

CHAPTER III

THE CIRCULATION DEPARTMENT AND THE LAW

“Paper boys” are not used as extensively today as they were in the past to deliver newspapers; however, newspapers continue to employ minors to perform various tasks suitable for minors and primarily associated with the circulation department. The employment of minors in Louisiana is heavily regulated by statute with various privileges and restrictions applicable to the employment of minors in Louisiana.

Several provisions relative to the employment of minors, including R.S. 23:168,¹ were repealed during the 1993 legislative session. Following are the Louisiana statutes applicable to the employment of minors that newspapers should be familiar with:

EMPLOYMENT OF MINORS

Employment Privileges and Restrictions

R.S. 23:161. Minors; prohibited employments

Minors, except those indentured as apprentices in accordance with Chapter 4 of this Title, shall not be employed, permitted, or suffered to work:

(1) *In oiling, cleaning, or wiping machinery or shafting, or in applying belts to pulleys; ...*

* * *

(10) *As a driver of any motor vehicle on a public road if they are minors sixteen years of age or younger. Minors seventeen years of age or older may be employed, permitted, or suffered to work as a driver of a motor vehicle only under the following restrictions:*

(a) *The driving constitutes no more than one-third of the minor’s work time in any work day and no more than twenty percent of the minor’s work time in any work week.*

(b) *Any further restrictions imposed by federal law on the driving of minors during employment under the provisions of the Teen Drive for Employment Act which amends the Fair Labor Standards Act (FLSA) 26 U.S.C. §§212-213.*

* * *

(12) *In spray painting or in occupations involving exposure to lead or its compounds, or to dangerous or poisonous dyes and chemicals.*

¹ R.S. 23:168, prior to being repealed in 1993, provided:

§168. Minors twelve years of age or over; delivery of afternoon and Sunday papers

Minors twelve years of age and over may engage, after school hours and during vacations, in the delivery of, and in the collection for, afternoon and Sunday newspapers over fixed routes in residential areas, upon issuance of a street trades permit as provided in Subpart C of this Part.

R.S. 23:162. Minors under fourteen; general prohibition against employment

- A. *Except as otherwise provided in this Chapter, no minor under the age of fourteen years shall be employed, permitted, or suffered to work in any gainful occupation at any time.*
- B. *Minors under the age of fourteen may be employed, if all of the following conditions are met:*
 - (1) *The minor is at least twelve years of age.*
 - (2) *The minor's parent or legal guardian is an owner or partner in the business in which the minor is to be employed.*
 - (3) *The minor shall work only under the direct supervision of the parent or legal guardian who owns or is a partner in the business.*
 - (4) *All of the protections afforded to minors fourteen and fifteen years of age shall be afforded to minors twelve and thirteen years of age.*
 - (5) *The minor obtains an employment certificate pursuant to R.S. 23:184.*

R.S. 23:163. Minors under sixteen; prohibited employments

No minor under the age of sixteen years shall be employed, permitted, or suffered to work:

* * *

- (2) *In, or about, or in connection with power-driven machinery.*
- (3) *In any manufacturing or processing establishment, or in any manufacturing, mechanical, or processing occupation.*

* * *

- (6) *In the distribution or delivery of goods or messages for any person engaged in the business of transmitting or delivering of goods or messages.*

R.S. 23:166. Minors fourteen and fifteen years of age; employments permitted

Minors fourteen and fifteen years of age may be employed in any gainful occupation not prohibited in this Part, only after school hours and during nonschool days.

Employment Certificates

R.S. 23:181. Secretary of labor to furnish forms

The executive director shall prescribe and furnish all forms to be used in connection with the issuance of employment certificates by each issuing authority.

R.S. 23:182. Employers to keep records

Every person employing minors shall procure and keep on file an employment certificate for each minor, except for those minors employed in approved federally funded youth training programs and those minors employed in theatrical,

modeling, motion picture or television production, musical occupations, or in other performing arts. Such certificate shall be accessible on the job site, or in the immediate area of the work location, at all times to any officer charged with the enforcement of the provisions of this Chapter.

R.S. 23:183. Persons authorized to issue

- A. *Except as provided in Subsection B of this Section, employment certificates may be issued by either of the following:*
 - (1) *The parish or city public school superintendent or by his designated representative.*
 - (2) *By the principal of a public or private school or by his designated representative.*
- B. *If the student is a home study program participant, the employment certificate may be issued by any person authorized to issue an employment certificate pursuant to Subsection A of this Section.*
- C. *The name of each designated representative shall be submitted in writing for approval to the executive director of the Louisiana Workforce Commission or his designee. The superintendent of the parish, city, or other public school governing authority or his designee, or the private school principal or his designee shall completely fill out and electronically submit the Employment Certificate Interactive Form located on the Louisiana Workforce Commission's website. The employment certificate shall be printed online from the website from the information that has been entered onto the department's employment certificate database. The original employment certificate shall be signed by the minor and the issuing authority and presented to the minor for delivery to his employer.*

R.S. 23:184. Requirements for issuance

Employment certificates shall be issued only upon the personal application by the minor desiring employment, and upon submission to, and approval by the issuing authority, of the following papers:

- (1) *A statement signed by the prospective employer that it is his intention to employ the minor, and stating the specific nature of the occupation in which the minor is to be employed, the number of hours per day and per week he is to work, and the amount of wages he is to receive; and*
- (2) *One of the following proofs of age:*
 - (a) *A birth certificate, or a signed statement thereof issued by the recorder of births.*
 - (b) *A baptismal certificate showing the date of birth and the place of baptism.*
 - (c) *A contemporaneous bible record of the birth.*

- (d) *A passport or certificate of arrival in the United States, showing the age of the applicant, dated at least two years prior to the application.*
- (e) *A life insurance policy covering the life of the minor, dated at least two years prior to the date of application.*
- (f) *A school record or school identification showing the minor's age.*
- (g) *A current valid Louisiana driver's license or other state-issued identification, including a special identification card, with the minor's date of birth.*
- (h) *An affidavit signed by the minor's parent or legal guardian showing the name, date, and place of birth of the minor and stating that the proofs of age specified in the preceding Subparagraphs of this Paragraph cannot be produced.*

R.S. 23:187. Signing of certificate by minor; return by employer after termination of employment

The employment certificate shall be signed by the minor in the presence of the issuing authority and then it shall be returned to the minor for delivery to the employer. An employment certificate shall be valid only for the employer for whom issued and the employer shall be required to maintain it on file for a period of fourteen days after the termination of the minor's employment.

R.S. 23:188. Filing copy with secretary; records kept by issuing authority

A copy of each employment certificate shall be retained in the office of the issuing authority together with the papers required to be submitted by the applicants under R.S. 23:184. The issuing authority shall also keep a record of all applications denied.

R.S. 23:191. Revocation

The executive director may revoke any employment or other certificate if in his judgment it was improperly issued or if the minor is illegally employed. If the certificate is revoked, the issuing authority, the employer, and the minor, shall be notified and the minor shall not thereafter be employed or permitted to work until a new certificate has been legally obtained.

R.S. 23:192. Certificates as evidence of age of minors

Employment certificates issued in accordance with the provisions of this Subpart shall be conclusive evidence of the age of the minor for whom issued in any proceeding involving the employment of the minor subsequent to the issuance thereof.

Hours Of Work

R.S. 23:211. Minors; maximum hours in general

No minor under the age of sixteen shall be employed, permitted, or suffered to work in any gainful occupation more than eight hours in any one day, nor more than six consecutive days in any one week.

R.S. 23:213. Recreation or meal period

No minor shall be employed, permitted, or suffered to work for any five-hour period without one interval of at least thirty minutes within such period for meals. If the period of work before the interval exceeds five hours by ten minutes or less, that difference shall be considered de minimis and shall not be considered a violation of this Section. Such interval shall not be included as part of the working hours of the day. This interval shall be thirty minutes. If the length of the meal break is at least twenty minutes, the difference between the actual break time and the required thirty-minute break time shall be considered de minimis, and shall not be considered a violation of this Section. The break shall be documented, using the employer's normal timekeeping system. If a minor fails to clock in or out for a work period or meal break, and a time edit is necessary, the time edit shall be documented and acknowledged in writing by the minor and the manager who performs the time edit.

R.S. 23:214. Minors under sixteen; maximum hours when school in session

- A. Minors under sixteen years of age shall not be employed, permitted, or suffered to work more than three hours each day on any day when school is in session, nor more than eighteen hours in any week when school is in session.*
- B. The school calendar of the school in which the minor is enrolled or the public school calendar for the district in which the minor resides shall be used to determine a school day or week.*

R.S. 23:215. Minors under sixteen; prohibited hours; maximum work week

- A. (1) No minor sixteen years of age who has not graduated from high school shall be employed, or permitted, or suffered to work between the hours of 11:00 p.m. and 5:00 a.m. prior to the start of any school day.*
 - (2) No minor seventeen years of age who has not graduated from high school shall be employed, or permitted, or suffered to work between the hours of 12:00 a.m. and 5:00 a.m. prior to the start of any school day.*
- B. No minor under sixteen years of age who has not graduated from high school shall be employed, or permitted, or suffered to work between the hours of 7:00 p.m. and 7:00 a.m.; except from June first through Labor Day at which time the permissible hours are extended to 9:00 p.m. Minors who are employed in the dairy industry shall be exempt from the provisions of this Section.*
- C. No minor under sixteen years of age who has not graduated from high school shall be employed, or permitted, or suffered to work in, about, or in connection with any occupation, more than forty hours in any one week.*

- D. *For purposes of this Section, a school day is a day during which school is in session as designated by the local school superintendent for the school district in which the minor resides.*
- E. *For purposes of this Section, a minor who has taken and passed a General Education Development test (GED) and who has been awarded a high school Equivalency Diploma from the Louisiana Department of Education will be considered to have graduated from high school.*
- F. *Employment pursuant to this Section shall be subject to the provisions of any local curfew ordinance.*

R.S. 23:217. Records to be kept by employers

Every employer of minors shall keep conspicuously posted at the place of employment:

- (1) *A printed abstract of the provisions of this Part prepared and furnished by the executive director.*
- (2) *A list of the occupations prohibited to such minors, prepared and furnished by the executive director.*

Penal Provisions

To enforce these labor laws relative to the employment of minors, R.S. 23:231 provides for both criminal and civil penalties. Further, a party can be made to pay for reasonable attorney fees. R.S. 23:231 provides:

§23:231. Specific violations; penalties; enforcement

- A. *No person shall:*
 - (1) *Employ, permit, or suffer a minor to work in violation of the provisions of this Part.*
 - (2) *Refuse, to the secretary or his authorized representatives, admission to the premises where minors are employed, or otherwise obstruct the secretary or his representatives in the performance of their duties.*
 - (3) *Hide or cause any minor to escape, or give him warning of the approach of any officer charged with the enforcement of the provisions of this Part.*
- B. *Any person who violates Subsection A or any other provision of this Part for which a penalty is not otherwise provided shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned for not less than thirty days nor more than six months, or both.*
- C. (1) *Any person violating the provisions of this Part shall, in addition to the criminal penalty provided in Subsection B, be liable for a civil penalty not to exceed five hundred dollars.*
 - (2) *Reasonable litigation expenses may be awarded to the prevailing party of the adjudicatory hearing. "Reasonable litigation expenses" means*

any expenses, not exceeding seven thousand five hundred dollars, reasonably incurred in prosecuting, opposing, or contesting an agency action, including but not limited to attorney fees, stenographer fees, investigative fees and expenses, witness fees and expenses, and administrative costs.

