

SENATE BILL NO. 271

BY SENATORS WHITE AND ADLEY AND REPRESENTATIVES ST. GERMAIN AND ORTEGO

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

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AN ACT

To amend and reenact R.S. 3:4602(12.1) and 4684, the introductory paragraph of R.S. 47:818.2, and R.S. 47:818.2(18), (22), (43), (44), (58), and (63), and 818.22(A) and (B), to enact R.S. 3:4690.1 and R.S. 47:818.111 through 818.132, and to repeal R.S. 47:818.101 through 104, relative to taxes on petroleum products; to provide for taxes on special fuels; to levy taxes on special fuels according to energy content equivalencies; to provide for licensing, inspection, tax collection, and enforcement; to reduce certain discounts on petroleum products; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 47:818.2 and R.S. 47:818.2(18), (22), (43), (44), (58), and (63), and 818.22(A) and (B) are hereby amended and reenacted and R.S. 47:818.111 through 818:132 are hereby enacted to read as follows:

§818.2. Definitions

As used in this Part, unless the context requires otherwise, the following terms have the ~~meaning~~ **meanings** ascribed herein:

\* \* \*

(18) "Compressed natural gas" means natural gas that has been compressed ~~and dispensed into motor fuel storage containers~~ and is advertised, offered for sale, suitable for use, **sold**, or used as an engine motor fuel.

\* \* \*

(22) "Distributor" means any person who purchases ~~their~~ motor fuel from a supplier, permissive supplier, or licensed distributor in this state for subsequent sale and distribution at wholesale to a licensed distributor, retail dealer, or bulk consumer.

\* \* \*

1 (43) "Liquefied natural gas" means natural gas that has been cooled to about  
 2 a negative 160 degrees Celsius for storage or shipment as a liquid in high-pressure  
 3 cryogenic containers a liquid state and is advertised, offered for sale, sold,  
 4 suitable for use, or used as an engine motor fuel.

5 (44) "Liquefied petroleum gas" means the gas derived from petroleum or  
 6 natural gas which is in a gaseous state at normal atmospheric temperature and  
 7 pressure and maintained in the liquid state at normal atmospheric temperature by  
 8 means of suitable pressure and which is dispensed into motor fuel storage containers  
 9 and is advertised, offered for sale, sold, suitable for use, or used as an engine motor  
 10 fuel. The term "liquified petroleum gas" or "LPG" as used in this Part means  
 11 propane.

12 \* \* \*

13 (58) "Retail dealer" or "dealer" means a person who sells motor fuel at retail  
 14 or dispenses motor fuel at a retail location to the ultimate consumer.

15 \* \* \*

16 (63) ~~"Special fuel decal user" means the owner or operator of a motor vehicle~~  
 17 ~~that is propelled by an internal combustion engine or motor capable of using~~  
 18 ~~liquefied natural gas, liquefied petroleum gas, or compressed natural gas as fuel.~~  
 19 "Special fuel fleet dealer" means a person who produces or purchases  
 20 compressed natural gas, liquefied natural gas, or liquefied petroleum gas and  
 21 who maintains storage facilities for those fuels and delivers all or part of the fuel  
 22 produced or stored into the fuel supply tank of a motor vehicle.

23 \* \* \*

24 §818.22. Deductions and discounts allowed

25 A. The supplier or permissive supplier that files a timely return and remits  
 26 a timely payment may deduct from the amount of tax shown payable on the return  
 27 an administrative discount in an amount equivalent to ~~one and~~ one-half percent of  
 28 the tax due on gasoline and diesel fuels. The allowance shall not be deductible unless  
 29 the supplier or permissive supplier allows a deduction of one-third of one percent  
 30 to a purchaser with a valid distributor or importer license. However, the allowance

1 shall not be deductible by the supplier or permissive supplier unless the return is  
 2 filed and payment of the tax is made on or before the twenty-second day of the  
 3 month as required by this Subpart.

4 B. A licensed distributor or importer that pays the tax due a supplier or  
 5 permissive supplier by the date required in this Subpart shall be allowed to deduct  
 6 from the amount due a discount of **one-third of** one percent of the amount of tax  
 7 payable. The supplier or permissive supplier may not directly or indirectly deny this  
 8 allowance to a licensed distributor or importer that pays the tax due the supplier or  
 9 permissive supplier by the date specified.

10 \* \* \*

11 **§818.111. Taxes levied; rates; unit of measurement**

12 **A. There is hereby levied a tax of sixteen cents per gallon or gallon**  
 13 **equivalent on all special fuels including compressed natural gas as defined by**  
 14 **R.S. 47:818.2(18), liquefied natural gas as defined by R.S. 47:818.2(43), and**  
 15 **liquefied petroleum gas as defined by R.S. 47:818.2(44) sold, used, or consumed**  
 16 **in the state of Louisiana for the operation of motor vehicles licensed or required**  
 17 **to be licensed for highway use.**

18 **B. The taxes herein levied are in addition to and shall be subject to the**  
 19 **tax levied in R.S. 47:820.1 or any other tax which may be levied on special fuels**  
 20 **by any other provision of law.**

21 **C. The tax is to be computed, collected, reported, and paid as provided**  
 22 **in this Subpart.**

23 **D. Until June 30, 2015, the tax levied pursuant to the provisions of this**  
 24 **Section shall be assessed per gallon. Beginning January 1, 2016, the tax levied**  
 25 **pursuant to the provisions of this Section shall be converted from a tax levied**  
 26 **per gallon on such fuel to a tax levied per gallon equivalent determined by the**  
 27 **special fuel's energy content as follows:**

28 **(1) Gasoline gallon equivalent for compressed natural gas. The gasoline**  
 29 **gallon equivalent for compressed natural gas shall be equal to 5.660 pounds of**  
 30 **compressed natural gas and shall be the unit of measurement for purposes of**

1 the tax levied pursuant to the provisions of this Section if the natural gas  
2 dispenser lists the price in gasoline gallon equivalents and the natural gas is  
3 supplied to the dispenser from a pipeline or other nonliquefied source.

4 (2) Diesel gallon equivalent for liquefied natural gas. The diesel gallon  
5 equivalent for liquefied natural gas shall be equal to 6.060 pounds of liquefied  
6 natural gas and shall be the unit of measurement for purposes of the tax levied  
7 pursuant to the provisions of this Section if the natural gas dispenser lists the  
8 price in diesel gallon equivalents and the natural gas is supplied to the dispenser  
9 from a liquefied source.

10 (3) Gasoline gallon equivalent for liquefied petroleum gas. The gasoline  
11 gallon equivalent for liquefied petroleum gas shall be an energy equivalent rate  
12 equal to seventy-three percent of the state tax per gallon on gasoline and diesel  
13 fuel which shall be the unit of measurement for purposes of the tax levied  
14 pursuant to the provisions of this Section if the petroleum gas dispenser lists the  
15 price in gasoline gallon equivalents and the petroleum gas is supplied to the  
16 dispenser from a liquefied source.

