

SENATE BILL NO. 243

BY SENATOR JOHN SMITH AND REPRESENTATIVES STUART BISHOP AND MIGUEZ

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

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AN ACT

To amend and reenact R.S. 32:1261(A)(1)(t), relative to warranty repairs; to provide for the operation of satellite warranty and repair centers; to provide for unauthorized acts; to provide for exceptions; to provide certain terms and conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:1261(A)(1)(t) is hereby amended and reenacted 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:

* * *

(t)(i) 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

1 or make motor vehicle dealer. This Subparagraph shall not apply to recreational
2 product manufacturers. For the purposes of this Subparagraph, "fleet owner"
3 means a person, including a governmental entity, who is approved and
4 authorized by a manufacturer to perform warranty repairs and owns or leases
5 vehicles for its own use or a renting or leasing company that rents, maintains,
6 or leases vehicles to a third party. For the purposes of this Subparagraph,
7 "emergency services company or emergency services related company" means
8 a person who operates any vehicle designated and authorized to respond to an
9 emergency. An emergency vehicle includes but is not limited to police and
10 security vehicles, fire and rescue vehicles, medical vehicles, and civil emergency
11 vehicles, including public utility crews dealing with gas, electricity, or water, or
12 the repair of defective equipment on a scene.

13 (ii) The manufacturer may authorize a fleet owner to perform warranty
14 repairs if the manufacturer determines that the fleet owner has the same basic
15 level of requirements for special tools, technician certification, and training that
16 are required of a franchise dealer but only those as determined by the
17 manufacturer, in its sole discretion, that are necessary to perform the specified
18 limited type of warranty repairs on the makes and models of motor vehicles for
19 which the fleet owner is authorized to perform warranty repairs.

20 (iii) A manufacturer who authorizes a fleet owner to perform warranty
21 repairs shall give notification of the authorization to the dealer located in the
22 same area of responsibility where the fleet owner intends to perform the
23 authorized warranty repairs.

24 (iv) The provisions of Items (ii) and (iii) of this Subparagraph shall not
25 apply to manufacturers who authorize fleet owners whose commercial vehicles
26 are used for the movement of property, freight, or goods in intrastate or
27 interstate commerce.

28 (v) The commission has no authority over a fleet owner or an emergency
29 services company or emergency services related company with respect to the
30 requirements of this Subparagraph.

