

RÉSUMÉ DIGEST

ACT 170 (SB 243)

2015 Regular Session

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Prior law provided that it is a violation of law 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. Prior law did not apply to recreational product manufacturers.

New law authorizes a manufacturer to allow a fleet owner and an emergency services company or emergency services related company to perform warranty repairs, including emergency repairs.

New law defines a "fleet owner" as a person, including a governmental entity, who is approved and authorized by a manufacturer to perform warranty repairs and owns or leases vehicles for its own use or a renting or leasing company that rents or leases vehicles to a third party.

New law defines "emergency services company or emergency services related company" as a person who operates any vehicle designated and authorized to respond to an emergency. An emergency vehicle includes but is not limited to police and security vehicles, fire and rescue vehicles, medical vehicles, and civil emergency vehicles, including public utility crews dealing with gas, electricity, or water or to repair defective equipment on a scene.

New law authorizes a manufacturer to allow a fleet owner to perform warranty repairs if the manufacturer determines that the fleet owner has the same basic level of requirements for special tools, technician certification, and training that are required of a franchise dealer, but only those as determined in the sole discretion of the manufacturer that are necessary to perform the specified limited type of warranty repairs on the makes and models of motor vehicles for which the fleet owner is authorized to perform warranty repairs.

New law requires that a manufacturer that authorizes a fleet owner to perform warranty repairs to give notification of the authorization to the dealer located in the same area of responsibility where the fleet owner intends to perform the authorized warranty repairs.

New law exempts manufacturers who authorize fleet owners whose commercial vehicles are used for the movement of property, freight, or goods in intrastate or interstate commerce from the requirements in new law relative to requisite tools, certifications, training, and notification.

New law provides that the La. Motor Vehicle Commission ("commission") has no authority over a fleet owner or an emergency services company or emergency services related company with respect to the requirements of new law.

New law provides that a repair facility of a fleet owner is not to be deemed a satellite warranty and repair center and shall not be required to be licensed by the commission.

Effective August 1, 2015.

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