17 E. Beginning January 1, 2016, the tax levied pursuant to the provisions  
18 of this Section shall be levied and collected in the manner set forth in this  
19 Subpart and shall not be levied or collected pursuant to a decal program or on  
20 an annual basis.

21 F. From July 1, 2015, through December 31, 2015, the Department of  
22 Revenue shall continue to accept applications for payment of the tax and to  
23 issue decals to persons operating a motor vehicle on the highways of this state  
24 that use or are capable of using liquefied natural gas, liquefied petroleum gas,  
25 or compressed natural gas as motor fuel in order for the taxes due on the fuel  
26 to be paid by the motor vehicle operator. However, the amount of the tax for  
27 issuance of the decal shall be calculated at a rate of one-twelfth of the total  
28 annual tax amount for each month the decal is valid.

29 §818.112. Imposition of tax

30 A.(1) A tax is imposed on the sale of compressed natural gas, liquefied

1 natural gas, or liquefied petroleum gas delivered into the fuel supply tank of a  
2 motor vehicle in connection with a sale of the compressed natural gas, liquefied  
3 natural gas, or liquefied petroleum gas. Any person or entity delivering  
4 compressed natural gas, liquefied natural gas, or liquefied petroleum gas into  
5 the fuel supply tank of a motor vehicle shall be considered a dealer for purposes  
6 of imposition of the tax levied on such fuels and shall be the party liable for the  
7 tax imposed in this Subpart. The dealer shall add the amount of the tax to the  
8 selling price of the fuel so that the tax is paid by the ultimate consumer or  
9 purchaser of the fuel. The amount of the tax shall become part of the sales price  
10 of the fuel, it shall be considered a debt of the purchaser to the dealer, and, if  
11 unpaid, it shall be recoverable at law in the same manner as the original sales  
12 price. The dealer shall provide an invoice or receipt to the purchaser that states  
13 the rate and amount of tax added to the selling price or that indicates that no  
14 tax was added to the selling price.

15 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection,  
16 no person or entity shall deliver compressed natural gas, liquefied natural gas,  
17 or liquefied petroleum gas into the fuel supply tank of a motor vehicle in  
18 connection with a sale unless the person possesses a license as provided for in  
19 this Subpart.

20 B. A tax is imposed on the delivery of compressed natural gas, liquefied  
21 natural gas, or liquefied petroleum gas into the fuel supply tank of a motor  
22 vehicle by a special fuel fleet dealer or other dealer not in connection with a sale  
23 of the compressed natural gas, liquefied natural gas, or liquefied petroleum gas.  
24 The special fuel fleet dealer or other dealer shall be liable for the tax imposed  
25 under this Subpart.

26 §818.113. Presumption of use; backup tax

27 A. All compressed natural gas, liquefied natural gas, and liquefied  
28 petroleum gas sold by a special fuels dealer and delivered into the fuel supply  
29 tank of a motor vehicle is presumed to be subject to taxation, and the dealer is  
30 liable for the tax unless the dealer maintains adequate records to establish that

1 the fuel was exempt from the tax.

2 B. All compressed natural gas, liquefied natural gas, and liquefied  
3 petroleum gas delivered into the fuel supply tank of a motor vehicle by a special  
4 fuel fleet dealer or other special fuels dealer not in connection with a sale is  
5 presumed to be subject to taxation, and the special fuel fleet dealer or other  
6 dealer is liable for the tax unless the special fuel fleet dealer or other dealer  
7 maintains adequate records to establish that the fuel was exempt from the tax.

8 C. The tax levied pursuant to the provisions of this Subpart shall be due  
9 in all of the following circumstances:

10 (1) If a person obtains a refund of tax on compressed natural gas,  
11 liquefied natural gas, or liquefied petroleum gas by claiming the fuel was used  
12 for an exempt purpose but actually used the fuel for a taxable purpose.

13 (2) If a person operates a motor vehicle on a highway using compressed  
14 natural gas, liquefied natural gas, or liquefied petroleum gas and the tax has not  
15 been paid on the special fuel. If the person operating the motor vehicle is not  
16 the owner or lessee of the motor vehicle, both the owner or lessee and the  
17 operator are liable for the tax.

18 (3) If a person sells or delivers compressed natural gas, liquefied natural  
19 gas, or liquefied petroleum gas that is delivered into the fuel supply tank of a  
20 motor vehicle, on which tax was not paid, and the person knew or had reason  
21 to know that the fuel would be used for a taxable purpose. The tax due pursuant  
22 to the provisions of this Paragraph shall also be imposed on the ultimate  
23 consumer.

24 D. The tax liability imposed by this Section shall be in addition to any  
25 other penalty imposed under this Subpart.

26 §818.114. Dealer's license; application procedure

27 A. A person may not sell or deliver compressed natural gas, liquefied  
28 natural gas, or liquefied petroleum gas that is delivered into the fuel supply tank  
29 of a motor vehicle and on which tax is imposed unless the person holds a  
30 compressed natural gas, liquefied natural gas, or liquefied petroleum gas special

1 fuel dealer's license issued by the secretary.

2 B. In order to apply for a special fuel dealer's license, an applicant shall  
3 submit an application to the Department of Revenue on a form provided by the  
4 secretary and shall furnish a bond as required in R.S. 47:818.117 in an amount  
5 applicable to the license for which the applicant is applying. Applications shall  
6 include all of the following:

7 (1) The legal name of the applicant and name under which the applicant  
8 transacts or intends to transact business.

9 (2) The mailing and physical address of the applicant's principal office,  
10 residence, or place of business in this state, or other location of the applicant.

11 (3) The applicant's federal employer identification number or, if an  
12 individual, the social security number in the absence of the federal employer  
13 identification number.

14 (4) The applicant's Louisiana revenue account number, if already  
15 assigned.

16 (5) If the applicant is not an individual, the names and social security  
17 numbers of the principal officers of an applicant corporation or the members  
18 of an applicant partnership or limited liability company, the managers of the  
19 facility, and the office, street, and post office box addresses of each.

20 (6) Any other information required by the secretary.

21 C. Upon approval of the bond required in R.S. 47:818.117, the secretary  
22 shall issue the appropriate license or licenses to the applicant.

