

**Summary of Louisiana Laws Affecting  
the Hotel & Lodging Industry**

**2012 Edition**

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Published by:

Greater New Orleans Hotel & Lodging Association

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# **Summary of Louisiana Laws Affecting the Hotel & Lodging Industry**

## **I INTRODUCTION**

Tourism and the hospitality industry are significant factors in the Louisiana economy and are recognized as one of the vital components of the State's economy. Of course, the State's hotels and motels are an indispensable part of this industry.

Accordingly, the Hotel and Lodging Association has decided to prepare and distribute to members the updated version of this booklet, summarizing the significant Louisiana laws with which owners and operators of hotels and motels must comply. This booklet was originally provided to members of the Association in 1982, and updated in 1990, 1995, 1999, 2004 and again in 2008. This updated 2012 version provides a current summary of selected Louisiana constitutional, codal and statutory laws affecting the ownership and operation of hotels and motels, as well as those affecting the guests of Louisiana hotels and motels.

Generally, the booklet discusses the more significant laws that specifically mention hotels, motels, inns, or campgrounds. It does not deal, except in a limited manner, with other areas of Louisiana law that are of general application to all businesses or are fact intensive so that the impact of the law must be tailored to an individual property. Such potential liability for personal injury to guests or visitors, for personal injury or property damage resulting from the sale of alcoholic beverages, potential liability to employees for personal injury, business structuring, and general fact-intensive employment issues.

This updated version of the booklet does, however, contain a compilation and brief explanation of numerous Louisiana laws of which the owners and operators of hotels and motels should be aware. The booklet, therefore, should serve as a basic guideline for a number of legal issues that may confront hotel owners and operators. Readers should note that the material contained in this booklet, as well as material that is beyond the scope of this booklet, raises numerous and complex legal issues. Accordingly, if you have specific questions, you should contact your legal advisor.

## **II PROHIBITION OF DISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATION**

Under Louisiana law, it is unlawful to discriminate based on race, religion or national ancestry in providing access to public areas, accommodations, and facilities. Further, discrimination based on age, gender, or physical condition is prohibited where such discrimination is arbitrary, capricious, or unreasonable.<sup>1</sup> Louisiana law makes clear that hotels and motels are “public facilities” and therefore subject to these anti-discrimination provisions.<sup>2</sup> Therefore hotels and motels may never discriminate against guests based on race, religion or national ancestry.

While the law indicates that discrimination based on age, or physical condition is allowed where there is a reasonable basis for it that is not contrary to public policy or constitutional principles, it is important to note that Louisiana has addressed and attempted to limit this type of discrimination.<sup>3</sup> Moreover, federal law may impose stricter standards to which a hotel or motel must adhere. For example, Title II of the Civil Rights Act of 1964 prohibits discrimination in public accommodations based on race, color, national origin, or religion. Further, the Americans with Disabilities Act of

1990 (ADA) prohibits discrimination in public accommodations based on physical or mental impairment or “perceived” physical or mental impairment.

New ADA standards that became effective in March 2012 now require that *newly constructed or altered* swimming pools, wading pools, and spas have an accessible way for people with disabilities to enter and exit the pool. The standards also provide technical specifications for when a means of entry is accessible, such as, for pool lifts, the location, size of the seat, lifting capacity, and clear floor space.

The new standards also require hotels (as “public accommodations”) to make *existing pools* built before the effective date of the new rule accessible when it is “readily achievable” to do so. Readily achievable means that providing access is easily accomplishable without much difficulty or expense. For an existing pool, removing barriers may involve installation of a fixed pool lift to the extent that it is readily achievable to do so. If installation of a fixed lift is not readily achievable, the public accommodation may then consider alternatives such as use of a portable pool lift that complies with the new standards. The U.S. Department of Justice has announced that it will begin enforcing these new standards beginning in February 2013, so every hotel needs to make sure that it is satisfying its obligations as soon as possible.

Further, there are also a number of other Louisiana laws (as well as federal and local laws) that prohibit discrimination against employees based on age, race, sex, religion, national origin, disability, and genetic information as well.

### **III INNKEEPER'S RESPONSIBILITY TO PAY EMPLOYEES**

Louisiana does not have a statute mandating a specific minimum wage higher than the federal minimum wage set by Congress. As such, Louisiana hotels and motels must remain in compliance with federal minimum wage. The current minimum wage is \$7.25 per hour.

In addition to the minimum wage, motels and hotels must comply with federal wage and hour laws. Of importance to many hotels and motels are the overtime regulations requiring any work performed during the workweek beyond the minimum threshold hours under the law (currently 40 hours) be paid at one and one-half the normal hourly rate of a non-exempt employee. Further, motels and hotels are required to comply with the “tipped” employee regulations should employees receive compensation through the “tips” from guests. A “tipped” employee may be paid \$2.13 under the law, so long as with tips the employee will receive minimum wage for each hour worked by the employee. Should a “tipped” employee not reach the minimum wage when including tips, the employer must pay the difference. These regulations are fact intensive and should be evaluated regularly for compliance.

### **IV INNKEEPER'S RESPONSIBILITY FOR GUEST PROPERTY**

In 2004 Louisiana's law regarding an innkeeper's responsibilities for guest property was significantly altered from the previous version. Under today's law,<sup>4</sup> innkeepers are not responsible for damage or theft of guest property, unless the loss is attributed to the innkeeper's fault. Even where the loss is attributable to the innkeeper's fault, the innkeeper's liability—whether in contract or tort—for damage or theft of guest

property that was **not** delivered to the innkeeper, is limited to five-hundred dollars (\$500) if the innkeeper (1) provides a safe deposit facility (regardless of where the facility is—it could be the innkeeper’s primary safe, a safe in a guest room, or a safe elsewhere on the premises) and (2) posts notice of the availability of a safe. The \$500 liability limitation does not apply where the innkeeper has assumed greater liability by a separate written contract. An innkeeper is bound to accept a guest’s personal belongings for deposit, unless the innkeeper is unable to provide such a service because the items are excessive in value, size, weight or nature. The innkeeper may examine things sought to be deposited and may require that the items be placed in a closed or sealed receptacle. When an innkeeper accepts a deposit of a guest’s property, the innkeeper must exercise diligence and prudence to safeguard the items and return them to the guest on demand. Things placed inside a safe provided in the guest’s room are not considered to have been deposited with the innkeeper.

## **V INNKEEPER’S RIGHT TO RETAIN PROPERTY FOR PAYMENT**

The Louisiana Civil Code provides that an innkeeper has a “privilege on the personal property which the guest has brought into the inn.”<sup>5</sup> This privilege allows the innkeeper to retain the property himself until he is paid and is known as a “special” privilege. This special privilege extends to all property that the traveler brings to the hotel or lodging house, whether belonging to the traveler or to a third person. Under Louisiana law, innkeepers also have a “general” privilege on the property of their guests for supplying provisions to such guests.

Note, however, that other Louisiana laws will affect the procedures for enforcing both the special and general privileges of innkeepers, and the innkeepers' "priority" over other creditors. In other words, another person to whom the guest owes money may already have rights to the property to satisfy other debts. Before enforcing an innkeeper's privilege, the innkeeper should search the public records to determine whether another party has a security interest in the personal property brought to the hotel or lodging house. In order to discover Louisiana security interests filed after January 1, 1990, the search must be conducted under the social security number or tax identification number of the owner of the property.

## **VI INNKEEPER'S RIGHT FOR GUEST'S FAILURE TO PAY**

Louisiana law prohibits guests from obtaining accommodations without paying for them (except when credit is given by express agreement) with the intent to defraud.<sup>6</sup> However, the Louisiana Supreme Court has declared that in order to convict anyone of fraudulently obtaining board or lodging, the evidence must show an intent to defraud **at the time** the board or other accommodation was obtained. Thus, a mere failure, refusal, or inability to pay does not constitute "fraud." In addition, the innkeepers cannot prove fraud if it can be shown that the hotel had extended credit, either orally or in writing. In other words, the offense of obtaining accommodations at a hotel without paying cannot be committed when credit has been extended.

However, Louisiana law does provide that whenever a guest of a hotel or motel or similar dwelling facility fails to pay rent that has become due and delinquent within 20 days after delivery of a written demand for payment, the guest will be liable for



reasonable attorney's fees when judgment is rendered in favor of the hotel or motel owner.<sup>7</sup>

## **VII REMOVAL OR EJECTION OF GUESTS**

In order to remove a guest who has over-stayed, the hotel or motel must give **written notice at the time of registration** of the agreed upon departure date and check-out time. In addition, before eviction, the guest must also be given verbal or written notice to leave the hotel or motel room at least one hour before the required time to leave.<sup>8</sup> However, the guest and any personal belongings may only be removed by the "appropriate lawful authority" and there is an exception that prohibits removal in any case of serious medical emergency requiring continued use of the hotel or motel room.

## **VIII PUBLIC HEALTH AND SAFETY REGULATIONS**

The State's public health and safety regulations have been updated through the years. Since 1978, these updates have included requirements for fire prevention and protection, distances to and availability of exits, "panic-type" hardware on exit doors, and provisions requiring fire resistant draperies, curtains, rugs, and furniture. Although current Louisiana health and safety laws of this nature do not usually specifically refer to hotels, hotels and motels must nevertheless be in compliance.

### **A Fire Hazards**

Nearly three decades ago, the Louisiana legislature re-enacted legislation which remains in place today requiring fire exit maps posted on the back of every hotel room door.<sup>9</sup> Additionally, Louisiana has laws concerning the availability of rooms with fire

detection systems for the hearing impaired.<sup>10</sup> Furthermore, safety glass is required to be installed in certain hazardous locations.<sup>11</sup>

Louisiana has also adopted the Life Safety Code of the National Fire Protection Association and certain other fire safety standards and incorporated them into the statutory safety provisions.<sup>12</sup> These statutes set fire safety standards for new and certain existing buildings, such as high-rise buildings. High-rise buildings under Louisiana law must have sprinkler systems installed.<sup>13</sup>

### **B Obligations to Provide Sanitary Conditions**

Sanitary requirements have been a part of Louisiana hotel and motel law for some time. The first statutes of this kind were enacted in 1921 and have remained on the books in one form or another since then. The current sanitary laws deal with clean bed linens, window and door screens, and bathroom requirements.<sup>14</sup>

### **C Laws Concerning Animals and Pets**

Pets, such as dogs and cats, are not allowed in hotel rooms if the hotel chooses not to allow them. However, a conspicuous sign must make this prohibition clear to guests.<sup>15</sup> An exception to this prohibition is made for qualified guide dogs for blind persons, visually handicapped persons, deaf persons, hearing-impaired persons and other physically disabled persons or any person who is qualified to provide training for a guide dog and is accompanied by a guide dog in training. A person who uses such an animal is entitled to the same accommodations as the general public. This provision should be viewed in conjunction with the constitutional provision discussed earlier prohibiting unreasonable discrimination based on physical condition, as well as with applicable federal laws.

## **D Nonsmoking Requirements of Louisiana Law**

On January 1, 2007, Louisiana joined a growing number of states that prohibit smoking in all public places and workplaces. The Louisiana Smokefree Air Act prohibits smoking in any public building, school, public place, or enclosed area within a place of employment. The Act also prohibits any employer from knowingly permitting smoking “in any enclosed area within a place of employment.” The Act extends covered workplaces to any “area under the control of an employer that employees frequent during the course of employment” and includes vehicles, meeting rooms, employee cafeterias, and hallways.

Hotels and motels are not only covered by the Act based on the hotel or motel’s classification as an employer, but also based on the status of a hotel or motel as a “public place.” Under the law, the enclosed common areas of the hotel or motel must remain smoke-free. This Act also includes restaurants. Although bars where the serving of food is “only incidental to the consumption” of alcoholic beverages are not covered by the Act, bars within a hotel or motel, especially those within a lobby or area without four building walls and a door are considered to remain in the public place and as such must remain smoke-free despite the designation as a bar. Outdoor areas are not within the confines of the Act, such as pool areas, parking areas, and other spaces that are not enclosed with four walls. Hotel rooms may be designated as smoking rooms, so long as fifty percent or more of the rooms are non-smoking rooms.

The Act requires employers to post “No smoking” signs or the “No smoking” symbol of a burning cigarette with a red bar across it in every public building and area

within a place of employment. In addition, all ashtrays must be removed from areas where smoking is prohibited.

However, the Louisiana Smokefree Air Act only provides the minimum requirements that must be met statewide. Any parish, city, or town can enact and enforce laws that are more restrictive than the statewide standards. An employer should be aware of local laws that may be stricter than the statewide standards.<sup>16</sup>

### **E Louisiana's Gun Law**

In 2008, Louisiana adopted a controversial firearms law that prohibits a property owner, tenant, public or private employer or business entity from prohibiting an employee and/or visitor to transport or store a firearm in a locked and privately-owned vehicle in any parking lot, parking garage or other designated area where such is not already prohibited by State or Federal law. This law applies to hotel and motel guests and employees who chose to store a firearm in a privately-owned vehicle. The law does not apply to vehicles owned or in the control of the hotel or motel. The law does not apply to vehicles on property controlled by the hotel or motel if access is restricted and if the hotel or motel either provides temporary storage facilities for unloaded firearms or an alternative parking area for vehicles containing firearms "reasonably close" to the hotel or motel.<sup>17</sup>

## **IX ALCOHOL AND FOOD**

### **A Alcohol**

Prior to December 1986, State law prohibited the operation of a number of businesses and the sale of numerous items on Sundays. Hotels were specifically

exempted from this law and were also allowed to sell wine for table use on Sundays. These “blue laws” were repealed in December 1986 and were replaced with the current law. With the exception of motor vehicle dealers and the sale of motor vehicles, the new law does not prohibit the operation of any business or sale of any item on Sundays. Rather, the new law allows each parish or municipality of the State to decide for itself, with the approval of the voters, whether to adopt its own Sunday “blue laws.”<sup>18</sup> However, the State law does not maintain the exception for hotels, but it is unlikely that any parish or municipality would require its hotels to close on Sundays. However, some parishes and municipalities may restrict or prohibit the sale of alcohol on Sundays. Hotels and motels should, therefore, be familiar with the local Sunday laws, if any, applicable to them.

