

2020 Regular Session

HOUSE BILL NO. 815

BY REPRESENTATIVE MACK

AUCTIONS/AUCTIONEERS: Provides relative to online auctions

1 AN ACT

2 To amend and reenact R.S. 37:3103(A)(3), (3.1), and (4) and to enact R.S. 37:3103(A)(11)
3 and 3105(C) and (D), relative to online auctions; to define terms; to provide for
4 auctions conducted through internet-based platforms; to provide for the employment
5 of live auctioneers; to provide for responsible parties; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 37:3103(A)(3), (3.1), and (4) are hereby amended and reenacted and
9 R.S. 37:3103(A)(11) and 3105(C) and (D) are hereby enacted to read as follows:

10 §3103. Definitions of terms

11 A. As used in this Chapter, these terms shall have the definitions ascribed to
12 them, unless the context indicates otherwise:

13 * * *

14 (3)(a) "Auction" means the sale by competitive bid by means of a verbal
15 exchange, regular mail, telecommunications, or the internet of any property which
16 sale consists of a series of invitations for offers to purchase property made by the
17 auctioneer ~~and~~ or offers to purchase made by members of the audience culminating
18 in the acceptance by the auctioneer of the highest or most favorable bid.

19 (b) "Auction" includes but is not limited to all of the following:

20 (i) Live auctions.

Proposed law retains present law but expands the definition to include those entities which conduct business on an internet-based platform.

Present law excludes public livestock auctions regulated pursuant to present law from the definitions of "auction house", "auction company", and "auction business".

Proposed law retains present law.

Present law defines "auctioneer".

Proposed law retains present law but removes the provision which excludes a person who sells property through an internet-based trading platform from the definition.

Proposed law defines "internet-based platform".

Proposed law does not require auction houses which conduct business solely through internet based platforms to employ a licensed auctioneer to call the auction.

Proposed law requires any live, real-time, or simulcast auction to employ a licensed auctioneer to call the auction.

Proposed law provides that auction houses which conduct any auction through an internet-based platform are responsible for the actions of that platform and its employees or agents in the conduct of that auction.

Effective Jan. 1, 2021.

(Amends R.S. 37:3103(A)(3), (3.1), and (4); Adds R.S. 37:3103(A)(11) and 3105(C) and (D))