23 D. A special fuel dealer's license for compressed natural gas, liquefied  
24 natural gas, or liquefied petroleum gas is not transferable and shall remain in  
25 effect until surrendered, canceled, or revoked. The license shall be posted in a  
26 conspicuous place or kept available for inspection at the principal place of  
27 business of the license holder. A copy of the license shall be kept at each place  
28 of business or other place of storage from which compressed natural gas,  
29 liquefied natural gas, or liquefied petroleum gas is sold, distributed, or used and  
30 in each motor vehicle used by the license holder to transport compressed

1 natural gas, liquefied natural gas, or liquefied petroleum gas purchased by the  
2 license holder for resale, distribution, or use.

3 E. A compressed natural gas, liquefied natural gas, or liquefied  
4 petroleum gas special fuel dealer's license is permanent and shall be valid  
5 during the period the license holder has in force and effect the required bond  
6 or security and furnishes timely reports and supplements as required by the  
7 secretary, or until the license is surrendered by the license holder or canceled  
8 by the secretary. The secretary may cancel a license if the license holder has not  
9 reported a delivery of compressed natural gas, liquefied natural gas, or  
10 liquefied petroleum gas during the previous nine months.

11 F. The secretary shall maintain a record of all persons to whom a license  
12 has been issued under this Subpart and all persons holding a current license  
13 issued under this Subpart by license category.

14 §818.115. Grounds for denial of a license

15 A. The secretary may refuse to issue a license under this Subpart if any  
16 of the following conditions apply to the applicant or any principal of the  
17 applicant:

18 (1) A license or registration issued under this Subpart was canceled by  
19 the secretary for any reason set forth in R.S. 47:818.42 or 818.116.

20 (2) A license or registration issued by another state was revoked, denied,  
21 or canceled for cause.

22 (3) A federal certificate of registry issued under 26 U.S.C. 4101 and the  
23 regulations adopted thereunder, or a similar federal authorization, was  
24 revoked.

25 (4) The applicant or any principal of the applicant has been convicted of  
26 any offense involving fraud or misrepresentation or has been convicted of any  
27 other offense that indicates that the applicant or any principal of the applicant  
28 may not comply with this Subpart if issued a license.

29 (5) The applicant or any principal of the applicant is in arrears to the  
30 state for any taxes.



1           (6) The applicant or any principal of the applicant is determined not to  
2           be the real party in interest.

3           (7) The applicant or any principal of the applicant's agents, officers, or  
4           employees has a prior conviction for motor fuel tax evasion in this state or in  
5           any state, federal, or foreign jurisdiction.

6           (8) For good cause as determined by the secretary.

7           B. The secretary shall be prohibited from issuing a license when an  
8           applicant or anyone connected with the applicant's business has been previously  
9           convicted of any violation of this Subpart or of any felony under the laws of this  
10           state or of the United States.

11           §818.116. License revocation; cancellation

12           A. The secretary may revoke the license of any person licensed under this  
13           Subpart, upon written notice sent by certified mail to the licensee's last known  
14           address, for any of the following reasons:

15           (1) Filing by the licensee of a false return, or a false report of the data or  
16           information required by this Subpart.

17           (2) Failure, refusal, or neglect of the licensee to file a return, report or  
18           information required by this Subpart.

19           (3) Failure of the licensee to pay the full amount of all taxes due or to pay  
20           any penalties or interest due required by this Subpart.

21           (4) Failure of the licensee to keep accurate records of the quantities of  
22           compressed natural gas, liquefied natural gas, or liquefied petroleum gas  
23           received, produced, refined, manufactured, compounded, sold, or used in  
24           Louisiana.

25           (5) Failure to file a new, larger, or additional surety bond as required by  
26           the secretary pursuant to R.S. 47:818.117.

27           (6) Conviction of the licensee or an agent, officer, employee, or a  
28           principal of the licensee for any act prohibited under this Subpart.

29           (7) Failure, refusal, or neglect of a licensee to comply with any other  
30           provision of this Subpart or any rule promulgated pursuant to this Subpart.

1                   **(8) Cancellation for cause of a license or registration issued by another**  
2                   **state.**

3                   **(9) A determination that the licensee is not a real party in interest.**

4                   **(10) Revocation for cause of any prior license of a real party in interest.**

5                   **(11) The licensee, or any of the licensee's agents, officers, or employees,**  
6                   **has a prior conviction for motor fuel tax evasion in this state or any state,**  
7                   **federal, or foreign jurisdiction and the conviction was not disclosed on the**  
8                   **application.**

9                   **B. The secretary shall be prohibited from granting a license and shall**  
10                  **suspend any license previously granted for a period of at least thirty days, or**  
11                  **until such time as the applicant supplies the secretary with evidence to the**  
12                  **contrary, when there is prima facie evidence that the applicant, in the discretion**  
13                  **of the secretary, is not a person of good moral character, or has violated the**  
14                  **provisions of this Subpart or any rules, regulations, or instructions issued in**  
15                  **connection with issuance of a license. The period of suspension set forth in this**  
16                  **Section shall not exceed ninety calendar days from the date of suspension, unless**  
17                  **at the end of the ninety-day period the secretary determines that the reason for**  
18                  **the suspension still exists. In such instances, the secretary may continue the**  
19                  **period of suspension until sufficient evidence has been provided by the licensee**  
20                  **that the reason for suspension no longer exists.**

21                  **C. The secretary shall cancel any license upon the written request of the**  
22                  **licensee or upon a change in ownership or control of the licensed business.**

23                  **D. Upon revocation or cancellation of a license, the license shall be**  
24                  **surrendered to the secretary and the tax levied in accordance with the**  
25                  **provisions of this Subpart shall become due and payable within fifteen days on**  
26                  **all untaxed compressed natural gas, liquefied natural gas, and liquefied**  
27                  **petroleum gas held in storage or otherwise in the possession of the licensee and**  
28                  **all compressed natural gas, liquefied natural gas, and liquefied petroleum gas**  
29                  **sold, delivered, or used prior to the revocation or cancellation on which the tax**  
30                  **has not been paid.**

1           E. If the secretary revokes a license, the secretary shall be prohibited  
2           from issuing a new license to the same applicant for a period of three years from  
3           the date of revocation.

4           §818.117. Bond requirements; amounts

5           A. Upon approval of the application by the secretary, the applicant shall  
6           file a surety bond executed in favor of the secretary in an amount as follows:

7           (1) For a compressed natural gas dealer, liquefied natural gas dealer, or  
8           liquefied petroleum gas fuel dealer, the amount of the bond shall be the greater  
9           of fifty thousand dollars or an amount equal to three months' tax liability.

10          (2) Only one surety bond shall be required for a person requiring  
11          multiple licenses and for any such person the minimum bond shall be the  
12          highest bond level required.

13          B. The secretary may require an additional bond amount from the  
14          licensee when liability upon the previous bond is discharged or reduced by a  
15          judgment rendered, a payment made, or another disposition, the licensee no  
16          longer meets the conditions for waiver of bond as set forth in Subsection F of  
17          this Section, or if , in the opinion of the secretary, any surety on the previous  
18          bond becomes unsatisfactory.

19          C. The licensee shall file the additional bond amount within thirty days  
20          after the date on the notice is mailed by the secretary. The secretary may  
21          immediately revoke the licensee's license upon the expiration of the thirty-day  
22          period if the licensee fails to provide the additional bond amount required.

23          D. The surety must be authorized to engage in business within this state.  
24          The surety bond shall be conditioned upon faithful compliance with the  
25          provisions of this Part, including the filing of the returns and payment of all  
26          taxes prescribed by this Subpart. The surety bond shall be approved by the  
27          secretary as to sufficiency and form and shall indemnify the state against any  
28          loss arising from the failure of the licensee for any cause whatever to pay the tax  
29          levied by this Subpart.

30          E. Any surety on an existing bond furnished by a person required to be

1 licensed may notify the secretary in writing of its intent to cancel the bond. The  
2 secretary shall immediately notify the licensee of the intent of the surety to  
3 cancel, and the licensee shall have thirty days after the date on the notice mailed  
4 by the secretary to provide a sufficient replacement bond. The secretary may  
5 immediately cancel the licensee's license upon expiration of the thirty-day  
6 period set out in this Subsection if the licensee fails to provide a new  
7 replacement bond. The surety requesting cancellation shall remain liable for  
8 any accrued liability or liability that will accrue during the thirty-day period  
9 provided for in this Subsection but shall not be responsible for any liability  
10 which accrues after the thirty-day period.

11 F. The secretary is authorized to waive the furnishing of the surety bond  
12 by any licensee who meets all the following conditions:

13 (1) Has and agrees to maintain assets in Louisiana of a net value of not  
14 less than one hundred twenty-five percent of the amount of the bond which  
15 would otherwise be required.

16 (2) Has not been delinquent in remitting taxes accrued or accruing under  
17 this Subpart during the three-year period immediately preceding the filing of  
18 an application for waiver of the bond.

19 (3) Has a current permit issued by the Liquefied Petroleum Gas  
20 Commission.

21 G. If any licensee whose bond has been waived by the secretary becomes  
22 delinquent in remitting taxes due under this Subpart, the secretary may require  
23 that the licensee furnish a bond in the amount required in this Section, and such  
24 licensee shall not be eligible for a waiver of the bond for a period of three years  
25 from the date the bond is furnished.

26 §818.118. Duties of persons holding tax payments as trustees

27 A. A person who receives or collects tax due in accordance with the  
28 provisions of this Subpart shall hold the amount received or collected in trust  
29 for the benefit of the state and shall have a fiduciary duty to remit the amount  
30 of taxes received or collected to the secretary in the manner required pursuant

1 to the provisions of this Subpart.

2 B. A dealer who receives a payment of tax under this Subpart may not  
3 apply the payment of tax to a debt that the person making the payment owes for  
4 compressed natural gas, liquefied natural gas, or liquefied petroleum gas  
5 purchased from the dealer.

6 C. A person required to receive or collect a tax under this Subpart is  
7 liable for and shall pay the tax in the manner provided by this Subpart.

8 §818.119. Returns and payments; discounts; penalties for failure to file

9 A. A licensed dealer shall file a monthly return no later than the  
10 twentieth day of the month. If a licensed dealer files a return and remits the tax  
11 due on or before the due date, one-third of one percent of the tax due is  
12 allocated to the licensed dealer for the expense of collecting, accounting for,  
13 reporting, and timely remitting the taxes collected and for keeping the records.  
14 The licensed dealer shall deduct the allocated amount from the tax due when  
15 paying the tax to the state. A licensed dealer who has not made taxable  
16 deliveries during the reporting period shall file a return with the secretary that  
17 includes those facts or that information. A return shall be filed with the  
18 secretary on forms provided for that purpose and shall contain the total gallons  
19 or gallon equivalents sold or used and other information required by the  
20 secretary.

21 B. A licensed dealer may take a credit on a filed return if the dealer paid  
22 the taxes imposed by this Subpart on compressed natural gas, liquefied natural  
23 gas, or liquefied petroleum gas sold on account and the dealer determines that  
24 the account is uncollectible and worthless. The credit authorized by this Section  
25 shall be applicable only if the licensed dealer writes off the account as a bad  
26 debt on the dealer's accounting books. The return on which the credit shall be  
27 taken shall state, if applicable, the name of the person whose account has been  
28 written off as a bad debt or who failed to remit the tax and any other  
29 information required by the secretary. The amount of the credit may equal, but  
30 shall not exceed, the amount of taxes paid on the compressed natural gas,

1 liquefied natural gas, or liquefied petroleum gas to which the written-off  
2 account applies. If, after a credit is taken, the account on which the credit was  
3 based is paid, or if the secretary otherwise determines that the credit was not  
4 authorized, the dealer who took the credit shall pay the unpaid taxes plus a  
5 penalty of ten percent of the amount of the unpaid taxes and interest. Interest  
6 shall accrue beginning on the day the return showing the credit was filed and  
7 ending on the date the taxes and penalty are paid.

8 C. The provisions of this Section shall not apply to a sale of compressed  
9 natural gas, liquefied natural gas, or liquefied petroleum gas for which payment  
10 is made through the use and acceptance of a credit card. The credit granted  
11 pursuant to the provisions of this Section shall be taken at the time the account  
12 is written off as a bad debt but before the tax reporting period prescribes. The  
13 secretary may take action against a person in relation to whom a dealer has  
14 taken a credit for collection of the tax owed and for penalty and interest.

15 D. Failure to file any informational report or return within thirty days  
16 of the due date of the report or return shall result in a penalty of one hundred  
17 dollars and may result in a revocation of the license.

18 §818.120. School bus operators

19 A. The owner of any school bus, including school-board owned buses,  
20 used to transport Louisiana students and propelled by an internal combustion  
21 engine or motor capable of using liquefied natural gas, liquefied petroleum gas,  
22 or compressed natural gas as fuel shall pay the tax levied on such fuel but shall  
23 be entitled to a credit equal to fifty percent of the taxes paid. The credit  
24 provided for in this Section shall be claimed on a return filed for the period in  
25 which a fuel purchase occurred.

26 B. The right to claim a credit pursuant to the provisions of this Section  
27 shall not be assignable.

28 C. Claims for refunds by school bus owners shall be submitted annually  
29 by the first day of August of each year on forms provided by the secretary and  
30 shall list the taxes paid during the academic school year ending no later than

1 June thirtieth of the year for which the credit is being filed. The refund  
2 provided for in this Subsection shall be paid from the Parish Transportation  
3 Fund allocable to the parish from which the credit is claimed if the credit is  
4 from a public school district in this state and the fuel was delivered into the fuel  
5 supply tank of a school bus operated exclusively by the district.

