

2021 Regular Session

HOUSE BILL NO. 359

BY REPRESENTATIVES HOLLIS AND THOMPSON

1 AN ACT

2 To enact R.S. 6:412.1(I) and (J), relative to solicitors; to authorize enforcement by the
3 commissioner; to provide for false advertising law and penalties; to authorize
4 enforcement by the state attorney general; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 6:412.1(I) and (J) are hereby enacted to read as follows:

7 §412.1. Soliciting using lender's name or customer loan information; restrictions;
8 injunction; damages; attorney fees; enforcement

9 * * *

10 I. The commissioner may use the enforcement powers of R.S. 6:121.1
11 against a solicitor who violates this Section. If the commissioner seeks injunctive
12 relief against a solicitor who violates this Section to enjoin the unlawful use of the
13 name, trade name, trademark, service mark, or loan information, the commissioner
14 shall not be required to prove actual damages as a result of the violation. Irreparable
15 harm shall be presumed. If the commissioner prevails in any action brought pursuant
16 to this Section, the commissioner shall be entitled to recover costs associated with
17 the action and reasonable attorney fees from the solicitor. Any action brought by the
18 commissioner pursuant to this Subsection shall be brought in the Nineteenth Judicial
19 District Court.

20 J. In addition to the remedies provided in Subsections H and I of this
21 Section, a solicitor who violates this Section shall be deemed to have violated the

- 1 false advertising law contained in R.S. 51:411 and the penalties contained in R.S.
- 2 51:411(E) may be enforced by the state attorney general.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____