all factors set forth
24 in Subparagraph (a) of this Paragraph."25 AMENDMENT NO. 2226 On page 6, at the beginning of line 7, change "C." to "C.(1)"27 AMENDMENT NO. 23

28 On page 6, between lines 10 and 11, insert the following:

29 "(2) The publication by a news entity or outlet, online news outlet,
30 newspaper, news publication, or other media which violates any provision of
31 this Subpart shall not be considered a violation of this Subpart by the news
32 outlet, online news outlet, or other media."33 AMENDMENT NO. 24

34 On page 6, after line 12, add the following:

35 "E. Provisions of this Subpart do not create a liability for publishers
36 or speakers of any information provided by another information content
37 provider including the internet, an interactive computer service, an
38 information content provider, or an access software provider."