Further, under the provisions of the Louisiana law dealing with alcoholic beverage control, the governing authorities of the State’s parishes and municipalities may adopt ordinances establishing minimum distances from other facilities, such as churches, schools, or playgrounds within which an alcoholic beverage business may not operate. These restrictions do not apply to premises maintained as a “*bona fide* hotel.”<sup>19</sup>

## **B Food**

Louisiana law prohibits selling certain wild or domesticated animals such as deer or birds, killed and tagged, without first obtaining a license to do so. Also, no one may sell any portion of such animals that do not have the requisite tags. Hotel keepers are exempted from these rules.<sup>20</sup>

Retail outlets, such as hotels, that serve cooked meat that is the product of a foreign country are required by Louisiana law to meet certain requisites for posting signs.

In some cases, packages of foreign neat must be stamped. Subsection D of Louisiana Revised Statute §51:614 exempts from the stamping requirements prepared beef sold at retail for consumption on the premises. Accordingly, the stamp requirements should not apply to hotels.<sup>21</sup>

## **X TAXES**

### **A Local Taxes**

Louisiana State law contains provisions granting certain taxing authority to the State's parishes and municipalities and other political subdivisions of the State. Pursuant to this law, most localities have enacted sales taxes and/or hotel occupancy taxes on hotel or motel room rents, the proceeds of which benefit the general fund of the localities and/or are dedicated to special purposes, such as tourism commissions or exhibition, convention and stadium facilities.

The total amount of sales or occupancy taxes due on room rents varies, depending on where a hotel or motel is located. Some guests may be required to pay none or only part of these taxes because of special exemptions, such as governmental guests that provide the required proof, or guests that stay longer than a certain period of time (and so are no longer "transient"), or because the establishment does not meet the definition of the term "hotel" in the law. Generally, however, most hotel and motel guests will be required to pay these taxes, and most hotels and motels other than those that are very small, or are residential-type facilities will be "hotels" within the meaning of the local laws or regulations. The determination of whether taxes must be collected may be based on the length of a guest's stay (which determines whether the guest is or is not a

“transient”), and the number of transient rooms available (which determines whether a facility is a “hotel”). However, the requirements for taxability (number of days of number of rooms) vary throughout the State and may even vary in the same location depending on the type of tax being collected. It is therefore important to be familiar with any applicable local hotel/motel laws.

In addition to sales and/or occupancy taxes on rooms, localities usually impose local sales taxes on food and beverages served in hotels and motels. This tax is also due from the guest unless the guest shows proof of exemption from tax, and rates of tax may vary. Nonprofit organizations are not ordinarily exempt from sales tax in Louisiana, either at the State or local level. Some localities may impose taxes on certain aspects of a hotel’s or motel’s operations, such as sales made in connection with night clubs, lounges, or other entertainment or amusement activities. Finally, special purpose taxes may apply such as the special tax in Orleans Parish on food and beverages to benefit the Morial Exhibition Hall. All of these taxes are also paid by guests, but are remitted by the hoteliers. Again, there are local tax laws which also may apply to individual properties.

Louisiana State law also authorizes municipalities and parishes to impose an occupational license tax on businesses, including hotels and motels operating within such municipalities or parishes. Generally, if a local government imposes an occupational license tax, a hotel or motel can be required to pay several different taxes for its different types of operations. For example, one tax may be due based on the number of sleeping rooms contained in a hotel or motel. A separate and additional tax may be due based on the operation of a parking lot or restaurant or retail store on the hotel premises.

## **B State Taxes**

Louisiana State law also authorizes and regulates the imposition of State taxes, including income, franchise and sales taxes. The State sales tax is of particular interest to hotels and motels because their guests must pay this tax and, when State sales tax and other types of local taxes, occupancy or amusement taxes are combined, the total rate can be relatively substantial. Furthermore, failure of the hotel or motel to properly collect and remit the taxes due (either State or local) can subject the hotel or motel to liability for the amount due, plus interest and penalties.

The State sales tax is imposed at the rate of four percent of the sale price of goods and services. This is an excise tax and is in addition to other taxes. The tax is imposed on rental of rooms, sales of food, beverages and merchandise, and certain services provided by the hotels or motels.<sup>22</sup> Louisiana law does provide an exemption from Hotel Lodging Taxes for employees of the government of the United States and the State of Louisiana if the lodging is to be directly reimbursable by the employee's government employer. Hotels are required to keep accurate records of these "exemptions," which best practice shows should include a photocopy of the employee's travel orders.

State law provides for an annual tax holiday during the last weekend of May every year for the purpose of easing costs associated with hurricane-preparedness. The law exempts certain items from applicable sales tax such as batteries, portable light sources, radios, fuel tanks, food storage coolers and other items. However, the State law provides for an exemption from the annual tax holiday for any hurricane-preparedness items purchased at a "public lodging establishment or hotel." As such, even during the



tax holiday, hotels and motels selling items listed as exempt from sales tax during the last weekend of May will still be taxed at the normal State sales tax rate.<sup>23</sup>

In contrast to the annual tax holiday for hurricane-preparedness, hotels and motels are not exempt from the Annual Louisiana Sales Tax Holidays Act which provides for sales tax to be excluded from the first \$2,500 of an individual's purchases of tangible personal property during the first consecutive Friday and Saturday of each August. This sales tax holiday is only applicable to tangible personal property, as such, sales tax for rooms are taxable despite the holiday. Likewise, the purchase of meals furnished for consumption on the premises where purchased, including to-go orders is taxable at the regular State sales tax rate. Items potentially for sale at a store located within the hotel or motel or tangible items provided for sale at the hotel or motel, such as a bath robe, will be tax exempt during the annual tax holiday in August.<sup>24</sup>

## **XI MISCELLANEOUS LAWS**

Louisiana State law provides that when the United States is at war with another country, if in the judgment of the governor, public safety or necessity requires it, the governor may require aliens to register with designated officials within a certain period of time. Every operator, manager, or owner of a hotel, motel, inn, or similar facility must also notify the designated authorities during this proclamation period of the presence of every alien, and each day they must notify the authorities of every alien's arrival at or departure from the hotel, motel, inn, etc.<sup>25</sup>

Additionally a Louisiana State law, known as the Louisiana Motor Carrier Act, regulates certain vehicles. These regulations contain requirements for obtaining a liability insurance policy or bond, but are specifically not applicable to hotel vehicles.<sup>26</sup>

Louisiana law also regulates the costal resources of the State. Generally, no one may use these areas without first obtaining a coastal use permit. However, some activities such as building and operating a hotel do not require such a permit, except in certain circumstances.<sup>27</sup>

Finally, the Emergency Gas Shortage Allocation Plan provides for the conservation, allocation, and/or rationing of intrastate natural gas. This plan includes a determination of a priority basis for distribution of intrastate natural gas for the purpose of avoiding or minimizing adverse impacts on the public health, welfare and economic well-being of the State. Hotels and motels are included in the first priority.<sup>28</sup>

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<sup>1</sup> Louisiana Constitution of 1974, Article I, Section 12

<sup>2</sup> Louisiana Revised Statutes §49:146

<sup>3</sup> Louisiana Revised Statutes §§21:51-52; §46:1951-56; §§51:2247-48

<sup>4</sup> Louisiana Civil Code Articles 2941-45; 2964-71

<sup>5</sup> Louisiana Civil Code Articles 3191; 3211; 3213; 3217; 3232-36; 3264

<sup>6</sup> Louisiana Revised Statutes §§21:21-25

<sup>7</sup> Louisiana Revised Statutes §9:3259

<sup>8</sup> Louisiana Revised Statutes §§21:75-77

<sup>9</sup> Louisiana Revised Statutes §40:1580

<sup>10</sup> Louisiana Revised Statutes §40.1580.1

<sup>11</sup> Louisiana Revised Statutes §40:1711

<sup>12</sup> Louisiana Revised Statutes §40:1578.6

<sup>13</sup> Louisiana Revised Statutes §40:1641-45

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14	Louisiana Revised Statutes	§§21:1-3; §21:5
15	Louisiana Revised Statutes	§§21:51-2; §§21:75-77; §§46:1951-56
16	Louisiana Revised Statute	§§40:1300.251-.253; §§40:1300.261-.262
17	Louisiana Revised Statute	§32:292.1
18	Louisiana Revised Statutes	§§51:191-2
19	Louisiana Revised Statutes	§§26:81E
20	Louisiana Revised Statutes	§56:173; §56:175
21	Louisiana Revised Statutes	§51:613-4
22	Louisiana Revised Statutes	§§47:301-02; §47:305
23	Louisiana Revised Statute	§47:305.58
24	Louisiana Revised Statute	§47:305.54
25	Louisiana Revised Statute	§53:3
26	Louisiana Revised Statute	§45:172; §45:177
27	Louisiana Revised Statute	§49:214.34
28	Louisiana Revised Statute	§30:572

## **XII Hotel Occupancy Tax Summary**

La. RS §4574.1.1. Occupancy taxes levied by the commissions

A. For the purposes set forth in Paragraph (F)(3) of this Section, a commission created pursuant to R.S. 33:4574(B) is authorized to levy and collect a tax upon the occupancy of hotel rooms, motel rooms, and overnight camping facilities within the jurisdiction of the commission. Such tax shall not exceed the following percentages of the rent or fee charged for such occupancy:

(1) Acadia Parish Convention and Visitors Bureau, two percent.

(2) Alexandria/Pineville Area Convention and Visitors Bureau, two percent parish-wide, one percent in the city of Alexandria for a total of three percent, and one percent in the downtown area of Alexandria for a total of four percent.

(3) Allen Parish Tourist Commission, three percent.

- (4) Ascension Parish Tourist Commission, two percent.
- (5) Avoyelles Parish Tourist Commission, four percent.
- (6) Baton Rouge Area Convention and Visitors Bureau, four percent subject to the provisions of Subsection G of this Section. Notwithstanding any provision of law to the contrary, the aggregate rate of occupancy taxes levied by all commissions in East Baton Rouge Parish shall not exceed the rate authorized by this Subparagraph.
- (7) Beauregard Tourist Commission, four percent.
- (8) Cameron Parish Tourist Commission, two percent.
- (9) DeSoto Parish Tourist Bureau, three percent.
- (10) East Feliciana Parish Tourist Commission, two percent.
- (11) Grant Parish Tourist Commission, two percent.
- (12) Houma Area Convention and Visitors Bureau, three percent; provided that such rate may be increased to four percent as provided for in Subsection B of this Section.
- (13) Iberia Parish Tourist Commission, four percent.
- (14) Iberville Tourist Commission, two percent.
- (15) Jefferson Davis Parish Tourist Commission, two percent.
- (16) Lafayette Parish Convention and Visitors Commission, three percent.
- (17) Lafourche Parish Tourist Commission, three percent.
- (18) Ruston-Lincoln Convention and Visitors Bureau, four percent.

- (19) Livingston Parish Tourist Commission, three percent.
- (20) Monroe-West Monroe Convention and Visitor's Bureau of Ouachita Parish, two percent.
- (21) Natchitoches Parish Tourist Commission, three percent.
- (22) Pointe Coupee Parish Tourist Commission, three percent.
- (23) Sabine Parish Tourist and Recreation Commission, three percent.
- (24)(a) Shreveport-Bossier Convention and Tourist Bureau, three percent.
- (b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph, the maximum rate shall be four and one-half percent until twenty-five years after June 30, 1999.
- (25) Southwest Louisiana Convention and Visitors Bureau, four percent.
- (26) St. Landry Parish Tourist Commission, four percent.
- (27) St. Martin Parish Tourist Commission, two percent.
- (28) St. Mary Parish Tourist Commission, four percent.
- (29) St. Tammany Parish Tourist and Convention Commission, three percent.
- (30) Tangipahoa Parish Tourist and Film Commission, four percent.
- (31) Union Tourist Commission, two percent.
- (32) Vermilion Parish Tourist Commission, two percent.

