

SENATE BILL NO. 136

BY SENATOR CHABERT

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

1 AN ACT

2 To amend and reenact R.S. 32:1252(8) and (23) through (70), to enact R.S. 32:1252(71),
3 1261(A)(1)(x), and 1262(B)(8), and to repeal R.S. 32:1254(D)(6), relative to motor
4 vehicles; to provide for definitions; to provide relative to manufacturers and dealers;
5 to provide relative to sales and service satisfaction surveys and unauthorized acts;
6 to prohibit certain rebate charge backs; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 32:1252(8) and (23) through (70) are hereby amended and reenacted
9 and R.S. 32:1252(71), 1261(A)(1)(x), and 1262(B)(8) are hereby enacted to read as follows:

10 §1252. Definitions

11 The following words, terms, and phrases, when used in this Chapter, shall
12 have the meanings respectively ascribed to them in this Section, except where the
13 context clearly indicates a different meaning:

14 * * *

15 (8) "Converter" or "secondary manufacturer" means a person who prior to the
16 retail sale of motor vehicles **or trailers**, assembles, installs, or affixes a body, cab,
17 or special equipment to a chassis, or who substantially adds, subtracts from, or
18 modifies a previously assembled or manufactured motor vehicle **or trailer**.

19 * * *

20 **(23) "Low speed vehicle" means a four-wheeled, electric powered vehicle**
21 **with a maximum speed of not less than twenty miles per hour but not more than**
22 **twenty-five miles per hour that possesses the minimum motor vehicle equipment**
23 **appropriate for vehicle safety as required by 49 C.F.R. 571.500.**

1 ~~(23)~~ **(24)** "Manufacturer" means any person, resident or nonresident, who
2 fabricates, manufactures, or assembles motor vehicles, recreational products, or new,
3 remanufactured, reconditioned, or rebuilt motor vehicle or marine motors.

4 ~~(24)~~ **(25)** "Marine dealer" means any person who holds a bona fide contract
5 or franchise with a manufacturer or distributor of marine products, except for a
6 person engaged in the business of renting or selling new or used watercraft or boats
7 adapted to be powered only by an occupant's energy, and who holds a license as a
8 marine dealer under the provisions of this Chapter.

9 ~~(25)~~ **(26)** "Marine motor" means a motor that is a component of a marine
10 product that is sold separately from a boat when delivered to the marine dealer by the
11 distributor or manufacturer.

12 ~~(26)~~ **(27)** "Marine product" means a new or used watercraft, boat, or motor
13 designed for recreational or commercial use on water and a boat or watercraft trailer.
14 The term also includes an outboard motor or a boat with an inboard/outboard motor
15 attached to it. The term shall not mean a watercraft designed for use primarily for
16 commercial purposes or new or used watercraft or boats adapted to be powered only
17 by occupant's energy.

18 ~~(27)~~ **(28)** "Marine product line" means a particular model of a marine product
19 designed for recreational or commercial use on water.

20 ~~(28)~~ **(29)** "Marine product salesman" means any natural person employed by
21 a licensee of the commission whose duties include the selling, leasing, or offering
22 for sale or lease, financing or insuring marine products on behalf of ~~said~~ **the** licensee
23 and who holds a motor vehicle salesman license under the provisions of this Chapter.

24 ~~(29)~~ **(30)** "Motorcycle" means a motor vehicle having a seat or saddle for the
25 use of the rider and designed to travel on not more than three wheels in contact with
26 the ground but excluding a tractor and electric-powered scooters not required to be
27 registered.

28 ~~(30)~~ **(31)** "Motorcycle or all-terrain vehicle dealer" means any person who,
29 for a commission or with intent to make a profit or gain of money or other thing of
30 value, buys, sells, brokers, exchanges, auctions, offers, or attempts to negotiate a sale

1 or exchange of an interest in motorcycles or all-terrain vehicles and who is engaged
 2 wholly or in part in the business of buying and selling motorcycles or all-terrain
 3 vehicles in the state of Louisiana and who holds a license as a recreational products
 4 dealer under the provisions of this Chapter.

5 (a) The term shall also include anyone not licensed under this Chapter ~~6 of~~
 6 ~~Title 32 of the Louisiana Revised Statutes of 1950~~, who sells motorcycles or all-
 7 terrain vehicles and who rents on a daily basis motorcycles or all-terrain vehicles, not
 8 of the current year or immediate prior year models, that have been titled previously
 9 to an ultimate purchaser.

