

Regular Session, 2012

HOUSE BILL NO. 1207 (Substitute for House Bill No. 604 by Representative Harrison)

BY REPRESENTATIVES HARRISON, DOVE, AND WHITNEY AND SENATOR CHABERT

COMMERCE: Creates an unfair and deceptive trade practice for misrepresentation regarding local television services

1 AN ACT

2 To enact R.S. 51:1422, relative to unfair and deceptive trade practices; to prohibit
3 misrepresentation regarding the provision of local television service; to provide for
4 exceptions; to provide for violations; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 51:1422 is hereby enacted to read as follows:

7 §1422. Deceptive trade practices; misrepresentation; local television service;
8 exceptions

9 A. It shall be an unfair and deceptive trade practice for any person selling or
10 offering for sale television services in this state to misrepresent a fact or create a
11 false or misleading impression to any consumer that such services include access to
12 Federal Communications Commission (FCC) licensed television stations, regardless
13 of whether they are a high- or low-power provider, when such access is not included
14 in its services or capacity for services.

15 B. This Section shall not apply to television service providers who operate
16 pursuant to a state or local franchise agreement or to any television broadcast station.

17 C. Any violation of this Section shall be an unfair method of competition and
18 unfair and deceptive trade practice or act and shall subject the violator to any and all
19 actions and penalties provided for in this Chapter. For the purpose of this Section,

- 1 a violation shall occur each time such television service is sold or offered for sale to
2 a consumer who was lead to purchase such service because it was misrepresented to
3 him that access to FCC licensed Class A television stations, regardless of power, was
4 included in the services purchased.
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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Harrison

HB No. 1207

Abstract: Creates an unfair and deceptive trade practice to misrepresent to a consumer that television services being purchased include access to local channels if it does not.

Proposed law makes it an unfair and deceptive trade practice for anyone selling television services to misrepresent to a consumer that the services include local access channels when such local access is not included in the services.

Proposed law does not apply to television service providers who operate pursuant to a state or local franchise agreement or to any television broadcast station.

Proposed law subjects violators to present law actions and penalties enforceable by the attorney general (and district attorneys) for deceptive and unfair trade practices, including but not limited to restraining prohibited actions, compensation or restitution for aggrieved consumers, suspension of licenses or franchise agreements, and imposition of civil penalties.

(Adds R.S. 51:1422)

Summary of Amendments Adopted by HouseHouse Floor Amendments to the engrossed bill.

1. Made technical changes.
2. Created an exception to proposed law for any television broadcast station.