

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

AMENDMENT NO. 1

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

AMENDMENT NO. 2

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

AMENDMENT NO. 3

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

AMENDMENT NO. 4

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

AMENDMENT NO. 5

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

AMENDMENT NO. 6

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

AMENDMENT NO. 7

On page 1, delete lines 9 through 17

AMENDMENT NO. 8

Delete pages 2 and 3 and insert the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) Maintain an active license throughout their term of service on the commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (ii) Disputes concerning the licesnure of any person listed in Item(i) of this
 13 Subparagraph.

14 (iii) Matters raised by consumers pursuant to the New Recreational Vehicle
 15 Warrant Act, R.S. 32:1270.31 et seq.

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

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

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

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

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

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

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

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

48 * * *

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