- D. Civil penalties for a violation of this Part may be imposed by the Department of Labor only by a ruling of the secretary pursuant to an adjudicatory hearing held in accordance with the Administrative Procedure Act.*
- E. The secretary may institute civil proceedings in the Nineteenth Judicial District Court to enforce his rulings. The court shall award to the prevailing party reasonable attorney fees and judicial interest from the date of judgment until paid and all court costs.*
- F. The secretary may institute civil proceedings in the Nineteenth Judicial District Court seeking injunctive relief to restrain and prevent violations of the provisions of this Part or of the rules and regulations adopted under the provisions of this Part. The court shall award reasonable attorney fees and court costs to the prevailing party.*
- G. The secretary is empowered to enforce the civil provisions of this Part and to adopt and promulgate such reasonable rules and regulations and to conduct such investigations as he deems necessary to ensure enforcement of this Part.*
- H. Out of the civil penalties collected for violations of this Chapter, expenses incurred in enforcing the provisions of this Chapter may be paid by the department.*

§23:234. Continuing violations; penalty

Each day during which any violation of this Part continues shall constitute a separate offense and the employment of any minor in violation of this Part shall, with respect to such minor, constitute a separate offense.

Newspapers should also be aware of R.S. 23:233, which provides:

§23:233. Presence of minor at place of employment; presumption of employment

The presence of any minor under sixteen years of age in any place of employment prohibited to him under the provisions of this Chapter, and observed to be performing work duties on the employer's behalf, shall constitute prima facie evidence of his employment therein.

Therefore, the facts of each case must be examined to determine if the facts are sufficient to overcome the statutory refutable presumption of employment.²

² In *Kelly Tickfaw Retreat, Inc.*, 333 So. 2d 285 (La. App. 1st Cir. 1976), the court held that testimony by a person who drove two boys to place of business that the boys did not perform any work on that day at the site, testimony by others that they observed the two boys, ages 11 and 12, on the property on the day in question and did not observe either of them doing anything but playing, and testimony by the owner of the business that the boys did not work for

SAFETY BELT USE

Louisiana law generally requires individuals to wear seat belts at all times when the vehicle is in forward motion. R.S. 32:295.1, amended in the 1997 regular legislative session, exempts newspaper delivery persons from the safety belt use requirement while he or she is engaged in the distribution of regularly published newspapers, as follows:

§295.1. Safety belt use

- A. (1) *Each driver of a passenger car, van, or truck having a gross weight of six thousand pounds or less, commonly referred to as a pickup truck, in this state shall have a safety belt properly fastened about his or her body at all times when the vehicle is in forward motion. The provisions of this Section shall not apply to those cars, vans, or pickups manufactured prior to January 1, 1981.*
- (2) *A person operating or riding in an autocyycle shall wear seatbelts while in forward motion.*
- (3) *Each driver of a passenger car, van, sports utility vehicle, or truck having a gross weight of ten thousand pounds or less, commonly referred to as a pickup truck, shall not transport more persons than there are safety belts available in the vehicle.*
- B. *Except as provided by R.S. 32:295 for children under the age of thirteen or as otherwise provided by law, each occupant of a passenger car, van, or truck having a gross weight of ten thousand pounds or less, commonly referred to as a pickup truck, in this state shall have a safety belt properly fastened about his or her body at all times when the vehicle is in forward motion.*
- C. *This Section shall not apply to the following:*
 - (1) *A motor vehicle operated by a rural letter carrier of the United States Postal Service while performing his or her duties as a rural letter carrier, to a farm vehicle being operated within five miles of the place of its principal use, to a motor vehicle being operated by a newspaper delivery person while he or she is engaged in the distribution of regularly published newspapers.*

TELEPHONIC SOLICITATION

Registration

In 1993, the Louisiana Legislature recognized that telephonic sales have a significant impact upon Louisiana's economy and that Louisiana purchasers have suffered substantial losses because of misrepresentations, lack of full and complete information regarding both the telephonic seller and the goods and investments the telephonic seller is offering, and failure of delivery, and enacted a group of statutes specifically pertaining to telephonic sales and telephonic sellers. These statutes, found at R.S. 45:821, *et seq.*, provide registration procedures for "telephonic sellers" as

him, was sufficient to overcome the statutory presumption that a minor under sixteen years of age present at a place of employment prohibited to him is employed therein.

defined therein and penalties and other remedies for violations of these statutes. It is important to note that “telephonic seller” does not include “[a] person primarily soliciting the sale of a newspaper of general circulation.” R.S. 45:822(B)(6).

