

2022 Regular Session

HOUSE BILL NO. 355

BY REPRESENTATIVE CHARLES OWEN

MUNICIPAL/ORDINANCES: Prohibits municipalities from enacting certain regulations relative to fuel retailers and transportation infrastructure

1 AN ACT

2 To enact R.S. 33:32, relative to fuel retailers and transportation infrastructure; to provide for
3 state preemption relative to fuel retailers and transportation infrastructure; to prohibit
4 local governmental subdivisions from enacting ordinances or other provisions
5 prohibiting the siting, development, or redevelopment of fuel retailers or related
6 transportation infrastructure; to provide for definitions; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 33:32 is hereby enacted to read as follows:

10 §32. Fuel retailers and related transportation infrastructure; state preemption

11 A. As used in this Section, the following terms have the following meanings:

12 (1) "Fuel retailer" means a fuel station or retail establishment that sells fuel
13 to provide power to vehicles.

14 (2) "Related transportation infrastructure" means storage tanks, pipelines, or
15 any related equipment that is necessary to deliver fuel to a fuel retailer or dispense
16 fuel at a fuel retailer.

17 B. A municipality, parish, local governmental entity, or governing authority
18 of any group or association, private or public, having jurisdiction over a specific
19 geographic area shall not and is preempted by the state from doing any of the
20 following:

1 (1) Adopt a law, an ordinance, a regulation, a policy, or a resolution that
2 prohibits the siting, development, or redevelopment of a fuel retailer or the related
3 transportation infrastructure that is necessary to provide fuel to a fuel retailer within
4 the entirety of the jurisdictional boundary of the municipality, parish, local
5 governmental entity, or public or private governing authority.

6 (2) Adopt or apply a law, an ordinance, a regulation, a policy, or a resolution
7 that results in the de facto prohibition of a fuel retailer or the related transportation
8 infrastructure that is necessary to provide fuel to a fuel retailer within the entirety of
9 the jurisdictional boundary of a municipality, parish, local governmental entity, or
10 public or private governing authority.

11 (3) Require a fuel retailer to install or invest in a particular kind of fueling
12 infrastructure, including but not limited to electric vehicle charging stations.

13 C. Nothing in this Section shall preempt a municipality, parish, local
14 governmental entity, or governing authority of any group or association, private or
15 public, having jurisdiction over a specific geographic area from adopting and
16 implementing a law, an ordinance, a regulation, a policy, or a resolution that is not
17 otherwise inconsistent with state law relating to the siting, development, or
18 redevelopment of fuel retailers or related transportation infrastructure necessary for
19 them to provide fuel, if such law, ordinance, regulation, policy, or resolution does not
20 result in a de facto prohibition of fuel retailers or related transportation infrastructure
21 necessary to provide fuel to fuel retailers from being sited, developed, or redeveloped
22 within a zoning land use classification where such infrastructure is consistent with
23 other allowable uses.

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)]

HB 355 Original

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Charles Owen

Abstract: Preempts municipalities and other political subdivisions from adopting regulations that would have the effect of prohibiting siting, development, or

redevelopment of fuel retailers or necessary related transportation infrastructure for providing fuel to fuel retailers.

Proposed law provides for the definitions of "fuel retailer" and "related transportation infrastructure" as used in proposed law.

Proposed law prohibits the governing authority of a municipality or other political subdivision from adopting any ordinance which, expressly or in effect, prohibits a fuel retailer or related transportation infrastructure necessary to supply a fuel retailer with fuel from being sited, developed, or redeveloped within the entirety of the governing authority's jurisdictional boundaries.

Proposed law further prohibits the governing authority of a municipality or other political subdivision from mandating the kind of fueling infrastructure which may be installed or invested in by a fuel retailer.

Proposed law authorizes the governing authority of a municipality or other political subdivision to adopt any ordinance or other regulation relating fuel retailers or related transportation infrastructure, if such ordinance or other regulation does not effectively prohibit fuel retailers or related transportation infrastructure from being sited, developed, or redeveloped within a zoning land use classification provided the infrastructure is similar to the zone's other allowable uses.

(Adds R.S. 33:32)