

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.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_