

SENATE COMMITTEE AMENDMENTS

2025 Regular Session

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Original Senate Bill No. 37 by Senator Hensgens

1 AMENDMENT NO. 1

2 On page 1, line 2, after "reenact" delete the remainder of the line and insert "R.S.
3 32:1253(A),"

4 AMENDMENT NO. 2

5 On page 1, line 3, delete "(F), and (H),"

6 AMENDMENT NO. 3

7 On page 1, line 4, after "commission;" delete the remainder of the line

8 AMENDMENT NO. 4

9 On page 1, line 5, delete "the commission; to provide for technical changes;" and insert "to
10 provide for terms, conditions, and requirements;"

11 AMENDMENT NO. 5

12 On page 1, line 7, after "Section 1." delete the remainder of the line and insert "R.S. 32:1253
13 (A)"

14 AMENDMENT NO. 6

15 On page 1, line 8, delete "and (H) are" and insert "is"

16 AMENDMENT NO. 7

17 On page 1, delete lines 9 through 17

18 AMENDMENT NO. 8

19 Delete pages 2 and 3 and insert the following:

20 "§1253. Motor Vehicle Commission; appointment and qualifications of members;
21 terms of office; organization; oath; official bond; compensation;
22 powers and duties

23 A. The Louisiana Motor Vehicle Commission is hereby created within the office of
24 the governor and shall be composed of eighteen members appointed by the governor, as
25 follows:

26 ~~(1) A chairman of the commission shall be appointed from the state at large. Fourteen~~
27 ~~members shall be appointed in such manner that at least one shall be from each of the~~
28 ~~commission districts as listed below:~~

29 ~~(a) Commission District 1 shall consist of the following parishes: Orleans,~~
30 ~~Plaquemines, St. Bernard, St. Tammany, and Washington.~~

31 ~~(b) Commission District 2 shall consist of the following parishes: Jefferson, St.~~
32 ~~Charles, St. John, St. James, and Tangipahoa.~~

33 ~~(c) Commission District 3 shall consist of the following parishes: East Baton Rouge,~~
34 ~~West Baton Rouge, Iberville, Ascension, East Feliciana, West Feliciana, St. Helena,~~
35 ~~Livingston, Assumption, and Pointe Coupee.~~

36 ~~(d) Commission District 4 shall consist of the following parishes: Richland, Franklin,~~
37 ~~Union, Lincoln, Jackson, Winn, Caldwell, Ouachita, Morehouse, West Carroll, East Carroll,~~
38 ~~and Madison.~~

1 (e) Commission District 5 shall consist of the following parishes: Caddo, Bossier,
2 Webster, DeSoto, Red River, Bienville, Claiborne, and Sabine:

3 (f) Commission District 6 shall consist of the following parishes: Rapides, Grant,
4 LaSalle, Catahoula, Concordia, Avoyelles, Vernon, Tensas, and Natchitoches:

5 (g) Commission District 7 shall consist of the following parishes: Beauregard, Allen,
6 Calcasieu, Cameron, Jefferson Davis, Acadia, and Evangeline:

7 (h) Commission District 8 shall consist of the following parishes: Lafayette, St.
8 Landry, St. Martin, St. Mary, Iberia, Terrebonne, Lafourche, and Vermilion:

9 (2) Each of the commissioners appointed under the provisions of Paragraph (1) of
10 this Subsection shall have been an actively engaged licensee of the commission or its
11 previous Louisiana licensing commission for not less than five consecutive years prior to
12 such appointment, and be a holder of such a license at all times while a member of the
13 commission. Being engaged in more than one such pursuit shall not disqualify a person
14 otherwise qualified from serving on the commission. Of these members, one member shall
15 be primarily engaged in the business of lease or rental, one member shall be primarily
16 engaged in the business of heavy truck sales, one member shall be primarily engaged in the
17 business of marine product sales, one member shall be primarily engaged in the business of
18 motorcycle sales, one member shall be primarily engaged in the business of recreational
19 vehicle sales, and one member shall be primarily engaged in the business of sales finance:

20 (3)(a) Each of the three remaining appointive members shall be a public member who
21 is not a licensee under this Chapter and shall be appointed from the state at large. These three
22 commissioners shall have the sole function of hearing and deciding matters concerning
23 brokers and disputes between manufacturers, distributors, converters, motor vehicle lessor
24 franchisors, or representatives and motor vehicle dealers, recreational products dealers,
25 specialty vehicle dealers, motor vehicle lessors, and hearings pursuant to R.S. 32:1270.31
26 et seq.

