

2026 Regular Session

SENATE BILL NO. 102

BY SENATOR PRESSLY

MOTOR VEHICLES. Provides for rights of private action for certain dealers and trade associations. (2/3-CA7s2.1(A)) (gov sig)

1 AN ACT

2 To amend and reenact R.S. 32:1254(C)(11), (D)(4)(b), (E)(4)(a) and (6) through (11), and

3 1255, and to enact R.S. 32:1253.1, relative to the Louisiana Motor Vehicle

4 Commission Law; to provide for a private right of action for dealers and trade

5 associations; to provide for standing and remedies; to provide for license

6 amendments and fees; to remove certain requirements regarding dealer-operators;

7 to provide for an effective date; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 32:1254(C)(11), (D)(4)(b), (E)(4)(a) and (6) through (11), and 1255
10 are hereby amended and reenacted and R.S. 32:1253.1 is hereby enacted to read as follows:

11 **§1253.1. Private right of action; association standing**

12 **A.(1) A licensed motor vehicle dealer in this state who is aggrieved by a**
13 **violation of this Chapter may institute a civil action against any manufacturer,**
14 **distributor, or other person who is subject to the provisions of this Chapter.**

15 **(2) A trade association meeting the requirements of Subsection B of this**
16 **Section may bring a civil action or intervene in a civil action in its own name or**
17 **on behalf of one or more of its members for declaratory or injunctive relief**

1 only, as provided in Subsection C of this Section.

2 B. Association Standing. A trade association has standing to institute a
3 civil action or to intervene in a civil action under this Chapter if it meets all of
4 the following conditions:

5 (1) It is primarily comprised of and controlled by at least one hundred
6 licensed motor vehicle dealers.

7 (2) At least one of its members holds a valid license under this Chapter
8 and has standing to sue individually.

9 (3) The interests the association seeks to protect are germane to its
10 purpose.

11 (4) Neither the claim asserted nor the relief requested requires the
12 participation of individual members.

13 (5) The association does not seek monetary damages.

14 C. Remedies.

15 (1) A licensed motor vehicle dealer prevailing under this Section may be
16 granted any of the following remedies:

17 (a) Declaratory relief.

18 (b) Injunctive relief.

19 (c) Actual damages.

20 (d) Treble damages, upon proof by clear and convincing evidence that
21 the violation was willful, malicious, or in bad faith.

22 (e) Reasonable costs and attorney fees.

23 (2) A trade association prevailing under this Section may be granted any
24 of the following remedies:

25 (a) Declaratory relief.

26 (b) Injunctive relief.

27 (c) Reasonable costs and attorney fees.

28 D. Jurisdiction. A civil action under this Section may be brought before
29 the commission or in any district court of competent jurisdiction. Exhaustion

1 of administrative remedies is not required as a prerequisite to filing a civil
 2 action in district court. The district courts have concurrent jurisdiction to hear
 3 any claim arising under this Chapter, regardless of whether the commission
 4 would have primary jurisdiction.

5 §1254. Application for license; requirements for licensure; contents; licenses;
 6 franchise filings; exceptions

7 * * *

8 C. * * *

9 (11) No license issued under this Chapter shall be transferable, except as
 10 provided herein. A motor vehicle salesman license or motor vehicle lessor agent
 11 license may be transferred as follows:

12 (a) Transfer between affiliated dealers under common ownership or
 13 control shall not require notification to or approval by the commission and shall
 14 not require payment of any fee.

15 (b) Transfer to an unaffiliated dealer shall require notification to the
 16 commission and payment of the applicable amendment fee as provided in R.S.
 17 32:1255(A)(6).

18 (c) A motor vehicle salesman or motor vehicle lessor agent may be
 19 employed by only one dealer at a time, except that employment with more than
 20 one affiliated dealer under common ownership or control is permitted.

21 * * *

22 D. * * *

23 (4) * * *

24 (b) A change of location, or a change in corporate ownership or majority
 25 ownership, or a change in the name of a licensee, ~~or a change by a licensee in the~~
 26 ~~makes, models, or classifications, requiring an addendum to a franchise agreement,~~
 27 ~~of motor vehicles, recreational products, or specialty vehicles manufactured,~~
 28 ~~distributed, or converted, or the addition of a make of motor vehicle or recreational~~
 29 ~~product manufactured, distributed, or converted shall require a new license and~~

1 application therefor **shall require the licensee to file an amendment to the existing**
2 **license reflecting the change.**

3 * * *

4 E. * * *

5 (4)(a) Applications for license as motor vehicle and recreational products
6 dealer must, in addition to the foregoing, also be accompanied by the filing with the
7 commission of a bona fide contract or franchise in effect between the applicant and
8 a manufacturer or distributor of the new motor vehicle or vehicles or recreational
9 product or products proposed to be dealt in for a specific location in the state of
10 Louisiana **and also identify the individual named as dealer-operator.**

11 * * *

12 ~~(6) The application shall also identify the individual named as~~
13 ~~dealer-operator, and shall contain such information as the commission deems~~
14 ~~necessary to enable it to fully determine his qualifications and eligibility to serve in~~
15 ~~that capacity.~~

16 ~~(7)~~ All motor vehicle or recreational products dealer applications for license
17 pursuant to this Chapter shall include evidence the applicant has insurance covering
18 its place of business and its operation that complies with the financial responsibility
19 laws of this state and as determined by the applicant and its insurance agent, that is
20 necessary to provide coverage to the place and nature of the business sought to be
21 licensed to protect the applicant and the consumers of this state. Such insurance shall
22 be maintained throughout the period of licensure. Failure to maintain such insurance
23 shall result in the immediate suspension of license, which suspension shall be
24 effective as of the date of the failure to maintain such insurance coverage until proof
25 of the required insurance is furnished to the commission. Should no proof of
26 insurance be furnished to the commission within thirty days, the license of such
27 licensee shall be revoked.

28 ~~(8)~~(7) In determining whether or not to issue a license to a motor vehicle or
29 recreational products dealer, the commission shall also consider the financial

1 standing of the motor vehicle or recreational products dealer, the adequacy of the
2 motor vehicle or recreational products dealer's established place of business for the
3 purpose for which a license is sought, and the effect on the motor vehicle or
4 recreational products sale or leasing/rental business and the consuming public in the
5 state of Louisiana.

6 ~~(9)(a)~~**(8)(a)** The license issued to each motor vehicle or recreational products
7 dealer shall specify the location of the office and the makes, models, or
8 classifications of motor vehicles or recreational products to be sold, and the name of
9 the dealer-operator. The license issued to a motor vehicle dealer shall specify the
10 licensee's established place of business.

11 ~~(b) A change of location, or a change in corporate ownership or majority~~
12 ~~ownership, or a change in the name of a licensee, or a change by a licensee in the~~
13 ~~makes, models, or classifications, requiring an addendum to a franchise agreement,~~
14 ~~of motor vehicles or recreational products sold, or the addition of a make of motor~~
15 ~~vehicles or recreational products sold or a change in the designation of the dealer-~~
16 ~~operator shall require a new license and application therefor.~~

17 ~~(e)(b) Notwithstanding the provisions of Subparagraph (b) of this Paragraph,~~
18 **a** **A** licensed motor vehicle or recreational products dealer shall not be required to
19 submit an application for and obtain a new license if ownership interests in the
20 dealership changes among existing family member owners, as long as the identity
21 of the majority owner does not change, no additional persons are added as owners,
22 and all changes in ownership interest are declared in the renewal application. For the
23 purposes of this Subparagraph, "family member owners" shall include the majority
24 owner's children, the spouses of his children, his brothers and their spouses, his
25 sisters and their spouses, parents, his spouse, the parents of his spouse, and his
26 grandchildren.

27 ~~(d)(c) Notwithstanding any other provisions of law to the contrary, any motor~~
28 vehicle or recreational products dealer holding a license hereunder shall not be
29 required to obtain a license as a motor vehicle lessor, used motor vehicle dealer, or

1 specialty vehicle dealer or converter, when modifying or selling those vehicles or
 2 products he is duly franchised and licensed to sell, provided such operations are
 3 conducted from the location from which such motor vehicle or recreational products
 4 dealer is licensed to do business.

5 ~~(10)(a)~~**(9)(a)** Before any motor vehicle or recreational products dealer license
 6 is issued to an applicant under the provisions of this Chapter, a good and sufficient
 7 surety bond, executed by the applicant as principal and by a surety company
 8 qualified to do business in Louisiana as surety, in the sum of twenty thousand
 9 dollars, shall be delivered to the commission.

10 (b) Such bond shall be in a form to be approved by the commission and shall
 11 be conditioned so that the licensee shall comply with the conditions of any written
 12 contract made by such licensee and shall not violate any of the provisions of this
 13 Chapter or any other law of Louisiana in the conduct of the business for which he is
 14 licensed. Such bond shall be made payable to the secretary of the Department of
 15 Public Safety and Corrections or to his successor in office, for the use, benefit, and
 16 indemnity of any persons who shall suffer any loss as a result of any violation of the
 17 conditions hereinabove contained. Such bond shall be for the license period and a
 18 new bond or a proper continuation certificate shall be delivered to the commission
 19 at the beginning of each license period. However, the aggregate liability of the surety
 20 in any one year shall in no event exceed the sum of such bond. Failure to maintain
 21 such bond shall result in the immediate suspension of the license, which suspension
 22 shall be effective as of the date of the failure to maintain the bond until proof of the
 23 required bond is furnished to the commission. Should no proof of a bond be
 24 furnished to the commission within thirty days, the license shall be revoked.

25 ~~(11)~~**(10)** Upon execution of a franchise, or addendum thereto, the motor
 26 vehicle or recreational product dealer shall immediately file with the commission a
 27 copy of the franchise or addendum.

28 * * *

29 §1255. Fees; penalties

1 A. ~~To defray the cost of issuing licenses and administering this Chapter, the~~
2 ~~commission shall fix reasonable fees to be assessed under this Chapter as follows:~~

3 ~~(1) The license for each manufacturer, distributor, converter, motor vehicle~~
4 ~~lessor franchisor, or wholesaler, and factory branch or distributor branch, shall not~~
5 ~~exceed one thousand dollars for each year covered by the license.~~

6 ~~(2) The license for each motor vehicle dealer, specialty vehicle dealer,~~
7 ~~recreational products dealer, motor vehicle lessor, used motor vehicle dealer, factory~~
8 ~~representative, broker, distributor representative, or lease facilitator shall not exceed~~
9 ~~three hundred dollars for each year covered by the license.~~

10 ~~(3) The license fee for each motor vehicle salesman and motor vehicle lessor~~
11 ~~agent shall not exceed thirty dollars for each year covered by the license.~~

12 ~~(4) The fee for auto shows, trade shows, and expositions shall not exceed five~~
13 ~~hundred dollars.~~

14 ~~(5) The fee for satellite warranty and repair centers shall not exceed three~~
15 ~~hundred dollars for each year covered by the license.~~

16 B. Any person, firm, or corporation required to be licensed hereunder, who
17 fails to make application for such license at the time required herein, or required by
18 the rules and regulations of the commission shall, in addition to the aforesaid fees,
19 pay a penalty of fifty percent of the amount of the license fee. The penalty, however,
20 may be waived in whole or in part within the discretion of the commission.

21 **A. Fees. To defray the cost of issuing and amending licenses and**
22 **administering the provisions of this Chapter, the commission may assess fees in**
23 **amounts not to exceed the following:**

24 **(1) For each year of the license term, one thousand dollars for any of the**
25 **following:**

26 **(a) Manufacturer.**

27 **(b) Distributor.**

28 **(c) Factory branch.**

29 **(d) Distributor branch.**

1 (e) Converter.

2 (f) Motor vehicle lessor franchisor.

3 (g) Wholesaler.

4 (2) For each year of the license term, three hundred dollars for any of the
5 following:

6 (a) Motor vehicle dealer.

7 (b) Used motor vehicle dealer.

8 (c) Specialty vehicle dealer.

9 (d) Recreational products dealer.

10 (e) Motor vehicle lessor.

11 (f) Factory representative.

12 (g) Distributor representative.

13 (h) Broker.

14 (i) Lease facilitator.

15 (3) For each year of the license term, thirty dollars for a motor vehicle
16 salesman or motor vehicle lessor agent.

17 (4) Five hundred dollars for an auto show, trade show, or exposition.

18 (5) For each year of the license term, three hundred dollars for a satellite
19 warranty and repair center.

20 (6) Fifty dollars for amending a license issued pursuant to this Chapter,
21 except that the fee for amending a motor vehicle salesman license or motor
22 vehicle lessor agent to reflect a transfer to an unaffiliated licensed motor vehicle
23 dealer shall be fifteen dollars. No fee shall be assessed for amending such license
24 to reflect a transfer to an affiliated motor vehicle dealer under common
25 ownership or control.

26 B. Penalties. (1) A person required to be licensed under this Chapter who
27 fails to apply for a license within the time prescribed by this Chapter or
28 pursuant to rules of the commission shall pay a penalty of fifty percent of the
29 license fee, in addition to the fee imposed by this Section.

1 **(2) The commission may waive the penalty in whole or in part.**

2 Section 2. This Act shall become effective upon signature by the governor or, if not
3 signed by the governor, upon expiration of the time for bills to become law without signature
4 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
5 vetoed by the governor and subsequently approved by the legislature, this Act shall become
6 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

DIGEST

SB 102 Original

2026 Regular Session

Pressly

Present law provides for licensing and compliance requirements by the Louisiana Motor Vehicle Commission for all license applicants and holders and that no license shall be transferable. Proposed law provides for an exception where a license may be transferable; such as when affiliated dealers are under common ownership or control; or when a motor vehicle salesman or a motor vehicle lessor agent is employed with multiple affiliated dealers with common ownership.

Present law establishes licensing and compliance requirements for manufacturers, distributors, wholesalers, converters or secondary manufacturers, distributors or wholesalers, factory branches and distributor branches. Proposed law removes provisions that would require a new license and application including a change in the name of a licensee, a change by a licensee in the makes, models, or classifications, requiring an addendum to a franchise agreement, of motor vehicles, recreational products, or specialty vehicles manufactured, distributed, or converted, or the addition of a make of motor vehicle or recreational product manufactured, distributed, or converted shall require a new license and application. Proposed law further provides a change of location, corporate ownership or majority ownership or change in the name of a licensee only require the licensee to file an amendment to the existing license.

Present law provides for additional licensing and compliance requirements for motor vehicle and recreational products dealers. Present law further provides applications for a license as a motor vehicle and recreational products dealer must also include a contract or franchise in effect between the applicant and a manufacturer or distributor of the new motor vehicle in the state of Louisiana. Proposed law adds a provision that the contract must also identify the individual named as a dealer-operator.

Present law requires the application to identify the individual named as dealer-operator and provide information as the commission deems necessary. Proposed law retains present law and provides for technical matters.

Present law provides for fees and penalties. Proposed law retains present law and also provides for licenses and temporary licenses.

Present law provides for defraying the cost of issuing licenses and reasonable fees assessed by the commission in the amounts of:

- (1) A maximum of \$1000 for each manufacturer, distributor, converter, motor vehicle

lessor franchisor, or wholesaler, and factory branch or distributor branch for each year covered by the license.

- (2) A maximum of \$300 for each motor vehicle dealer, specialty vehicle dealer, recreational products dealer, motor vehicle lessor, used motor vehicle dealer, factory representative, broker, distributor representative, or lease facilitator for each year covered by the license.
- (3) A maximum of \$30 license fee for each motor vehicle salesman and motor vehicle lessor agent for each year covered by the license.
- (4) A maximum of \$500 for auto shows, trade shows, and expositions.
- (5) A maximum of \$300 for satellite warranty and repair centers each year covered by the license.

Proposed law retains present law amounts and adds the cost of amending licenses and administering the provisions of the law and provides for technical matters.

Present law provides that persons failing to be licensed as required by the commission will pay a penalty that may be waived by the commission. Proposed law retains present law and provides for technical changes.

Proposed law provides for a licensed motor vehicle dealer in this state who is aggrieved by a violation to institute a civil action against any manufacturer, distributor, or other person.

Proposed law further allows a trade association that meets certain requirements to bring a civil action or intervene in a civil action in its own name or on behalf of one or more of its members for declaratory or injunctive relief.

Proposed law provides for remedies for motor vehicle dealer prevailing pursuant to proposed law of declaratory relief, injunctive relief, actual damages and treble damages, upon proof by clear and convincing evidence that the violation was willful, malicious, or in bad faith and reasonable costs and attorney fees. Proposed law further provides a prevailing trade association may be granted any of the following remedies: declaratory relief, injunctive relief, and reasonable costs and attorney fees.

Proposed law provides a civil action pursuant to proposed law may be brought before the commission or in any district court of competent jurisdiction. Proposed law further provides exhaustion of administrative remedies is not required prior to filing a civil action in district court.

Proposed law provides the district courts have concurrent jurisdiction to hear any claim arising pursuant to proposed law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 32:1254(C)(11), (D)(4)(b), (E)(4)(a) and (6)-(11), and 1255; adds R.S. 32:1253.1)