“Do Not Call” List

In 2001, the Louisiana Legislature found a compelling state interest to protect the privacy of residential telephonic subscribers who wish to avoid unsolicited and unwanted telephonic solicitations, and enacted legislation providing for a “do not call” listing of residential telephonic subscribers and penalties for telephonic solicitors violating a person’s right of privacy. These statutes, found at R.S. 45:844.11, *et seq.*, authorize the Louisiana Public Service Commission (“PSC”) to administer these “Do No Call” restrictions. No later than January 1, 2002, the PSC is mandated to promulgate rules to accomplish the purposes of the Telephone Solicitation Relief Act of 2001. It is unclear as of August 2001 whether newspapers will be exempt from these “Do Not Call” restrictions.

Following are the provisions of the Telephone Solicitation Relief Act of 2001 found in R.S. 45:844.11, *et seq.*:

CHAPTER 8-H. TELEPHONE SOLICITATION RELIEF ACT OF 2001

§844.11 Legislative findings.

Because the legislature recognizes that becoming a residential telephonic subscriber should not undermine or lessen a person’s right of privacy, it finds that there is a compelling state interest to protect the privacy of such subscribers who wish to avoid the unsolicited and unwanted telephonic solicitations by enacting the “Telephone Solicitation Relief Act of 2001”.

§844.12 Definitions

As used in this Chapter, the following terms and phrases shall have the meanings hereinafter ascribed to them:

- (1) “Commission” means the Louisiana Public Service Commission.*
- (2) “Doing business in this state” means conducting a telephonic solicitation either from a location within this state or from a location outside of this state to residential telephonic subscribers residing in this state.*
- (3) “Federal Do Not Call Law” shall mean the Telemarketing and Consumer Fraud and Abuse Prevention Act as set forth in 15 U.S.C. 6101 to 6108 and the Telephone Consumer Protection Act of 1991 as set forth in 47 U.S.C. 227, as well as any amendment or reenactment of either of those acts and any rule adopted or issued pursuant to either of those Acts, or any amendment of any such rule.*
- (4) “National Do Not Call Registry” shall mean the list of consumers maintained by the Federal Trade Commission who have indicated that they do not wish to receive unsolicited or unwanted telephonic solicitations pursuant to the Federal Do Not Call Law.*

- (5) *“Residential telephonic subscriber” means any natural person who has subscribed to residential telephonic service from a telecommunications service provider or any other natural person living or residing with such person.*
- (6) *“Telephonic solicitation” means any voice or data communication made by a telephonic solicitor to a residential telephonic subscriber for the purpose of encouraging a sale or rental of or investment in property, consumer goods, or services; or for the purpose of encouraging an extension of credit for property, consumer goods, or services; or for the purpose of obtaining information that will or may be used for the direct solicitation of a sale or rental of or investment in property, consumer goods, or services or an extension of credit for such purposes; or for the solicitation of a contribution to a charitable organization, but does not include voice or data communications made for any of the following reasons:*
- (a) *In response to an express request of the person called.*
 - (b) *Primarily in connection with an existing debt or contract, payment or performance of which has not been completed at the time of such call.*
 - (c) *To any person with whom the telephonic solicitor has an existing business relationship, or a prior business relationship that was terminated or lapsed within six months of such call, except as provided in Subparagraph (g) of this Paragraph.*
 - (d) *On behalf of an organization which has nonprofit status under Section 501(c)(3) or (6) of the Internal Revenue Code, unless such organization utilizes the services of a paid professional solicitor, as defined in R.S. 51:1901(6).*
 - (e) *For the purpose of conducting marketing research, public opinion polling, or similar activities that do not involve telephonic solicitation or selling.*
 - (f) *Constituting political activity. For the purposes of this Chapter, communications constituting political activity shall include the following:*
 - (i) *Communications made for the sole purpose of urging support for or opposition to a political candidate or ballot issue provided that the callers identify themselves.*
 - (ii) *Communications made for the sole purpose of conducting political polls or soliciting the expression of opinions, ideas, or votes.*
 - (iii) *Communications made by any newspaper or periodical in the state which is qualified to be the official journal of the state or any parish, municipality, school board, or other political subdivision, as provided by Chapters 2 and 4 of Title 43 of the Louisiana Revised Statutes of 1950.*

