

2019 Regular Session

HOUSE BILL NO. 364

BY REPRESENTATIVE MCFARLAND

1 AN ACT

2 To enact R.S. 3:4278.4, relative to the harvest or sale of forest products; to provide a time  
3 frame for harvesters to remit payments to landowners; to provide for penalties; to  
4 provide for definitions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 3:4278.4 is hereby enacted to read as follows:

7 §4278.4. Harvest or sale of forest products; failure to remit payment to owner;  
8 penalty

9 A. As used in this Section, the following terms shall have the following  
10 meanings:

11 (1) "Forest product" means any tree, shrub, plant, or related vegetation, or  
12 any part thereof.

13 (2) "Harvester" means a person, firm, company, corporation, or other legal  
14 entity that harvests forest products.

15 (3) "Landowner" means any person, partnership, corporation, unincorporated  
16 association, or other legal entity having any interest in any forest product, any land  
17 upon which a forest product is growing, or any land from which a forest product has  
18 been removed.

19 B.(1) A harvester, contractually or at the behest of the landowner for purpose  
20 of sale, who receives payment for a forest product shall remit payment in full to the  
21 landowner within thirty days of receipt of payment for the sale of the forest product.

1                   (2) If the landowner has not received payment within the required thirty  
 2                   days, the landowner shall notify the harvester of the demand for payment at the  
 3                   harvester's last known address by certified mail or by personal delivery of the written  
 4                   notice to the harvester. If the harvester fails to remit payment in full within ten days  
 5                   after receipt or personal delivery, it shall be presumptive evidence of his intent to  
 6                   violate this Section.

7                   C. A written agreement signed by the harvester providing for a means of  
 8                   payment contrary to this Section shall constitute an affirmative defense.

9                   D. Whoever violates this Section when the value of the forest product is five  
 10                  hundred dollars or less shall be fined not more than one thousand dollars, or  
 11                  imprisoned for not more than one year, or both. When the value of the forest product  
 12                  is more than five hundred dollars, the violator shall be fined not more than five  
 13                  thousand dollars, or imprisoned with or without hard labor for not more than ten  
 14                  years, or both.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_