10 (b) "Motorcycle or all-terrain vehicle dealer" shall not include any of the
 11 following:

12 (i) Receivers, trustees, administrators, executors, guardians, or other persons
 13 appointed by or acting under the judgment or order of any court.

14 (ii) Public officers while performing their official duties.

15 (iii) Employees of motorcycle or all-terrain vehicle dealers when engaged in
 16 the specific performance of their duties as such employees.

17 (iv) Mortgagees or secured parties as to sales of motorcycles or all-terrain
 18 vehicles constituting collateral on a mortgage or security agreement.

19 (v) Insurance companies.

20 (vi) Auctioneers or auction houses who are not engaged in the auction of
 21 motorcycles or all-terrain vehicles as the principal part of their business, including
 22 but not limited to the following auctions: estate auctions, bankruptcy auctions, farm
 23 equipment auctions, or government auctions.

24 ~~(31)~~ **(32)** "Motorcycle or all-terrain vehicle salesman" means any natural
 25 person employed by a licensee of the commission whose duties include the selling,
 26 leasing, or offering for sale or lease, financing or insuring motorcycle or all-terrain
 27 vehicles on behalf of said licensee and who holds a motor vehicle salesman license
 28 under the provisions of this Chapter.

29 ~~(32)~~ **(33)** "Motor home" means a motor vehicle designed as an integral unit
 30 to be used as a conveyance upon the public streets and highways and for use as a

1 temporary or recreational dwelling and having at least four of the following
2 permanently installed systems which meet American National Standards Institute
3 and National Fire Protection Association standards in effect as of the date of
4 manufacture, two of which shall be systems specified below in Subparagraph (a), (d),
5 or (e) of this Paragraph:

6 (a) Cooking facilities.

7 (b) Ice box or mechanical refrigerator.

8 (c) Potable water supply including plumbing and a sink with faucet either
9 self-contained or with connections for an external source, or both.

10 (d) Self-contained toilet or a toilet connected to a plumbing system with
11 connection for external water disposal, or both.

12 (e) Heating or air conditioning system, or both, separate from the vehicle
13 engine or the vehicle engine electrical system.

14 (f) A one hundred ten/one hundred fifteen volt alternating current electrical
15 system either with its own power supply or with a connection for an external source,
16 or both, or a liquefied petroleum system and supply.

17 ~~(33)~~ **(34)** "Motor vehicle" means any motor driven car, van, or truck required
18 to be registered which is used, or is designed to be used, for the transporting of
19 passengers or goods for public, private, commercial, or for hire purposes.

20 ~~(34)~~ **(35)**(a) "Motor vehicle dealer" means any person, not excluded by
21 Subparagraph (b) of this Paragraph who holds a bona fide franchise in effect with a
22 manufacturer or distributor of new motor vehicles, and a license under the provisions
23 of this Chapter or a subsidiary of any such entity. Such duly franchised and licensed
24 motor vehicle dealers shall be the sole and only persons entitled to sell, publicly
25 solicit, and advertise the sale of new motor vehicles as such.

26 (b) The term "motor vehicle dealer" does not include any of the following:

27 (i) Receivers, trustees, administrators, executors, guardians, or other persons
28 appointed by or acting under judgment or order of any court.

29 (ii) Public officers while performing or in operation of their duties.

30 (iii) Employees of persons enumerated in Item (i) of this Subparagraph when

1 engaged in the specific performance of their duties as such employees.

2 (iv) Financial institutions engaged in the sale of motor vehicles for the
3 collection of debts secured thereby.

4 ~~(35)~~ **(36)**(a) "Motor vehicle lessor" shall mean any person, not excluded by
5 Subparagraph (b) of this Paragraph, engaged in the motor vehicle, recreational
6 products, or specialty vehicle leasing or rental business. It shall also include a
7 subsidiary of any such entity.

8 (b) The term "motor vehicle lessor" does not include any of the following:

9 (i) Receivers, trustees, administrators, executors, guardians, or other persons
10 appointed by or acting under judgment or order of any court.

11 (ii) Public officers while performing or in the operation of their duties.

12 (iii) Employees of persons, corporations, or associations enumerated in Item
13 (i) of this Subparagraph when engaged in the specific performance of their duties as
14 such employees.

15 (iv) Financial institutions engaged in the leasing of motor vehicles,
16 recreational products, or specialty vehicles.

