
DIGEST

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HB 649 Original

2021 Regular Session

McFarland

Abstract: In laws relative to repurchase of certain mechanical equipment by wholesalers, adds partnerships, limited liability companies, and other business as parties; modifies the definition of agent; and adds additional actions by agents as violations.

Present law provides that present law shall apply to contracts or oral agreements between any person, firm or corporation engaged in the business of selling, distributing, or retailing farm, construction, forestry, heavy industrial material handling and other such equipment and a wholesaler of such equipment, where the retailer agrees with the wholesaler to maintain a stock of such parts.

Present law includes any purchaser of stocks, any surviving corporation resulting from merger, any receiver or assignee, or any trustee of the original equipment manufacturer, wholesaler or distributor as a successor of the manufacturer, wholesaler, or distributor.

Proposed law retains present law and adds partnership, limited liability company, or other business entity to the list of parties to the contract and successors to the manufacturer, wholesaler, or distributor.

Present law defines "agent" as any manufacturer, wholesaler or wholesale distributor, any purchaser of assets or stock of any surviving corporation resulting from a merger or liquidation, any receiver or assignee, or any trustee of the original equipment manufacturer, wholesaler or distributor.

Proposed law retains present law and adds other business entity as a successor.

Present law provides that it is a violation of present law to coerce a dealer to accept delivery of equipment parts or accessories which the dealer has not voluntarily ordered.

Proposed law retains present law and adds that it is also a violation to seek payment for any such equipment parts or accessories, or their return.

(Amends R.S. 51:481(A) and (B) and 483(A)(1))