

2018 Regular Session

HOUSE BILL NO. 845

BY REPRESENTATIVE LANCE HARRIS

COMMERCE: Provides relative to enforcement of unfair sales of motor fuel

1 AN ACT

2 To amend and reenact R.S. 51:422.1(E) and to enact R.S. 51:422.1(F), relative to
3 enforcement for unfair sales of motor fuels; to provide for agents of enforcement; to
4 provide for injunctive relief and attorney fees; to provide for trade organizations; and
5 to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 51:422.1(E) is hereby amended and reenacted and R.S. 51:422.1(F)
8 is hereby enacted to read as follows:

9 §422.1. Unfair sales of motor fuel; impairment of competition; exemptions; records
10 to support exemptions; damages

11 * * *

12 E. Notwithstanding any other provision of law to the contrary, the provisions
13 of this Section ~~shall~~ may be enforced by the attorney general and the district
14 attorneys, in their respective districts, in order to prevent and restrain violations of
15 this Section.

16 F.(1) Any person damaged, or who is threatened with loss or injury, by
17 reason of a violation of this Section may sue for injunctive relief against any damage
18 or threatened loss or injury.

19 (2) Any person successful in a suit for injunctive relief as provided for in this
20 Subsection shall be allowed reasonable attorney fees.

- 1 (3) The right established in this Subsection exists in favor of any duly
2 organized and existing trade organization and there shall exist injury and damages
3 to such organization where it is shown that any one or more individual members
4 thereof has been damaged by a violation of this Section.
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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 845 Engrossed

2018 Regular Session

Lance Harris

Abstract: Relative to the sale of motor fuel, changes the attorney general and district attorneys' enforcement of provisions of present law to an authorized action. Allows injunctive relief and attorney's fees under certain circumstances.

Present law governs retail sales of motor fuel. Present law provides that it is an unfair trade practice for a retailer to sell motor fuel below cost including taxes, fees, and transportation charges when such sale will impair or injure competition.

Present law requires the attorney general and the district attorneys to enforce the provisions of present law.

Proposed law allows, but does not require, the attorney general and the district attorneys to enforce the provisions of present law.

Proposed law allows any person damaged, or threatened with loss or injury, under present law to sue for injunctive relief.

Proposed law requires that any person who is successful in a suit for injunctive relief be allowed reasonable attorney fees.

Proposed law mandates the right to seek injunctive relief and attorney fees extend to any duly organized and existing trade union when any one or more members has been damaged by a violation of present law.

(Amends R.S. 51:422.1(E); Adds R.S. 51:422.1(F))

Summary of Amendments Adopted by House

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

1. Make technical changes.