- (33) Vernon Parish Tourist and Recreation Commission, three percent.
- (34) Washington Parish Tourism Commission, three percent.
- (35) Webster Parish Convention and Visitors Commission, four percent.
- (36) West Baton Rouge Parish Tourist Commission, four percent.
- (37) West Feliciana Parish Tourist Commission, two percent.
- (38) Jefferson Parish Multipurpose Recreation and Tourism Commission, one percent throughout the entire parish and an additional one percent on the east bank of the Mississippi River within the parish until the time provided for in Subsection F of this Section.
- (39) Franklin Parish Tourist Commission, two percent; provided that such rate shall be levied upon the occupancy of hotel rooms, motel rooms, bed and breakfast facilities, and overnight camping facilities.
- (40) A tourist commission in any parish having a population of not less than twenty-five thousand five hundred and not more than twenty-eight thousand persons as of the most recent federal decennial census, two percent.
- (41) Morehouse Parish Tourist Commission, three percent.
- (42) A convention and visitor's bureau or commission in any parish having a population of not less than one hundred thirty-five thousand and not more than one hundred seventy-five thousand persons as of the July 1, 1998 population estimate by the United States Bureau of the Census, two percent. The proceeds of such occupancy tax shall only be used for the acquisition, construction, operation, maintenance, and activities of the convention and visitor's bureau or commission in such parish. The percentage rate provided in this Subparagraph shall be in addition to any other percentage authorized by law.
- (43) East Carroll Parish Tourist Commission, four percent.
- (44) Red River Tourism Commission, three percent.

B. For each one percent of occupancy tax levied under this Subsection by a commission, one percent of occupancy tax levied in the parish pursuant to the authority granted in R.S. 33:4574.1, 4574.7, 4574.8, or any local, special, or general law shall be eliminated.

C.(1) The word "hotel" as used in this Section shall mean and include any establishment, either public or private, engaged in the business of furnishing or providing rooms and overnight camping facilities intended or designed for dwelling, lodging, or sleeping purposes to transient guests where such establishment consists of two or more guest rooms and does not encompass any hospital, convalescent or nursing home or sanitarium, or any hotel-like facility operated by or in connection with a hospital or medical clinic providing rooms exclusively for patients and their families.

(2) Notwithstanding any other provision of law to the contrary, in the parish of Lafourche the word "hotel" as used in this Section shall mean and include any establishment, either public or private, engaged in the business of furnishing or providing rooms and overnight camping facilities intended or designed for dwelling, lodging, or sleeping purposes to transient guests where such establishment consists of one or more guest rooms and does not encompass any hospital, convalescent or nursing home or sanitarium, or any hotel-like facility operated by or in connection with a hospital or medical clinic providing rooms exclusively for patients and their families.

D. The tax shall be paid by the person who exercises or is entitled to occupancy of the hotel room, and shall be paid at the time the rent or fee of occupancy is paid. The word "person" as used herein shall have the same definition as that contained in R.S. 47:301(8).

E. Repealed by Acts 2005, 1st Ex. Sess., No. 60, §2, eff. Dec. 6, 2005.

F.(1) Commissions provided for in R.S. 33:4574(B) shall impose the tax by resolution or ordinance, and shall have the right to provide in the resolution or ordinance necessary and appropriate rules and regulations for the imposition, collection, and enforcement of the tax.

(2) Except as provided in Subsection G of this Section, no commission created by R.S. 33:4574(B) shall levy or increase a tax in excess of the limits provided for in Subsection B of this Section, unless approved by a majority of the electors of the parish or parishes voting thereon in an election held for that purpose.

(3)(a) Unless provided otherwise in any local, special, or general law for a particular commission, the proceeds of the occupancy taxes so levied, less a reasonable sum to be paid as a collection fee as provided for in Paragraph (5) of this Subsection, shall be used by the commission for the operation of the commission and for the purpose of attracting conventions and tourists into the area and jurisdiction of the commission, including but not limited to the authority to spend money for advertising, promotion, and publication of information, or for any other purpose generally or specifically authorized for occupancy taxes in the parish by this Chapter or by any local, special, or general law.

(b) In Ouachita Parish, the proceeds of the occupancy tax may also be used for the construction of museums, equestrian and livestock centers, and sports facilities, and additions to civic and convention centers.

(4) Unless the proceeds of the tax have been pledged as security for bonds, a commission may decrease the rate of the tax authorized in this Section.

(5) The governing authority of the commission may enter into a cooperative endeavor agreement contract with the governing authority or authorities of the parish or parishes within its territories, or with any public entity authorized to collect sales or use tax, for the collection of the tax which it levies under such terms and conditions it may deem appropriate, including a reasonable collection fee, and may adopt such rules and regulations pursuant thereto regarding the enforcement and collection of the occupancy tax authorized by this Chapter. The commission provided for in R.S. 33:4574(B)(38) shall have the right to contract with the state for such collection.

(6) The governing authority of the commission may also enter into a cooperative endeavor agreement contract with the governing authority or authorities of the parish or parishes within its territories or with other public entities for the performance of such duties and functions of the commission which the commission determines is necessary but is unable to perform itself.

(7) Repealed by Acts 2001, No. 948, §1, eff. July 1, 2001.

G. Except as provided in Subsection B:

(1) The governing authority of the Houma Area Convention and Visitors Bureau is hereby authorized to levy and collect a tax upon the occupancy of hotel rooms, motel rooms, and overnight camping facilities within the jurisdiction of the Houma Area Convention and Visitors Bureau not to exceed the percentage of the rent or fee charged for such occupancy provided for in Paragraph (A)(12) of this Section.



(2) However, at such time as there is completed for use by the parish a general purpose exhibition and convention facility, the governing authority of the commission is authorized to increase such tax to a rate not to exceed four percent of the rent or fee charged for such occupancy. The additional one percent levied at the time of completion of the exhibition and convention facility shall be appropriated by the governing authority of the tourist commission for acquisition, operation, and maintenance of the exhibition and convention facility.

H. Except as provided in Subsection B, the governing authority of the commission in East Baton Rouge Parish is hereby authorized to levy and collect a tax upon the occupancy of hotel rooms as defined in Act 62 of the 1972 Regular Session of the Legislature within the city of Baton Rouge and the parish of East Baton Rouge not to exceed the percentage of the rent or fee charged for such occupancy provided for in Paragraph (A)(6) of this Section.

I. If the Iberia Parish Tourist Commission levies the four percent tax provided for in this Section, an amount collected from two percent of the rate levied shall be dedicated to the Iberia Industrial Development Foundation.

J. The provisions of this Section shall not be applicable in the parish of Orleans.

K.(1) The commission provided for in R.S. 33:4574(B)(38) shall distribute and use the proceeds of the tax levied pursuant to this Section in the manner and for the purposes provided for in R.S. 33:2740.18 and 2740.18.1. In addition, the same restrictions on facilities constructed with the proceeds of the tax shall apply.

(2) At the end of each fiscal year, the avails of the one percent tax levied on the east bank of the Mississippi River within the parish shall be used to retire the principal and interest on any outstanding bonds issued for the purposes set forth in R.S. 33:2740.18.1; and at such time as such outstanding bonds are paid in full as to principal and interest, the authority to levy such tax on the east bank shall expire and the provisions of R.S. 33:2740.18.1 shall have no further effect.

L. The Baton Rouge Area Convention and Visitors Bureau shall distribute and use the proceeds derived from one percent of the tax levied pursuant to this Section for capital improvements and expansion of the Riverside Centroplex Arena and Exhibition Center and the proceeds derived from the remaining three percent of the tax for such purposes as determined by the bureau. If the governing authority of the city-parish of Baton Rouge and East Baton Rouge Parish abandons the planned capital improvements and expansion of the Riverside Centroplex Arena and Exhibition Center, the tax rate shall not exceed

three percent. At such time as all costs for the capital improvements and expansion of the Riverside Centroplex Arena and Exhibition Center are paid in full, the tax rate shall not exceed three percent.

M.(1) The Shreveport-Bossier Convention and Tourist Bureau shall dedicate and use the proceeds derived from three-quarters of one percent of the tax levied pursuant to this Section for capital improvements, repairs, and maintenance of Independence Stadium.

(2) The Shreveport-Bossier Convention and Tourist Bureau shall dedicate and use the proceeds derived from three-quarters of one percent of the tax levied pursuant to this Section for riverfront and downtown development and for the operation and maintenance of the civic center and multipurpose arena in the city of Bossier City.

(3) The commission may expend revenues for the purposes required by this Subsection by means of entering a cooperative endeavor with the governing authority of Shreveport or Bossier City, as appropriate.

N.(1) Any tourist commission composed of all the territory in any parish having a population of not less than twenty-one thousand eight hundred and not more than twenty-two thousand eight hundred persons as of the most recent federal decennial census may levy and collect an additional tax upon the occupancy of hotel rooms, motel rooms, and overnight camping facilities within the jurisdiction of the commission not to exceed one percent.

(2) Before the additional tax authorized by this Subsection may be levied and collected by the commission, the following shall occur:

(a) The governing authority shall enact an ordinance approving the additional tax levied by the commission.

(b) A majority of the electors residing in the district shall vote to approve the additional tax levied by the commission.

O. If the Southwest Louisiana Convention and Visitors Bureau levies the tax at a rate in excess of three percent, as authorized by Paragraph (A)(25) of this Section, an amount not to exceed twenty thousand dollars annually of the proceeds of the tax collected as a result of said increased rate may be used by the Southwest Louisiana Convention and Visitors Bureau to match funds from the Cameron Parish Police Jury, provided that such funds are used for tourism development purposes.

P. If the Southwest Louisiana Convention and Visitors Bureau levies the tax authorized in Paragraph (A)(25) of this Section and/or the tax authorized by R.S. 33:4574.11(E)(2)(b), an amount equal to twenty-five thousand dollars annually of the proceeds of the tax collected from the company which has a license to conduct slot machine gaming at a pari-mutuel live racing facility pursuant to Chapter 7 of Title 27 of the Louisiana Revised Statutes of 1950, R.S. 27:351 et seq., shall be provided by the Southwest Louisiana Convention and Visitors Bureau quarterly to the Beauregard Parish Covered Arena Authority provided such funds are used for maintenance or to promote equine activities for the purpose of attracting tourists to Beauregard Parish. The Beauregard Parish Covered Arena Authority, which is subject to audit by the legislative auditor, shall not be required to report its expenditure of funds received pursuant to this Subsection to the Southwest Louisiana Convention and Visitors Bureau.

Q.(1)(a) Notwithstanding any other law to the contrary, any tourist commission in a parish with a population of not less than fifty-three thousand seven hundred and not more than fifty-seven thousand seven hundred persons according to the most recent federal decennial census shall levy and collect an additional tax of three percent upon the occupancy of hotel rooms, motel rooms, and overnight camping facilities within the jurisdiction of the commission. The tax shall be levied without a vote of the people by ordinance adopted by the governing authority of the tourist commission. The percentage rate provided in this Subsection shall be in addition to any other percentage authorized by law.

(b)(i) The tourist commission shall provide athletic programs for the youth of the parish and shall enter into cooperative endeavors with the governing authorities of the parish and any municipality with a population of not less than six thousand and not more than twelve thousand persons according to the most recent federal decennial census within the parish, as appropriate, for such purposes, including the expenditure or allocation of revenue, as provided in this Subsection, for such purposes.

(ii) The provisions of Item (i) of this Subparagraph shall not be applicable to the Vermilion Parish Tourist Commission. Two-thirds of the monies collected by the Vermilion Parish Tourist Commission from the levy of the additional three percent tax on the occupancy of hotel rooms, motel rooms, and overnight camping facilities as authorized by law, shall be used to fund athletic programs for all youth in Vermilion Parish. The commission shall enter into a cooperative endeavor with the governing authority of Vermilion Parish to provide for the allocation and expenditure of revenue collected for such purposes.

(2)(a) Two-thirds of the proceeds of the tax collected pursuant to this Subsection shall be dedicated for youth athletic programs throughout the parish and shall be used to purchase insurance, uniforms, and athletic equipment and supplies. The proceeds of the tax shall

be distributed, based upon the number of youth participating in athletic programs, on a per capita basis.

(b) One-third of the proceeds of the tax collected pursuant to this Subsection shall be dedicated for the promotion of tourism, including advertisements promoting festivals and other events within the parish.

(c) None of the proceeds of the tax collected pursuant to this Subsection shall be used or expended for capital outlay purposes.

(3) If the tax provided for in this Subsection is not levied within sixty days after July 11, 2005, such failure shall be considered a failure to perform a ministerial duty required by law of public officials. To this end, the district attorney for the parish shall provoke the issuance of a writ of mandamus to compel the appropriate officials to act as provided by law.

R. Notwithstanding any other law to the contrary, any tourist commission in a parish with a population of not less than seventy-five thousand and not more than eighty-five thousand persons according to the most recent federal decennial census shall levy and collect an additional tax of two percent upon the occupancy of hotel rooms, motel rooms, and overnight camping facilities within the jurisdiction of the commission. The tax shall be levied by ordinance adopted by the governing authority of the tourist commission and only after approval by a majority of the electorate of such parish voting in an election held for such purpose. The percentage rate provided in this Subsection shall be in addition to any other percentage authorized by law.

### **XIII Selected Referenced Statutes**

#### **Louisiana Constitution of 1974, Article 1, Section 12**

Section 12. In access to public areas, accommodations, and facilities, every person shall be free from discrimination based on race, religion, or national ancestry and from arbitrary, capricious, or unreasonable discrimination based on age, sex, or physical condition.

#### **Louisiana Civil Code Article 2941**

Obligation of innkeeper to accept the deposit

An innkeeper is bound to accept for deposit the personal belongings of guests unless he is unable to provide such a service because of the excessive value, size, weight, or nature of the things sought to be deposited. He may examine the things handed over for deposit and require that they be placed in a closed or sealed receptacle.

### **Louisiana Civil Code Article 2942**

Innkeeper as compensated depositary

An innkeeper is a compensated depositary as to things that guests deliver to him for safekeeping.

