
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)]

HB 359 Engrossed

2021 Regular Session

Hollis

Abstract: Allows the commissioner of the Office of Financial Institutions and the state attorney general to enforce provisions of solicitation law against violators.

Present law prohibits a solicitor from using a lender's name, trade name, service mark, or trademark in a solicitation for the offering of services or products to a consumer unless certain conditions are met.

Proposed law retains present law.

Proposed law allows the commissioner of the Office of Financial Institutions to use the enforcement powers granted to him in present law against a violating solicitor.

Proposed law provides that a violation of present law is considered a violation of the false advertising provisions of present law and allows the state attorney general to enforce the appropriate penalties provided in present law.

Proposed law provides that the commissioner is not required to prove actual damages when seeking to enjoin a solicitor from unlawfully using a name, trade name, trademark, service mark, or loan information, and provides that irreparable harm is to be presumed.

Proposed law allows the commissioner to be awarded costs and reasonable attorney fees if he prevails against a solicitor in violation of proposed law.

Proposed law requires any action arising out of a violation of proposed law to be brought in the 19th Judicial District Court.

(Adds R.S. 6:412.1(I) and (J))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Allow the commissioner to enjoin unlawful use of certain information without being required to prove actual damages, and provides that irreparable harm is to be presumed.
2. Allow the commissioner to recover costs and reasonable attorney fees if he prevails in

an action against a solicitor who violates proposed law.

3. Require an action arising out of proposed law to be brought in the 19th Judicial District Court.