

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Commerce to Original House Bill No. 261
by Representative Carmody

AMENDMENT NO. 1

On page 1, delete line 2 in its entirety, and insert in lieu thereof the following:

"To amend and reenact R.S. 32:1254(A)(19) and (E)(9)(d), 1261(6)(a), and
1262(B)(1) and (4) and to enact R.S. 32:1262(B)(5)"

AMENDMENT NO. 2

On page 1, line 3, after "vehicles;" insert "to exclude nonresident exhibitors from licensure
by the Motor Vehicle Commission; to exempt recreational products dealers from certain
licensure requirements under certain circumstances;"

AMENDMENT NO. 3

On page 1, delete line 7 in its entirety and insert in lieu thereof the following:

"Section 1. R.S. 32:1254(A)(19) and (E)(9)(d), 1261(6)(a), and 1262(B)(1)
and (4) are hereby amended and reenacted and"

AMENDMENT NO. 4

On page 1, between lines 8 and 9, insert the following:

"§1254. Application for license; requirements for licensure; contents;
licenses; franchise filings

A. The following persons shall be licensed by the commission in
order to engage in business in the state of Louisiana, regardless of whether
or not said person maintains or has a place or places of business in this state,
and it is a violation of this Chapter to operate without first obtaining a
license:

* * *

(19) Auto shows, trade shows, and exhibitions, including promoters
~~and nonresident exhibitors.~~

* * *

E. Additional licensing and compliance requirements for motor
vehicle and recreational products dealers.

* * *

(9)

* * *

(d) Notwithstanding any other provisions of law to the contrary, any
motor vehicle or recreational products dealer holding a license hereunder
shall not be required to obtain a license as a motor vehicle lessor, used motor
vehicle dealer, or specialty vehicle dealer or converter, when modifying or
selling those vehicles or products he is duly franchised and licensed to sell,
provided such operations are conducted from the location from which such
motor vehicle or recreational products dealer is licensed to do business.

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AMENDMENT NO. 5

On page 1, line 16, delete "delineating"

1 AMENDMENT NO. 6

2 On page 1, delete line 17 and insert in lieu thereof:

3 "which includes the grounds upon which the modification is based, unless the
4 modifications"

5 AMENDMENT NO. 7

6 On page 2, line 19, delete "payment to dealer." and insert in lieu thereof "the final payment
7 to the dealer under a promotion, event, program, or activity."

8 AMENDMENT NO. 8

9 On page 3, delete lines 1 through 3 in their entirety and insert in lieu thereof the following:

10 "(4) A dealer shall not be charged back on a claim when a dealer
11 performs a repair covered by the manufacturer's or distributor's warranty, and
12 the dealer reasonably demonstrates that the repair resolved the condition
13 which the customer presented for resolution, and the dealer documents what
14 has been repaired and the process utilized to accomplish the repair.

15 (5) Limitations on warranty parts or service compensation, sales
16 incentive audits, rebates, or other forms of incentive compensation,
17 chargebacks for warranty parts or service compensation, and service
18 incentives and chargebacks for sales compensation only shall not be effective
19 in the case of intentionally false or fraudulent claims."

20 AMENDMENT NO. 9

21 On page 3, delete line 5, and insert in lieu thereof the following:

22 "more frequently than two sales-related and two service-related audits in a
23 twelve-month period. Nothing in this Subsection shall limit a manufacturer's
24 or distributor's ability to perform routine claim reviews in the normal course
25 of business."

26 AMENDMENT NO. 10

27 On page 3, line 6, change "ninety" to "sixty"