### **Louisiana Civil Code Article 2943**

Availability of a safe

An innkeeper who places a safe at the disposal of a guest in the guest's room is not a depositary of the things that the guest places in the safe.

### **Louisiana Civil Code Article 2944**

Damaged or stolen things

An innkeeper is not responsible for things of a guest that are stolen or damaged, unless the loss is attributed to the innkeeper's fault.

### **Louisiana Civil Code Article 2945**

Limitation of innkeeper's liability

The innkeeper's liability to guests, whether contractual or delictual, for stolen or damaged personal belongings that were not delivered to the innkeeper, is limited to five hundred dollars if he provides a safe deposit facility for such belongings and if he posts notice of the availability of a safe, unless the innkeeper has assumed greater liability by a separate written contract.

### **Louisiana Civil Code Article 3191**

General privileges on all movables, enumeration and ranking.

The debts which are privileged on all the movables in general, are those hereafter enumerated, and are paid in the following order:

1. Funeral charges.
2. Law charges.
3. Charges, of whatever nature, occasioned by the last sickness, concurrently among those to whom they are due.
4. The wages of servants for the year past, and so much as is due for the current year.
5. Supplies of provisions made to the debtor or his family, during the last six months, by retail dealers, such as bakers, butchers, grocers; and, during the last year, by keepers of boarding houses and taverns.
6. The salaries of clerks, secretaries, and other persons of that kind.

### **Louisiana Civil Code Article 3211**

Innkeepers and masters of boarding houses.

It is not keepers of taverns and hotels alone, who are comprehended in the term masters of boarding houses, and who enjoy a privilege for their supplies, but all persons who make a business of receiving persons at board for a fixed price.

### **Louisiana Civil Code Article 3213**

Extent of privilege for supplies.

The privilege of keepers of boarding houses, taverns, and other persons comprised in this class, extends to the last year due, and so much as has expired of the current year.

### **Louisiana Civil Code Article 3217**

List of special privileges on particular movables.

The debts which are privileged on certain movables, are the following:

1. The appointments or salaries of the overseer for the current year, on the crops of the year and the proceeds thereof; debts due for necessary supplies furnished to any farm or plantation, and debts due for money actually advanced and used for the purchase of necessary supplies and the payment of necessary expenses for any farm or plantation, on the crops of the year and the proceeds thereof.
2. The debt of a workman or artisan for the price of his labor, on the movable which he has repaired or made, if the thing continues still in his possession.
3. The rents of immovables and the wages of laborers employed in working the same, on the crops of the year, and on the furniture, which is found in the house let, or on the farm, and on everything which serves to the working of the farm.
4. The debt, on the pledge which is in the creditor's possession.
5. That of a depositor, on the price of the sale of the thing by him deposited.
6. The debt due for money laid out in preserving the thing.
7. The price due on movable effects, if they are yet in the possession of the purchaser.
8. The things which have been furnished by an innkeeper, on the property of the traveler which has been carried to his inn.
9. The carrier's charges and the accessory expenses, on the thing carried, including necessary charges and expenses paid by carriers; such as taxes, storage and privileged claims required to be paid before moving the thing; and in case the thing carried be lost or destroyed without the fault of the carrier, this privilege for money paid by the carrier shall attach to insurance effected on the thing for the benefit of the owner, provided written notice of the amount so paid by the carrier and for whose account, with a description of the property lost or destroyed, be given to the insurer or his agent within thirty days after the loss, or if it be impracticable to give the notice in that time, it shall be sufficient to give the notice at any time before the money is paid over. The privilege hereinbefore granted to the overseer, the laborers, the furnishers of supplies and the party advancing money necessary to carry on any farm or plantation, shall be concurrent and shall not be divested by any prior mortgage, whether conventional, legal or judicial, or by any seizure and sale of the land while the crop is on it.

The privileges granted by this article, on the growing crop, in favor of the classes of persons mentioned shall be concurrent, except the privilege in favor of the laborer, which shall be ranked as the first privilege on the crop.

### **Louisiana Civil Code Article 3232**

Innkeepers, definition.

Those are called innkeepers, who keep a tavern or hotel, and make a business of lodging travelers.

### **Louisiana Civil Code Article 3233**

Innkeepers' rights on property of guests.

Innkeepers and all others who let lodgings or receive or take boarders have a privilege, or more properly, a right of pledge on the property of all persons who take their board or lodging with them, by virtue of which they may retain property, and have it sold, to obtain payment of what

such persons may owe them on either accounts above mentioned and this privilege shall extend to extras not to exceed Ten (\$10) Dollars supplied by the proprietors of hotels, inns and boarding house keepers.

#### **Louisiana Civil Code Article 3234**

Property covered by innkeepers' privilege.

Innkeepers, hotel, boarding house and lodging housekeepers enjoy this privilege on all the property which the sojourner has brought to their place, whether it belongs to him or not, because the property so brought into their place has become pledged to them by the mere fact of its introduction into their place.

#### **Louisiana Civil Code Article 3235**

Travelers, definition.

The term travelers applies to strangers and such as being transiently in a place where they have no domicile, take their board and lodging at an inn.

#### **Louisiana Civil Code Article 3236**

Sale or donation of unclaimed and unredeemed property, procedure.

Whenever any trunk, carpetbag, valise, box, bundle or other baggage which shall hereafter come into the possession of the keeper of any hotel, motel, inn, boarding or lodging house, as such, and shall remain unclaimed or unredeemed for the period of six months, such keeper may proceed to sell the same at public auction, and without judicial proceedings, and out of the proceeds of such sale may retain the amount due him for board, lodging and extras, and the charges for storage, if any, and the expense of advertising and sale thereof, but no such sale shall be made until the expiration of four weeks from the publication of notice of such sale in a newspaper published in or nearest the city, town, village or place in which said hotel, motel, inn, boarding or lodging house is situated. Said notice shall be published once, in some newspaper, daily or weekly, of general circulation, and shall contain a description of each trunk, carpetbag, valise, box, bundle or other baggage as near as may be; the name of the owner, if known; the name of the keeper, and the time and place of sale. The expense incurred for advertising shall be a lien upon such trunk, carpetbag, valise, box, bundle or other baggage in a ratable proportion according to the value of such property, or thing or article sold. In case any balance arising upon such sale shall not be claimed by the rightful owner within one week from the day of said sale the same shall be paid to any authorized charity or state institution.

Alternatively, the hotel, motel, inn, boarding house, or lodging house at its discretion may store the unclaimed or unredeemed possessions for six months and at the expiration of this period donate, give or turn them over to an authorized charity, or state institution.

#### **Louisiana Civil Code Article 3264**

Privilege of innkeepers.

The privilege of innkeepers on the effects of travelers deceased in their house, is postponed to funeral and law charges, but is preferred\* to all the other privileged debts of the deceased.

#### **Louisiana Revised Statutes §9:3259**

Unpaid rent; attorney fees

- A. Whenever any lessee of any apartment building, house, motel, hotel, or other such dwelling fails to pay rent that has become due and delinquent, within twenty days after delivery of written demand therefor made in accordance with the provisions of this Section, correctly setting forth the amount of rent due and owing, the lessee shall be liable for reasonable attorney fees for the prosecution and collection of such claim when judgment on the claim is rendered in favor of the claimant.
- B. Delivery of written demand for purposes of this Section may be accomplished by mailing the written demand by certified mail to the last known address of the lessee, by personal delivery to the lessee or by tacking the written demand on the door of the leased premises.
- C. The provisions of this Section shall apply to oral leases only.

**Louisiana Revised Statutes §21:1**

Bed linens; duty as to

- A. Every hotel, motel, or innkeeper shall furnish clean and fresh bed linens, unused by any other person since the last laundering thereof, on all beds assigned to the use of any guest or patron of such inn, motel, or hotel.
- B. Whoever fails or refuses to comply with the provisions and requirements of this Section shall be fined not less than one hundred and fifty dollars nor more than five hundred dollars, or be imprisoned for not more than ten days, or both.
- C. The provisions of this Section shall be enforced by the state health officer and the office of health services and environmental quality of the Department of Health and Hospitals as provided for in R.S. 40:5, at the request of the parish health officer in the parish where the hotel, motel, or inn is located.

**Louisiana Revised Statutes §21:2**

Screens

- Every hotel or innkeeper shall properly screen with wire cloth or gauze, mesh not to be less than sixteen to the inch, the doors and windows of the kitchen and dining-room, and all openings therein, of such inn or hotel.
- Whoever fails or refuses to comply with the provisions and requirements of this Section shall be fined not less than five dollars nor more than twenty-five dollars.

**Louisiana Revised Statutes §21:3**

Bathrooms and toilet facilities; duty as to

- A. Every keeper, manager, or person in charge of the conduct of any hotel, motel, or inn shall keep the closets, bathrooms, and toilet facilities provided for the use of its guests and patrons cleaned and maintained in a sanitary condition.
- B. Whoever fails or refuses to comply with the provisions and requirements of this Section shall be fined not less than one hundred and fifty dollars nor more than five hundred dollars, or be imprisoned for not more than ten days, or both.
- C. The provisions of this Section shall be enforced by the state health officer and the office of health services and environmental quality of the Department of Health and Hospitals as provided for in R.S. 40:5, at the request of the parish health officer in the parish where the hotel, motel, or inn is located.



### **Louisiana Revised Statutes §21:5**

Boarding houses, provisions inapplicable  
This Chapter does not apply to private boarding houses.

### **Louisiana Revised Statutes §21:21**

Fraud in obtaining accommodations; worthless checks and other fraudulent acts

A. No person shall:

- (1) Obtain accommodations at any hotel, inn, boarding house or restaurant or procure food without paying therefor, with intent to defraud, except when credit is given by express agreement.
- (2) Obtain credit with intent to defraud at any hotel, inn, boarding house or restaurant for food or accommodations by a false showing of baggage or effects.
- (3) Remove or cause to be removed any baggage or effects from any hotel, inn, boarding house or restaurant without the consent of the owner or manager before having paid the proper charges due for food or accommodations.
- (4) Draw, endorse, utter, or deliver to any hotel, inn, boarding house or restaurant any check, draft, or order for the payment of money upon any bank or other depository, in payment of the proper charges due for food, lodging, beverages or anything of value, knowing at the time that there is not sufficient credit with the drawee bank or other depository for the payment in full of the instrument upon its presentation.
- (5) Obtain accommodations, food, property or services by the use of a credit card, knowing or having reasonable cause to believe that such card has been revoked, or was obtained, is retained, or is being used fraudulently.
- (6) Obtain accommodations, food, property or services by other than the use of a credit card from any hotel, inn, boarding house or restaurant by the use of deception knowing he is without sufficient means to pay for them.
- (7) Sell or offer to sell accommodations at any hotel during the weekend of the National Football League Superbowl game, Bayou Classic game, Sugar Bowl game, and during the period of the National Collegiate Athletic Association Final Four Tournament, in excess of thirty percent more than the highest advertised rack rate charged by the hotel, inn, or boarding house.

B. Whoever violates any provision of this Section shall be fined not more than five hundred dollars, or imprisoned, with or without hard labor, for not more than two years, or both.

### **Louisiana Revised Statutes §21:22**

Prima facie evidence of intent to defraud

The failure of any person to pay the proper charges due for any food, lodging, beverages, or anything of value due to any hotel, inn, boarding house or restaurant before departing from the premises, without first personally appearing before the room clerk or other agent of the establishment before departing and protesting the amount alleged to be due, or without working out satisfactory credit arrangements for the payment thereof, is prima facie evidence of intent to defraud, within the meaning of R.S. 21:21; and the failure of the person drawing, endorsing, uttering or delivering any check, draft or order to any hotel, inn, boarding house or restaurant in payment of food, lodging, beverages or anything of value, to honor the same within five days after the receipt of written notice of its nonpayment upon presentation, is prima facie evidence of intent to defraud, within the meaning of R.S. 21:21.

### **Louisiana Revised Statutes §21:23**

Credit with bank or depository, meaning of

The words "credit with the drawee bank or other depository", as used in R.S. 21:21 shall be construed to mean an arrangement or understanding with the bank or other depository for the payment of the check, draft or order.

### **Louisiana Revised Statutes §21:24**

Restitution; continuation of prosecution

Whenever the owner or the agent, servant, officer or employee of the owner of any hotel, inn, boarding house or restaurant signs a complaint against any person, charging that person with a violation of R.S. 21:21, the payment by the person charged of the amount claimed to be due the hotel, inn, boarding house or restaurant shall not be grounds for dismissal of the complaint so filed and the owner or the agent, servant, officer or employee of the owner of such hotel, inn, boarding house or restaurant shall continue to prosecute such charge or charges and cooperate fully with the prosecuting authorities in the prosecution of such charge or charges.

### **Louisiana Revised Statutes §21:25**

Extradition of violators; payment of expenses

Whenever the owner, or the agent, servant, officer or employee of the owner of any hotel, inn, boarding house or restaurant signs a complaint against any person, charging that person with a violation of R.S. 21:21, and such person is found outside the state of Louisiana, the owner of the hotel, inn, boarding house or restaurant filing the complaint may, if called upon so to do, pay the necessary and reasonable expenses of extraditing the person charged and bringing him back to the parish in which the charge is filed, such payment to be made to the prosecuting authorities seeking to enforce the complaint.

### **Louisiana Revised Statutes §21:51**

Pet animals, taking into hotel rooms, etc., prohibited; penalty; exemptions

A. No person shall take, and no owner, manager, or person in charge of any hotel or motel shall permit any person to take any dog, cat, or pet animal into any hotel room or into the sleeping quarters or bedrooms of any hotel or motel where there is posted in a conspicuous place a sign to the effect that dogs, cats, and pet animals are prohibited therein.

B. Whoever violates this Section shall be fined not more than twenty-five dollars or be imprisoned for not more than thirty days, or both.

C. This Section shall not apply to guide dogs or service dogs used by blind persons, visually handicapped persons, deaf persons, hearing impaired persons, and other physically disabled persons who have been taught to use such dogs at a qualified dog guide or service school.

### **Louisiana Revised Statutes §21:52**

Guide or service dog, rights and privileges of owners and trainers; penalties for violations

A. Any blind person, visually handicapped person, deaf person, hearing impaired person, or otherwise physically disabled person who is accompanied by a properly controlled dog which such person has been taught to use as a guide or for service at a qualified dog guide or service school, or any person who is qualified to provide training for a guide dog or service animal and is accompanied by a guide dog in training, is entitled to the full and equal accommodations, advantages, facilities, and privileges of all public accommodation, amusement or resort, and other

places to which the general public is invited, and shall be entitled to take such dog into such conveyances and places, subject only to the accommodations and limitations applicable to all persons not so accompanied, provided that the dog shall not occupy a seat in any public conveyance.

B. Any person, firm, or corporation, or agent, representative, or employee of any person, firm, or corporation who deprives any blind person, visually handicapped person, deaf person, hearing impaired person, or otherwise physically disabled person, or any person who is accompanied by a guide dog in training of any right conferred by Subsection A of this Section, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not to exceed five hundred dollars, or be imprisoned in the parish jail for a period not to exceed ninety days, or both, within the discretion of the judge; and for every such offense such person shall forfeit and pay a sum not to exceed five hundred dollars to any person aggrieved thereby, to be recovered in any court of competent jurisdiction in the parish where such offense was committed.

C. The provisions of Subsections A and B of this Section shall be inapplicable unless the person, as described in Subsections A and B of this Section, accompanied by a guide or service dog, shall furnish evidence as to the training of the dog, which evidence shall be obtained from the training agency or school by which the dog has been trained. If the person is accompanied by a guide dog in training as described in Subsection A of this Section, that person shall furnish evidence of his qualifications to provide training for a guide dog, or the provisions of Subsections A and B of this Section shall be inapplicable.

#### **Louisiana Revised Statutes §21:75**

Hotels, motels, and campgrounds; expiration of stay

No person shall remain in a hotel or motel, or in or on a campsite, where his term or stay has expired if the person has been given written notice of his agreed departure date and checkout time at the time he registered at the motel, hotel, or campground, and the person has been given verbal or written notice to leave the hotel or motel room, or campsite at least one hour prior to the time required to leave.

#### **Louisiana Revised Statutes §21:76**

Removal of occupant and belongings

The person and other occupants, and their personal belongings, may be removed by the appropriate lawful authority, provided the conditions of R.S. 21:75 have been met. No action for damages or otherwise shall be allowed in a court of law against the owners, operators, or managers of the hotel, motel, or campground or an appropriate lawful authority for reasonable exercise of rights pursuant to the provisions of this Chapter.

This Chapter shall not apply in case of serious medical emergency requiring the continued use of the room or campsite.

#### **Louisiana Revised Statutes §21:77**

Penalty

Willful violation of any provisions of this Chapter shall be a misdemeanor punishable by a fine of not more than one hundred dollars and each violation shall be a separate offense.

#### **Louisiana Revised Statutes §26:81**

Location of business limited

A. No permit shall be granted under this Chapter in contravention of any municipal or parish ordinances adopted pursuant to the zoning laws of the state.

B.(1) No permit shall be issued by the commissioner or by any municipality or parish to authorize any business in any subdivision of the state where the business has been prohibited by referendum vote.

(2) In any subdivision where saloons are prohibited, but package sales of liquor are permitted, Class B package liquor permits may be issued in combination with Class A retail beer permits.

(3) Any premises licensed to deal in alcoholic beverages, upon proper application, shall be issued a permit for beverages of low alcoholic content as defined in R.S. 26:241. The new permit shall be of the same class as the one for which the premises has a license.

C.(1) When prohibited by municipal or parish ordinance, no permit shall be granted for any premises situated within three hundred feet or less, as fixed by the ordinance, of a public playground or of a building used exclusively as a church or synagogue, public library, school, full-time day care center as defined in R.S. 17:405(A)(4), or a correctional facility housing inmates, including but not limited to a halfway house. In municipalities and in unincorporated areas which are divided into subdivisions with streets, blocks, and sidewalks, subject to the adoption of the alternate method of measurement as provided for in Paragraph (2) of this Subsection, this distance shall be measured as a person walks using the sidewalk from the nearest point of the property line of the church, synagogue, public library, public playground, school, full-time day care center, or correctional facility housing inmates, including but not limited to a halfway house to the nearest point of the premises to be licensed.

(2) A municipality may adopt an ordinance establishing an alternate method of measurement of the three hundred foot limitation by measuring in a straight line from the nearest point of the property line of the church or synagogue, public library, school, or full-time day care center to the nearest point of the premises to be licensed. Such alternate method of measurement shall only apply prospectively to the issuance of a new alcohol permit issued on or after the date the ordinance has been adopted.

D. Outside of municipalities and unincorporated areas which are not divided into subdivisions with streets, blocks, or sidewalks, parish ordinances may extend the prohibition to a distance of five hundred feet of the church, synagogue, public library, school, full-time day care center, playground, or a correctional facility housing inmates, including but not limited to a halfway house. The measurement of this distance shall be made in the same manner as the measurement is made in municipalities.

E. The prohibitions in this Section do not apply to any premises which are maintained as a bona fide hotel, or fraternal organization, nor to any premises which have been licensed to deal in alcoholic beverages for a period of one year or longer prior to the adoption of the ordinance.

F. For the purposes of this Section, "public library" shall mean a public library which is located in a permanent structure and is open to the public for three or more days per week.

Amended by Acts 1962, No. 463, §6; Acts 1964, No. 183, §1; Acts 1987, No. 696, §1; Acts 1988,

## **Louisiana Revised Statutes §30:572**

### **Priorities**

The allocation or rationing and conservation program under the plan provided for by this Part shall include the following:

(1) A priority system and plan to be implemented without delay, for conservation, allocation, and/or rationing of intrastate natural gas qualitatively and quantitatively among distributors and consumers. To the extent practicable, such priority allocation or rationing programs shall include, but not be limited to, measures to insure that available intrastate natural gas will be distributed on

a priority basis to users within the state to avoid or minimize adverse impacts on the public health, welfare, and economic well-being of the state; provided, however, that unless the assistant secretary rules otherwise, in the event of a serious emergency and until hearings can be had as hereinafter provided for, the priorities of mandatory allocations and rationing shall, to the maximum extent practicable, be as follows:

(a) First priority shall be given to the protection of public health, safety, and welfare including maintenance of gas and electrical service for hospitals, juvenile and adult correctional institutions, nursing homes, dormitories, educational facilities, hotels, motels, and residences such as individual homes, apartments and similarly occupied dwelling units, publicly owned water, sewerage, and storm water drainage systems producing their own energy, which systems supply services to the aforesaid, and property owners who, through contract, lease, or otherwise, reserve unto themselves a share of the natural gas produced from their property to serve their needs. In order to ensure the protection of public health, safety, and the environment, the petroleum, petrochemical, and chemical industry that uses intrastate natural gas to operate facilities shall have a priority as long as the gas is used to the extent necessary to ensure the protection of public health, safety, and the environment.

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Notwithstanding any other provision of this Chapter or any other law to the contrary, the commissioner shall have the authority to order the husbanding and storage of intrastate natural gas to the extent that he deems necessary to protect the public interest.

In the exercise of the powers, duties and functions granted to the commissioner in this Chapter, with respect to the production, transportation, distribution and delivery of natural gas and hydrocarbons received as royalties "in-kind" by private land or mineral owners under private leases and by the state pursuant to mineral leases by the state, its agencies and political subdivisions, the commissioner shall allocate and/or ration all such natural gas and other hydrocarbons received as "in-kind" royalties in accordance with the priorities established in Paragraphs (a) through (i), inclusive, of R.S. 30:572 and, notwithstanding any other provisions of R.S. 30:572 or any other law to the contrary the priorities established in said Paragraphs (a) through (i), without any change or modification thereof whatsoever, shall govern the allocation and/or rationing of natural gas and other hydrocarbons received as "in-kind" royalties unless the commissioner determines such priority in use is impractical under the circumstances.

### **Louisiana Revised Statutes §32:292.1**

Transportation and storage of firearms in privately owned motor vehicles

A. Except as provided in Subsection D of this Section, a person who lawfully possesses a firearm may transport or store such firearm in a locked, privately-owned motor vehicle in any parking lot, parking garage, or other designated parking area.

B. No property owner, tenant, public or private employer, or business entity or their agent or employee shall be liable in any civil action for damages resulting from or arising out of an occurrence involving a firearm transported or stored pursuant to this Section, other than for a violation of Subsection C of this Section.

C. No property owner, tenant, public or private employer, or business entity shall prohibit any person from transporting or storing a firearm pursuant to Subsection A of this Section. However, nothing in this Section shall prohibit an employer or business entity from adopting policies specifying that firearms stored in locked, privately-owned motor vehicles on property controlled by an employer or business entity be hidden from plain view or within a locked case or container within the vehicle.

D. This Section shall not apply to:

(1) Any property where the possession of firearms is prohibited under state or federal law.

(2) Any vehicle owned or leased by a public or private employer or business entity and used by an employee in the course of his employment, except for those employees who are required to transport or store a firearm in the official discharge of their duties.

(3) Any vehicle on property controlled by a public or private employer or business entity if access is restricted or limited through the use of a fence, gate, security station, signage, or other means of restricting or limiting general public access onto the parking area, and if one of the following conditions applies:

(a) The employer or business entity provides facilities for the temporary storage of unloaded firearms.

(b) The employer or business entity provides an alternative parking area reasonably close to the main parking area in which employees and other persons may transport or store firearms in locked, privately-owned motor vehicles.

### **Louisiana Revised Statutes §40:1300.253**

#### Definitions

For the purposes of this Part, the following terms shall have the following meanings unless the context clearly indicates otherwise:

(1) "Bar" means a business that holds a Class A-General retail permit and the primary purpose of such business is to serve alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.

(2) "Business" means any corporation, sole proprietorship, partnership, limited partnership, professional corporation, enterprise, franchise, association, trust, joint venture, or other entity.

(3) "Department" means the Department of Health and Hospitals.

(4) "Employer" means an individual or a business that employs one or more individuals.

(5) "Enclosed area" means all space between a floor and ceiling that is enclosed on all sides by solid walls or windows, exclusive of doorways, which extend from the floor to the ceiling.

(6) "Local governing authority" means a municipal or parish governing authority.

(7) "Place of employment" means an area under the control of an employer that employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence is not a place of employment unless it is used as a licensed child care, adult day care, or health care facility.

(8) "Public building" means any building owned or operated by any of the following:

(a) The state, including the legislative, executive, and judicial branches of state government.

(b) Any parish, city, or town, or instrumentality thereof, or any other political subdivision of the state, special district, authority, commission, or agency.

(c) Any other separate corporate instrumentality or entity of state or local government.

(9) "Public place" means an enclosed area to which the public is invited or in which the public is permitted which is not a public building, including but not limited to banks, educational facilities, health care facilities, hotel and motel lobbies, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms.

(10) "Restaurant" means an eating establishment, including but not limited to, coffee shops, cafeterias, sandwich stands, and school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include a bar located within a restaurant.

(11) "Retail tobacco business" means a business utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is incidental.

(12) "School" means any elementary or secondary school building, the campus of any school, any buildings on the campus, and all school buses.

(13) "Secondhand smoke" means smoke emitted from lighted, smoldering, or burning tobacco when the smoker is not inhaling, smoke emitted at the mouthpiece during puff drawing, and smoke exhaled by the smoker.

(14) "Smoking" means inhaling, exhaling, burning, carrying, or possessing any lighted tobacco product, including cigarettes, cigars, pipe tobacco, and any other lighted combustible plant material.

#### **Louisiana Revised Statutes §40:1300.261**

Notice of prohibition of smoking

A. "No smoking" signs or the international "No smoking" symbol consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it shall be clearly and conspicuously posted by the owner, operator, manager, or other person in control in every public building, public place, and place of employment where smoking is prohibited by this Part.

B. The owner, operator, manager, or other person in control shall remove all ashtrays from any area where smoking is prohibited by this Part.

C. The Department of Health and Hospitals may treat a violation of this Section as a deficiency to be assessed against any licensee or facility over which it has statutory jurisdiction.

#### **Louisiana Revised Statutes §40:1300.262**

Enforcement; penalties

A.(1) Any violation of any prohibition in R.S. 40:1300.256(A) may be cited by any law enforcement officer by the issuance of a citation and summons to appear before a court of proper jurisdiction.

(2) Such citations shall be in a form such that there shall be retained in each book of citations a receipt and each shall have a copy to be deposited by the law enforcement officer with a court having jurisdiction over the alleged offense.

