

Bond Case Briefs

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TRANSPORTATION FEES - LOUISIANA

Winmill Tire, LLC v. Colt, Inc.

**Supreme Court of Louisiana - January 28, 2022 - So.3d - 2022 WL 263004 - 2020-01446
(La. 1/28/22)**

Generators of waste tires brought action against waste-tire processors, seeking damages and declaration that transportation fee imposed by processors was unlawful.

The District Court granted generators' motion for partial summary judgment, denied processors' motions for summary judgment on fee legality, and granted generators' subsequent motion to correct the judgment. Processors appealed. The Court of Appeal dismissed the appeals due to lack of decretal language in the judgment. The District Court thereafter amended the judgment, and processors appealed. The Court of Appeal affirmed.

After grant of certiorari, the Supreme Court held that:

- Provision of Administrative Code imposing waste-tire fee on tires sold in state, "to be collected from the purchaser by the tire dealer or motor vehicle dealer at the time of retail sale," pursuant to Waste Tire Program administered by Louisiana
- Department of Environmental Quality (LDEQ), did not preclude transportation fee;
- Statute providing that LDEQ waste-tire fee could not exceed specified maximum amounts also did not preclude transportation fee; and
- Provision of Administrative Code stating that the LDEQ waste-tire fee "shall not include any additional fees" also did not preclude transportation fee.