

2018 Regular Session

HOUSE BILL NO. 759

BY REPRESENTATIVE FOIL

CONSUMERS/PROTECTION: Provides relative to private actions with respect to the Unfair Trade Practices and Consumer Protection Law

1 AN ACT

2 To amend and reenact R.S. 51:1409(E), relative to the Unfair Trade Practices and Consumer  
3 Protection Law; to provide relative to the prescription period of private actions; and  
4 to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 51:1409(E) is hereby amended and reenacted to read as follows:

7 §1409. Private actions

8 \* \* \*

9 E. The action provided by this ~~section~~ Section shall be ~~prescribed by~~ subject  
10 to a liberative prescription of one year running from the time of the transaction or act  
11 which gave rise to this right of action.

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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)]

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HB 759 Engrossed

2018 Regular Session

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**Abstract:** Provides for a liberative prescription period with respect to private actions for violations of the Unfair Trade Practices and Consumer Protection Law.

Present law authorizes a person who suffers any ascertainable loss of money or movable property as a result of the use or employment by another person of an unfair or deceptive method, act, or unlawful practice to bring an action individually but not in a representative capacity to recover actual damages.

Proposed law retains present law.

Present law provides that an action to recover actual damages is prescribed by one year running from the time of the transaction or act which gave rise to the right of action.

Proposed law amends present law to provide that such action to recover actual damages is subject to a liberative prescription of one year running from the time of the transaction or act which gave rise to the right of action.

(Amends R.S. 51:1409(E))