

House Committee on Commerce

Minutes of Meeting
2020 Regular Session
May 21, 2020

I. CALL TO ORDER

Representative Paula P. Davis, chairwoman of the House Committee on Commerce, called the meeting to order at 9:23 a.m. in Room 1, in the state capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

Representative Paula P. Davis, chairwoman
Representative Stephanie Hilferty, vice chairwoman
Representative Kenny R. Cox
Representative Royce Duplessis
Representative Bryan Fontenot
Representative Jonathan Goudeau, I
Representative Kyle M. Green, Jr.
Representative Charles Alexander Henry
Representative Edmond Jordan
Representative Danny McCormick
Representative Markham Scott McKnight
Representative Candace N. Newell
Representative Vincent "Vinney" J. St. Blanc, III
Representative Phillip Eric Tarver
Representative Polly Thomas
Representative Debbie Villio

MEMBERS ABSENT:

Representative Paul Hollis

STAFF MEMBERS PRESENT:

Halie Guidry, legislative analyst
Allie King, committee administrative assistant
Nevonda Reed, division director

ADDITIONAL ATTENDEES PRESENT:

Myrtis Jarrell, sergeant at arms

III. DISCUSSION OF LEGISLATION**Senate Bill No. 395 by Senator Cloud**

Senator Cloud presented Senate Bill No. 395, which provides relative to false, misleading, or deceptive advertising.

Ms. Michelle Ghetti, 18531 Lake Tulip Ave., Baton Rouge, LA 70817, (225) 933-9029, spoke for information only on House Bill No. 395.

Mr. Larry L. Murray, Louisiana State Bar Association, P.O. Box 44153, Baton Rouge, LA 70804, (225) 413-8705, spoke for information only on House Bill No. 395.

Mr. Gary N. Boutwell, II, citizen attorney, 904 Main St., Madisonville, LA 70447, (905) 969-5640, spoke in opposition to House Bill No. 395.

Representative Thomas offered a motion to report Senate Bill No. 395 favorably. Without objection, Senate Bill No. 395 was reported favorably by a vote of 15 yeas and 0 nays. Representatives Davis, Hilferty, Cox, Duplessis, Fontenot, Goudeau, Green, Henry, Jordan, McCormick, McKnight, St. Blanc, Tarver, Thomas, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 5 in support. Witness cards are included in the committee records.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 2 in support, 1 in opposition, and 1 for information only. Copies of these statements are included in the committee records.

Senate Bill No. 476 by Senator Ward

Senator Ward presented Senate Bill No. 476, which provides relative to third-party sellers on the online marketplace.

Representative Cox offered amendments to Senate Bill No. 476 which would expand the remedies an attorney general can seek for a violation of present law to include reasonable costs, investigative expenses, and attorney fees. Representative Cox offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 15 yeas and 0 nays.

Representatives Davis, Hilferty, Cox, Duplessis, Fontenot, Goudeau, Green, Henry, Jordan, McCormick, McKnight, St. Blanc, Tarver, Thomas, and Villio voted yea.

Mr. Bill Stiles, Attorney General's Office, Livingston Building, (225) 572-1862, spoke for information only on Senate Bill No. 476.

Representative Cox offered amendments to Senate Bill No. 476 which would exempt a used motor vehicle dealer whose primary business is automobile auctions from the definition of "online marketplace". Representative Cox offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 15 yeas and 0 nays. Representatives Davis, Hilferty, Cox, Duplessis, Fontenot, Goudeau, Green, Henry, Jordan, McCormick, McKnight, St. Blanc, Tarver, Thomas, and Villio voted yea.

Representative Cox offered amendments to Senate Bill No. 476 which would: (1) specify that a "consumer product" does not include digital items; (2) remove the requirement that a third-party seller submit an agreement not to use counterfeit marks or copyrighted images in connection with the sale, offering for sale, distribution, or advertising of any consumer product listed on the online marketplace; and (3) remove the requirement that an online marketplace immediately remove a listing containing a copyrighted image. Representative Cox offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 15 yeas and 0 nays. Representatives Davis, Hilferty, Cox, Duplessis, Fontenot, Goudeau, Green, Henry, Jordan, McCormick, McKnight, St. Blanc, Tarver, Thomas, and Villio voted yea.

Representative Green offered amendments to Senate Bill No. 476 which would: (1) raise the threshold for what is considered a high-volume third-party seller from \$5,000 or more in total gross revenue to \$20,000 or more, per marketplace, in total gross revenue; (2) change the requirement that the online marketplace verify the identity of each high-volume third party seller from an annual requirement to a biennial requirement; (3) allow a government-issued identification card to satisfy requirements of proposed law if it contains the required information; and (4) make technical changes. Representative Green offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 13 yeas and 0 nays. Representatives Davis, Hilferty, Duplessis, Fontenot, Goudeau, Green, Henry, Jordan, McCormick, McKnight, St. Blanc, Tarver, and Villio voted yea.

Ms. Jessica Elliot, Louisiana Retailers Association, P.O. Box 78039, Baton Rouge, LA 70837, (225) 324-8423, spoke in support of Senate Bill No. 476.

Mr. Kevin Ainsworth, Amazon, 445 North Blvd., Suite 800, Baton Rouge, LA 70802, (225) 921-3311, spoke in opposition to Senate Bill No. 476.

Mr. Tyler Daniel, Facebook, 409 East Boston, #200, Covington, LA 70433, (985) 320-8521, spoke in opposition to Senate Bill No. 476.

Mr. Eric Peterson, Pelican Institute, 342 Lafayette St., Suite C, Baton Rouge, LA 70802, (504) 500-0506, spoke in opposition to Senate Bill No. 476.

Representative Goudeau offered a motion to report Senate Bill No. 476 with amendments, to which Representative McCormick objected. The administrative assistant called the roll, and Senate Bill No. 476 was reported with amendments by a vote of 13 yeas and 2 nays. Representatives Davis, Hilferty, Cox, Duplessis, Fontenot, Goudeau, Green, Jordan, McKnight, St. Blanc, Tarver, Thomas, and Villio voted yea. Representatives Henry and McCormick voted nay.

Witness cards submitted by individuals who did not speak are as follows: 2 in support. Witness cards are included in the committee records.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 3 in support and 6 in opposition. Copies of these statements are included in the committee records.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

Representative Polly Thomas offered a motion to adjourn. Without objection, the motion passed by a vote of 14 yeas and 0 nays. Representatives Davis, Hilferty, Cox, Duplessis, Fontenot, Goudeau, Green, Henry, Jordan, McCormick, McKnight, St. Blanc, Tarver, Thomas, and Villio voted yea.

The meeting was adjourned at 12:26 p.m.

Respectfully submitted,

Chairwoman Paula P. Davis
House Committee on Commerce

Date adopted: