

2019 Regular Session

SENATE BILL NO. 178

BY SENATOR ALLAIN

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

WARRANTIES. Provides relative to the right to repair farm equipment. (1/1/20)

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AN ACT

To enact Chapter 22-C of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:3691 through 3694, relative to farm equipment; to provide relative to the right to repair farm equipment; to require farm equipment dealers to make certain parts and electronic diagnostic repair equipment available for purchase; to provide for definitions; to provide for powers of the commissioner; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 22-C of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:3691 through 3694, is hereby enacted to read as follows:

CHAPTER 22-C. RIGHT TO REPAIR FARM EQUIPMENT

§3691. Definitions

As used in this Chapter:

(1) "Commissioner" means the Louisiana commissioner of agriculture and forestry.

(2) "Embedded software" means any programmable instructions delivered with farm equipment and all relevant patches and fixes.

1 (3) "Farm equipment" means equipment, other than a motor vehicle,
2 that is used or intended for use in a farm or ranch operation, including any
3 combine, tractor, implement, engine, motor, or attachment.

4 (4) "Farm equipment dealer" means an individual or entity that is
5 engaged in the business of selling or leasing new farm equipment and the
6 diagnosis, service, maintenance, or repair of farm equipment.

7 (5) "Motor vehicle" means any vehicle that is designed for transporting
8 persons or property on a street or highway.

9 (6) "Owner" means an individual or entity that owns or leases farm
10 equipment purchased or used in this state.

11 §3692. Requirements

12 For farm equipment sold or used in this state, a farm equipment dealer
13 shall make available for purchase on fair and reasonable terms to an owner of
14 the farm equipment the following:

15 (1) Farm equipment parts and updates to embedded software.

16 (2) Electronic diagnostic repair equipment.

17 §3693. Authority of the commissioner

18 The commissioner shall:

19 (1) Administer and enforce the provisions of this Chapter.

20 (2) Collect, administer, and disburse the proceeds of the penalties
21 collected pursuant to this Chapter.

22 (3) Seek and obtain injunctive or other civil relief to restrain and prevent
23 violations of this Chapter.

24 §3694. Penalties

25 A. A farm equipment dealer that violates any provision of this Chapter
26 shall be subject to a civil penalty of not more than five hundred dollars for each
27 violation. Each day on which a violation occurs shall be a separate offense.

28 B. Penalties may be assessed only by a ruling of the commissioner based
29 upon an adjudicatory hearing held in accordance with the provisions of the