6 D. The secretary may promulgate rules and regulations in accordance  
7 with the provisions of the Administrative Procedure Act specifying procedures  
8 and requirements to be fulfilled in order to file for and receive the credit.

9 §818.121. Refund claims

10 A. Each claim for a refund shall be filed on a form provided by the  
11 secretary, shall be supported by the original invoice issued by the dealer, and  
12 shall contain all of the following:

13 (1) The stamped or preprinted name and address of the dealer.

14 (2) The name of the purchaser or person who received the delivery of the  
15 fuel.

16 (3) The date of delivery of the fuel or the date the invoice was issued, if  
17 different from the date the fuel was delivered.

18 (4) The number of gasoline or diesel gallon equivalents of compressed  
19 natural gas, liquefied natural gas, or liquefied petroleum gas delivered.

20 (5) The rate and amount of tax, separately stated from the selling price.

21 (6) The type of vehicle or equipment into which the fuel is delivered.

22 B. The purchaser or person who received the delivery of compressed  
23 natural gas, liquefied natural gas, or liquefied petroleum gas shall obtain the  
24 original invoice from the dealer not later than the thirtieth day after the date  
25 the fuel was delivered. If the purchase or delivery of fuel is made through an  
26 automated method in which the purchase or delivery is automatically applied  
27 to the purchaser's or recipient's account, one invoice may be issued at the time  
28 of billing that covers multiple purchases or deliveries made during a thirty-day  
29 billing cycle.

30 C. The secretary may pay a refund to a person other than a school bus

1 driver who files a valid refund claim. After examining the refund claim and  
2 before issuing the refund to the dealer, the secretary shall deduct from the  
3 amount of the refund the one-third of one percent originally deducted by the  
4 dealer pursuant to R.S. 47:818.119.

5 D. A person who files a claim for a tax refund on compressed natural  
6 gas, liquefied natural gas, or liquefied petroleum gas used for a purpose for  
7 which a tax refund is not authorized or who files an invoice supporting a refund  
8 claim on which the date, figures, or any material information has been falsified  
9 or altered shall forfeit his right to the entire amount of the refund claim filed  
10 unless the claimant provides satisfactory proof to the secretary that the  
11 incorrect refund claim filed was due to a clerical or mathematical calculation  
12 error.

13 §818.122. Records required to be maintained; inspection by the secretary

14 A. A dealer shall keep a record of all of the following:

15 (1) Compressed natural gas, liquefied natural gas, and liquefied  
16 petroleum gas inventories at the first of each month.

17 (2) The amount of natural gas compressed by the dealer, the amount of  
18 natural gas liquefied by the dealer, and the amount of petroleum gas liquefied  
19 by the dealer.

20 (3) All compressed natural gas, liquefied natural gas, and liquefied  
21 petroleum gas purchased or received, showing the name of the seller and the  
22 date of each purchase or receipt.

23 (4) All compressed natural gas, liquefied natural gas, and liquefied  
24 petroleum gas sold and delivered into the fuel supply tank of a motor vehicle,  
25 including the date of each sale.

26 (5) All compressed natural gas, liquefied natural gas, and liquefied  
27 petroleum gas sold but not delivered into the fuel supply tank of a motor  
28 vehicle, including the date of each sale.

29 (6) All compressed natural gas, liquefied natural gas, and liquefied  
30 petroleum gas delivered into the fuel supply tank of a motor vehicle not in



1 connection with a sale, including the date of each delivery.

2 (7) All compressed natural gas, liquefied natural gas, and liquefied  
3 petroleum gas delivered into the fuel supply tank of a motor vehicle or other  
4 equipment exempt from tax or sold to the operator of a motor vehicle or owner  
5 of equipment exempt from the tax, including the name of the operator of the  
6 vehicle or the owner of the equipment and the date of the delivery or sale.

7 (8) All compressed natural gas, liquefied natural gas, and liquefied  
8 petroleum gas lost by fire, theft, or accident.

9 B. The records required to be kept pursuant to the provisions of this  
10 Section shall be kept until the fourth anniversary of the date they were created  
11 and shall be open to inspection at all times by the secretary or his designee. In  
12 addition to the records specifically required by this Section, a licensee or a  
13 person required to hold a license shall keep any other records required by the  
14 secretary.

15 §818.123. Notice of discontinuance, sale, or transfer of business

16 A. Prior to discontinuing any business to which a license has been issued  
17 pursuant to the provisions of this Subpart, the licensee shall notify the secretary  
18 in writing at least thirty days prior to the effective date of the discontinuance,  
19 sale, or transfer and shall surrender the license to the secretary. The notice  
20 shall state the effective date of the discontinuance and, if the licensee has  
21 transferred the business or otherwise relinquished control to another person by  
22 sale or otherwise, the date of the sale or transfer and the name and address of  
23 the person to whom the business was transferred or relinquished. The notice  
24 shall also include any other information required by the secretary.

25 B. If a licensee liable for any tax, interest, or penalty levied in accordance  
26 with this Subpart sells or transfers the business or quits the business, the  
27 licensee shall make a final return and payment within fifteen days after the date  
28 of selling, transferring, or quitting the business. The purchaser or assigns, if  
29 any, shall withhold sufficient amounts of the purchase monies to cover the  
30 amount of taxes, interest, and penalties due and unpaid until such time as the

1 former owner shall produce a receipt from the secretary showing that all taxes,  
 2 interest, and penalties have been paid, or a certificate stating that no taxes,  
 3 interest, or penalties are due. If the purchaser of a business fails to withhold  
 4 purchase money, the purchaser shall be personally liable for the payment of the  
 5 taxes, interest, and penalties accrued and unpaid on the account of the  
 6 operation of the business by any former owner, owners, or assigns.

7 C. In the case of a licensee who has quit a business but who subsequently  
 8 opens another similar business under the same ownership, whether that  
 9 ownership is individual, partnership, corporation, or other, that licensee shall  
 10 be liable for any tax, interest, or penalty owed by the original business.

11 §818.124. Engaging in business without a license; penalty

12 Any person who engages in or performs any business activity for which  
 13 a license is required by this Subpart without having first obtained and  
 14 subsequently retained a valid license shall be subject to a penalty of ten  
 15 thousand dollars for a first violation. For each subsequent violation, the penalty  
 16 shall be determined by multiplying the penalty for the first violation by the total  
 17 number of all violations. Penalties prescribed under this Section shall be  
 18 assessed, collected, and paid in the same manner as the tax.

