

2025 Regular Session

SENATE BILL NO. 37

BY SENATOR HENSGENS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MOTOR VEHICLES. Provides for the Louisiana Motor Vehicle Commission. (8/1/25)

AN ACT

To amend and reenact R.S. 32:1253(A), relative to the Louisiana Motor Vehicle Commission; to provide for members of the motor vehicle commission; to provide for terms, conditions, and requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:1253 (A) is hereby amended and reenacted to read as follows:

§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.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 **(i) Has held an active license issued by the commission for at least five**

1 consecutive years immediately prior to the appointment.

2 (ii) Maintain an active license throughout his term of service on the
3 commission.

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

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

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

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

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

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

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

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

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

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

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

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

27 (i) Disputes between converters, distributors, manufacturers, motor
28 vehicle lessor franchisers, wholesalers, or their representatives and marine
29 dealers, motorcycle or all-terrain vehicle dealers, motor vehicle dealers, motor

1 vehicle lessors, recreational product dealers, recreational vehicle dealers, or
2 specialty vehicle dealers.

3 (ii) Disputes concerning the licensure of any person listed in Item (i) of
4 this Subparagraph.

5 (iii) Matters raised by consumers pursuant to the New Recreational
6 Vehicle Warranty Act, R.S. 32:1270.31 et seq.

7 (iv) Disputes between or among marine dealers, motorcycle or all-terrain
8 vehicle dealers, motor vehicle dealers, motor vehicle lessors, recreational
9 products dealers, recreational vehicle dealers, or specialty vehicle dealers.

10 (b) The dispute resolution panel shall have full adjudicatory authority,
11 including the power to issue subpoenas, compel attendance of witnesses,
12 administer oaths, receive evidence, and render final decisions. The panel shall
13 elect a chairman and presiding officer for each proceeding. The commission
14 staff shall exercise investigatory authority as may be delegated and overseen by
15 the commission.

16 (c) The attorney general shall supervise the legal services provided to the
17 commission, including the appointment of separate legal counsel for the dispute
18 resolution panel, who may be an attorney from the office of the attorney general
19 or a private attorney retained through the attorney general.

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

25 (e) Any party aggrieved by a final decision shall have the right to seek
26 judicial review by filing a petition in the Twenty-Fourth Judicial District Court
27 within thirty days of the date the decision is transmitted to the parties by
28 certified mail or served as otherwise provided by law. For purposes of this
29 Section, "aggrieved party" means any person whose legal rights, duties, or

privileges were adversely affected by the final decision.

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

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

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

* * *

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

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

DIGEST

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, 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.