
DIGEST

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HB 478 Engrossed

2015 Regular Session

Miguez

Abstract: Provides a list of exemptions relative to restrictions on warranty repairs.

Present law provides that it shall be a violation for a manufacturer, a distributor, a wholesaler, distributor branch, factory branch, converter or officer, agent, or other representative thereof to operate a satellite warranty and repair center, to authorize a person to perform warranty repairs who is not a motor vehicle dealer, or to authorize a motor vehicle dealer to operate a satellite warranty and repair center within the community or territory of a same-line or make motor vehicle dealer. Present law exempts recreational product manufacturers from this restriction imposed by present law.

Proposed law provides that it shall be a violation for a manufacturer, a distributor, a wholesaler, distributor branch, factory branch, converter or officer, agent, or other representative thereof to operate a satellite warranty and repair center, to authorize a person to perform warranty repairs, including emergency repairs, who is not a motor vehicle dealer, fleet owner, or an emergency services company or emergency services related company, or to authorize a motor vehicle dealer to operate a satellite warranty and repair center within the community or territory of a same-line or make motor vehicle dealer.

Proposed law defines "fleet owner" for the purposes of proposed law. Proposed law defines "emergency services company or emergency services related company" for the purposes of proposed law. Proposed law provides a nonexclusive list relative to types of vehicles to be included within the term "emergency vehicle" for the purposes of proposed law.

Proposed law allows manufacturers to authorize a fleet owner to perform certain warranty repairs when the manufacturer determines the fleet owner meets certain requirements relative to special tools, technician certification, and training.

Proposed law requires that manufacturers give a dealer notice of any authorization of a fleet owner to perform warranty repairs when the dealer is located in the same area of responsibility where the fleet owner intends to perform the authorized warranty repairs.

Proposed law provides an exception to proposed law relative to manufacturers who authorize fleet owners whose commercial vehicles are used for the movement of property, freight, or goods in intrastate or interstate commerce.

Proposed law provides that a repair facility of a fleet owner authorized pursuant to proposed law to

perform warranty repairs shall not be deemed a satellite warranty and repair center as defined in present law (R.S. 32:1252) and shall not be required to be licensed by the Louisiana Motor Vehicle Commission (commission) pursuant to present law (R.S. 32:1254).

Proposed law provides that the commission has no authority over a fleet owner or an emergency services company or emergency services related company with respect to the requirements of proposed law.

(Amends R.S. 32:1261(A)(1)(t))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Modify the application of present law to include emergency repairs and to incorporate terms defined by proposed law.
2. Define the terms "fleet owner" and "emergency services company or emergency services related company".
3. Provide a nonexclusive list relative to types of vehicles to be included within the term "emergency vehicle".
4. Allow manufacturers to authorize fleet owners to perform warranty repairs in specified circumstances.
5. Require manufacturers to give notification of any authorization of a fleet owner to perform warranty repairs to dealers in specified circumstances.
6. Provide an exception relative to manufacturers who authorize fleet owners whose commercial vehicles are used for the movement of property, freight, or goods in intrastate or interstate commerce.
7. Clarify that a repair facility of a fleet owner authorized pursuant to proposed law shall neither be deemed a satellite warranty repair center nor be required to be licensed by the commission pursuant to present law.
8. Clarify that the commission has no authority over a fleet owner or emergency services company or emergency services related company pursuant to proposed law.