

Regular Session, 2010

HOUSE BILL NO. 451

BY REPRESENTATIVE RITCHIE

1 AN ACT

2 To amend and reenact R.S. 37:831(11), (40), and (72) and 846(A)(introductory paragraph),
3 (2), and (3), relative to solicitation by funeral homes; to define "capper", "steerer",
4 or "runner"; to define "funeral goods and services"; to define "solicitation"; to
5 authorize the imposition of sanctions or fines; to prohibit solicitation by funeral
6 home directors; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 37:831(11), (40), and (72) and 846(A)(introductory paragraph), (2),
9 and (3) are hereby amended and reenacted to read as follows:

10 §831. Definitions

11 For purposes of this Chapter and implementation thereof, the following terms
12 shall have the meaning as defined herein, unless the context clearly indicates
13 otherwise:

14 * * *

15 (11) "Capper", ~~or "steerer", "or runner"~~ means any business agent or other
16 a person who, for monetary benefits or other considerations, procures or attempts to
17 deceive, delude, procure business at the direction of, request of, or in cooperation
18 with a licensee by means of deceit, trick, cheat, swindle, defraud, or mislead fraud,
19 or misleading statements.

20 * * *

21 (40) "Funeral goods and services" means any one or more of the following
22 goods or services:

23 (a) goods Goods which are sold or offered for sale directly to the public for
24 use in connection with funeral services.

1 (c) A licensee's providing discounted or free funeral goods and services for
 2 infants or a member of an indigent family.

3 ~~(3)(a) Solicitation of business, either in person or through agents commonly~~
 4 ~~known as "cappers" or "steerers,"~~ which is intimidating, overreaching, fraudulent,
 5 or misleading, that uses undue influence, or that takes advantage of a person's lack
 6 of knowledge or emotional vulnerability, or engaging in any of the following:

7 (i) At-need solicitation of sales of funeral goods and services or funeral or
 8 disposition arrangements.

9 (ii) Soliciting, accepting, or paying consideration for recommending a
 10 provider of funeral goods and services or disposition arrangements or using the
 11 services of cappers, steerers, or runners.

12 (iii) Contacting persons receiving care in hospitals, rest homes, nursing
 13 homes, hospices, or similar institutions for the purpose of soliciting preneed funeral
 14 contracts or the sale of funeral goods and services or making funeral or disposition
 15 arrangements without first having been specifically requested by that person.

16 (iv) Contacting a person suffering ill health or the relatives, caregivers,
 17 acquaintances, health care providers, or persons having the right to control the
 18 disposition of the remains of an individual whose death is impending or whose death
 19 has recently occurred for the purposes of soliciting preneed funeral contracts or the
 20 sale of funeral goods and services or making funeral or disposition arrangements for
 21 that individual without first having been specifically requested by that person
 22 seeking information about funeral goods or services.

23 (b) This Paragraph shall not apply to communications between persons
 24 related by blood, adoption, or marriage.

25 (c) Nothing in this Section shall be construed to restrict the rights of a person
 26 to advertise or use direct mail or other communications in a manner directed to

