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SB 37 Engrossed

DIGEST
2025 Regular Session

Hensgens

Present law provides for 18 members of the Louisiana Motor Vehicle Commission (commission) to be appointed by the governor. A chairman of the commission shall be appointed from the state at large and 14 members shall be appointed in such a manner that each one shall be from each of the eight commission districts.

Present law provides that each of the commissioners appointed shall be an actively engaged licensee of the commission for not less than five consecutive years prior to being appointed.

Proposed law retains present law that provides for 18 members of the commission to be appointed by the governor subject to Senate confirmation, and maintain the requirement for the chairman of the commission to be appointed from the state at large, except further provides that the remaining 17 members shall be appointed from the states six congressional districts, with at least one member appointed from each district, based on the congressional districts in effect at the time of appointment.

Proposed law provides that of the 18 members appointed, 15 members shall maintain an active license issued by the commission throughout their term and be a resident of the state and of good moral character at the time of the appointment.

Proposed law provides that among the 15 members, there shall be representation from the following industries:

- (1) Vehicle leasing or rental.
- (2) Heavy truck sales.
- (3) Marine product sales.
- (4) Motorcycle sales.
- (5) Recreational vehicle sales.
- (6) Sales financing.

Proposed law provides that three members shall be members of the public, each of whom shall be either a retired judge or an attorney licensed in the state with at least ten years of legal experience and is not, and has never been, licensed by the commission.

Proposed law requires the commission to create a dispute resolution panel composed of three commissioners to hear and decide the following disputes, protests, complaints, or other contested matters:

- (1) Disputes between converters, distributors, manufacturers, motor vehicle lessor franchisers, wholesalers, or their representatives and marine dealers, motorcycle or all terrain vehicle dealers, motor vehicle dealers, motor vehicle lessors, recreational product dealers, recreational vehicle dealers, or specialty vehicle dealers.
- (2) Disputes concerning the licensure of licenses of the commission.
- (3) Matters raised by consumers pursuant to the New Recreational Vehicle Warranty Act.
- (4) Disputes between or among marine dealers, motorcycle or all-terrain vehicle dealers, motor vehicle dealers, motor vehicle lessors, recreational products dealers, recreational vehicle dealers, or specialty vehicle dealers.

Proposed law allows the dispute resolution panel to have full adjudicatory authority, subpoena power, the ability to compel the attendance of witnesses, oath administration, the ability to receive evidence, and render final decisions.

Proposed law requires the dispute resolution panel to elect a chair and presiding officers for each proceeding.

Proposed law requires the attorney general to supervise legal services on behalf of the dispute resolution panel, including appointment of independent legal counsel through the attorney general.

Proposed law provides that a final decision of the dispute resolution panel shall be in writing, shall state specific findings of fact and conclusions of law, and the decisions shall be based solely on the record and officially noticed matters.

Proposed law allows for any aggrieved party to seek judicial review of the final decision in the Twenty-Fourth Judicial District Court within 30 days of the date the decision is transmitted to the parties by certified mail. Further defines "aggrieved party".

Proposed law requires each member of the dispute resolution panel to receive compensation, set by the attorney general and paid from the commission administrative funds.

Proposed law provides that a licensee involved in more than one regulated business category is not disqualified from appointment to the commission.

Effective August 1, 2025.

(Amends R.S. 32:1253(A))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the original bill

1. Provide that 18 commission members be appointed by the governor and provide that chairman is an at large member and the remainder of the members are appointed from the state's congressional districts.
2. Require 15 commission members to maintain an active license, be a resident of the state, of good moral character, and represent specific industries.
3. Require three members be either a retired judge or attorney licensed in this state with ten years of experience and not be licenced by the commission.
4. Require the commission to create a dispute resolution panel to hear and decide disputes, protests, complaints, or other contested matters.
5. Grant the dispute resolution panel full authority to conduct hearings and issue final decisions.
6. Require the attorney general to oversee legal services provided to the commission.
7. Require final decisions with written findings from the dispute resolution panel and allows aggrieved parties 30 days to seek judicial review.
8. Require panel members to be compensated and paid from commission funds.
9. Subject all gubernatorial appointments to Senate confirmation.
10. Make technical changes.