17 (c) Any motor vehicle lessor who rents on a daily basis motor vehicles,
18 recreational products, or specialty vehicles not of the current year or immediate prior
19 year models that have been titled previously to an ultimate purchaser, and who is
20 otherwise not required to obtain a license under this Chapter, shall be subject to the
21 regulation of the Louisiana Used Motor Vehicle Commission.

22 ~~(36)~~ **(37)** "Motor vehicle lessor agent" means any natural person, other than
23 a daily rental person, employed by a motor vehicle lessor licensed by the commission
24 whose duties include the leasing, renting or offering for lease or rent motor vehicles,
25 recreational products, or specialty vehicles on behalf of said motor vehicle lessor.

26 ~~(37)~~ **(38)** "Motor vehicle lessor franchisor" means any person who grants a
27 franchise to any person granting the right to lease or rent a motor vehicle,
28 recreational product, or specialty vehicle under its trade name, trademark, or service
29 mark or to sell used motor vehicles, recreational products, or specialty vehicles
30 formerly a part of its rental fleet.

1 ~~(38)~~ **(39)** "Motor vehicle salesman" means any natural person employed by
2 a licensee of the commission whose duties include the selling, leasing, or offering
3 for sale or lease, financing or insuring motor vehicles, recreational products, or
4 specialty vehicles on behalf of said licensee.

5 ~~(39)~~ **(40)** "New marine product" means a marine product, the legal title to
6 which has never been transferred by a manufacturer, distributor, or dealer to an
7 ultimate purchaser.

8 ~~(40)~~ **(41)** "New motorcycle or all-terrain vehicle" means a motorcycle or all-
9 terrain vehicle, the legal title to which has never been transferred by a manufacturer,
10 distributor, or dealer to an ultimate purchaser.

11 ~~(41)~~ **(42)** "New motor vehicle", "new recreational product", or "new specialty
12 vehicle" means a motor vehicle, recreational product, or specialty vehicle, the legal
13 title to which has never been transferred by a manufacturer, distributor, or dealer to
14 an ultimate purchaser.

15 ~~(42)~~ **(43)** "New recreational vehicle" means a recreational vehicle, the legal
16 title to which has never been transferred by a manufacturer, distributor, or dealer to
17 an ultimate purchaser.

18 ~~(43)~~ **(44)** "Person" shall mean any natural or juridical person, firm,
19 association, corporation, trust, partnership, limited liability partnership, professional
20 liability corporation, or limited liability company or any other legal entity.

21 ~~(44)~~ **(45)** "Recreational products" means new and unused motorcycles, all-
22 terrain vehicles, marine products, recreational vehicles, and trailers as defined in this
23 Chapter.

24 ~~(45)~~ **(46)** "Recreational products dealer" means any person who, for a
25 commission or with intent to make a profit or gain of money or other thing of value,
26 buys, sells, brokers, exchanges, auctions, offers, or attempts to negotiate a sale or
27 exchange of an interest in recreational products and who is engaged wholly or in part
28 in the business of buying and selling recreational products in the state of Louisiana.

29 (a) The term shall also include anyone not licensed under **this** Chapter ~~6~~
30 ~~Title 32 of the Louisiana Revised Statutes of 1950~~, who sells recreational products

1 and who rents on a daily basis recreational products, not of the current year or
 2 immediate prior year models, that have been titled previously to an ultimate
 3 purchaser.

4 (b) "Recreational products dealer" shall not include any of the following:

5 (i) Receivers, trustees, administrators, executors, guardians, or other persons
 6 appointed by or acting under the judgment or order of any court.

7 (ii) Public officers while performing their official duties.

8 (iii) Employees of recreational products dealers when engaged in the specific
 9 performance of their duties as such employees.

10 (iv) Mortgagees or secured parties as to sales of recreational products
 11 constituting collateral on a mortgage or security agreement.

12 (v) Insurance companies.

13 (vi) Auctioneers or auction houses who are not engaged in the auction of
 14 recreational products as the principal part of their business, including but not limited
 15 to the following auctions: estate auctions, bankruptcy auctions, farm equipment
 16 auctions, or government auctions.

17 ~~(46)~~ **(47)** "Recreational vehicle" means a motorized or towable vehicle that
 18 combines transportation and temporary living quarters for travel, recreation, and
 19 camping. For purposes of this Chapter, a "recreational vehicle" includes new and
 20 used motor homes, new and used travel trailers, new and used fifth-wheel travel
 21 trailers, new and used folding camper trailers, and slide-in truck campers.

