

# ACT No. 202

2015 Regular Session

HOUSE BILL NO. 291

BY REPRESENTATIVE ANDERS

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AN ACT

To amend and reenact R.S. 3:3803(16) and (17), 3806(B), (C), and (D), and 3810.2(A) and to enact R.S. 3:3803(18) and 3806(H), relative to the regulation of horticulture; to authorize the increase of license and permit fees; to increase civil penalties for certain violations; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:3803(16) and (17), 3806(B), (C), and (D), and 3810.2(A) are hereby amended and reenacted and R.S. 3:3803(18) and 3806(H) are hereby enacted to read as follows:

§3803. Definitions

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

\* \* \*

(16) "Regular Employee" means a person who holds a valid, appropriate license or permit issued by the commissioner and who works at a place of business for thirty-two or more hours a week.

~~(16)~~ (17) "Secretary" means the secretary of the commission.

~~(17)~~ (18) "Vending machine" means any climate controlled mechanical, electric, or electronic self-service device which, upon insertion of money, credit card, token, or any other form of payment, automatically dispenses merchandise.

\* \* \*

§3806. Fees

\* \* \*

1           B. The license fee for each professional license which is issued or renewed  
2 by the commissioner shall not be less than seventy-five dollars nor more than one  
3 hundred fifty dollars per license.

4           C. The permit fee for each nursery stock dealer's permit which is issued or  
5 renewed by the commissioner shall not be less than one hundred thirty dollars nor  
6 more than one hundred seventy-five dollars per permit.

7           D. The permit fee for each cut flower dealer's permit which is issued or  
8 renewed by the commissioner shall not be less than seventy dollars nor more than  
9 one hundred forty dollars per permit.

10   \*       \*       \*

11           H. The commission is authorized to promulgate rules and regulations, in  
12 accordance with the Administrative Procedure Act, necessary to implement the  
13 provisions of this Section.

14   \*       \*       \*

15 §3810.2. Civil penalties and costs

16           A. Whoever is found by the commission to have violated a provision of this  
17 Chapter or any rule or regulation adopted pursuant to this Chapter shall be fined as  
18 follows:

19           (1) The commission may assess a civil penalty of not more than ~~two~~ five  
20 hundred ~~fifty~~ dollars for each violation of any provision of this Chapter or any rule  
21 or regulation adopted pursuant to this Chapter if the person subject to the civil  
22 penalty has not been found guilty of a violation of any provision of this Chapter or  
23 any rule or regulation adopted pursuant to this Chapter in a prior adjudicatory  
24 proceeding held by the commission.

25           (2) The commission may assess a civil penalty of not more than ~~five hundred~~  
26 one thousand dollars for each violation of any provision of this Chapter or any rule  
27 or regulation adopted pursuant to this Chapter if the person subject to the civil  
28 penalty has been found guilty of a violation of any provision of this Chapter or any  
29 rule or regulation adopted pursuant to this Chapter in a prior adjudicatory proceeding  
30 held by the commission.

