

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 845

2018 Regular Session

Lance Harris

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

Synopsis of Senate Amendments

1. Removes the authority of any duly authorized trade organization to sue for injunctive relief on behalf of a member when a violation of Unfair Sales Law has occurred against the member.
2. Deletes the authority for a person who has been threatened with loss or injury to file a suit, but retains the ability for a person who has sustained damages to be granted injunctive relief against the damage or a threatened loss or injury.
3. Authorizes "other persons" to seek injunctive relief as provided in present law. Present law limits those with standing to seek injunctive relief to any person damaged by present law.
4. Makes technical changes.

Digest of Bill as Finally Passed by Senate

Present law (Unfair Sales Law, R.S. 51:421-427) 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 the sale will impair or injure competition. Proposed law retains present law.

Present law (R.S. 51:422.1) requires the attorney general and district attorneys to enforce the provisions of present law. Proposed law allows but does not require the attorney general and district attorneys to enforce the provisions of present law.

Present law (R.S. 51:424) grants authority to judges and district attorneys to enforce the provisions of present law.

Present law allows a person who has been damaged or threatened with injury or loss by any violation of present law to sue for and have injunctive relief granted, and reasonable attorney fees paid, upon a successful suit. Proposed law deletes the authority for a person who has been threatened with loss or injury to file a suit, but retains the ability for a person who has sustained damages to be granted injunctive relief against the damage or a threatened loss or injury.

Proposed law provides that other persons may seek injunctive relief as provided in present law (R.S. 51:424). Present law limits those with standing to seek injunctive relief to any person damaged by present law.

Present law grants the right to sue for injunctive relief to any duly organized and existing trade organization when any one or more individual members of the organization has been damaged by a violation of present law. Proposed law deletes present law.

(Amends R.S. 51:422.1(E) and 424)