27 (b) This function shall be performed only when so requested in writing at the time
28 of the filing of the initial protest or initial answer to the protest. If no party requests a hearing
29 before these commissioners, the commissioners appointed pursuant to Paragraph (1) of this
30 Subsection shall retain jurisdiction over the dispute. Should a consumer, broker,
31 manufacturer, distributor, converter, motor vehicle lessor franchisor, representative, motor
32 vehicle lessor, specialty vehicle dealer, recreational product dealer, or motor vehicle dealer
33 make the request as set forth above, the commissioners appointed pursuant to Paragraph (1)
34 of this Subsection shall not participate, deliberate, or in any way take part in the hearing:

35 (c) The three commissioners shall elect among themselves a chairman to serve as
36 presiding officer of the hearing:

37 (4) Each appointment to the commission by the governor shall be submitted to the
38 Senate for confirmation. Each commissioner shall at the time of appointment be a resident
39 of this state and shall be of good moral character:

40 **(1) One member shall be appointed from the state at large and shall serve as**
41 **chairman of the commission. The remaining seventeen members shall be appointed**
42 **from the state's six congressional districts, with at least one member appointed from**
43 **each district, based on the congressional districts in effect at the time of appointment.**

44 **(2)(a) Of the eighteen members appointed pursuant to this Subsection, fifteen**
45 **members shall meet all of the following qualifications:**

46 **(i) Has held an active license issued by the commission for at least five**
47 **consecutive years immediately prior to the appointment.**

48 **(ii) Maintain an active license throughout his term of service on the commission.**

49 **(iii) Be a resident of this state and be of good moral character at the time of**
50 **appointment.**

51 **(b) Among the fifteen members, there shall be representation from the**
52 **following:**

53 **(i) At least one member shall be primarily engaged in vehicle leasing or rental.**

54 **(ii) At least one member shall be primarily engaged in heavy truck sales.**

55 **(iii) At least one member shall be primarily engaged in marine product sales.**

56 **(iv) At least one member shall be primarily engaged in motorcycle sales.**

57 **(v) At least one member shall be primarily engaged in recreational vehicle sales.**

58 **(vi) At least one member shall be primarily engaged in sales financing.**

59 **(3) The remaining three members shall be members of the public, each of whom**
60 **shall meet all of the following qualifications:**

61 **(a) Be either a retired judge or a licensed attorney in the state of Louisiana with**
62 **not less than ten years of legal experience.**

1 (b) Is not, and has never been, licensed by the commission as provided in this
2 Chapter.

3 (4)(a) The following disputes, protests, complaints, or other contested matters
4 shall be heard and decided by a dispute resolution panel composed exclusively of the
5 three commissioners as set forth in Paragraph (3) of this Subsection:

6 (i) Disputes between converters, distributors, manufacturers, motor vehicle
7 lessor franchisers, wholesalers, or their representatives and marine dealers, motorcycle
8 or all-terrain vehicle dealers, motor vehicle dealers, motor vehicle lessors, recreational
9 product dealers, recreational vehicle dealers, or speciality vehicle dealers.

10 (ii) Disputes concerning the licensure of any person listed in Item (i) of this
11 Subparagraph.

12 (iii) Matters raised by consumers pursuant to the New Recreational Vehicle
13 Warranty Act, R.S. 32:1270.31 et seq.

14 (iv) Disputes between or among marine dealers, motorcycle or all-terrain vehicle
15 dealers, motor vehicle dealers, motor vehicle lessors, recreational products dealers,
16 recreational vehicle dealers, or specialty vehicle dealers.

17 (b) The dispute resolution panel shall have full adjudicatory authority, including
18 the power to issue subpoenas, compel attendance of witnesses, administer oaths, receive
19 evidence, and render final decisions. The panel shall elect a chairman and presiding
20 officer for each proceeding. The commission staff shall exercise investigatory authority
21 as may be delegated and overseen by the commission.

22 (c) The attorney general shall supervise the legal services provided to the
23 commission, including the appointment of separate legal counsel for the dispute
24 resolution panel, who may be an attorney from the office of the attorney general or a
25 private attorney retained through the attorney general.

26 (d) Final decisions of the dispute resolution panel shall be in writing, state
27 specific findings of fact and conclusions of law, and be based solely on the record and
28 any matters officially noticed. The decision shall constitute the final action of the
29 commission and be subject to judicial review under the Administration Procedure Act,
30 R.S. 49:950 et seq.

31 (e) Any party aggrieved by a final decision shall have the right to seek judicial
32 review by filing a petition in the Twenty-Fourth Judicial District Court within thirty
33 days of the date the decision is transmitted to the parties by certified mail or served as
34 otherwise provided by law. For purposes of this Section, "aggrieved party" means any
35 person whose legal rights, duties, or privileges were adversely affected by the final
36 decision.

37 (f) Each member of the dispute resolution panel shall be entitled to reasonable
38 compensation for his service in connection with any hearing conducted pursuant to this
39 Paragraph. The amount and manner of compensation shall be established by the
40 attorney general and paid from the commission's administrative funds.

41 (5) Engagement in more than one category of business regulated under this
42 Chapter shall not disqualify an otherwise qualified licensee from appointment to the
43 commission.

44 (6) Each appointment by the governor shall be submitted to the Senate for
45 confirmation.

46 * * *

47 Section 2. This Act shall become effective upon signature by the governor or, if not
48 signed by the governor, upon expiration of the time for bills to become law without signature
49 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
50 vetoed by the governor and subsequently approved by the legislature, this Act shall become
51 effective on the day following such approval."