- (g) *By a person or business that conducts automobile sales and does not complete the sales presentation during the telephone solicitation and is made in contemplation of the sales presentation being completed at a later face-to-face meeting between the telephonic solicitor and the person contacted and where the contacted person has previously made purchases from the automobile dealership.*
 - (h) *Without completing or attempting to complete a sale, said sale to be completed only after a face-to-face meeting between the telephonic solicitor and the person called at the telephonic solicitor's primary place of business or at another location selected by the purchaser. The call must be the result of a referral of the person called to the telephonic solicitor or be placed to an individual who is personally known to the telephonic solicitor. If placed as a result of a referral, the telephonic solicitor must provide to the person called the name of the person who made the referral. If the person called does not wish to be called after such initial call, then the telephonic solicitor shall not call that person and shall maintain a list of such persons. This exemption shall not apply if directly following the sale the telephonic solicitor attempts to deliver an item or collect payment from the person called or causes another to do so.*
 - (i) *For the purpose of follow-up or periodic wellness care when the call is made to the patient by the patient's optometrist, dentist, or chiropractic physician, or an agent thereof.*
 - (j) *For the purpose of follow-up or periodic wellness care when the call is made to the client by the client's veterinarian or an agent thereof.*
 - (k) *On behalf of an organization which has nonprofit status under Section 501(c)(5) of the Internal Revenue Code and is composed entirely of public safety personnel, the majority of whom are state residents calling from a location within the state.*
- (7) *“Telephonic solicitor” means any natural person, firm, organization, partnership, association, or corporation, or a subsidiary or affiliate thereof, doing business in this state, who makes or causes to be made a telephonic solicitation, including but not limited to any communication made by use of automated dialing or recorded message devices.*

§844.13 Duties of the commission.

- A. (1) *The commission shall establish and provide for the operation of a database to compile a list of telephonic numbers of residential telephonic subscribers who object to receiving telephonic solicitations. It shall be the duty of the commission to have such database in operation no later than January 1, 2002.*
- (2) *On or before January 1, 2006, the commission shall establish and maintain a single “do not call” list that shall also include Louisiana*

consumers on the National Do Not Call Registry as provided in Subsection D of this Section.

- B. Such database may be operated by the commission or by another entity under contract with the commission.*
- C. No later than January 1, 2002, the commission shall promulgate rules that accomplish all of the following:*
 - (1) Require each telecommunication service provider, as defined by the commission, to notify its residential telephonic subscribers of the opportunity to provide notification to the commission or its contractor that such subscriber objects to receiving telephonic solicitations. The forms of notification shall include but not be limited to quarterly inserts in or messages on the billing statements mailed to its residential telephonic subscribers and conspicuous publication of the notice in the consumer information pages of the local telephone directories.*
 - (2) Specify the methods by which each residential telephonic subscriber may give notice to the commission or its contractor of his objection to receiving such telephonic solicitations or revocation of such notice.*
 - (3) Specify the length of time for which a notice of objection shall be effective and the effect of a change of a telephonic number on such notice.*
 - (4) Specify the methods by which such objections and revocations shall be collected and added to the database.*
 - (5) Specify the methods by which any person or entity desiring to make telephonic solicitations shall obtain access to the database as required to avoid calling the telephonic numbers of residential telephonic subscribers included in the database.*
 - (6) Specify such other matters relating to the administration of this Chapter that the commission deems necessary.*
- D. If, pursuant to 47 U.S.C. Section 227(c)(3), the Federal Communications Commission establishes a single national database of telephonic numbers of subscribers who object to receiving telephonic solicitations, the commission shall include the part of such single national database that relates to Louisiana in the database established under this Chapter.*

