

LOUISIANA

La. Rev. Stat. Ann.

§51:1745. Definitions Pertaining to Unsolicited Fax Transmissions

(1) "Person" means an individual, firm, association, corporation, partnership, joint venture, or any other legal or business entity which contacts or attempts to contact a recipient by using a telephone line.

(2) "Recipient" means an individual, firm, association, corporation, partnership, joint venture, or any other legal or business entity which is provided telephone service from a telephone company regulated by the state of Louisiana.

(3) "Telefacsimile" means every process in which electronic signals are transmitted by telephone lines for conversion into written text.

(4) "Telefacsimile message" means the transmission of a telefacsimile communication promoting goods or services for purchase by the recipient of such message.

Created by §1, Act No. 298 of 1991, effective September 6, 1991.

§51:1746. Unsolicited Faxes: General Prohibition; Exemption

A. No person shall initiate the unsolicited transmission of a telefacsimile message promoting goods or services for purchase by the recipient of such message.

B. This Section shall not apply to telefacsimile messages sent to a recipient with whom the person has had a prior contractual or business relationship, or when the telefacsimile transmission is sent as a follow-up to a sales call, sales lead, or other business-related contact.

Created by §1, Act No. 298 of 1991, effective September 6, 1991.

§51:1747. Sending Unsolicited Faxes: Penalties; Recipient's Remedy

A. Whoever violates the provisions of this Chapter [§§51:1745 - 51:1747] shall be fined not more than \$500 or imprisoned not more than 30 days, or both.

B. A recipient may bring a civil action against any person in violation of the provisions of this Chapter to enjoin further violation and to recover actual damages or \$200, whichever is greater, plus costs and reasonable attorney fees, but in no case shall the damage award exceed \$500, exclusive of costs and attorney fees.

C. The attorney general may bring an action against any person in violation of the provisions of this Chapter to seek injunctive relief and to impose a civil penalty not to exceed \$500.

D. Each transmission shall be considered a separate violation.

Created by §1, Act No. 298 of 1991, effective September 6, 1991.