22 ~~(47)~~ **(48)** "Recreational vehicle dealer" means any person who, for a
 23 commission or with intent to make a profit or gain of money or other thing of value,
 24 buys, sells, brokers, exchanges, auctions, offers, or attempts to negotiate a sale or
 25 exchange of an interest in recreational vehicles and who is engaged wholly or in part
 26 in the business of buying and selling recreational vehicles in the state of Louisiana
 27 and who holds a license as a recreational products dealer under the provisions of this
 28 Chapter.

29 (a) The term shall also include anyone not licensed under **this** Chapter ~~6~~
 30 ~~Title 32 of the Louisiana Revised Statutes of 1950~~, who sells recreational vehicles

1 and who rents on a daily basis recreational vehicles, not of the current year or
2 immediate prior year models, that have been titled previously to an ultimate
3 purchaser.

4 (b) "Recreational vehicle dealer" shall not include any of the following:

5 (i) Receivers, trustees, administrators, executors, guardians, or other persons
6 appointed by or acting under the judgment or order of any court.

7 (ii) Public officers while performing their official duties.

8 (iii) Employees of recreational vehicle dealers when engaged in the specific
9 performance of their duties as such employees.

10 (iv) Mortgagees or secured parties as to sales of recreational vehicles
11 constituting collateral on a mortgage or security agreement.

12 (v) Insurance companies.

13 (vi) Auctioneers or auction houses who are not engaged in the auction of
14 recreational vehicles as the principal part of their business, including but not limited
15 to the following auctions: estate auctions, bankruptcy auctions, farm equipment
16 auctions, or government auctions.

17 ~~(48)~~ **(49)** "Recreational vehicle salesman" means any natural person
18 employed by a licensee of the commission whose duties include the selling, leasing,
19 or offering for sale or lease, financing or insuring recreational vehicles on behalf of
20 said licensee and who holds a motor vehicle salesman license under the provisions
21 of this Chapter.

22 ~~(49)~~ **(50)** "Retail sale" or "sale at retail" means the act or attempted act of
23 selling, bartering, exchanging, or otherwise disposing of a motor vehicle, recreational
24 product, or specialty vehicle to an ultimate purchaser for use as a consumer.

25 ~~(50)~~ **(51)** "Satellite warranty and repair center" means a motor vehicle repair
26 facility, other than at a motor vehicle dealer franchised location, approved by a
27 manufacturer or distributor and authorized to perform warranty and other repairs on
28 motor vehicles.

29 ~~(51)~~ **(52)** "Selling agreement" means any written contract or agreement
30 between a marine dealer and a manufacturer, or its distributor or factory branch, by

1 which the marine dealer is authorized to engage in the business of selling or leasing
2 the specific makes, models, or classifications of marine products marketed or leased
3 by the manufacturer, and designated in the selling agreement or any addendum
4 thereto. For the purposes of this Paragraph, any written modification, amendment,
5 or addendum to the original selling agreement that changes the rights and obligations
6 of the parties to the original selling agreement shall constitute a new selling
7 agreement, effective as of the date of the modification, amendment, or addendum.

8 ~~(52)~~ **(53)** "Specialty vehicle" means a motor vehicle manufactured by a
9 second stage manufacturer by purchasing motor vehicle components, including
10 frames and drive trains, and completing the manufacture of finished motor vehicles
11 for the purpose of resale, with the primary manufacturer warranty unimpaired, to a
12 limited commercial market rather than the consuming public. Specialty vehicle
13 includes ambulances, fire trucks, garbage trucks, hearses, limousines, school buses,
14 street sweepers, vacuum trucks, wreckers, and other similar limited purpose vehicles.
15 Specialty vehicle does not include motor homes as defined in this ~~Chapter~~ **Section**.

16 ~~(53)~~ **(54)** "Specialty vehicle dealer" means any person who holds a bona fide
17 franchise in effect with a converter or second stage manufacturer of specialty
18 vehicles and a license under the provisions of this Chapter or a subsidiary of any
19 such entity. Such duly franchised and licensed specialty vehicle dealer shall be the
20 sole person entitled to sell, publicly solicit, and advertise the sale of specialty
21 vehicles.

22 ~~(54)~~ **(55)** "Subsidiary " shall mean any person engaged in the selling or
23 leasing of motor vehicles, recreational products, or specialty vehicles, in which a
24 majority of the ownership interests of such entity is owned by a holder of a license
25 issued by the commission.