19 §818.125. Failure to pay tax or furnish bond; subject to attachment; suit to  
 20 enjoin further pursuit of business

21 A. Failure to pay any tax levied in this Subpart or any interest, penalties,  
 22 or applicable costs or failure to furnish bond as provided in this Subpart shall  
 23 ipso facto and without demand or putting in default, make the tax, penalties,  
 24 and interest delinquent and shall be construed as an attempt to avoid the  
 25 payment of the tax, penalties, and interest, which shall be sufficient grounds for  
 26 attachment of the compressed natural gas, liquefied natural gas, or liquefied  
 27 petroleum gas, wherever fuel may be located or found, whether the delinquent  
 28 taxpayer is a resident or nonresident of this state and whether the compressed  
 29 natural gas, liquefied natural gas, or liquefied petroleum gas is in the possession  
 30 of the delinquent taxpayer or in the possession of other persons. Each

1 compressed natural gas, liquefied natural gas, or liquefied petroleum gas  
2 licensee shall be responsible for the payment of the applicable tax levied in this  
3 Subpart, together with any interest, penalties, and costs accruing thereon, and  
4 the secretary may attach, seize, or sequester any compressed natural gas,  
5 liquefied natural gas, or liquefied petroleum gas subject to tax under this  
6 Subpart when a tax is not paid when it was due and payable. The procedure  
7 prescribed by law shall be followed except that the secretary shall not be  
8 required to provide a bond.

9 B. When a licensee fails to pay any tax levied under this Subpart, or any  
10 interest, penalties, or applicable costs or fails to furnish bond as provided in this  
11 Subpart, the secretary may file a rule on the licensee, by motion in a court of  
12 competent jurisdiction, to show cause as to why the licensee should not be  
13 ordered to cease from further pursuit of business as a licensee. The rule shall  
14 be heard by the court not less than two days nor more than ten days, exclusive  
15 of holidays, after service of the rule on the licensee. The rule may be tried out  
16 of term and in chambers, and shall always be tried by preference. In case the  
17 rule is made absolute, the order rendered by the court shall be considered a  
18 judgment in favor of the state prohibiting the licensee from the further pursuit  
19 of the business until the licensee has paid the delinquent tax, penalties, and  
20 interest and has furnished the bond required by this Subpart. Each violation  
21 of the injunction shall be considered a contempt of court and shall be  
22 punishable in accordance with the law.

23 C. When a bond has been furnished by the licensee, the surety on the  
24 bond may be joined in the rule with the licensee and may be held liable in solido  
25 for the amount of tax, interest, penalties, attorney fees, and costs.

26 §818.126. Power to stop and investigate vehicles; fines, collection, and  
27 enforcement

28 A. The secretary, his authorized designee, any weights and standards  
29 police officer, or any motor carrier safety police officer shall be empowered to  
30 stop any commercial motor vehicle which appears to be operating with

1 compressed natural gas, liquefied natural gas, or liquefied petroleum gas for the  
2 purpose of examining the invoices and for any other investigative purposes  
3 reasonably necessary to determine whether the taxes imposed by this Subpart  
4 have been paid or whether the vehicle is being operated in compliance with the  
5 provisions of this Subpart.

6 B. If, after examination or investigation, it is determined that the tax  
7 imposed by this Subpart has not been paid with respect to the compressed  
8 natural gas, liquefied natural gas, or liquefied petroleum gas being used in the  
9 vehicle, the secretary, his authorized designee, the weights and standards police  
10 officer, or the motor carrier safety police officer may assess the tax due together  
11 with the applicable penalty provided in this Subpart, to the owner or operator  
12 of the vehicle.

13 C. The secretary, his authorized designee, the weights and standards  
14 police officer, or the motor carrier safety police officer may impound any  
15 vehicle found to be operating in violation of this Subpart or any vehicle for  
16 which inspection has been refused until such time as an inspection has been  
17 completed or any tax, interest, penalties, and other charges assessed as provided  
18 in this Subpart have been paid.

19 §818.127. Authorization to search; seizure of equipment for evidence

20 A. The secretary may search and examine any warehouse, boat, store,  
21 storeroom, automobile, truck, conveyance, vehicle, any and all places of storage,  
22 and any and all means of transportation when there is probable cause to believe  
23 the terms of this Subpart have been, or are being, violated.

24 B. The transport of compressed natural gas, liquefied natural gas, or  
25 liquefied petroleum gas on which the tax levied pursuant to this Subpart has not  
26 been paid shall be prohibited. The means used in the transportation of the  
27 compressed natural gas, liquefied natural gas, or liquefied petroleum gas on  
28 which the tax levied pursuant to this Subpart has not been paid shall be subject  
29 to seizure, forfeiture, and sale as provided in this Subpart.

30 §818.128. Inspection of records, storage facilities; penalty

1           A. The secretary may examine the books, records, and other documents  
2           of all companies, agencies, or firms operating in this state, whether the  
3           companies, agencies, or firms conduct their business by rail, water, or  
4           otherwise, in order to identify licensees that are importing or otherwise shipping  
5           compressed natural gas, liquefied natural gas, or liquefied petroleum gas which  
6           are liable for tax under this Part. The examination by the secretary authorized  
7           by this Section shall be conducted during reasonable business hours of the  
8           licensee.

9           B. Any person who refuses to permit an inspection of records or storage  
10          facilities or refuses to permit an audit shall be subject to a penalty of five  
11          thousand dollars in addition to any other penalty imposed in accordance with  
12          provisions of this Subpart.

13          §818.129. Unlawful importing, transportation, delivery, storage, or sale of  
14                   compressed natural gas, liquefied natural gas, or liquefied  
15                   petroleum gas; sale to enforce assessment

16          A. Upon the discovery of any compressed natural gas, liquefied natural  
17          gas, or liquefied petroleum gas illegally imported into or illegally transported,  
18          delivered, stored, or sold within this state, the secretary shall order the tank or  
19          other storage receptacle in which the compressed natural gas, liquefied natural  
20          gas, or liquefied petroleum gas is located to be seized and locked or sealed until  
21          the tax, interest, and penalties levied or imposed in accordance with the  
22          provisions of this Subpart are assessed and paid.

23          B. If the tax is not paid within thirty days of the assessment, the secretary  
24          may, in addition to other remedies authorized in this Subpart, sell the  
25          compressed natural gas, liquefied natural gas, or liquefied petroleum gas and  
26          use the proceeds of the sale to satisfy the assessment due. Any funds collected  
27          from the sale that exceed the assessment and costs of the sale shall be returned  
28          to the owner of the compressed natural gas, liquefied natural gas, or liquefied  
29          petroleum gas.

