

2022 Regular Session

SENATE BILL NO. 354

BY SENATOR CATHEY

COMMERCIAL REGULATIONS. Provides for the "Louisiana Consumer Fuel Choice Act". (gov sig)

1 AN ACT

2 To enact Chapter 49 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 51:3051 through 3053, relative to consumer access to certain energy types;
4 to prohibit the adoption of local ordinances limiting access to certain energy types;
5 to provide for definitions; to provide for an effective date; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Chapter 49 of Title 51 of the Louisiana Revised Statutes of 1950,
9 comprised of R.S. 51:3051 through 3053, is hereby enacted to read as follows:

10 **CHAPTER 49. LOUISIANA CONSUMER FUEL CHOICE ACT**

11 **§3051. Short Title**

12 **This Chapter shall be known and may be cited as the "Louisiana**
13 **Consumer Fuel Choice Act".**

14 **§3052. Energy type; defined**

15 **For the purposes of this Chapter, "energy type" includes aviation fuel,**
16 **biofuel, compressed natural gas, diesel, electricity to be utilized for the charging**
17 **of electric vehicles, gasoline, gas distillates, hydrogen, liquified petroleum gas,**

1 **and renewable diesel.**

2 **§3053. Consumer access; prohibitions**

3 **A. No local governing authority shall adopt an ordinance, rule, or law**
 4 **that limits consumer access to an energy type or that results in the prohibition**
 5 **of a wholesaler, retailer, energy producer, or the related infrastructure**
 6 **necessary to provide consumer access to a specific energy type within the**
 7 **jurisdiction of the local governing authority.**

8 **B. Nothing in this Chapter shall be construed to restrict, impair, or**
 9 **diminish the regulatory authority of the Louisiana Public Service Commission**
 10 **in accordance with Article IV, Section 21 of the Constitution of Louisiana or of**
 11 **any governing authority of a political subdivision that regulates a public utility**
 12 **in accordance with Article IV, Section 21 of the Constitution of Louisiana.**

13 Section 2. It is the intent of the legislature that the provisions of this Act shall apply
 14 both retroactively and prospectively. It is further the intent of the legislature that any
 15 ordinance, rule, or law by local governing authority described in Section 1 of this Act shall
 16 be void ab initio.

17 Section 3. This Act shall become effective upon signature by the governor or, if not
 18 signed by the governor, upon expiration of the time for bills to become law without signature
 19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 20 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 21 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Curry Lann.

SB 354 Original

DIGEST
2022 Regular Session

Cathey

Proposed law establishes the "Louisiana Consumer Fuel Choice Act".

Proposed law defines "energy type" to include aviation fuel, biofuel, compressed natural gas, diesel, electricity to be utilized for the charging of electric vehicles, gasoline, gas distillates, hydrogen, liquified petroleum gas, and renewable diesel.

Proposed law provides that no local governing authority shall adopt an ordinance, rule, or law that limits consumer access to an energy type or that results in the prohibition of a wholesaler, retailer, energy producer, or the related infrastructure that is necessary to provide

consumer access to a specific energy type within the local governing authority.

Proposed law prohibits construing any provision of proposed law to restrict, impair, or diminish the regulatory authority of the Louisiana Public Service Commission or of any governing authority of a political subdivision that regulates a public utility in accordance with Const. Art. IV, Section 21.

Proposed law provides for retroactive and prospective application.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 51:3051-3053)