

Regular Session, 2010

# ACT No. 191

HOUSE BILL NO. 324

BY REPRESENTATIVE CORTEZ

1 AN ACT

2 To amend and reenact R.S. 49:316.1(A)(2)(a) and (c), relative to the Department of  
3 Insurance; to authorize that department to accept credit and debit cards for payment  
4 of obligations owed to the state through use of a private third-party processor with  
5 a convenience fee charged by such processor; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 49:316.1(A)(2)(a) and (c) are hereby amended and reenacted to read  
8 as follows:

9 §316.1. Payments by treasury approved credit and debit cards; authorizations;  
10 contracts; fees

11 A.

12 \* \* \*

13 (2)(a) The state treasurer shall, to the extent possible and as uniformly as  
14 possible for each card or device and for each method of conducting transactions to  
15 be accepted, establish a fee for approved payment of transactions authorized by this  
16 Section. When accepting such cards or devices as authorized by this Section, any  
17 state entity shall assess a fee, if such fee has been established and in the amount  
18 established by the treasurer pursuant to this Section, provided that the fee is a  
19 uniform dollar amount or percentage assessed for each card or device and for each  
20 method of conducting transactions to be accepted by the state entity, and such fee  
21 shall be considered a "state charge" as provided in this Section. The provisions of  
22 this Paragraph shall not be applicable to public postsecondary institutions of higher  
23 education or to transactions administered by a third-party processor for the

1 Department of Revenue, the Department of Insurance, the Department of  
2 Transportation and Development, or the Department of Environmental Quality.

3 \* \* \*

4 (c) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,  
5 the fee charged by a third-party processor for the Department of Revenue, the  
6 Department of Insurance, the Department of Transportation and Development, or the  
7 Department of Environmental Quality shall be a convenience fee paid directly to the  
8 private entity third-party processor by the payor and shall not be considered a "state  
9 charge" as provided in this Section. However, the amount of the convenience fee  
10 shall be approved by the Senate Committee on Revenue and Fiscal Affairs and the  
11 House Committee on Ways and Means. In addition, the amount of the convenience  
12 fee shall be disclosed to the payor before the transaction is completed, and the payor  
13 shall be given the option of canceling the transaction at that time.

14 \* \* \*

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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

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

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