

2024 Regular Session

HOUSE BILL NO. 518

BY REPRESENTATIVES KNOX, ADAMS, BOYD, CHASSION, DOMANGUE,  
FISHER, FREEMAN, MANDIE LANDRY, MENA, NEWELL, ROMERO,  
WALTERS, AND WILLARD

COMMERCE: Provides for civil penalties against an interactive computer service that books short-term rentals of property that is not in compliance with local ordinances

1 AN ACT

2 To enact Chapter 50 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised  
3 of R.S. 33:9721, relative to short-term rentals; to prohibit certain short-term rental  
4 bookings; to provide for civil penalties for violations; to provide for enforcement;  
5 to provide for the distribution of fines; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Chapter 50 of Title 33 of the Louisiana Revised Statutes of 1950, to be  
8 comprised of R.S. 33:9721 is hereby enacted to read as follows:

9 CHAPTER 50. GENERAL REGULATIONS: BOOKING AGENTS

10 §9721. Short-term rentals; property out of compliance with local regulations;  
11 bookings prohibited; civil penalties

12 A. A municipality or parish may adopt ordinances to regulate a booking  
13 agent.

14 B. To regulate a booking agent, a municipality or parish may do all of the  
15 following:

16 (1) Require a booking agent that displays a short-term rental listing for a  
17 short-term rental located in that municipality or parish to require the short-term  
18 rental owner or owner's agent to include a local short-term rental license or permit

1        number, if applicable, in any listing for the short-term rental on the booking agent's  
2        website or other digital platform.

3                (2) Require a booking agent to remove a listing for a short-term rental from  
4        the booking agent's website or other digital platform after notification by the  
5        municipality or the parish that the owner of the listed short-term rental has had the  
6        owner's local short-term rental license or permit suspended or revoked, or has been  
7        issued a notice of violation or similar legal process for not possessing a valid local  
8        short-term rental license or permit, or that the municipality or parish has a  
9        prohibition on short-term rentals that applies to the short-term rental. The  
10       notification shall identify the listing's uniform resource locator, or URL, to be  
11       removed and state the reason for the removal. The booking agent shall remove the  
12       listing from the website or other digital platform within ten days of receiving the  
13       notification from the municipality or parish.

14                C. A booking agent who violates a municipal or parish regulation adopted  
15       pursuant to Subsection B of this Section may be subject to a civil penalty by the  
16       municipality or parish in an amount not to exceed fifteen hundred dollars per  
17       violation.

18                D. No internet service provider, or its affiliates or subsidiaries, search  
19       engine, or cloud service provider shall be held to have violated the provisions of this  
20       Section solely for providing access or connection to or from a website or other  
21       information or content on the internet or a facility, system, or network not under the  
22       control of that provider, including transmission, downloading, intermediate storage,  
23       access software, or other related capabilities, to the extent such provider is not  
24       responsible for the violation of Subsection A of this Section.

25                E.(1) The fines collected pursuant to this Section shall be distributed to the  
26       housing authority with jurisdiction where the violation occurred.

27                (2) The fines collected shall be used for affordable housing or infrastructure  
28       or alleviating homelessness.

29                F.(1) For purposes of this Section:

1           (a) "Booking agent" means a person who operates a website or other digital  
 2           platform that provides a means through which an owner or owner's agent may offer  
 3           a short-term rental, or portion thereof, for short-term rental use, and from which the  
 4           person financially benefits.

5           (b) "Interactive computer service" means any information service, system,  
 6           or access software provider that provides or enables computer access by multiple  
 7           users to a computer server.

8           (c) "Short-term rental" means the rental of residential property for overnight  
 9           accommodations for transient guests for a period of less than twenty-nine days.

10           (2) As used in this Section, "owner's agent" does not include a booking  
 11           agent.

#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 518 Reengrossed

2024 Regular Session

Knox

**Abstract:** Allows a parish or municipality to adopt ordinances to regulate a booking agent.

Proposed law provides that a parish or municipality may adopt ordinances to regulate a booking agent.

Proposed law provides that to regulate a booking agent, a municipality or parish may do all of the following:

- (1) Require a booking agent that displays a short-term rental listing for a short-term rental located in that municipality or parish to require the short-term rental owner or owner's agent to include a local short-term rental license or permit number in any listing for the short-term rental on the booking agent's website or other digital platform.
- (2) Require a booking agent to remove a listing for a short-term rental from the booking agent's website or other digital platform after notification by the municipality or the parish that the owner of the listed short-term rental has had the owner's local short-term rental license or permit suspended or revoked, or has been issued a notice of violation or similar legal process for not possessing a valid local short-term rental license or permit, or that the municipality or parish has a prohibition on short-term rentals that applies to the short-term rental. The booking agent shall remove the listing from the website or other digital platform within 10 days of receiving the notification from the municipality or parish.

Proposed law adds that a booking agent who violates a municipal or parish regulation adopted pursuant to proposed law may be subject to a civil penalty by the municipality or parish in an amount not to exceed \$1500 per violation.

Proposed law provides for who shall not be held to have violated proposed law.

Proposed law provides that the fines collected pursuant to proposed law shall be distributed to the housing authority with jurisdiction where the violation occurred. The fines shall be used for affordable housing or infrastructure or alleviating homelessness.

Proposed law provides for the definitions for "booking agent", "interactive computer service", and "short-term rental".

Proposed law provides that "owner's agent" does not include a booking agent.

(Adds R.S. 33:9721)

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Remove the attorney general from those who can pursue a civil fine.
2. Remove the designation of fines to the Main Street Program and instead distribute them to the local housing authority for affordable housing or infrastructure or alleviating homelessness.
3. Delete the Short-term Rentals Violation Fund.

#### The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Add that a municipality or parish may adopt ordinances to regulate a booking agent.
3. Add what a municipality or parish may do to regulate a booking agent.
4. Delete the authority for the district attorney to conduct investigations and pursue fines.
5. Remove that, prior to asserting a cause of action, the district attorney shall provide the booking agent with a period of time of not less than 30 days to cease booking short-term rentals in violation of proposed law.
6. Add that the booking agent shall remove the listing from the website or other digital platform within 10 days of receiving a notification from the municipality or parish.
7. Delete liability of booking agent to the district attorney for all costs, expenses, and fees related to investigations and proceedings associated with the violation, including attorney fees.
8. Remove that if a court assesses a civil penalty pursuant to proposed law, the judicial district court is entitled to legal interest as provided in present law from the date of imposition of the penalty until paid in full.
9. Amend the definition for "booking agent"
10. Add that "owner's agent" does not include a booking agent.