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DIGEST

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SB 37 Engrossed

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.

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, who shall constitute the dispute resolution panel, 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 who is not, and has never been, licensed by the commission.

Proposed law provides that all persons or parties to a dispute have the right to have any dispute, protest, complaint, or other contested matter heard and determined by the dispute resolution panel.

Proposed law provides that the dispute resolution panel shall exclusively exercise the adjudicatory authority of the commission, including the power to issue subpoenas, compel the attendance of witnesses, administer oaths, and receive evidence in connection with any hearing or other proceeding within its jurisdiction and render final decisions. This authority includes the power to order remedies and impose fines as authorized by present and proposed law.

Proposed law provides that in the exercise of its investigatory function, the executive director may issue subpoenas, compel the attendance of witnesses, administer oaths, and receive evidence.

Proposed law provides that the jurisdiction of the dispute resolution panel shall include all disputes, protests, complaints, or other contested matters involving licensees of the commission or involving licensees of the commission and matters involving any person or

entity operating without a required license, including those subject to licensure pursuant to present and proposed law. The members of the dispute resolution panel shall not participate in or vote on any of the other business of the commission.

Proposed law provides that nothing in proposed law shall preclude the commission from offering informal dispute resolution procedures prior to formal adjudication hearings, but no party shall be compelled to participate in informal resolution in lieu of a hearing before the dispute resolution panel.

Proposed law provides that the commission staff shall exercise the investigatory authority of the commission as delegated and subject to oversight by the commission.

Proposed law requires the dispute resolution panel to elect a chair to serve as the presiding officer for each proceeding.

Proposed law requires the attorney general to supervise legal services on behalf of the dispute resolution panel, including the 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, pursuant to proposed law, 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 in lieu of the per diem paid to members if the commission, set by the commission and paid from the commission administrative funds and provides for the minimum pay of the panel.

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.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the engrossed bill:

1. Make technical changes.
2. Restore present law regarding the chairman of the commission and appointment of commissioners from eight commission districts.
3. Remove proposed law regarding the commissioners being appointed from the six congressional districts.
4. Amend the language that outlines the dispute resolution panel.
5. Move the language regarding judicial review pursuant to the APA.
6. Clarify that members of the dispute resolution panel shall be entitled to compensation in lieu of per diem paid to members of the commission.
7. Change the determiner of compensation for the dispute resolution panel from the attorney general to the commission.
8. Clarify the minimum pay for the members of the dispute resolution panel.