

Regular Session, 2014

HOUSE BILL NO. 448

BY REPRESENTATIVE RITCHIE

CEMETERIES: Authorizes the Louisiana Cemetery Board to impose fines for certain violations

1 AN ACT

2 To amend and reenact R.S. 8:75(C) and (D) and to enact R.S. 8:75(E), relative to the powers
3 of the Louisiana Cemetery Board; to authorize the board to impose fines upon
4 natural or juridical persons; to provide the amount of such fines; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 8:75(C) and (D) are hereby amended and reenacted and R.S. 8:75(E)
8 is hereby enacted to read as follows:

9 §75. Refusal to grant, revocation, or suspension of certificate; injunction; fines;
10 additional orders

11 * * *

12 C. If the board finds that any natural or juridical person has violated the
13 provisions of this Title or the rules or regulations adopted and promulgated by the
14 authority vested in this Chapter, it may impose a fine upon that natural or juridical
15 person in an amount not to exceed one thousand dollars for each nonwillful violation
16 and in an amount not to exceed ten thousand dollars for each willful violation, plus
17 cost of the court reporter and the attorney fees of the board.

18 D. The board may grant not more than thirty days from the date of the order
19 for the payment of any fine.

1 ~~D.~~ E. The board may apply to a district court of the parish in which the
2 cemetery is located for, and such court shall have the authority to issue such
3 additional orders as may be necessary to protect the health, welfare, or safety of the
4 public.

5 Section 2. Because this Act clarifies existing authority, the provisions of this Act
6 shall be given prospective and retroactive application.

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)]

Ritchie

HB No. 448

Abstract: Authorizes the La. Cemetery Board to impose fines for certain violations.

Present law provides for the La. Cemetery Board. Present law provides that the board shall enforce and administer the provisions of present law, Title 8 of the La. Revised Statutes of 1950.

Proposed law retains present law.

Present law authorizes the board to refuse to grant, revoke, or suspend a certificate of authority for violations of present law. Further authorizes the board to impose fines upon certificate holders in lieu of suspension or revocation.

Proposed law retains present law.

Proposed law authorizes the board to impose fines upon a natural or juridical person for violation of present law. Proposed law provides that the fine shall not exceed \$1,000 for each nonwillful violation. Proposed law provides that the fine shall not exceed \$10,000 for each willful violation. The fine shall also include the cost of the court reporter and the attorney fees of the board.

Present law authorizes the board to grant not more than 30 days from the date of the order for the payment of the fine. Further authorizes the board to apply to the appropriate district court to seek additional orders that may be necessary to protect the health, welfare, or safety of the public.

Proposed law retains present law.

Provides that the provisions of the Act are to be applied retroactively as well as prospectively.

(Amends R.S. 8:75(C) and (D); Adds R.S. 8:75(E))