§844.14 Listing procedures; prohibited acts.

- A. (1) Any residential telephonic subscriber desiring to be placed on a “do not call” listing shall be placed on that listing upon the commission's receipt of a request form. This listing shall be effective for five years and renewed by the commission upon receipt of a renewal notice.*
- (2) (a) The commission or its contractor shall update its “do not call” listing no less than quarterly. The listing shall include the telephonic numbers, but not the names or addresses of residential*

telephonic subscribers, arranged by area code and numerical sequence, who do not want to receive telephonic solicitations, as defined in this Chapter.

- (b) *No later than January 1, 2006, the commission or its contractor shall update its “do not call” listing monthly.*
- (3) (a) *Telephonic solicitors, as defined in this Chapter, doing business in this state shall obtain copies of the “do not call” listing by paying a fee to the commission in an amount not to exceed the costs incurred by the commission or its contractor in the presentation, production, and distribution of that listing. The commission shall offer a statewide listing and shall also offer listings of areas within the state. The determination of the number and definition of areas shall be within the discretion of the commission.*

(b) *In order to obtain copies of the “do not call” listing, a telephonic solicitor shall, in addition to paying the applicable fee, register with the commission, pay any registration fee as required by the commission, and provide all necessary documentation as required by the commission. Such telephonic solicitor, as defined in this Chapter, may maintain a bond in the amount of twenty thousand dollars in favor of the state of Louisiana to guarantee the payment of any administrative penalties assessed pursuant to this Chapter and file a copy of such bond with the commission.*
- (4) (a) *All fees and penalties imposed pursuant to this Section shall be made payable to the Louisiana Public Service Commission for the administration of this Chapter and shall be dedicated to such purpose. The fees and penalties collected shall be remitted by the commission to the state treasury and credited to the Bond Security and Redemption Fund. After a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within the fiscal year, the treasurer, prior to placing such remaining funds in the state general fund, shall pay an amount equal to the total amount of funds paid into the state treasury by the commission into a special fund which is hereby created in the state treasury and designated as the “Telephonic Solicitation Relief Fund”.*

(b) *The monies in the Telephonic Solicitation Relief Fund shall be used solely for the implementation, administration, and enforcement of this Chapter. Any surplus monies and interest remaining to the credit of the fund on June thirtieth of each year shall remain to the credit of the fund and no part thereof shall revert to the state general fund.*

B. Repealed by Acts 2006, No. 418, § 2.

- C. *Any telephonic solicitation made by a telephonic solicitor to a residential telephonic subscriber whose number appears on the commission's then current "do not call" listing, or the National Do Not Call Registry, if applicable, is prohibited, except as authorized by this Chapter or the Federal Do Not Call Law.*

§844.15. Violations; penalties.

- A. *The commission shall investigate any complaints received concerning violations of this Chapter. If, after investigating such complaint, the commission finds that there has been a violation of this Chapter, the commission, after notice and hearing, shall impose an administrative penalty against the telephonic solicitor not to exceed one thousand five hundred dollars for each violation. If the violation is committed against a residential telephonic subscriber over the age of sixty-five, then the commission, after notice and hearing, shall impose a penalty not to exceed three thousand dollars for each violation.*
- B. *Any telephonic solicitor found by the commission to be in violation of this Chapter, who refuses to pay the fine assessed, shall after notice and hearing, be assessed additional costs and reasonable attorney fees related to the collection of the fine.*