

DECLARATION OF EMERGENCY

Office of the Governor Motor Vehicle Commission

License Renewal Fees Suspension for Louisiana-Based Business Licensees (LAC 46:V.Chapters 21 and 81)

On January 31, 2020, the United States Department of Health and Human Services Secretary Alex A. Azar declared a public health emergency (PHE) for the United States to aid the nation's healthcare community in responding to the coronavirus disease (COVID-19). The United States Centers for Disease Control and Prevention (CDC) declared COVID-19 a worldwide pandemic due to its global effect. Furthermore, on March 13, 2020, the President of the United States invoked the Stafford Act and declared a national emergency regarding the COVID-19 outbreak. On March 11, 2020 Louisiana Governor John Bel Edwards issued Proclamation No. JBE 2020-25, declaring a Public Health Emergency in the state of Louisiana due to COVID-19. Reference is also made to Proclamation No. JBE 2020-33 (dated March 22, 2020) and Proclamation No. JBE 2020-41 (dated April 2, 2020).

This Emergency Rule is enacted pursuant to the authorization and direction of the House Representatives and the Senate expressed in House Concurrent Resolution No. 71 of the 2020 Regular Session of the Louisiana Legislature, passed on June 1, 2020. This Emergency Rule addresses the impact of the COVID-19 disruption to the normalcy previously enjoyed by citizens of Louisiana and the detrimental impacts upon various licensees of the Louisiana Motor Vehicle Commission.

The disruption caused by COVID-19 to the normalcy previously enjoyed by Louisianans is an immediate threat to the public health, safety, and welfare of the Louisiana citizens and businesses. In order to respond to the emergency and to protect and safeguard the public, health, safety and welfare of the citizens of this state, and to comply with the Legislature's will as expressed in House Concurrent Resolution No. 71 of the 2020 Regular Session of the Louisiana Legislature and its established time limitations, it is necessary to issue this Emergency Rule.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part V. Automotive Industry

Subpart 1. Motor Vehicle Commission

Chapter 21. Suspension of License Renewal Fees for Louisiana Manufacturers; Motor Vehicle Dealers; Factory Branches; Distributors or Wholesalers; Distributor Branches; Used Motor Vehicle Dealers; Satellite Warranty and Repair Centers; Brokers; Motor Vehicle Lessor Franchisors; Motor Vehicle Lessors; Lease Facilitators; Converters or Secondary Manufacturers; Specialty Vehicle Dealers; Promoters; and Vehicle Protection Product Warrantors whose business is based in Louisiana

§2101. Purpose

A. This Emergency Rule provides for the suspension of license renewal fees for Louisiana Motor Vehicle Commission licensees whose business is located in

Louisiana and defined as being manufacturers; motor vehicle dealers; factory branches; distributors or wholesalers; distributor branches; used motor vehicle dealers; satellite warranty and repair; brokers; motor vehicle lessor franchisors; motor vehicle lessors; lease facilitators; converters or secondary manufacturers; specialty vehicle dealers; promoters; and vehicle protection product warrantors who have been negatively impacted by the related commercial and economic impacts of COVID-19, in accordance with Proclamation No. JBE 2020-33, issued on March 22, 2020, by Governor John Bel Edwards declaring a stay at home order and closure of nonessential businesses until April 13, 2020 and Proclamation No. JBE 2020-41 issued on April 2, 2020, declaring a stay at home order and closure of nonessential businesses until April 30, 2020 and House Concurrent Resolution 71 of the 2020 Regular Session of the Louisiana Legislature, enrolled June 1, 2020.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, Proclamation No. JBE 2020-41, and House Concurrent Resolution No. 71 of the 2020 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Louisiana Motor Vehicle Commission LR 46:

§2103. Applicability and Scope

A. License renewal fees for licensees of the Louisiana Motor Vehicle Commission whose business is based in Louisiana and who are defined as manufacturers; motor vehicle dealers; factory branches; distributors or wholesalers; distributor branches; used motor vehicle dealers; satellite warranty and repair; brokers; motor vehicle lessor franchisors; motor vehicle lessors; lease facilitators; converters or secondary manufacturers; specialty vehicle dealers; promoters; and/or vehicle protection product warrantors having a current license having an expiration date falling in the time period from July 1, 2020 through June 30, 2021, shall be suspended until July 1, 2021.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, Proclamation No. JBE 2020-41, and House Concurrent Resolution No. 71 of the 2020 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Louisiana Motor Vehicle Commission LR 46:

§2105. Definitions

A. For the purposes of this Emergency Rule, suspension of license renewal fees for licensees of the Louisiana Motor Vehicle Commission whose business is based in Louisiana, the following terms are defined as follows.

Broker—as defined in R.S. 32:1252(5).

Converters or Secondary Manufacturer—as defined in R.S. 32:1252(8).

Distributor Branch—as defined in R.S. 32:1252 (13).

Distributor or Wholesaler—as defined in R.S. 32:1252(12).

Factory Branch—as defined in R.S. 32:1252(16).

Lease Facilitator—as defined in R.S. 32:1252(21).

Manufacturer—as defined in R.S. 32:1252 (24).

Motor Vehicle Dealer—as defined in R.S. 32:1252(35).

Motor Vehicle Lessor Franchisor—as defined in R.S. 32:1252(38).

