

SENATE BILL NO. 30

BY SENATOR MCMATH

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

AN ACT

To enact R.S. 32:1270.30.1, relative to recreational vehicle dealerships; to provide for the establishment of new dealerships and the relocation of existing recreational vehicle dealerships; to provide for notification requirements; to provide for protests to the Louisiana Motor Vehicle Commission; to provide for exemptions for certain existing dealerships; to provide for applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:1270.30.1 is hereby enacted to read as follows:

§1270.30.1. Establishment of new recreational vehicle dealerships or relocations; protests; procedure

A.(1) Whenever the commission receives an application for a recreational vehicle dealer's license which would add a new recreational vehicle dealership or authorize an existing recreational vehicle dealership to deal in a new or additional make of a recreational vehicle, which would establish an additional franchise in that area, or which would authorize an existing recreational vehicle dealership to deal in additional makes, models, or classifications of recreational vehicles designated in the franchise or any addendum thereto, it shall first notify the existing licensed recreational vehicle dealership or dealerships selling the same line makes, models, or classifications within the community or territory in which the applicant proposes to conduct business. Any same line makes, models, or classifications dealership whose assigned community or territory includes the location of the proposed new recreational vehicle dealership may object to the granting of the license.

(2) The reopening or replacement of a dealership in a location where the

1 same line makes, models, or classifications has been sold by a licensed
2 recreational vehicle dealer within the previous two years shall not be considered
3 an additional recreational vehicle dealer under Paragraph (1) of this Subsection.

4 B.(1) Whenever the commission receives an application for a recreational
5 vehicle dealer's license which would relocate an existing recreational vehicle
6 dealership, including the transfer of a franchise and relocation to an existing
7 recreational vehicle dealership, it shall first notify the existing licensed
8 recreational vehicle dealership or dealerships selling the same line makes,
9 models, or classifications within the community or territory in which the
10 applicant proposes to conduct business. The existing same line makes, models,
11 or classifications dealership or dealerships shall have the right to object to the
12 granting of the license only if the proposed relocation is within a certain radius
13 of its facility. The radius shall be two hundred miles for a dealership selling
14 motor homes and one hundred miles for a dealership selling towable
15 recreational vehicles. However, without regard to distance, whenever the
16 commission receives an application for the relocation of a recreational vehicle
17 dealership which would add an additional franchise to an existing same line
18 makes, models, or classifications in a dealership's community or territory, the
19 affected dealership shall have the right to object.

20 (2) Whenever the commission receives a protest pursuant to the
21 provisions of Paragraph (1) of this Subsection, the applicant and the
22 manufacturer or distributor shall show, by a preponderance of the evidence,
23 that the existing same line makes, models, or classifications recreational vehicle
24 dealership or dealerships will not be substantially harmed by locating the
25 dealership within the area. Notwithstanding the provisions of R.S. 32:1251 to
26 the contrary, the commission shall consider the financial impact on both the
27 applicant and the existing dealership or dealerships.

28 C. The objection shall be in writing, and shall be received by the
29 commission within a thirty-day period after receipt of the notice. The thirty-day
30 objection period shall be waived upon written notification to the commission

1 from all licensees, who are entitled to object, that the licensees have no
2 objections to the proposed change or addition for which the notice of intent was
3 issued. If timely objection is lodged, and prior to the issuance of the license, the
4 commission shall hold a hearing within thirty days after receipt of the objection,
5 or forty-five days after the request is made for the three-member panel, and
6 issue its decision within ninety days after date of the hearing. Notice of hearing,
7 and an opportunity to participate therein, shall be given to the manufacturer
8 or distributor, to the applicant for the license as a recreational vehicle dealer,
9 and to the protesting dealership or dealerships. The absence of a timely protest
10 shall not prevent the commission from considering the effect of the issuance of
11 a license on other recreational vehicle dealerships, located either within or
12 outside the community or territory as part of its determination of whether or
13 not the license sought should be issued.

14 D.(1) Whenever the commission receives a protest pursuant to the
15 provisions of this Section, the commission shall consider the following in
16 determining whether there is good cause to issue a license:

17 (a) Whether the community or territory can support an additional
18 dealership.

19 (b) Notwithstanding the provisions of R.S. 32:1251 to the contrary, the
20 financial impact on both the applicant and the existing dealership or
21 dealerships.

22 (c) Whether the existing recreational vehicle dealerships of the same line
23 makes, models, or classifications in the dealership's community or territory are
24 providing adequate representation and convenient consumer care for the
25 recreational vehicles of the same line makes, models, or classifications located
26 within that area.

27 (d) Whether the issuance of the license would increase competition or be
28 in the public interest, or both.

29 (2) The applicant and manufacturer or distributor shall have the burden
30 of proof in demonstrating good cause by a preponderance of the evidence.

1 **E. The provisions of this Section shall not apply to any dealership which**
2 **has a validly binding dealer agreement with a manufacturer or distributor as**
3 **of August 1, 2025, including any future, uninterrupted renewals thereof, that**
4 **authorizes the sale of the same line makes, models, or classifications of**
5 **recreational vehicles within a specified territory that would otherwise violate**
6 **these provisions.**

7 **F. The provisions of this Section shall apply only to recreational vehicles**
8 **as defined in R.S. 32:1252 and shall not apply to any other recreational**
9 **products.**

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____