26 ~~(55)~~ **(56)** "Trailer" means every single vehicle without motive power
27 designed for carrying property or passengers wholly on its own structure, drawn by
28 a motor vehicle which carries no part of the weight and load of the trailer on its own
29 wheels and having one or more load carrying axles. "Trailer" includes but is not
30 limited to utility trailers, boat trailers, recreational trailers, semitrailers, livestock

1 trailers, **tow dollies**, and dump trailers.

2 ~~(56)~~ **(57)** "Ultimate purchaser" means, with respect to any new motor vehicle,
3 recreational product, or specialty vehicle, the first person, other than a dealer
4 purchasing in his capacity as a dealer, who in good faith purchases such new motor
5 vehicles, recreational products, or specialty vehicles for purposes other than resale.
6 "Ultimate purchaser" shall not include a person who purchases a motor vehicle or
7 recreational product for purposes of altering or remanufacturing the motor vehicle
8 or recreational product for future resale.

9 ~~(57)~~ **(58)**(a) "Used marine dealer" means any person, whose business is to
10 sell, or offer for sale, display, or advertise used marine products, or any person who
11 holds a license from the commission and is not excluded by Subparagraph (b) of this
12 Paragraph.

13 (b) "Used marine dealer" shall not include any of the following:

14 (i) Receivers, trustees, administrators, executors, guardians, or other persons
15 appointed by or acting under the judgment or order of any court.

16 (ii) Public officers while performing their official duties.

17 (iii) Employees of persons, corporations, or associations defined as "used
18 marine dealers" when engaged in the specific performance of their duties as such
19 employees.

20 (iv) Mortgagees or secured parties as to sales of marine products constituting
21 collateral on a mortgage or security agreement and who do not maintain a used car
22 lot or building with one or more employed marine product salesman.

23 (v) Insurance companies who sell motor vehicles to which they have taken
24 title as an incident of payments made under policies of insurance and who do not
25 maintain a used car lot or building with one or more employed marine product
26 salesman.

27 (vi) Used motor vehicle dealers licensed pursuant to R.S. 32:781 et seq.

28 ~~(58)~~ **(59)** "Used marine product" means a marine product, the legal title of
29 which has been transferred by a manufacturer, distributor, or dealer to an ultimate
30 purchaser.

1 ~~(59)~~ **(60)** "Used marine product facility" means any facility which is owned
2 and operated by a licensee of the commission and offers for sale used marine
3 products.

4 ~~(60)~~ **(61)** "Used motorcycle or all-terrain vehicle" means a motorcycle or all-
5 terrain vehicle, the legal title of which has been transferred by a manufacturer,
6 distributor, or dealer to an ultimate purchaser.

7 ~~(61)~~ **(62)**(a) "Used motorcycle or all-terrain vehicle dealer" means any
8 person, whose business is to sell, or offer for sale, display, or advertise used
9 motorcycles or all-terrain vehicles, or any person who holds a license from the
10 commission and is not excluded by Subparagraph (b) of this Paragraph.

11 (b) "Used motorcycle or all-terrain vehicle dealer" shall not include any of
12 the following:

13 (i) Receivers, trustees, administrators, executors, guardians, or other persons
14 appointed by or acting under the judgment or order of any court.

15 (ii) Public officers while performing their official duties.

16 (iii) Employees of persons, corporations, or associations enumerated in the
17 definition of "used motorcycle or all-terrain vehicle dealer" when engaged in the
18 specific performance of their duties as such employees.

19 (iv) Mortgagees or secured parties as to sales of motorcycles or all-terrain
20 vehicles constituting collateral on a mortgage or security agreement and who do not
21 maintain a used car lot or building with one or more employed motorcycle or all-
22 terrain vehicle salesman.

23 (v) Insurance companies who sell motorcycles or all-terrain vehicles to which
24 they have taken title as an incident of payments made under policies of insurance and
25 who do not maintain a used car lot or building with one or more employed
26 motorcycle or all-terrain vehicle salesman.

27 (vi) Used motorcycle or all-terrain vehicle dealers licensed pursuant to R.S.
28 32:781 et seq.

29 ~~(62)~~ **(63)** "Used motorcycle or all-terrain vehicle facility" means any facility
30 which is owned and operated by a licensee of the commission and offers for sale

1 used motorcycles or all-terrain vehicles.

2 ~~(63)~~ **(64)** "Used motor vehicle" means a motor vehicle, recreational product,
3 or specialty vehicle, the legal title of which has been transferred by a manufacturer,
4 distributor, or dealer to an ultimate purchaser.