(3) Upon the deposit of the copy, the court shall notify the alleged violator of the time and place of his hearing or of his opportunity to plead guilty by the payment of his specified fine. Failure to appear, unless the fine is paid, may be punished within the discretion of the court as contempt of court.

B.(1)(a) Any person who is guilty of a violation of the prohibition in R.S. 40:1300.256(A)(1), (2), and (3) shall, upon a first offense, be fined twenty-five dollars.

(b) Any person who is guilty of violating such prohibition a second time shall be fined fifty dollars.

(c) Any person who is guilty of violating such prohibition a third or subsequent time shall be fined one hundred dollars.

(2)(a) Any employer who is guilty of a violation of the prohibition in R.S. 40:1300.256(A)(4) shall, upon a first offense, be fined one hundred dollars.

(b) Any employer who is guilty of violating such prohibition a second time shall be fined two hundred fifty dollars.

(c) Any employer who is guilty of violating such prohibition a third or subsequent time shall be fined five hundred dollars.

#### **Louisiana Revised Statutes §40:1578.6**

National Fire Protection Association's Life Safety Code; Southern Standard Building Code; applicability to high rise structures; minimum standards; existing hazardous buildings; appeal

A. Adequate protection for life safety shall be afforded in every structure or movable as those terms are defined in R.S. 40:1573. To afford such protection, all newly constructed structures and movables shall comply with the rules and regulations to be promulgated by the fire marshal in conformity with the Administrative Procedure Act which shall establish as minimum standards the provisions of the Life Safety Code of the National Fire Protection Association, and Section 518 - Special Provisions for High Rise, of Chapter IV of the Southern Standard Building Code, applicable to high rise structures as both are annually or periodically amended, and the fire marshal shall be the authority having jurisdiction to enforce compliance with such regulations.

The effective date for enforcement shall be one hundred eighty days after adoption and promulgation under the Administrative Procedure Act.

B. A parish or municipality which, prior to January 1, 1975, had adopted and is enforcing a nationally recognized model building code and/or fire prevention code or a code equal to a nationally recognized building code and/or fire prevention code may continue to enforce such codes in place of the codes required in the paragraph above; however, such codes shall contain requirements that are substantially equal to the fire marshal's code with respect to high rise buildings, mandatory automatic sprinkler and extinguishment systems, and fire detection systems.

C. This Section shall not apply to existing buildings, except as provided for by R.S. 40:1641 et seq., which were lawfully constructed and maintained unless the fire marshal deems that a serious life hazard exists due to a particular condition, at which time he can require the institution of proper fire protection measures to alleviate the particular hazards noted according to the chapter on existing buildings of the latest edition of the N.F.P.A. Life Safety Code, as most recently adopted by administrative rule by the office of the state fire marshal, code enforcement and building safety. Such directives of the fire marshal may be appealed to the board of review. "Lawfully constructed and maintained" as used in this Subsection means in conformance with the laws, codes, rules, and regulations in force at the time of original construction.

#### **Louisiana Revised Statutes §40:1580**

Fire exit maps; hotel or motel rooms

Every hotel or motel room shall have posted on the back of the main entry door to the room a map indicating where the exits are located in case of fire or other emergency.

#### **Louisiana Revised Statutes §40:1580.1**

Fire alarms; hotel or motel rooms

A. Every new or renovated hotel or motel room shall have sleeping rooms equipped with approved fire detection and alarm systems for the hearing impaired in case of fire in accordance with the requirements of Section 9 of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) table 9.1.2 and 9.1.3.

B. In hotels or motels not covered by Subsection A which have fewer than fifty rooms one system shall be available. In such hotels or motels with more than fifty but fewer than one hundred rooms at least two systems shall be available. In such hotels or motels with more than one hundred rooms four systems shall be available. The availability of such system shall be posted in every room.



### **Louisiana Revised Statutes §40:1641**

#### **Purpose**

A. The legislature hereby finds that existing high rise buildings which do not have fire protection sprinkler systems represent a serious threat to life and property. High rise building fires are particularly dangerous due to the fact that present fire-fighting apparatus can only reach floor levels below seventy-five feet in height, leaving upper floors in high rise facilities vulnerable to the unchecked spread of fire, thereby endangering the occupants of those upper floor levels.

B. It is therefore the policy of this state in order to protect life and property from the hazards of fire and panic which may arise from fire or from the threat of fire in high rise buildings to require existing high rise buildings to be protected throughout by an approved fire protection sprinkler system.

### **Louisiana Revised Statutes §40:1642**

#### **Definitions**

As used in this Subpart, the following terms have these meanings:

(1) "Fire protection sprinkler system" means a system of overhead piping designed in accordance with fire protection engineering standards. The system must be supplied from a reliable, constant, and sufficient water supply such as a gravity tank, fire pump, reservoir or pressure tank, or connection by underground piping to a city main or any combination of these. The portion of the sprinkler system above ground is considered the fire protection sprinkler system for purposes of this Subpart and is a network of specially sized or hydraulically designed piping installed in a building, structure, or area, generally overhead, and to which sprinklers are connected in a systematic pattern. The system includes a controlling valve and device for actuating an alarm when the system is in operation. The system is usually activated by heat from a fire and discharges water over the fire area. Fire protection sprinkler system, dry-pipe systems, preaction systems, deluge systems, combined dry-pipe and preaction systems, antifreeze systems, and circulating closed loop systems, have meanings as defined and continuously revised in National Fire Protection Association Pamphlet 13, entitled Standard for the Installation of Sprinkler Systems.

(2) "Existing high rise buildings" means any building having floor surfaces used for human occupation located more than seventy-five feet above the lowest level of fire department vehicle access constructed before January 1, 1975.

(3) "Master plan" means a specific scheme or plan detailing the number of floors, total square footage, present occupancy and a proposed completion date of each phase and completion date of total compliance with the requirement of this Subpart.

### **Louisiana Revised Statutes §40:1643**

Fire protection sprinkler system required in existing high-rise buildings; exceptions

A. All existing high-rise buildings as defined in this Subpart shall be protected throughout by an approved fire protection sprinkler system.

B. All existing high-rise buildings shall comply with the rules and regulations to be promulgated by the fire marshal in conformity with the Administrative Procedure Act, which shall establish as minimum standards the provisions of NFPA 13 as published by National Fire Protection Association, and the fire marshal shall be the authority having jurisdiction to enforce compliance with such regulations.

C.(1) Notwithstanding any provision to the contrary, all existing high-rise buildings as defined in this Subpart shall be protected throughout by an approved fire protection sprinkler system by January 1, 1999. However, if the state fire marshal determines that an extension can be granted

without creating an undue risk to human safety, the fire marshal may grant a one-year extension to those building owners who have made a good faith effort to comply with the fire protection sprinkler system requirement.

(2) The fire marshal may grant one-year extensions of time to complete the installation of a fire protection sprinkler system to those existing high-rise buildings that were not in compliance with the fire protection sprinkler system requirement on January 1, 1999, but which have a written plan to install such a system that has been approved by the fire marshal including but not limited to shop drawings, contracts, or architectural engineering design documents, provided that the building has sufficient and adequate fire protection systems to assure that undue risk to human life and safety is not created by occupancy above the seventy-five foot level.

(3) The fire marshal may grant a reasonable extension of time for compliance with the fire protection sprinkler system requirement upon a showing of each of the following:

(a) A statement of certification that such building shall be demolished or substantially remodeled within five years after July 14, 1999.

(b) Sufficient and adequate fire protection systems to assure that undue risk to human life and safety is not created by occupancy above the seventy-five foot level.

(4) Any state-owned building utilized as a state hospital or parish prison shall have until January 1, 2005, to complete installation of the required fire sprinkler system, provided the building has sufficient and adequate fire protection systems such that human occupancy above the seventy-five foot level does not create an undue risk to human life and safety.

(5) For the purposes of this Subpart, the following shall be sufficient and adequate fire protection systems such that undue risk to human life and safety are not created:

(a) Twice the number of fire extinguishers as requested by the NFPA 10.

(b) A fire watch in accordance with the NFPA 601.

(c) A method of occupant notification of emergency conditions.

(d) Persons designated as fire wardens who have access to two-way communication systems, who are trained to use portable fire extinguishing equipment, and who know the emergency evacuation rules and procedures.

(e) Compliance with the means of egress, protection of vertical openings, emergency lighting, and alarm and detection requirements specified by the 1967 edition of the NFPA 101 Life Safety Code.

D. The owners of existing high-rise buildings which are not, as of September 1, 1988, protected throughout by an approved fire protection sprinkler system shall submit a written master plan to the state fire marshal on or before January 1, 1991, detailing with specificity a schedule for compliance with this Subpart.

E. Notwithstanding any other provision of law to the contrary, the state fire marshal may authorize alternative approaches for existing high-rise telephone equipment buildings occupied solely by telecommunications service providers which were not, as of September 1, 1988, protected throughout by an approved fire protection sprinkler system but which will provide an equivalent level of safety as provided by an approved automatic sprinkler system. Such alternative approaches shall be implemented on or before January 1, 1999. To obtain such approval, the telecommunications service provider shall submit a written master plan or a completed fire safety evaluation form, as published by the National Fire Protection Association, to the state fire marshal on or before January 1, 1993. Upon receipt, such master plan or fire safety evaluation shall be evaluated by the state fire marshal to ensure that the building complies with either:

(1) The 1967 edition of the NFPA 101 (Life Safety Code). Such plan or evaluation shall also indicate that an equivalent level of safety is achieved by the proposed alternative.

(2) The compartmentation exception of Section 506 of the 1988 Standard Building Code. Such compliance shall be documented by a certificate signed by a licensed architect or civil engineer.

## **Louisiana Revised Statutes §40:1711**

### Definitions

As used in this part, the following terms shall have the meaning ascribed to them in this section unless the context clearly indicates otherwise:

(1) "Safety glazing material" means any glazing material such as tempered glass, laminated glass, wire glass or rigid plastic, which meets the test requirements of ANSI Standard Z-97.1-1966 and such further requirements as may be adopted by the Louisiana State Fire Marshal and which are so constructed, treated, or combined with other materials as to minimize the likelihood of cutting and piercing injuries resulting from human contact with the glazing material.

(2) "Hazardous locations" means those installations, glazed or to be glazed in commercial and public buildings, known as framed or unframed glass entrance doors; and those installations, glazed or to be glazed in residential buildings and other structures used as dwellings, commercial buildings, and public buildings, known as sliding glass doors, storm doors, shower doors, bathtub enclosures which because of their location present a barrier in the normal path traveled by persons going into or out of these buildings, and because of their size and design may be mistaken as means of ingress or egress; and any other installation, glazed or to be glazed, wherein the use of other than safety glazing materials would constitute an unreasonable hazard as determined by the Louisiana State Fire Marshal; whether or not the glazing in such doors, panels, enclosures and other installations is transparent.

For the purposes of this part wood panel doors with small lights thirty-six inches or more above the floor, French doors and doors with leaded glass lights are not to be considered hazardous and these installations are not to be included within the definition of hazardous locations as set forth hereinabove.

## **Louisiana Revised Statutes §45:172**

### Exemptions

Nothing in R.S. 45:161 through R.S. 45:171 shall apply to:

A. Persons engaged in operating:

(1) Hotel vehicles;

(2) Vehicles owned, leased or operated by the United States, this state or special district of the state or any political subdivision or any board, department or commission thereof;

(3) Funeral cars or ambulances, including vehicles operated by Medicaid or Medicare providers used exclusively for commercial nonemergency medical transportation.

(4) The following motor vehicles mainly located, operated and employed within the corporate limits of one incorporated municipality but not more than ten miles therefrom:

(a) Taxicabs not operated over regular routes or at regular or scheduled intervals or between fixed termini;

(b) Sightseeing passenger vehicles;

(c) Trucks or property carrying vehicles;

(d) Passenger carrying vehicles if operated within the limits of the parish of their domicile or if the major portion of their operations are conducted within the corporate limits of one municipality.

(5) Vehicles exclusively engaged in:

(a) the distribution of regularly published newspapers;

(b) The transportation of products of the forest, including logs, moss, ties, stave bolts, shingles, pulpwood, rough lumber, and wood chips, but not including products manufactured therefrom;

(c) the transportation of agricultural products but not including products manufactured therefrom;

(d) the transportation of fish (including shellfish) and shrimp;

(e) the transportation of livestock;

(f) the transportation of sand, gravel, shells, soil, clay, limestone aggregate or an aggregate of any one or more of such materials from pits, aggregate plant, or railroad cars to place of use or shipment.

(g) Repealed by Acts 1968, No. 219, §4.

(6) Repealed by Acts 1999, No. 1107, §2.

B. Motor vehicles operated:

(1) Solely in the transportation of school children and teachers to or from schools;

(2) In a car or van pool arrangement, whereby a prearranged membership group, not exceeding fifteen passengers, including the driver, commute between their residences, or other predetermined location, and their place of employment, and the members of a car or van pool may pay the driver an agreed upon amount as compensation for operating the pool.

(3) By bona fide farmers whose principal occupation is tilling the soil and whose transportation activities consist of transporting products of the forest, soil or waters of this state for hire, charge or compensation to market, for storage or to a place of shipment or manufacture and returning with goods and merchandise for use on their farms;

(4) Exclusively in transportation between a municipality and its airport if uninterrupted between such points and not in excess of nine miles.

(5) In the transportation of voting machines and election supplies from a parish warehouse to polling places and return.

