

CONFERENCE COMMITTEE REPORT

HB 340

2016 Regular Session

Stokes

June 2, 2016

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 340 by Representative Stokes, recommend the following concerning the Reengrossed bill:

1. That the set of Senate Committee Amendments by the Senate Committee on Commerce, Consumer Protection and International Affairs (#2853) be adopted.
2. That the following amendment to the Reengrossed bill be adopted:

AMENDMENT NO. 1

On page 2, line 6, delete "FDIC" and insert in lieu thereof "Federal Deposit Insurance Corporation (FDIC) or National Credit Union Administration (NCUA)"

Respectfully submitted,

Representative Julie Stokes

Senator Daniel "Danny" Martiny

Representative Thomas Carmody

Senator Dan Claitor

Representative Barry Ivey

Senator Barrow Peacock

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

CONFERENCE COMMITTEE REPORT DIGEST

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Keyword and oneliner of the instrument as it left the House

CONSUMERS/PROTECTION: Prohibits certain sales or offers for sale of extended service agreements for motor vehicles

Report adopts Senate amendments to:

1. Make technical changes.
2. Remove the provisions that would have made it unlawful to sell or solicit for sale an extended service agreement, either by mail or by telephone, relative to a motor vehicle.
3. Establish certain requirements for unsolicited offers, made by mail or common carrier, to sell an extended service agreement relative to a motor vehicle.
4. Make any violation of proposed law a deceptive and unfair trade practice, and each unsolicited offer shall be considered a separate offense.
5. Define the terms "extended service agreement" and "unsolicited offer" as used in proposed law.

Report amends the bill to:

1. Include National Credit Union Administration ("NCUA") insured depository financial institutions operating with a main office or one or more branches in this state, or their subsidiaries or affiliates, to the list of entities exempted from the restrictions imposed by proposed law.

Digest of the bill as proposed by the Conference Committee

Proposed law provides relative to an unsolicited offer, made by mail or common carrier, to sell to another an extended service agreement relative to a motor vehicle.

Proposed law provides that if the unsolicited offer is in writing, it shall state at the top of each page "THIS IS AN ADVERTISEMENT TO PURCHASE AN EXTENDED SERVICE AGREEMENT ON A MOTOR VEHICLE. IT IS NOT AN OFFICIAL DOCUMENT." The statement shall be in conspicuous and legible type that is not smaller than fourteen-point font and is in contrast by typography, layout, or color with any other printing on the writing.

Proposed law provides that if the unsolicited offer is oral, it shall begin and end with the statement: "THIS IS AN ADVERTISEMENT TO PURCHASE AN EXTENDED SERVICE AGREEMENT ON A MOTOR VEHICLE. IT IS NOT AN OFFICIAL NOTIFICATION OR DEMAND FOR ACTION."

Proposed law provides that a violation of its provisions shall constitute a deceptive and unfair trade practice and subject the violator to any and all actions and penalties authorized

for such violations. Further provides that each offer in violation of the proposed law shall be considered a separate offense.

Proposed law defines "extended service agreement" to include any vehicle mechanical breakdown insurance policy, vehicle service contract sold by an independent payment provider or their agent, or vehicle component coverage contract. "Unsolicited offer" shall not include an offer made subsequent to a prior personal contact that included a meaningful exchange between the offeror and offeree.

Proposed law provides exception from its provisions for any manufacturer, distributor, or dealer of motor vehicles as defined in R.S. 32:1252, any vehicle mechanical breakdown insurer licensed pursuant to R.S. 22:362, any person acting pursuant to an agreement of and on behalf of such manufacturer, distributor, dealer, or licensed vehicle mechanical breakdown insurer, any entity licensed pursuant to R.S. 6:969.37, or any Federal Deposit Insurance Corporation (FDIC) or National Credit Union Administration (NCUA) insured depository financial institution operating with a main office or one or more branches in this state, or their subsidiaries or affiliates.

(Adds R.S. 51:1422)