

Regular Session, 2014

SENATE BILL NO. 51

BY SENATOR MARTINY

TAX/TAXATION. Removes the authority of the Louisiana Tax Free Shopping Program to charge participating retailers a membership fee. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 51:1304(C)(4), 1305(A), the introductory paragraph of 1305(B),  
3 1305(C), and 1309(B), and to repeal R.S. 51:1302(7), relative to the Louisiana Tax  
4 Free Shopping Program; to remove the authority of the program to charge  
5 participating retailers a membership fee; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 51:1304(C)(4), 1305(A), the introductory paragraph of 1305(B),  
8 1305(C), and 1309(B) are hereby amended and reenacted to read as follows:

9 §1304. Establishment of the program by the commission

10 \* \* \*

11 C. The commission shall have all powers, duties, and authority necessary to  
12 implement or take any action under this Chapter, including the following:

13 \* \* \*

14 (4) Shall set ~~membership fees and handling fees as follows:~~

15 (a) ~~The membership fee shall be set by the commission and may be reviewed~~  
16 ~~periodically by the commission and may then be reasonably adjusted.~~

17 (b) ~~A handling fee shall~~ to be charged to an international traveler for

1 processing each refund, which fee may be deducted from the amount of the refund.  
2 The fee may be reviewed periodically by the commission and may then be  
3 reasonably adjusted.

4 \* \* \*

5 §1305. Retailer's participation

6 A. Retailers who elect to participate in the tax free shopping program shall  
7 register with the refund agency, ~~pay the membership fee,~~ and agree in writing with  
8 the refund agency as to the location and the method of operating an international  
9 traveler's refund desk for each of their participating stores, including a system of  
10 record keeping for refund forms issued from the desk.

11 B. Upon ~~payment of the fee and upon~~ reaching agreement with the agency  
12 with regards to the operation of the refund desk for each store, the retailer shall be  
13 entitled to participate in the program. He shall receive or be entitled to:

14 \* \* \*

15 C. No retailer who participates in unfair methods of competition and unfair  
16 or deceptive acts or trade practices in the conduct of his business, or who is  
17 otherwise found to have violated R.S. 51:1405 or any rule or regulation adopted  
18 pursuant thereto shall participate in the Tax Free Shopping Program. The refund  
19 agency shall take immediate action to exclude such retailer from the program and  
20 recover any signs, decals, refund forms, or other indicia of program participation  
21 from the retailer. Such retailer shall not be entitled to a refund of any ~~fee or other~~  
22 costs previously paid.

23 \* \* \*

24 §1309. Reimbursement of refund agency

25 \* \* \*

26 B. The refund agency shall establish a budget for the program, taking into  
27 account anticipated required appropriations for the program based on handling fees,  
28 ~~and taking into account membership fees, other~~ state or local appropriations, any  
29 donations, and the expenses of its own compensation.

1 \* \* \*

2 Section 2. R.S. 51:1302(7) is hereby repealed.

3 Section 3. This Act shall become effective upon signature by the governor or, if not  
4 signed by the governor, upon expiration of the time for bills to become law without signature  
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
7 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Riley Boudreaux.

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DIGEST

Martiny (SB 51)

Proposed law removes the authority of the Louisiana Tax Free Shopping Program to charge participating retailers a membership fee.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 51:1304(C)(4), 1305(A), 1305(B) (intro para), 1305(C), and 1309(B); repeals R.S. 51:1302(7))