

SENATE BILL NO. 102

BY SENATOR PRESSLY

1 AN ACT

2 To enact R.S. 32:1253.1, relative to the Louisiana Motor Vehicle Commission Law; to
3 provide for a private right of action for trade associations; to provide for standing
4 and remedies; to provide for an effective date; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 32:1253.1 is hereby enacted to read as follows:

7 **§1253.1. Private right of action; association standing**

8 **A. A trade association may bring an action or intervene in an action in**
9 **its own name or on behalf of one or more of its members as provided in**
10 **Subsection B of this Section, if it meets all of the following conditions:**

11 **(1) It is primarily comprised of and controlled by a minimum of one**
12 **hundred licensed motor vehicle dealers.**

13 **(2) A minimum of one of its members holds a valid license under this**
14 **Chapter and has standing to sue or intervene individually.**

15 **(3) The interests the association seeks to protect are germane to its**
16 **purpose.**

17 **(4) Neither the claim asserted nor the relief requested requires the**
18 **participation of individual members.**

19 **B. A trade association prevailing pursuant to this Section may be granted**
20 **any of the following remedies:**

21 **(1) Declaratory relief.**

22 **(2) Injunctive relief.**

23 **(3) Reasonable costs and attorney fees.**

24 **C. An action by a trade association pursuant to this Section may be**
25 **brought before the commission or in any district court of competent**
26 **jurisdiction.**

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____