

Regular Session, 2014

SENATE BILL NO. 318

BY SENATOR GARY SMITH

WARRANTIES. Provides relative to the performance of warranty repairs. (8/1/14)

1 AN ACT

2 To amend and reenact R.S. 32:1261(A)(1)(t), relative to warranty repairs; to provide relative
3 to unauthorized acts; to provide for exemptions; to provide for certain terms and
4 conditions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 32:1261(A)(1)(t) is hereby amended and reenacted to read as
7 follows:

8 §1261. Unauthorized acts

9 A. It shall be a violation of this Chapter:

10 (1) For a manufacturer, a distributor, a wholesaler, distributor branch, factory
11 branch, converter or officer, agent, or other representative thereof:

12 * * *

13 (t) To operate a satellite warranty and repair center, to authorize a person to
14 perform warranty repairs who is not a motor vehicle dealer, or to authorize a motor
15 vehicle dealer to operate a satellite warranty and repair center within the community
16 or territory of a same-line or make motor vehicle dealer. This Subparagraph shall not
17 apply to ~~recreational~~ **any of the following**:

- (1) Emergency service of a vehicle.
- (2) A fleet owner or governmental entity that is authorized to perform warranty repairs on vehicles with a gross vehicle weight rating of twelve thousand pounds or more owned by the fleet owner or governmental entity. Notification by the selling dealer or the fleet owner or governmental entity to do so and the program information by manufacturer shall be given to such dealer located in the same community or territory of the fleet owner or governmental entity.

Proposed law defines "fleet owner or governmental entity" as a person or unit of government who owns or leases for its own use or a renting or leasing company who rents to a third party, 10 or more motor vehicles with a gross vehicle weight rating of 12,000 lbs or more manufactured or sold by the manufacturer or distributor who authorizes the warranty repairs to be performed.

Proposed law provides that warranty repairs that are subject to the provisions of law shall meet the same requirements for special tools and equipment required for the makes and models being repaired and technician certification as are required for a franchise dealer and shall not include repairs to the internal drive train or the after-treatment exhaust system.

Effective August 1, 2014.

(Amends R.S. 32:1261(A)(1)(t))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the original bill

1. Changes the exemption for vehicles from emergency service of motor vehicles with certain characteristics to emergency service of a vehicle.
2. Requires notification by the selling dealer or the fleet owner or governmental entity to do so and the program information by manufacturer shall be given to such dealer located in the same community or territory of the fleet owner or governmental entity.
3. Removes the provision that requires warranty repairs to meet the same requirements for facilities as are required for a franchise dealer.
4. Adds that warranty repairs shall meet the same requirements for special tools and equipment required for the makes and models being repaired as are required for a franchise dealer.
5. Limits the types of repairs that can be made on vehicles owned or leased by a fleet owner or governmental entity.