

Regular Session, 2011

HOUSE BILL NO. 128

BY REPRESENTATIVE AUSTIN BADON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CONSUMERS/PROTECTION: Prohibits a vendor from requesting that a customer provide personal information when making a purchase

1 AN ACT

2 To amend and reenact R.S. 51:1421(A) and (B), relative to deceptive trade practices; to  
3 prohibit a retail business from requesting or requiring a consumer's personal  
4 information when completing a consumer transaction using cash, credit card, debit  
5 card, or gift card as the form of payment; to provide for an exception when a check  
6 is used as the form of payment; to provide for an exception for the purchase of an  
7 automobile; to provide for an exception when required by law; to provide for an  
8 exception for requests for photo identification for credit or debit transactions; to  
9 prohibit the recording of information on a photo identification unless the information  
10 is necessary for the completion of the transaction; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 51:1421(A) and (B) are hereby amended and reenacted to read as  
13 follows:

14 §1421. Deceptive trade practices; requesting certain personal information for ~~cash~~  
15 ~~sales~~ consumer transactions

16 A. No retail business shall request or require a consumer's name, address, zip  
17 code, telephone number, or other personal information when completing a consumer  
18 transaction ~~for cash sale~~ using cash, credit card, debit card, or gift card as the form  
19 of payment.

1 B.(1) Nothing in this Section shall apply to a transaction when a consumer  
2 makes payment ~~either by credit card or~~ by check.

3 (2) This Section shall not apply to a transaction ~~for cash~~ involving the sale  
4 of an automobile.

5 (3) The provisions of this Section shall not apply in instances where either  
6 state or federal law requires the retail business to obtain a consumer's personal  
7 information when completing a ~~cash~~ sale.

8 (4) Nothing in this Section shall be construed to prohibit a retail business  
9 from requesting a form of photo identification, including but not limited to a driver's  
10 license, from the consumer in a transaction where a credit card or debit card is used  
11 as the form of payment. The retail business is prohibited from recording the  
12 information contained on the photo identification unless the information is required  
13 to complete the transaction, such as for shipping purposes.

14 \* \* \*

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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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Austin Badon

HB No. 128

**Abstract:** Prohibits a retail business from requesting or requiring a consumer's personal information when completing a consumer transaction using cash, credit card, debit card, or gift card as the form of payment.

Present law prohibits a retail business from requiring a consumer's name, address, telephone number, or other personal information when completing a consumer transaction for cash sale.

Proposed law prohibits a retail business from requesting or requiring a consumer's name, address, telephone number, zip code, or other personal information when completing a consumer transaction using cash, credit card, debit card, or gift card as the form of payment.

Present law provides that present law shall not apply to a transaction when a consumer makes payment either by credit card or by check.

Proposed law provides that proposed law shall not apply to a transaction when a consumer makes payment by check.

Present law provides that present law shall not apply to a transaction for cash involving the sale of an automobile.

Proposed law provides that proposed law shall not apply to a transaction involving the sale of an automobile.

Present law provides that present law shall not apply in instances where either state or federal law requires the retail business to obtain a consumer's personal information when completing a cash sale.

Proposed law provides that proposed law shall not apply in instances where either state or federal law requires the retail business to obtain a consumer's personal information when completing a sale.

Proposed law provides that proposed law shall not prohibit a retail business from requesting a form of photo identification, including but not limited to a driver's license, from the consumer in a transaction where a credit card or debit card is used as the form of payment.

Proposed law prohibits the retail business from recording the information contained on the photo identification unless the information is required to complete the transaction, such as for shipping purposes.

(Amends R.S. 51:1421(A) and (B))