

Regular Session, 2010

SENATE BILL NO. 221

BY SENATOR APPEL

COMMERCIAL REGULATIONS. Prohibits a political subdivision from assessing or charging nonresidents a different rate or fee than residents. (8/15/10)

1 AN ACT  
2 To enact Chapter 46 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised  
3 of R.S. 33:9661, relative to political subdivisions; to prohibit a political subdivision  
4 from assessing or charging nonresidents a higher rate or fee than residents; to  
5 provide for enforcement; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:  
7 Section 1. Chapter 46 of Title 33 of the Louisiana Revised Statutes of 1950,  
8 comprised of R.S. 33:9661, is hereby enacted to read as follows:

9 **CHAPTER 46. MISCELLANEOUS**  
10 **§9661. Unfair acts or practices by political subdivisions**  
11 **A. No political subdivision shall charge or assess a rate or fee to any**  
12 **person or legal entity that resides or is registered, organized, or located in**  
13 **Louisiana but not within the political subdivision's jurisdiction higher than it**  
14 **charges or assesses to a person or legal entity that resides or is registered,**  
15 **organized, or located within the jurisdiction of the political subdivision for the**  
16 **same good or service.**  
17 **B. No political subdivision shall base a rate or fee for a good or service**

1 at a higher amount for any person or legal entity that resides, is registered,  
2 organized, or located in Louisiana, but not within the political subdivision's  
3 jurisdiction than it bases such rate or fee for any person or legal entity that  
4 resides, is registered, organized, or located within its jurisdiction.

5 C. Acts prohibited by this Section shall include charges or assessments  
6 by a political subdivision for the rental of its assets as well as charges for  
7 licences, fees, permits, and services.

8 D.(1) Whenever the attorney general has reason to believe that any  
9 political subdivision is using, or is about to use any method or practice  
10 prohibited by this Section, he may bring an action for injunctive relief in the  
11 name of the state against such political subdivision in district court.

12 (2) The district court is authorized to issue temporary restraining orders  
13 or preliminary and permanent injunctions to restrain and enjoin violations of  
14 this Section.

15 (3) In addition, the attorney general may request and the court may  
16 award the following:

17 (a) Restitution for the aggrieved person or legal entity in an amount  
18 equivalent to the overcharging, plus interest.

19 (b) Costs incurred by the attorney general's office in pursuing the  
20 matter.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Dawn Romero Watson.

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#### DIGEST

Proposed law prohibits a political subdivision from charging or assessing a higher rate or fee to a nonresident person or legal entity than it charges a resident for the same goods or services.

Proposed law prohibits a political subdivision from basing a fee for a good or service at a higher amount for a nonresident person or legal entity than it bases such fee for a resident.

Proposed law provides that prohibited acts include rates or fees charged for the rental of assets of the political subdivision as well as charges for licences, fees, permits and services.

Proposed law provides for enforcement by the attorney general's office. Authorizes the attorney general to request, and the district court to grant injunctive relief, restitution and costs.

Effective August 15, 2010.

(Adds R.S. 33:9661)