30          C. All compressed natural gas, liquefied natural gas, or liquefied

1 petroleum gas, and any property, corporeal or incorporeal, found on the person  
2 or in any vehicle that the person is using, including the vehicle itself, to aid in  
3 the transportation or sale of illegally transported, delivered, stored, sold,  
4 imported, or acquired compressed natural gas, liquefied natural gas, or  
5 liquefied petroleum gas, and any property found in the immediate vicinity of  
6 any place where the illegally transported, delivered, stored, sold, imported, or  
7 acquired compressed natural gas, liquefied natural gas, or liquefied petroleum  
8 gas is located, including motor vehicles, tanks, and other storage devices, used  
9 to aid in the illegal transportation or sale of compressed natural gas, liquefied  
10 natural gas, or liquefied petroleum gas shall be subject to seizure, forfeiture,  
11 and sale by the secretary in the manner provided for in this Subpart.

12 §818.130. Procedure for forfeiture and sale

13 A. The secretary may, in a summary proceeding or by an action against  
14 the owner or operator of any automobile, truck, boat, conveyance, vehicle, or  
15 other means of transportation used to transport any compressed natural gas,  
16 liquefied natural gas, or liquefied petroleum gas on which a tax is levied by this  
17 Subpart, and on which the tax has not been paid in the manner herein provided,  
18 demand the forfeiture and sale of the automobile, truck, boat, conveyance,  
19 vehicle, or other means of transportation used in the illegal transportation.

20 B. In all cases where it is made to appear by affidavit that the residence  
21 of the owner of the automobile, truck, boat, conveyance, vehicle, or other means  
22 of transportation is out of state or is unknown to the affiant, the court having  
23 jurisdiction of the proceeding shall appoint an attorney to represent the absent  
24 owner against whom the rule shall be tried contradictorily within ten days after  
25 the filing of the rule. The affidavit may be made by the secretary or his  
26 designee. The attorney appointed to represent the absent owner may waive  
27 service and citation of the petition or rule but shall not waive time or any legal  
28 defense.

29 C. If it is established during the trial that the automobile, truck, boat,  
30 conveyance, vehicle, or other means of transportation was used to transport

1 compressed natural gas, liquefied natural gas, or liquefied petroleum gas on  
2 which the tax had not been paid, then the court shall order the forfeiture of the  
3 automobile, truck, boat, conveyance, vehicle, or other means of transportation.  
4 The court shall also order the sale of the item subject to forfeiture after ten days  
5 notice by advertisement in the official journal of the parish where the seizure  
6 was made. The sale shall be made by the civil sheriff of the parish of Orleans,  
7 or by the sheriff of the parish in which the seizure was made, at public auction  
8 at the courthouse to the highest bidder for cash and without appraisal. It is the  
9 intent and purpose of this Section to afford the owner of the automobile, truck,  
10 boat, conveyance, vehicle, or other means of transportation a fair opportunity  
11 for a court hearing and that the forfeiture and sale of the automobile, truck,  
12 boat, conveyance, vehicle, or other means of transportation shall operate as a  
13 penalty for the violation of this Subpart by illegal transportation. The payment  
14 of the tax due at the moment of the seizure or thereafter shall not prevent,  
15 abate, discontinue, or defeat the forfeiture and sale of the seized property.

16 D. All funds collected from the sale of the seized and forfeited property  
17 shall be paid into the state treasury and credited to the same fund or funds that  
18 would have received credit for the tax on the product illegally transported.

19 E. The court shall fix the fee of the attorney representing the owner when  
20 appointed by the court, at a nominal sum not to exceed ten percent of the  
21 amount at issue in the summary proceeding. The attorney fees shall be taxed  
22 as costs and shall be paid out of the proceeds of the sale of the property.

23 §818.131. Commission of prohibited acts; misdemeanors; felonies; penalties

24 A. Any person who commits any of the following offenses is guilty of a  
25 misdemeanor, and upon conviction shall be fined not less than one thousand  
26 dollars nor more than five thousand dollars or imprisoned for not more than  
27 two years, or both:

28 (1) Failure to maintain any record required by this Subpart.

29 (2) Making a tax-free sale or delivery of compressed natural gas,  
30 liquefied natural gas, or liquefied petroleum gas into the fuel supply tank of a

1 motor vehicle.

2 (3) Making a false statement in a license application, return, invoice,  
3 statement, refund, or any other document required under this Subpart.

4 (4) Making a false statement in an application for a refund.

5 (5) Failure to make a required disclosure of the correct amount of  
6 compressed natural gas, liquefied natural gas, or liquefied petroleum gas sold  
7 or used in this state.

8 (6) Failure to file a new, replacement, larger, or additional surety bond  
9 as required under this Subpart.

10 (7) Interference with or refusal to permit seizures authorized by this  
11 Subpart.

12 (8) Operating a liquefied gas-propelled motor vehicle that is required to  
13 be licensed in this state, including a motor vehicle equipped with dual  
14 carburetion, and without displaying a multi-state fuels tax agreement decal.

15 (9) Refusal to permit the secretary or his designee or the Louisiana  
16 Liquefied Petroleum Gas Commission or its designee to measure or gauge the  
17 contents of or take samples from a storage tank or container on premises where  
18 compressed natural gas, liquefied natural gas, or liquefied petroleum gas is  
19 produced, processed, stored, sold, delivered, or used.

20 (10) Transporting compressed natural gas, liquefied natural gas, or  
21 liquefied petroleum gas under a false cargo manifest or shipping document, or  
22 transporting compressed natural gas, liquefied natural gas, or liquefied  
23 petroleum gas to a location without delivering a shipping document relating to  
24 that shipment.

25 B.(1) It shall be unlawful for any person to intentionally evade or  
26 circumvent the tax levied by this Subpart, or to assist any other person to  
27 intentionally evade or circumvent the tax levied by this Subpart. Intentional  
28 evasion or circumvention of the tax levied by this Subpart shall include any of  
29 the following:

30 (a) Altering, manipulating, replacing, or in any other manner tampering



1 or interfering with, or causing to be altered, manipulated, replaced, tampered,  
2 or interfered with, a totalizer attached to compressed natural gas, liquefied  
3 natural gas, or liquefied petroleum gas to measure the dispensing of compressed  
4 natural gas, liquefied natural gas, or liquefied petroleum gas.

5 (b) Failing to pay compressed natural gas, liquefied natural gas, or  
6 liquefied petroleum gas taxes and diverting the tax proceeds for other purposes.

7 (c) Converting, or attempting to convert, compressed natural gas,  
8 liquefied natural gas, or liquefied petroleum gas tax proceeds by the licensee,  
9 or agent or representative of the licensee, for use by the licensee, or the agent  
10 or representative of the licensee, with the intent to defraud the state.

11 (d) Collecting of compressed natural gas, liquefied natural gas, or  
12 liquefied petroleum gas taxes when not authorized or licensed by the secretary  
13 to do so.

