

Telephone Consumer Protection Act- Louisiana

Does your state have its own version of the TCPA?

Yes, the Telephone Solicitation Relief Act of 2001, LA R.S. 45:844.11, *et seq.*

If so, please explain the distinction between the state's iteration of the TCPA.

Like the TCPA, the Telephone Solicitation Relief Act of 2001 ("LTSRA"), criminalizes the practice of using an Automatic Telephone Dialing System ("ATDS") to call residents whose phone numbers appear on the Do Not Call List. Anyone who violates this law is subject to a monetary penalty per violation unless an exemption applies. While the two laws both aim to reduce unwanted telemarketing calls, they differ in the following ways:

Exemptions

- While both the LTSRA and the TCPA exempt certain non-commercial and non-profit activities and many of the exemptions overlap, the LTSRA carves out a more a specific range of acceptable activities for ATDS calls.ⁱ
- The following exemptions are established under the LTSRA: (1) calls made with the consent of the called person; (2) calls made in connection with legitimate debts owed; (3) calls soliciting opposition to or support for political candidates during elections or otherwise related to political activity such as for public opinion polling; (4) calls by automobile dealerships that do not complete sales over the phone but plan to do so during a later face-to-face meeting, with the recipient being a prior customer; (5) calls without immediate sales completion, resulting from personal referrals or known contacts, followed by in-person meetings at the solicitor's business or chosen location; (6) calls that are placed to persons who already have existing business relationships with the caller, if within six months of termination of relationship; (7) calls on behalf of a nonprofit; and (8) calls related to healthcare.ⁱⁱ

Management of Do Not Call Lists

- The Louisiana Public Service Commission is in charge of the Louisiana Do Not Call List, whereas the Federal Trade Commission updates and manages the National Do Not Call List.ⁱⁱⁱ
- Complaints against violators of the LTSRA is done through the Louisiana Public Service Commission and complaints under the TCPA are filed with the FTC.^{iv}

Do Not Call List Expiration

- Numbers registered on the Louisiana Do Not Call List expire after five years whereas numbers on the National Do Not Call List do not expire and are only removed by request of the owner or the FTC.^v

Please address state specific consumer protection statutes that are often paired with TCPA or its state iterations and the additional element and penalties.

Telecommunication service providers and telephonic solicitors operating in Louisiana are also subject to the Rules and Regulations Regarding Telephonic Solicitation within Louisiana as specified in the Commission's General Order dated March 29, 2000.

- Telephone solicitors must possess an identification code that appears on a caller identification unit. To do so, they must register with the Louisiana Public Service Commission "Do Not Call" program on a yearly basis.^{vi}
- If the solicitor does not have a network provider that can offer a party number identification, they must file with the Louisiana Public Service Commission a detailed explanation of why they cannot provide such information.^{vii}
- Telephone solicitors should not use any device that blocks or misrepresents the caller's identity or phone number.^{viii}
- Any violation of this chapter is subject to a civil penalty not to exceed \$500 for each violation.^{ix}

What are the current best practices to comply with the State's iteration of the TCPA?

- Although the Louisiana Do Not Call program does include in its registry all Louisiana consumers registered with the National Do Not Call List, it does not provide the National program with any information regarding Louisiana registrations; thus, businesses should ensure compliance with the National Registry in conjunction with the Louisiana Registry.^x
- Ensure that no calls are placed on Sundays or Legal Holidays, or between the hours of 8:00 P.M. and 8:00 A.M. Monday through Saturday.^{xi}
- During a state of emergency as declared by the governor, refrain from engaging in any form of solicitation, unless an exemption applies.^{xii}
- Obtain a copy of the Do Not Call register, by completing an application, paying the appropriate registration and list fees and updating the register on a quarterly basis.^{xiii}

ⁱ see 47 CFR § 64.1200 & LA R.S 45:844.11-15

ⁱⁱ LA R.S §45:844.12

ⁱⁱⁱ LA R.S § 45:844.12-13

^{iv} *Id.*

^v LA R.S § 45:844.14

^{vi} LA R.S § 45:844.2

^{vii} *Id.*

^{viii} *Id.*

^{ix} LA R.S § 45:844.3

^x see LPSC Do Not Call General Order (R-29617)

^{xi} *Id.*

^{xii} LA R.S §45:844.31

^{xiii} see LPSC Do Not Call General Order (R-29617)