

Regular Session, 2012
HOUSE BILL NO. 660

ACT No. 272

BY REPRESENTATIVE STUART BISHOP AND SENATORS APPEL, CORTEZ, AND THOMPSON

1 AN ACT

2 To enact Subpart C of Part VIII of Chapter 1 of Title 51 of the Louisiana Revised Statutes
3 of 1950, to be comprised of R.S. 51:391, relative to solicitations; to prohibit
4 solicitations with misleading governmental appearances; to provide for a disclaimer;
5 to provide for a civil penalty; to provide for a remedy; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Subpart C of Part VIII of Chapter 1 of Title 51 of the Louisiana Revised
9 Statutes of 1950, comprised of R.S. 51:391, is hereby enacted to read as follows:

10 SUBPART C. SOLICITATIONS

11 §391. Solicitations; misleading governmental appearance prohibited; disclaimer;
12 penalty

13 A. A solicitation by a nongovernmental entity, for the purchase of or
14 payment for a product or service, which is in the form of and reasonably could be
15 interpreted or construed as a bill, invoice, or statement of account due, but
16 constitutes, in fact, a solicitation for the order by the addressee of goods or services,
17 or both, shall not contain any material which:

18 (1) Reasonably could be interpreted or construed as implying any Louisiana
19 state government connection, approval, or endorsement through the use of a seal,
20 insignia, or name of a state agency, department, commission, or program, or a
21 citation to a state statute.

22 (2) Contains any reference to or a citation to a state statute that misrepresents
23 either the identity of the mailer or the protection or status afforded such matter by the
24 Louisiana state government.

1 B. In addition to the provisions of Subsection A of this Section, each
 2 solicitation shall bear on its face, at the beginning, in conspicuous and legible type
 3 which is not smaller than fourteen-point font and is in contrast by typography,
 4 layout, or color with any other printing on the solicitation, the following disclaimer:

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

13 C. Any solicitation in violation of this Section shall subject the violator to
 14 a civil fine of not more than one thousand dollars per violation. The attorney general
 15 shall bring proceedings to recover all fines due pursuant to this Section. The
 16 remedies and penalties provided in this Section shall be cumulative to all other
 17 remedies and penalties provided by law.

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 PRESIDENT OF THE SENATE

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____