C. Any other person engaged in bona fide transportation as a private carrier, or who being a bona fide agent, subsidiary or affiliate of the same and not otherwise engaged in for hire transportation service and when transporting or distributing its own property or products as an incident of its own business.

#### **Louisiana Revised Statutes §45:177**

Exemptions; policy or bond

Nothing in R.S. 45:173 through 45:176 shall apply to motor vehicles operated:

(1) In transporting school children and teachers;

(2) In hauling farm products exclusively;

(3) Exclusively for transporting workers to and from any factory or mill located in this state;

(4) For hotel passengers or baggage when used exclusively for its patrons and employees;

(5) And owned by the United States, District of Columbia, any state or any political subdivision of this state;

(6) Or owned, leased, used, or controlled by any farmer, group of farmers or any legally incorporated farmer-owned and controlled cooperative association while engaged in the transportation of his or its agricultural commodities and products, or in the transportation of supplies to his farm, or the farms of the members of such association;

(7) By electric power derived from a fixed overhead wire, furnishing local passenger transportation similar to street railway service;

(8) Exclusively in carrying fruit, livestock poultry products, buttermilk, fresh milk and cream, meats, butter and cheese, produced on the farm, fish (including shell fish), cotton, cotton seed, cotton seed hulls and cotton seed meal, other horticultural or agricultural commodities (not including manufactured products thereof), naval stores and forest products, including lumber, raw materials used in the manufacture of naval stores (but not including manufactured products thereof) from the point of production to market and between any of the following points: farm, market, gin, warehouse, or mill, while the title is still in the producer, and where the net load does not exceed eighteen thousand pounds. "Other agricultural and horticultural commodities" shall include fertilizer, household goods and other supplies transported to farms and dairies for farm and dairy purposes;

(9) Exclusively in the distribution of newspapers;

- (10) Exclusively in hauling for the state highway department, or for any parish, city or town in this state;
- (11) Exclusively in hauling gravel or other unmanufactured road building material;
- (12) In the transportation of persons or property operating under the authority of a municipal ordinance wholly within a municipality or between contiguous municipalities, or within a zone adjacent to and commercially a part of such municipality or municipalities but not exceeding seven miles from the corporate limits, except when such transportation is under a common control, management or arrangement for a continuous carriage or shipment to or from a point without such municipality, municipalities, or zone.

#### **Louisiana Revised Statutes §46:1951**

##### Statement of policy

It is the policy of this state to encourage and enable a physically disabled person to participate fully in the social and economic life of the state and to engage in remunerative employment. In addition, it is the policy of this state that a physically disabled person shall be employed by the state, political subdivisions of the state, public schools, and all other employment supported in whole or in part by public funds on the same terms and conditions as an able-bodied person, unless it is shown that the particular disability prevents the performance of the work involved.

#### **Louisiana Revised Statutes §46:1952**

##### Definitions

As used in this Chapter,

- (1) "Assistance dog" means a dog who has been trained or is being trained to aid a particular physically disabled person.
- (2) "Housing accommodations" means any real property, or portion thereof, which is used or occupied or is intended, arranged, or designed to be used or occupied as the home, residence, or sleeping place of one or more human beings, but shall not include any single family residence the occupants of which rent, lease, or furnish for compensation not more than one room therein.
- (3) "Physically disabled person" means a person who is blind, visually handicapped, deaf, hearing impaired, or otherwise physically disabled.

#### **Louisiana Revised Statutes §46:1953**

##### Use of public facilities; equal accommodations; assistance dogs

A. Every physically disabled person shall have the same right as an able-bodied person to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places.

B. Every physically disabled person shall be entitled to full and equal accommodations, advantages, facilities, and privileges in the following, subject only to the conditions and limitations established by law and applicable alike to all persons:

- (1) Common carriers, including taxis, airplanes, motor vehicles, railroad trains, motor buses, streetcars, boats, or any other public conveyances or modes of transportation operated on land or water, in the air, or any stations and terminals thereof.
- (2) Educational institutions, including but not limited to kindergartens, primary and secondary schools, trade or business schools, high schools, academies, colleges, and universities.
- (3) Hotels, lodging places, restaurants, theaters, places of public accommodation, amusement, or resort.
- (4) Other places to which the general public is invited.

C. Every physically disabled person may be accompanied by an assistance dog, especially trained to aid such person, in any of the places provided in Subsection B of this Section without being required to pay an extra charge for such dog. However, he shall be liable for any damage done to the premises, facilities, operators, or occupants by such dog.

D. Nothing in this Section shall require any person who owns, leases, or operates any public conveyance or modes of transportation, educational institutions, hotels, restaurants, theaters, lodging places, places of public accommodation, amusement, or resort, and other places to which the general public is invited, to modify his property or facility in any way or provide a higher degree of care for a physically disabled person than for a person who is not physically disabled.

#### **Louisiana Revised Statutes §46:1954**

Housing accommodations; full and equal access; degree of care; assistance dogs

A. Every disabled person shall be entitled to full and equal access, as other members of the general public, to all housing accommodations offered for rent, lease, or compensation in this state, subject to the conditions and limitations established by law and applicable alike to all persons.

B. Nothing in this Section shall require any person renting, leasing, or providing for compensation real property to modify his property in any way or to provide a higher degree of care for a physically disabled person than for a person who is not physically disabled.

C. Each physically disabled person who has an assistance dog, especially trained to aid such person or who obtains such a dog, shall be entitled to full and equal access to all housing accommodations as defined in R.S. 46:1952(2), and he shall not be required to pay extra compensation for such dog but shall be liable for any damage done to the premises or any person on the premises by such dog.

#### **Louisiana Revised Statutes §46:1955**

Assistance dog trainers and puppy raisers; rights; liability

During the training of an assistance dog, any trainer or puppy raiser of such dog shall have the same rights and privileges as a physically disabled person to be accompanied by an assistance dog in any place or facility provided in this Chapter without being required to pay an extra charge for such dog. However, during the training of an assistance dog, he shall be liable for any damages done to any person, premises, or facility by the assistance dog.

#### **Louisiana Revised Statutes §46:1956**

Violation of rights; injury or interference with an assistance dog; penalties; civil action; damages; cost and attorney fees

A. Any person, firm, or corporation, or the agent, representative, or employee of any person, firm, or corporation who: withholds, denies, deprives, or attempts to withhold, deny, or deprive; intimidates, threatens, coerces, or attempts to threaten, intimidate, or coerce; punishes or attempts to punish a physically disabled person or a trainer or puppy raiser of an assistance dog, during the training of such dog, or for exercising his right to be admitted to or enjoy the places and facilities provided in this Chapter; or otherwise interferes with the rights of a physically disabled person under this Chapter shall be guilty of a misdemeanor and fined not less than one hundred dollars nor more than five hundred dollars or imprisoned for not more than six months, or both.

B. Any person who purposely or negligently injures an assistance dog or any owner of a dog who allows that dog to injure an assistance dog because he fails to control or leash the dog shall also be guilty of a misdemeanor and fined not less than one hundred dollars nor more than five hundred dollars or imprisoned for not more than six months, or both. Such person shall also be

liable for any injuries to the assistance dog and, if necessary, the replacement and compensation for the loss of the assistance dog.

C. For every offense, such person shall pay for actual damages for any economic loss to any person aggrieved thereby, to be recovered in any court of competent jurisdiction in the parish where such offense was committed or where the aggrieved person resides.

D. In an action brought under this Section, the court may award costs and reasonable attorney's fee to the prevailing party.

#### **Louisiana Revised Statutes §47:305.54**

Exemption; Annual Louisiana Sales Tax Holidays Act

A. This Section shall be known as the Annual Louisiana Sales Tax Holidays Act.

B.(1) Notwithstanding any other provisions of law to the contrary, the sales tax levied by the state of Louisiana and its political subdivisions whose boundaries are coterminous with those of the state shall not apply to the first two thousand five hundred dollars of the sales price or cost price of any consumer purchases of tangible personal property that occur on the first consecutive Friday and Saturday of August each year.

(2) For purposes of this Section, "consumer purchases" shall mean purchases of items of tangible personal property other than vehicles subject to license and title. Consumer purchases shall not include the purchase of meals furnished for consumption on the premises where purchased, including to-go orders.

C. This provision will apply if and only if during the time period provided for in Paragraph (B)(1) of this Section, one of the following occurs:

(1) Title to or possession of an item of tangible personal property is transferred from a selling dealer to a purchaser.

(2) A customer selects an eligible item from the selling dealer's inventory for layaway that is physically set aside in the selling dealer's inventory for future delivery to that customer.

(3) The customer makes final payment and withdraws an item from layaway that might have been placed before the time period provided for in Paragraph (B)(1) of this Section.

(4) The customer orders and pays for an eligible item and the selling dealer accepts the order for immediate shipment, even if delivery is made after the time period provided for in Paragraph (B)(1) of this Section, provided that the customer has not requested delayed shipment.

D. Eligible items that customers purchase during the time period provided for in Paragraph (B)(1) of this Section with "rain checks" will qualify for exemption, regardless of when the "rain checks" were issued. However, issuance of "rain checks" during the exemption period will not qualify items for exemption if the otherwise eligible items are actually purchased after the time period provided for in Paragraph (B)(1) of this Section.

E.(1) When a customer purchases an eligible item during the time period provided for in Paragraph (B)(1) of this Section and exchanges the item without additional cash consideration after such time period for an essentially identical item of different size, color, or other feature, no additional tax is due.

(2) When a customer after the time period provided for in Paragraph (B)(1) of this Section, returns an eligible item that was purchased during such time period and receives credit on the purchase of a different item, the appropriate sales tax is due on the purchase of the new item.

F. Articles that are normally sold as a unit must continue to be sold in that manner and cannot be priced separately in order to bring the individual items below the two thousand five hundred dollar eligibility threshold. Items that are advertised as "buy one, get one free" or "buy one, get one at a reduced price" cannot be averaged in order for both items to fall under the two thousand five hundred dollar eligibility threshold.

G. For a sixty-day period after the time period provided for in Paragraph (B)(1) of this Section, when a customer returns an item that would qualify for an exemption, no credit or refunds of

sales tax shall be given unless the customer provides a receipt or invoice that shows that the state sales tax was paid, or the retailer has sufficient documentation that shows that the tax was paid on the specific item. This sixty-day period is not intended to change a dealer's policy concerning the time period during which returns will be accepted.

#### **Louisiana Revised Statutes §47:305.58**

Exemption; annual sales tax holiday; hurricane-preparedness items or supplies; dates; restrictions  
A.(1) Notwithstanding any other provision of law to the contrary, the sales and use tax levied by the state of Louisiana shall not apply to the first one thousand five hundred dollars of the sales price of purchases of hurricane-preparedness items or supplies as defined in this Subsection that occur during an eligible tax exemption period.

(2)(a) For purposes of this Section, "hurricane-preparedness items or supplies" shall include any of the following:

- (i) Any portable self-powered light source.
- (ii) Any portable self-powered radio, two-way radio, or weatherband radio.
- (iii) Any tarpaulin or other flexible waterproof sheeting.
- (iv) Any ground anchor system or tie-down kit.
- (v) Any gas or diesel fuel tank.
- (vi) Any package of AAA-cell, AA-cell, C-cell, D-cell, 6-volt, or 9-volt batteries, excluding automobile and boat batteries.
- (vii) Any cell phone battery and any cell phone charger.
- (viii) Any nonelectric food storage cooler.
- (ix) Any portable generator used to provide light or communications or preserve food in the event of a power outage.
- (x) Any "storm shutter device". The term "storm shutter device" shall include materials and products manufactured, rated, and marketed specifically for the purposes of preventing window damage from storms.
- (xi) Any carbon monoxide detector.
- (xii) Any blue ice product.

(b) For purposes of this Section, "eligible tax exemption period" shall mean purchases of hurricane-preparedness items or supplies during the last weekend in May of each year beginning at 12:01 a.m. on Saturday and ending at 11:59 p.m. on Sunday.

B. This Section shall apply if and only if during an eligible tax exemption period one of the following occurs:

- (1) Title to or possession of an eligible hurricane-preparedness item or supply is transferred from a selling dealer to a purchaser.
- (2) A customer selects an eligible item from the selling dealer's inventory for layaway that is physically set aside in the selling dealer's inventory for future delivery to that customer.
- (3) The customer makes final payment and withdraws an item from layaway that might have been placed in layaway before the eligible tax exemption period.
- (4) The customer orders and pays for an eligible item and the selling dealer accepts the order for immediate shipment, even if delivery is made after the eligible tax exemption period, provided that the customer has not requested delayed shipment.

C. Eligible items that customers purchase during the eligible tax exemption period with "rain checks" shall qualify for exemption, regardless of when the "rain checks" are issued. However, issuance of "rain checks" during the exemption period shall not qualify items for exemption if the otherwise eligible items are actually purchased after conclusion of the eligible tax exemption period.

D.(1) When a customer purchases an eligible item during the eligible tax exemption period and exchanges the item without additional cash consideration after conclusion of the eligible tax



exemption period for an essentially identical item of different size, color, or other failure, no additional tax is due.

(2) When a customer, after conclusion of the eligible tax exemption period returns an eligible item that was purchased during the eligible tax exemption period and receives credit on the purchase of a different item, the appropriate sales tax is due on the purchase of the new item.

