

GREEN SHEET REDIGEST

HB 845

2018 Regular Session

Lance Harris

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

COMMERCE: Provides relative to enforcement of unfair sales of motor fuel.

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DIGEST

Present law governs retail sales of motor fuel. Present law provides that it is an unfair trade practice for a retailer to sell motor fuel below cost including taxes, fees, and transportation charges when such sale will impair or injure competition.

Present law requires the attorney general and the district attorneys to enforce the provisions of present law.

Proposed law allows, but does not require, the attorney general and the district attorneys to enforce the provisions of present law.

Proposed law provides that actions by other persons may also be instituted as authorized by R.S. 51:424.

Present law (R.S. 51:424) provides that the courts of this state may prevent and restrain violations of the Unfair Sales Law and district attorneys, in the respective districts, shall institute proceedings to prevent and restrain violations.

Present law provides that any person damaged, or who is threatened with loss or injury by reason of a violation of the Unfair Sales Law may sue for and have injunctive relief against any damage, or threatened loss or injury.

Present law provides that any person, successful in a suit for injunctive relief under this Section, shall be allowed a reasonable attorney's fee. Proposed law deletes present law and provides that any person who prevails in a suit for injunctive relief shall be allowed reasonable attorney fees.

Present law provides the right established in present law shall exist in favor of any duly organized and existing trade organization and there shall exist damages and injury to such organization where it is shown that any one or more individual members thereof has been damaged by a violation of the Unfair Sales Law. Proposed law deletes this provision.

(Amends R.S. 51:422.1(E) and 424)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Make technical changes.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the reengrossed bill

1. Deletes provision relative to trade organizations.
2. Provides relative to attorney fees.
3. Provides for actions of certain persons as authorized by law.