

2019 Regular Session

HOUSE BILL NO. 364

BY REPRESENTATIVE MCFARLAND

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

FORESTRY: Provides relative to the harvest or sale of forest products

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

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

18 B. A written agreement signed by the harvester providing for a means of
19 payment contrary to this Section shall constitute an affirmative defense.

20 C. As used in this Section:

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

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

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

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.

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 364 Original

2019 Regular Session

McFarland

Abstract: Reinstates provisions of prior law requiring prompt payment for forest products and changes terminology.

Prior law required a person who acquired forest products to pay the landowner in full within 30 days of receiving payment for selling the products. Proposed law retains prior law.

Prior law required the landowner to send written notice demanding payment after the 30-day window and allowed the offender 10 additional days to make the payment in full before facing criminal penalties. Proposed law retains prior law.

Prior law provided that the criminal penalties are dependent upon the value of forest products the offender took without paying the landowner. Proposed law retains prior law.

Proposed law changes the designation of prior law from Title 14 to Title 3 to include proposed law with other forestry protection provisions.

Proposed law makes a modification to prior law by changing references to the phrase "person who acquires" and the terms "offender" and "buyer" to "harvester" and adds a definition for "harvester".

Prior law provided that when the buyer violated prior law by a number of distinct acts, the aggregate of the amount of the forest products determined the grade of the violation. Proposed law does not restore prior law.

(Adds R.S. 3:4278.4)