

Regular Session, 2013

SENATE BILL NO. 136

BY SENATOR CHABERT

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

MOTOR VEHICLES. Provides relative to motor vehicles. (8/1/13)

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AN ACT

To enact R.S. 32:1261(A)(1)(x) and 1262(B)(8), relative to motor vehicles; to provide relative to manufacturers and dealers; to provide relative to sales and service satisfaction surveys and unauthorized acts; to prohibit certain rebate charge backs; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:1261(A)(1)(x) and 1262(B)(8) are hereby enacted to read as follows:

§1261. Unauthorized acts

A. It shall be a violation of this Chapter:

(1) For a manufacturer, a distributor, a wholesaler, distributor branch, factory branch, converter or officer, agent, or other representative thereof:

* * *

(x) To disqualify a manufacturer's sales or service satisfaction survey solely because it was mailed or communicated electronically from a dealership, including but not limited to a survey pertaining to a dealership's employee's personal motor vehicle or specialty vehicle.

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2 §1262. Warranty; compensation; audits of dealer records

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4 B.(1) * * *

5 **(8) The dealer shall not be charged back for any rebate paid to a**
6 **consumer pursuant to a manufacturer's rebate program, provided the dealer**
7 **acted in good faith and was not grossly negligent in relying on the consumer's**
8 **qualifying information. A manufacturer's rebate program shall include but not**
9 **be limited to a rebate program that targets college graduates, military**
10 **personnel, first-time buyers, owner loyalty, family relationships, and any other**
11 **similar program.**

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michelle Ducharme.

DIGEST

Present law provides for unauthorized acts.

Proposed law provides that it shall be a violation of law for a manufacturer, distributor, wholesaler, distributor branch, factory branch, converter or officer, agent, or other representative thereof to disqualify a manufacturer's sales or service satisfaction survey solely because it was mailed or communicated electronically from a dealership, including but not limited to a survey pertaining to a dealership's employee's personal motor vehicle or specialty vehicle.

Present law provides for manufacturer charge backs to a dealer.

Proposed law provides that the dealer shall not be charged back for any rebate paid to a consumer pursuant to a manufacturer's rebate program, provided the dealer acted in good faith and was not grossly negligent in relying on the consumer's qualifying information. A manufacturer's rebate program shall include but not be limited to a rebate program that targets college graduates, military personnel, first-time buyers, owner loyalty, family relationships, and any other similar program

Effective August 1, 2013.

(Adds R.S. 32:1261(A)(1)(x) and 1262(B)(8))