

Louisiana

SUBPART F. SALES REPRESENTATIVES

§441. Definitions

(1) "Commission" means compensation paid a sales representative by a principal in an amount based on a percentage of the dollar amount of certain orders for or sales of the principal's product.

(2) "Principal" means a person who:

(a) Repealed by Acts 1995, No. 487, §2.

(b) Manufactures, produces, imports, or distributes a product for sale to customers who purchase the product for resale;

(c) Uses a sales representative to solicit orders for the product; and

(d) Compensates the sales representative in whole or in part by commission.

(3) "Sales representative" means a person who solicits, on behalf of a principal, orders for the purchase at wholesale of the principal's product.

(4) "Termination" means the end of services performed by a sales representative for a principal whether by discharge, resignation, or expiration of a contract.

Acts 1988, No. 774, §1, eff. July 18, 1988; Acts 1995, No. 487, §§1, 2.

§442. Contract

If there is a written contract between a principal and a sales representative under which the sales representative solicits wholesale orders within this state, it shall set forth the method by which the sales representative's commission shall be computed and paid. The principal shall provide the sales representative with a copy of the contract.

Acts 1988, No. 774, §1, eff. July 18, 1988.

§443. Payment of commissions; timely payment

Upon termination of any written or oral compensation agreement between a sales representative and a principal, the principal shall pay all commissions due the sales representative as specified in the agreement or, if not specified, no later than the thirtieth working day after the date of termination.

Acts 1988, No. 774, §1, eff. July 18, 1988.

§444. Attorney fees and damages

A judgment or decree issued in any action brought by a sales representative for the payment of commissions by a principal may include payment by the principal of attorney fees and treble damages incurred by the sales representative.

Acts 1988, No. 774, eff. July 18, 1988.

§445. Certain venue provisions invalid

A. Any provision in a written or oral contract or agreement providing for the payment of commissions by a principal to a sales representative which purports to establish exclusive venue

in a state other than Louisiana is hereby declared to be null and void and against the public policy of this state and such provision shall be void and unenforceable.

B. Any provision in a written or oral contract or agreement which requires waiver of this Section or which would frustrate or circumvent the provisions of this Section shall be null and void and of no force and effect.

C. A principal who is not a resident of this state and who enters into a contract subject to the provisions of this Subpart is considered to be doing business in this state for purposes of the exercise of personal jurisdiction over the principal.

D. The provisions of this Subpart do not invalidate or restrict any other right or remedy available to a sales representative or preclude a sales representative from seeking to recover in one action on all claims against a principal.

Acts 1988, No. 774, §1, eff. July 18, 1988; Acts 1995, No. 487, §1.

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