14 (e) Making a sale or delivery of compressed natural gas, liquefied  
15 natural gas, or liquefied petroleum gas on which the person knows, or should  
16 know, the tax is required to be collected, if at the time the sale is made the  
17 person does not hold a valid retail dealer's license.

18 (f) Importing compressed natural gas, liquefied natural gas, or liquefied  
19 petroleum gas into this state in contravention of this Subpart.

20 (g) Conspiring with any person or persons to engage in any act, plan, or  
21 scheme to defraud this state of compressed natural gas, liquefied natural gas,  
22 or liquefied petroleum gas tax proceeds.

23 (h) Concealing compressed natural gas, liquefied natural gas, or  
24 liquefied petroleum gas with the intent to engage in any conduct prohibited by  
25 this Subpart.

26 (i) Refusing to make sales of compressed natural gas, liquefied natural  
27 gas, or liquefied petroleum gas on the volume-corrected basis prescribed by this  
28 Subpart.

29 (j) Failing to remit any tax levied pursuant to this Subpart to the  
30 secretary, if the person has added or represented that the tax was added to the

1 sales price of the compressed natural gas, liquefied natural gas, or liquefied  
 2 petroleum gas and has collected the amount of the tax.

3 (2) Whoever violates any of the provisions of this Subsection shall be  
 4 fined not less than five thousand dollars nor more than the amount of taxes,  
 5 including interest and penalties, lost to the state due to a violation of this  
 6 Subsection, or shall be imprisoned, with or without hard labor, for not less than  
 7 two nor more than ten years, or both.

8 C. Each offense provided for in this Section shall be subject to a separate  
 9 penalty.

10 §818.132. Collaboration with commissioner of agriculture

11 Notwithstanding any provision of law to the contrary, the commissioner  
 12 of agriculture shall have the duty and authority to assist the secretary of the  
 13 Department of Revenue in collecting the taxes and any interest or penalties due  
 14 pursuant to the provisions of this Subpart, and the provisions of Subpart E of  
 15 Part II of Chapter 30 of Title 3 of the Louisiana Revised Statutes of 1950 that  
 16 are not inconsistent with this duty shall apply for such purposes. Subject to the  
 17 oversight of the House Committee on Ways and Means and the Senate  
 18 Committee on Revenue and Fiscal Affairs, the commissioner, in consultation  
 19 with the secretary, shall promulgate rules pursuant to the Administrative  
 20 Procedure Act to provide procedures and processes for the orderly regulation  
 21 and enforcement of the laws governing taxation of compressed natural gas,  
 22 liquefied natural gas, and liquefied petroleum gas.

23 Section 2. R.S. 3:4602(12.1) and 4684 are hereby amended and reenacted and R.S.  
 24 3:4690.1 is hereby enacted to read as follows:

25 §4602. Definitions

26 As used in this Chapter, the following terms shall have the following  
 27 meanings:

28 \* \* \*

29 (12.1) ~~"Petroleum~~ **(a) Except as provided in Subparagraph (b) of this**  
 30 **Paragraph, "petroleum** product" means any refined hydrocarbon mixture including

1 motor oil, kerosene, gasoline, gasohol, diesel fuel, aviation fuel, heating kerosene,  
2 and any blend of two or more refined hydrocarbon mixtures except liquefied  
3 petroleum gas and natural gas.

4 **(b) For purposes of enforcement of the provisions of R.S. 47:818.111 et**  
5 **seq. regarding taxes on special fuels, "petroleum product" shall include**  
6 **compressed natural gas, liquefied natural gas, and liquefied petroleum gas as**  
7 **those terms are defined in R.S. 47:818.2.**

8 \* \* \*

9 §4684. Fee to be collected for testing, etc.

10 **A.** For the purpose of defraying the expenses connected with the inspection,  
11 testing, and analyzing of petroleum products in this state and enforcement of this  
12 Chapter, there shall be collected by the secretary of the Department of Revenue a fee  
13 of four thirty-seconds of one cent per gallon on all petroleum products **except**  
14 **liquefied petroleum gas and compressed or liquefied natural gas,** distributed,  
15 sold, or offered or exposed for sale or use or consumption in the state or used or  
16 consumed in the state which shall be paid before delivery to agents, dealers, or  
17 consumers in the state. The fee **provided for in this Subsection** does not include  
18 liquefied petroleum gas, natural gas, or bulk sale or transfers. Excluding bulk sales  
19 or transfers, the fee will be imposed upon the removal from an ~~Internal Revenue~~  
20 ~~Service approved~~ **Internal-Revenue-Service-approved** terminal using the terminal  
21 rack. The position holder shall collect the fee imposed from the person who orders  
22 the withdrawal at the terminal rack. Exports out of the state shall not be subject to  
23 the fee. A fee is also imposed on the above-referenced fuel upon import to the state  
24 excluding bulk sale or transfer for delivery within the state. This fee shall be paid by  
25 the first importer. However, no fee shall be due on fuels that are eligible for tax  
26 refunds under the provisions of R.S. 47:818.15(A)(5) or that are sold for use in or  
27 distributed to seagoing vessels as defined in R.S. 3:4602.

28 **B.** The secretary of the Department of Revenue is authorized to seize and  
29 hold these products on which the fee has not been paid until such time as the fee has  
30 been paid. Any expense incurred in the seizure and holding of any product so seized

1 shall be assessed in addition to the fee and collected at the same time the fee is  
2 collected.

3 \* \* \*

4 §4690.1. Enforcement of certain tax provisions

5 Notwithstanding any provision of law to the contrary, the commissioner  
6 shall have the duty and authority to assist the secretary of the Department of  
7 Revenue in collecting the taxes and any interest or penalties due pursuant to the  
8 provisions of R.S. 47:818.111 et seq., and the provisions of this Subpart that are  
9 not inconsistent with this duty shall apply for such purposes. Subject to the  
10 oversight of the House Committee on Ways and Means and the Senate  
11 Committee on Revenue and Fiscal Affairs, the commissioner, in consultation  
12 with the secretary, shall promulgate rules pursuant to the Administrative  
13 Procedure Act to provide procedures and processes for the orderly regulation  
14 and enforcement of the laws governing taxation of compressed natural gas,  
15 liquefied natural gas, and liquefied petroleum gas.

16 Section 3. R.S. 47:818.101 through 104 are hereby repealed.

17 Section 4. If the Act which originated as HB736 of the 2015 Regular Session of the  
18 Legislature, or any other Act of such session, increases the tax on gasoline or special fuels,  
19 then the provisions of such Act shall apply to R.S. 47:818.111 as enacted in this Act.

20 Section 5. This Act shall become effective on July 1, 2015; if vetoed by the governor  
21 and subsequently approved by the legislature, this Act shall become effective on July 1,  
22 2015, or on the day following such approval by the legislature, whichever is later.

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_