5 ~~(64)~~ **(65)**(a) "Used motor vehicle dealer" means any person, whose business
6 is to sell, or offer for sale, display, or advertise used motor vehicles, recreational
7 products, or specialty vehicles, or any person who holds a license from the
8 commission and is not excluded by Subparagraph (b) of this Paragraph.

9 (b) "Used motor vehicle dealer" shall not include any of the following:

10 (i) Receivers, trustees, administrators, executors, guardians, or other persons
11 appointed by or acting under the judgment or order of any court.

12 (ii) Public officers while performing their official duties.

13 (iii) Employees of persons, corporations, or associations enumerated in the
14 definition of "used motor vehicle dealer" when engaged in the specific performance
15 of their duties as such employees.

16 (iv) Mortgagees or secured parties as to sales of motor vehicles constituting
17 collateral on a mortgage or security agreement and who do not maintain a used car
18 lot or building with one or more employed motor vehicle salesman.

19 (v) Insurance companies who sell motor vehicles to which they have taken
20 title as an incident of payments made under policies of insurance and who do not
21 maintain a used car lot or building with one or more employed motor vehicle
22 salesman.

23 (vi) Used motor vehicle dealers licensed pursuant to R.S. 32:781 et seq.

24 ~~(65)~~ **(66)** "Used motor vehicle facility" means any facility which is owned
25 and operated by a licensee of the commission and offers for sale used motor vehicles,
26 recreational products, or specialty vehicles.

27 ~~(66)~~ **(67)** "Used recreational vehicle" means a recreational vehicle, the legal
28 title of which has been transferred by a manufacturer, distributor, or dealer to an
29 ultimate purchaser.

30 ~~(67)~~ **(68)**(a) "Used recreational vehicle dealer" means any person, whose

1 business is to sell, or offer for sale, display, or advertise used recreational vehicles,
2 or any person who holds a license from the commission and is not excluded by
3 Subparagraph (b) of this Paragraph.

4 (b) "Used recreational vehicle dealer" shall not include any of the following:

5 (i) Receivers, trustees, administrators, executors, guardians, or other persons
6 appointed by or acting under the judgment or order of any court.

7 (ii) Public officers while performing their official duties.

8 (iii) Employees of persons, corporations, or associations enumerated in the
9 definition of "used recreational vehicle dealer" when engaged in the specific
10 performance of their duties as such employees.

11 (iv) Mortgagees or secured parties as to sales of recreational vehicles
12 constituting collateral on a mortgage or security agreement and who do not maintain
13 a used car lot or building with one or more employed recreational vehicle salesman.

14 (v) Insurance companies who sell recreational vehicles to which they have
15 taken title as an incident of payments made under policies of insurance and who do
16 not maintain a used car lot or building with one or more employed recreational
17 vehicle salesman.

18 (vi) Used recreational vehicle dealers licensed pursuant to R.S. 32:781 et seq.

19 ~~(68)~~ **(69)** "Used recreational vehicle facility" means any facility which is
20 owned and operated by a licensee of the commission and offers for sale used
21 recreational vehicles.

22 ~~(69)~~ **(70)** "Vehicle" means any motor vehicle, specialty vehicle, or
23 recreational product subject to regulation by this Chapter.

24 ~~(70)~~ **(71)** "Wrecker" means any motor vehicle equipped with a boom or
25 booms, winches, slings, tilt beds, or similar equipment designed for towing or
26 recovery of vehicles and other objects which cannot operate under their own power
27 or for some reason must be transported by means of towing.

28 * * *

29 §1261. Unauthorized acts

30 A. It shall be a violation of this Chapter:

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

3 * * *

4 (x) To disqualify a manufacturer's sales or service satisfaction survey
5 that pertains to a dealership employee's personal motor vehicle or specialty
6 vehicle solely because it was mailed or communicated electronically from a
7 dealership.

8 * * *

9 §1262. Warranty; compensation; audits of dealer records

10 * * *

11 B.(1) * * *

12 (8) The dealer shall not be charged back for any rebate paid to a
13 consumer pursuant to a manufacturer's rebate program, provided the dealer
14 acted in good faith when relying on the consumer's qualifying information and
15 otherwise complied with the program guidelines and documentation
16 requirements. A manufacturer's rebate program shall include but not be
17 limited to a rebate program that targets college graduates, military personnel,
18 first-time buyers, owner loyalty, family relationships, and any other similar
19 program.

20 * * *

21 Section 2. R.S. 32:1254(D)(6) is hereby repealed.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____