

Regular Session, 2014

HOUSE BILL NO. 1166

BY REPRESENTATIVE ARNOLD

REVENUE DEPARTMENT: Provides relative to tobacco enforcement

1 AN ACT

2 To amend and reenact R.S. 13:5073(A)(4)(f)(i) and (ii) and 5075(K), relative to tobacco
3 enforcement; to provide for certain liability relative to importers; and to provide for
4 related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 13:5073(A)(4)(f)(i) and (ii) and 5075(K) are hereby amended and
7 reenacted to read as follows:

8 §5073. Certifications; directory; tax stamps

9 A.

10 * * *

11 (4)

12 * * *

13 (f) In the case of a nonparticipating manufacturer located outside of the
14 United States, the nonparticipating manufacturer shall provide a declaration from
15 each of its importers into the United States of any of its brand families to be sold in
16 this state. The declaration shall be on a form prescribed by the attorney general and
17 shall state the following:

18 (i) The importer accepts joint and several liability with the nonparticipating
19 manufacturer for all obligations to place funds into a qualified escrow fund, for

1 payment of all civil penalties and for payment of all reasonable costs and expenses
2 of investigation and prosecution, including attorney fees.

3 (ii) The importer consents to personal jurisdiction in Louisiana for the
4 purposes of claims by the state for any obligation to place funds into a qualified
5 escrow fund, for payment of any civil penalties and for payment of any reasonable
6 costs and expenses of investigation or prosecution, including attorney fees.

7 * * *

8 §5075. Reporting of information; escrow installments

9 * * *

10 K. Importers of any brand families of a nonparticipating manufacturer in or
11 into the state shall be jointly and severally liable with the nonparticipating
12 manufacturer for all obligations to place funds into a qualified escrow fund, for
13 payment of all civil penalties and for payment of all reasonable costs and expenses
14 of investigation and prosecution, including attorney fees, and shall consent to
15 personal jurisdiction in Louisiana for the purposes of claims by the state for payment
16 of such obligations.

17 * * *

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)]

Arnold

HB No. 1166

Abstract: Requires the importer to accept joint and several liability for all escrow payment obligations.

Present law requires the nonparticipating manufacturer located outside of the U.S. to provide a declaration from each of its importers which provides that the importer consents to personal jurisdiction and accepts joint and several liability with the nonmanufacturer of all obligations to place funds into a qualified escrow fund for payment of all civil penalties and reasonable costs and expenses for investigation and prosecution including attorney fees.

Proposed law clarifies that the importer consents to personal jurisdiction and accepts liability for all escrow fund obligations.

(Amends R.S. 13:5073(A)(4)(f)(i) and (ii) and 5075(K))