SLS 19RS-124 ORIGINAL

2019 Regular Session

SENATE BILL NO. 178

BY SENATOR ALLAIN

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

WARRANTIES. Provides relative to the right to repair farm equipment. (1/1/20)

1	AN ACT
2	To enact Chapter 22-C of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised
3	of R.S. 3:3691 through 3694, relative to farm equipment; to provide relative to the
4	right to repair farm equipment; to require farm equipment dealers to make certain
5	parts and electronic diagnostic repair equipment available for purchase; to provide
6	for definitions; to provide for powers of the commissioner; to provide for penalties;
7	and to provide for related matters.
8	Be it enacted by the Legislature of Louisiana:
9	Section 1. Chapter 22-C of Title 3 of the Louisiana Revised Statutes of 1950,
10	comprised of R.S. 3:3691 through 3694, is hereby enacted to read as follows:
11	CHAPTER 22-C. RIGHT TO REPAIR FARM EQUIPMENT
12	§3691. Definitions
13	As used in this Chapter:
14	(1) "Commissioner" means the Louisiana commissioner of agriculture
15	and forestry.
16	(2) "Embedded software" means any programmable instructions
17	delivered with farm equipment and all relevant patches and fixes.

1	(3) "Farm equipment" means equipment, other than a motor vehicle,
2	that is used or intended for use in a farm or ranch operation, including any
3	combine, tractor, implement, engine, motor, or attachment.
4	(4) "Farm equipment dealer" means an individual or entity that is
5	engaged in the business of selling or leasing new farm equipment and the
6	diagnosis, service, maintenance, or repair of farm equipment.
7	(5) "Motor vehicle" means any vehicle that is designed for transporting
8	persons or property on a street or highway.
9	(6) "Owner" means an individual or entity that owns or leases farm
10	equipment purchased or used in this state.
11	§3692. Requirements
12	For farm equipment sold or used in this state, a farm equipment dealer
13	shall make available for purchase on fair and reasonable terms to an owner of
14	the farm equipment the following:
15	(1) Farm equipment parts and updates to embedded software.
16	(2) Electronic diagnostic repair equipment.
17	§3693. Authority of the commissioner
18	The commissioner shall:
19	(1) Administer and enforce the provisions of this Chapter.
20	(2) Collect, administer, and disburse the proceeds of the penalties
21	collected pursuant to this Chapter.
22	(3) Seek and obtain injunctive or other civil relief to restrain and prevent
23	violations of this Chapter.
24	§3694. Penalties
25	A. A farm equipment dealer that violates any provision of this Chapter
26	shall be subject to a civil penalty of not more than five hundred dollars for each
27	violation. Each day on which a violation occurs shall be a separate offense.
28	B. Penalties may be assessed only by a ruling of the commissioner based
29	upon an adjudicatory hearing held in accordance with the provisions of the

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Administrative Procedure Act.

Section 3. This Act shall become effective on January 1, 2020; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on January 1, 2020, or on the day following such approval by the legislature, whichever is later.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Curry Lann.

DIGEST 2019 Regular Session

Allain

SB 178 Original

<u>Proposed law</u> defines the following terms:

- (1) "Commissioner" means the Louisiana commissioner of agriculture and forestry.
- (2) "Embedded software" means any programmable instructions delivered with the farm equipment and all relevant patches and fixes.
- (3) "Farm equipment" means equipment, other than a motor vehicle, that is used or intended for use in a farm or ranch operation, including any combine, tractor, implement, engine, motor, or attachment.
- (4) "Farm equipment dealer" means an individual or entity that is engaged in the business of selling or leasing new farm equipment and the diagnosis, service, maintenance, or repair of farm equipment.
- (5) "Motor vehicle" means any vehicle that is designed for transporting persons or property on a street or highway.
- (6) "Owner" means an individual or entity that owns or leases farm equipment purchased or used in this state.

<u>Proposed law</u> requires a farm equipment dealer to make available for purchase on fair and reasonable terms to an owner of farm equipment the following:

- (1) Farm equipment parts and updates to embedded software.
- (2) Electronic diagnostic repair equipment.

<u>Proposed law</u> requires the commissioner to administer and enforce the provisions of <u>proposed law</u>, collect, administer, and disburse the proceeds of the penalties collected, and seek and obtain injunctive or other civil relief to restrain and prevent violations.

<u>Proposed law</u> subjects a farm equipment dealer that violates any provision of <u>proposed law</u> to a civil penalty of not more than \$500 for each violation.

<u>Proposed law</u> authorizes the commissioner to assess penalties based upon an adjudicatory hearing held in accordance with the provisions of the APA.

Effective January 1, 2020.

(Adds R.S. 3:3691-3694)