

HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 660 by Representative Stuart Bishop

COMMERCIAL REGULATIONS: Provides relative to certain misleading solicitations by nongovernmental entities which imply certain state governmental connections

Synopsis of Senate Amendments

1. Changes the exemption for a solicitation by a nongovernmental entity that contains a disclaimer that is for the purchase of or payment for a product or service to a requirement that each solicitation by a nongovernmental entity that is for the purchase of or payment for a product or service contain a disclaimer.

Digest of Bill as Finally Passed by Senate

Proposed law prohibits a solicitation by a nongovernmental entity, for the purchase of or payment for a product or service, which is in the form of and reasonably could be interpreted or construed as a bill, invoice, or statement of account due, but constitutes, in fact, a solicitation for the order by the addressee of goods or services, or both, from containing any material which:

- (1) Reasonably could be interpreted or construed as implying any La. state government connection, approval, or endorsement through the use of a seal, insignia, or name of a state agency, department, commission, or program or a citation to a state statute.
- (2) Contains any reference to or a citation to a state statute that misrepresents either the identity of the mailer or the protection or status afforded such matter by the La. state government.

Proposed law requires each solicitation to bear on its face, at the beginning, in conspicuous and legible type which is not smaller than 14-point font and is in contrast by typography, layout, or color with any other printing on the solicitation, the following disclaimer:

"THIS IS A SOLICITATION FOR THE ORDER OF GOODS OR SERVICES, OR BOTH, AND NOT A BILL, INVOICE, OR STATEMENT OF ACCOUNT DUE. YOU ARE UNDER NO OBLIGATION TO MAKE ANY PAYMENTS ON ACCOUNT OF THIS OFFER UNLESS YOU ACCEPT THIS OFFER. THIS PRODUCT OR SERVICE HAS NOT BEEN APPROVED OR ENDORSED BY ANY LOUISIANA STATE GOVERNMENT AGENCY, AND THIS OFFER IS NOT BEING MADE BY AN AGENCY OF THE LOUISIANA STATE GOVERNMENT."

Proposed law provides that any solicitation in violation of proposed law shall subject the violator to a civil fine of not more than \$1,000 per violation.

Proposed law requires the attorney general to bring proceedings to recover all fines due under proposed law.

Proposed law provides that the remedies and penalties provided in proposed law shall be cumulative to all other remedies and penalties provided by law.

(Adds R.S. 51:391)