E. For a sixty-day period after conclusion of the eligible tax exemption period, when a customer returns an item that would qualify for an exemption, no credit or refunds of sales tax shall be given unless the customer provides a receipt or invoice that shows that the state sales tax was paid or the retailer has sufficient documentation that shows that the tax was paid on the specific item.

This sixty-day period is not intended to change a dealer's policy concerning the time period during which returns will be accepted.

F. The provisions of this Section shall not apply to hurricane-preparedness items or supplies sold at any airport, public lodging establishment or hotel, convenience store, or entertainment complex.

### **Louisiana Revised Statutes §49:146**

Facilities to which public invited; discrimination

A.(1) In access to public areas, public accommodations, and public facilities, every person shall be free from discrimination based on race, religion, or national ancestry and from arbitrary, capricious, or unreasonable discrimination based on age, sex, or physical or mental disability.

(2) For purposes of this Section, a public facility is defined as any publicly or privately owned property to which the general public has access as invitees and shall include such facilities open to the public as hotels, motels, restaurants, cafes, barrooms, and places of entertainment or recreation but shall not include any private club.

(3) For purposes of this Section, to determine whether an organization is a private club, the factors to be considered are:

- (a) Selectiveness of the group in addition of members;
- (b) Existence of formal membership procedures;
- (c) Degree of membership control over internal governance, particularly with regard to new members;
- (d) History of organization;
- (e) Use of club facilities by nonmembers;
- (f) Substantiality of dues;
- (g) Whether the organization advertises; and
- (h) Predominance of a profit motive.

(4) Anyone who is denied access to such facilities in violation of this Section shall have as his remedy the same state civil remedy as provided in Article 2315 of the Louisiana Civil Code that is applicable when one has been harmed or injured by another.

(5) The provisions of this Section shall not prohibit any religious or private institution of elementary, secondary, or higher education from denying access to any area, accommodation, or facility on the basis of religion or sex.

B. Notwithstanding any other provision of law, a defendant to a civil suit filed pursuant to this Section shall, if such cause of action is frivolous, have a civil remedy for damages and attorney's fees incurred as a result of the frivolous claim.

### **Louisiana Revised Statutes §49:214.34**

Activities not requiring a coastal use permit

A. Whether or not the activity occurs within the geographical boundaries of the coastal zone, the following activities shall not require a coastal use permit.

- (1) Activities occurring wholly on lands five feet or more above mean sea level except when the secretary finds, subject to appeal, that the particular activity would have direct and significant impact on coastal waters.
- (2) Activities occurring within fast lands except when the secretary finds, subject to appeal, that the particular activity would have direct and significant impacts on coastal waters.
- (3) Agricultural, forestry, and aquaculture activities on lands consistently used in the past for such activities.
- (4) Hunting, fishing, trapping, and the preservation of scenic, historic, and scientific areas and wildlife preserves.
- (5) Normal maintenance or repair of existing structures including but not limited to emergency repairs of damage caused by accident, fire, or the elements.
- (6) Uses and activities within the special area established in R.S. 49:214.29(C) which have been permitted by the Offshore Terminal Authority in keeping with its environmental protection plan.
- (7) Construction of a residence or camp.
- (8) Construction and modification of navigational aids such as channel markers and anchor buoys.
- (9) Construction, maintenance, repair, or normal use of any dwelling, apartment complex, hotel, motel, restaurant, service station, garage, repair shop, school, hospital, church, office building, store, amusement park, sign, driveway, sidewalk, parking lot, fence, or utility pole or line, when these activities occur wholly on lands five feet or more above mean sea level or on fast lands except when the secretary finds, subject to appeal, that the particular activity would have direct and significant impacts on coastal waters.
- (10) Uses which do not have a significant impact on coastal waters.

B. The secretary shall maintain a map or collection of maps accurately depicting the areas within the coastal zone that have been determined by the secretary to be a fastland or above the five foot contour. This map shall be readily accessible to the public for inspection and self-service comparison to proposed project footprints to aid in an applicant's own determination whether the applicant's activity is subject to the exemption provided in this Section, thus obviating the need to submit an application for a coastal use permit.

C.(1) The secretary shall adopt rules for the implementation of this Section and may, by such rules, specify such other activities not requiring a coastal use permit as are consistent with the purposes of this Subpart.

(2) Nothing in this Section shall be construed as otherwise abrogating the lawful authority of agencies and local governments to adopt zoning laws, ordinances, or rules and regulations for those activities within the coastal zone not requiring a coastal use permit and to issue licenses and permits pursuant thereto. Individual specific uses legally commenced or established prior to the effective date of the coastal use permit program shall not require a coastal use permit.

### **Louisiana Revised Statutes §51:191**

Sunday closing law; local ordinances; election

Except as provided in R.S. 51:193, the governing authority of any parish or municipality may adopt ordinances regulating or prohibiting the opening of certain businesses and/or the sale of certain stock or articles of merchandise on Sunday, if approved by the voters at an election called as provided in Chapter 6-B of Title 18 of the Louisiana Revised Statutes of 1950.

### **Louisiana Revised Statutes §51.192**

Agreements requiring Sunday opening prohibited

No store or business that is opposed to being open on Sunday shall be required to open on Sunday unless it is agreed to in the lease agreement.

### **Louisiana Revised Statutes §51:613**

Foreign meats; selling; signs; penalties

A. Any person, firm, or corporation who sells or offers for sale in the State of Louisiana through any outlet, any meat, either fresh or frozen, which is a product of a foreign country or imported from without the boundaries of the United States without first indicating this fact by the display of a conspicuous sign in their place of business, such a sign to use letters at least four inches high and be of contrasting colors and stating that the meat so offered is from a foreign country, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than Twenty-five Dollars (\$25.00) or more than One Hundred Dollars (\$100.00) or be imprisoned in the parish jail not more than thirty days for the first offense. Any supplier of any retail outlet who handles any foreign meats either fresh or frozen shall notify the retail outlet in writing that it is imported meat at the time of its delivery. Outlets serving cooked food at retail, displaying a conspicuous sign of contrasting colors, using letters at least four inches high, shall be deemed as having satisfied the requirements of this Section.

B. For each second or successive conviction of such offense against this Section, the fine shall be not less than One Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00), nor more than ninety days imprisonment in the parish jail, or both such fine and imprisonment.

### **Louisiana Revised Statutes §51:614**

Labeling of meat; enforcement; penalties

A. In conformity with and to the extent allowed by the Federal Meat Inspection Act and applicable federal meat inspection regulations, any person, firm, company, corporation, partnership, association, or other business entity which sells processed or unprocessed meat, whether fresh or frozen, in Louisiana after January 1, 2000, shall indicate in clear and conspicuous letters on the meat, the immediate wrapping or container, or a sign included with the display if the meat is displayed for sale or sold unwrapped, either the name of the country of origin preceded by the words "product of" or the country of origin of the meat using one of the following designations: "Imported", "American", or "Blend" of imported and American meats.

B. Whoever violates any provision of this Section shall be subject to a civil penalty of not more than five hundred dollars for each act of violation. Each day on which a violation occurs shall be a separate offense. Penalties may be assessed at an adjudicatory hearing held under the Louisiana Weights and Measures Law and in accordance with the provisions of the Administrative Procedure Act. Notwithstanding any provision of law to the contrary an appeal from such adjudicatory hearing shall not be confined to the record and additional testimony and evidence may be considered by the court.

C. The Louisiana Department of Agriculture and Forestry shall administer and enforce the provisions of this Section and shall adopt rules and regulations pursuant to the Administrative Procedure Act necessary to carry out the provisions of this Section.

D. The provisions of this Section shall not apply to prepared meat which is sold at retail for consumption on the premises and fully cooked meat as defined by the United States Department of Agriculture Food Safety Inspection Service rules and regulations.

### **Louisiana Revised Statutes §51:2247**

Public accommodations, resorts, amusements; discriminatory practices prohibited

Except as otherwise provided in this Chapter, it is a discriminatory practice for a person to deny an individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation, resort, or amusement, as defined in this Chapter, on the grounds of race, creed, color, religion, sex, age, disability, as defined in R.S. 51:2232(11), or national origin.

#### **Louisiana Revised Statutes §51:2248**

Advertisement of accommodations, goods, services

It shall be an unlawful practice for a person, directly or indirectly, to publish, circulate, issue, display, mail, or cause to be published, circulated, issued, displayed, or mailed, a written, printed, oral, or visual communication, notice, or advertisement which indicates that the goods, services, facilities, privileges, advantages, and accommodations of a place of public accommodation, resort, or amusement shall be refused, withheld from, or denied an individual on account of his race, color, religion, disability, as defined in R.S. 51:2232(11), or national origin, or that the patronage of or presence at a place of public accommodations, resort, or amusement of an individual on account of his race, color, religion, disability, as defined in R.S. 51:2232(11), or national origin is objectionable, unwelcome, unacceptable, or undesirable.

#### **Louisiana Revised Statutes §53:3**

Registration of aliens

When a state of war exists between the United States and a foreign country, or, in the judgment of the governor, public safety or necessity requires, the governor may, by proclamation, direct every subject or citizen of foreign countries designated in the proclamation, who are in this state, or who may from time to time come into the state, to appear within twenty-four hours after the date specified in the proclamation or after arrival within the state, before the public authorities designated in the proclamation, and personally register his or her name, residence, business, length of stay and other information which the governor may require. The proclamation shall be published in the newspapers designated by the governor. Every person to whom the proclamation is applicable shall also comply with any rules of personal identification which the governor shall from time to time prescribe. The occupant of every private residence, and the owner, lessee or proprietor, operating or managing every hotel, inn, boarding or rooming house, shall, within twenty-four hours after the date specified in the proclamation, notify the public authorities of the presence therein of every subject or citizen of a foreign country to whom the proclamation is applicable, and shall each day thereafter notify the public authorities of the arrival thereat or departure therefrom of every subject or citizen of a foreign country.

Whoever violates this Section shall be fined not more than one thousand dollars or imprisoned for not more than one year or both

#### **Louisiana Revised Statutes §56:173**

Transportation of birds or animals killed; tags; sale of carcass

A. No such animal or bird provided for in this Subpart killed as aforesaid and intended for sale shall be shipped, transported, sold, or offered for sale unless each quarter and each loin of each carcass of the animal and the carcass of each bird, or each consignment of feathers, is tagged with an indestructible tag or seal, to be furnished by the department at cost. The quarters, loins, and carcasses, when tagged as aforesaid, may be possessed, sold, or offered for sale at any time.

B. No person shall sell any portion of or sell the carcass of such animal or bird which shall not at all times have affixed thereto the tag or seal. However, the keeper of a hotel, restaurant, boardinghouse or club, or a retail dealer in meat, may sell portions of a quarter or loin of any such

domesticated pheasant, quail, duck, goose or other domesticated wild game bird or domesticated wild waterfowl, tagged or sealed as aforesaid, to a patron or a customer for actual consumption, without a license being required.

**Louisiana Revised Statutes §56:175**

License for sale of birds killed and tagged

A. No person shall sell or offer for sale any birds killed and tagged as herein provided without first obtaining a license to do so from the secretary, and then only if the breeder's tags or seals remain affixed as aforesaid until the portions or carcasses of the birds have been wholly consumed.

B. No person shall sell any portion of such birds provided for in this Subpart which does not at the time have affixed thereto the tag or seal. However, the keeper of a hotel, restaurant, boardinghouse, or club, or a retail dealer in meat, may sell portions of the carcasses of such birds so tagged or sealed to a patron or customer for actual consumption without a license being required.

**XIV GOVERNMENTAL EXEMPTION FROM HOTEL AND LODGING TAX  
INFORMATION AND FORMS**


**Governmental Employees Hotel Lodging  
Sales/Use Tax Exemption Certificate**
*Louisiana Revised Statute 47:301(8)(c)*

This certificate is for use by employees of the United States government and the State of Louisiana and its political subdivisions. It is used to document employee eligibility for exemption from payment of state sales taxes on hotel lodging charges that are directly reimbursable by the government employer.

**PLEASE PRINT OR TYPE.**

Employee Name	Hotel Folio or Reference Number		
Employee Title	Government Agency Employer		
Agency's Address	City	State	ZIP
Agency's Telephone Number			

This certifies that the employee named above is an employee of the above named government agency and that the lodging charges incurred are necessitated by the employee's conduct of the official business of this government agency. The employee's lodging expenses are required to be accounted for to his government agency employer and are reimbursable by the government agency to the employee in the actual amount incurred. This government agency, therefore, claims exemption from the payment of state sales taxes on the lodging charges for the occupancy of the employee's hotel room.

Authorization	
Employee Name	Employee Title
Employee Signature X	Date (mm/dd/yyyy)
Government Agency Representative (other than employee)	Government Agency Representative Title (other than employee)
Government Agency Representative Signature X	Date (mm/dd/yyyy)

Hotel Information	
Hotel's Name	Seller's Louisiana Sales Tax Registration Number (if applicable)
Dates of Employee's Stay (mm/dd/yyyy)	

**Note:** This form is valid only for documenting eligibility for exemption from the payment of state sales tax on charges for room occupancy. The state sales tax must be paid on other taxable purchases from the hotel, including meals, laundry, dry cleaning, and vehicle parking. When this form bears the signature of only the employee, the form must be accompanied by a copy of the employee's written travel orders which states the dates and destination of the authorized travel. The hotel must retain this certificate and a photocopy of the travel orders to document the exemption. This form is not valid to document exemption from the payment of local room occupancy taxes.