
~~G-M~~ The secretary of the Department of Revenue shall promulgate such rules and regulations in accordance with the Administrative Procedure Act as may be necessary to carry out the provisions of this Section. The rules and regulations shall be promulgated within ninety days of the effective date of this Section.

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)]

Pierre

HB No. 528

Abstract: Provides relative to agreements between property owners and third parties installing solar panels and solar energy systems.

Proposed law requires any agreement to install solar panels on any residential property to clearly state the rights and responsibilities of all involved parties including ownership terms, maintenance responsibilities, insurance requirements, monitoring requirements, provisions regarding default and early termination of a contract, responsibilities relative to governmental approvals, the party entitled to claim certain tax credits, and tax responsibilities.

Proposed law requires a contract to install a solar energy system to have two declarations and further provides that the first declaration is required to inform the residential property owner of the following:

- (1) The residential property owner should not rely on any statements or inducements of the seller as described in present law (R.S. 47:6030(C)(1), regarding La. income tax credits available for the purchase and installation of the system.
- (2) The residential property owner's eligible costs pursuant to the La. solar energy systems tax credit are limited to those provided in present administrative law (LAC 61:I.1907(F)(1)).
- (3) The residential property owner should consult a tax professional prior to claiming any La. state tax credit.

Proposed law provides the first declaration required by proposed law to be entitled "Eligible Costs". Proposed law further requires the declaration to be in print of not less than 12 point font and in the form specifically provided for in proposed law.

Proposed law requires for the second declaration to establish the identity of the residential property owner and the third-party claimant. Proposed law further provides that the declaration is required to minimally include and have attached the following:

- (1) The signature of each residential property owner, except in cases where the owner has legal authority to execute the declaration without the consent of other owners.
- (2) A copy of the act of sale or other documentation evidencing ownership of the residential property.
- (3) A document containing the third-party Louisiana contractor's name and contractor's license number, along with the contractor's Solar Designation.

Any declaration required by proposed law containing provisions not expressly required in proposed law is rendered null and void.

Proposed law requires any solar energy system to be certified by the Air-Conditioning Heating and Refrigeration Institute to be eligible for the Solar Energy Tax Credit.

Present law provides for the refund of overpayments, which is any excess of allowable credit over the aggregate tax liabilities against which the credit may be applied.

Present law requires the secretary of the Dept. of Revenue to promulgate rules and regulations in accordance with the APA as necessary to carry out the provisions of both present and proposed law, and such rules and regulations are required to be promulgated within 90 days of the effective date.

Proposed law retains present law.

(Amends R.S. 47:6030(F) and (G); Adds R.S. 47:6030(H) through (M))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Commerce to the original bill.

1. Made technical changes.
2. Revised the language relative to the requirement for the contract to install solar panels to include the party who will claim the tax credit pursuant to present law.
3. Added that a contract to install a solar energy system is required to have attached two clear and conspicuous declarations relative to the residential property owner and inducements to purchase a solar energy system, provisions regarding eligible costs, the residential property owner's discretion to consult a tax professional, and inclusions and attachments relative to the identity of the residential property owner and third-party contractor.
4. Required solar energy systems to be certified by the Air-Conditioning Heating and Refrigeration Institute to be eligible for the Solar Energy Tax Credit.