Motor Vehicle Lessor—as defined in R.S. 32:1252(36).

Promoters—pursuant to LAC 46:V.1503.

Used Motor Vehicle Dealer—as defined in R.S. 32:1252(65).

Satellite Warranty and Repair Center—as defined in R.S. 32:1252(51).

Specialty Vehicle Dealer—as defined in R.S. 32:1252(54).

Vehicle Protection Product Warrantor—as defined in R.S. 32:1272(7).

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, Proclamation No. JBE 2020-41, and House Concurrent Resolution No. 71 of the 2020 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Louisiana Motor Vehicle Commission LR 46:

§2107. Suspension of Time to Renew and licenses to remain valid

A. The time to renew licenses for all Louisiana manufacturers; motor vehicle dealers; factory branches; distributors or wholesalers; distributor branches; used motor vehicle dealers; satellite warranty and repair; brokers; motor vehicle lessor franchisors; motor vehicle lessors; lease facilitators; converters or secondary manufacturers; specialty vehicle dealers; promoters; and vehicle protection product warrantors having its business based in Louisiana and having an expiration date falling in the time period from July 1, 2020 through June 30, 2021 shall be suspended until July 1, 2021.

B. During the suspended renewal period pursuant to this Emergency Rule, the current license of Louisiana manufacturers; motor vehicle dealers; factory branches; distributors or wholesalers; distributor branches; used motor vehicle dealers; satellite warranty and repair; brokers; motor vehicle lessor franchisors; motor vehicle lessors; lease facilitators; converters or secondary manufacturers; specialty vehicle dealers; promoters; and vehicle protection product warrantors having its business based in Louisiana shall remain valid unless surrendered, suspended or revoked.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, Proclamation No. JBE 2020-41, and House Concurrent Resolution No. 71 of the 2020 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Louisiana Motor Vehicle Commission LR 46:

§2109. Effective Date

A. Emergency Rule, suspension of renewal fees for licensees of the Louisiana Motor Vehicle Commission whose business is based in Louisiana, shall become effective at 12:01 a.m. on June 15, 2020 and shall continue in full force and effect until expiration on June 30, 2021, 11:59 p.m.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, Proclamation No. JBE 2020-41, and House Concurrent Resolution No. 71 of the 2020 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Louisiana Motor Vehicle Commission LR 46:

§2111. Severability

A. If any section or provision of this Emergency Rule, suspension of license renewal fees for licensees of the Louisiana Motor Vehicle Commission whose business is based in Louisiana, or its application to any person or circumstance is held invalid, such invalidity or determination shall not affect other sections or provisions or the application of this Emergency Rule, suspension of license renewal fees for licensees of the Louisiana Motor Vehicle Commission whose business is based in Louisiana,

to any persons or circumstances that can be given effect without the invalid section or provision or application, and for these purposes the sections and provisions of this Emergency Rule, suspension of license renewal fees for licensees whose business is based in Louisiana, and the application to any persons or circumstances are severable.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, Proclamation No. JBE 2020-41, and House Concurrent Resolution No. 71 of the 2020 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Louisiana Motor Vehicle Commission LR 46:

Subpart 3. Motor Vehicle Sales Finance

Chapter 81. Suspension of the Renewal Fee for Louisiana based businesses to finance motor vehicles pursuant to R.S. 6:969.1 et seq. and Administrators

§8101. Purpose

A. This Emergency Rule provides for the suspension of license renewal fees for businesses based in Louisiana to finance motor vehicles pursuant to R.S. 6:969.1 et seq. and Administrators who have been negatively impacted by the related commercial and economic impacts of COVID-19, in accordance with Proclamation No. JBE 2020-33, issued on March 22, 2020, by Governor John Bel Edwards declaring a stay at home order and closure of nonessential businesses until April 13, 2020 and Proclamation No. JBE 2020-41 issued on April 2, 2020, declaring a stay at home order and closure of nonessential businesses until April 30, 2020 and House Concurrent Resolution 71 of the 2020 Regular Session of the Louisiana Legislature, enrolled June 1, 2020.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, Proclamation No. JBE 2020-41, and House Concurrent Resolution No. 71 of the 2020 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Louisiana Motor Vehicle Commission LR 46:

§8103. Applicability and Scope

A. License renewal fees are applicable to extenders of credit to finance motor vehicles and for Administrators pursuant to R.S. 6:969.1 et seq. whose business is based in Louisiana with an expiration date falling in the time period from July 1, 2020 through June 30, 2021, are suspended until July 1, 2021.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, Proclamation No. JBE 2020-41, and House Concurrent Resolution No. 71 of the 2020 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Louisiana Motor Vehicle Commission LR 46:

§8105. Definitions

A. For the purposes of this Emergency Rule, suspension of renewal fees for licensees of the Louisiana Motor Vehicle Commission whose business is based in Louisiana, the following terms are defined as follows.

Administrator—as defined in R.S. 6:969.6(1).

Extender of Credit—as defined in R.S. 6:969.6(17)

AUTHORITY NOTE: Promulgated in accordance with Proclamation N. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, Proclamation No. JBE 2020-41, and House Concurrent Resolution No. 71 of the 2020 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Motor Vehicle Commission LR 46:

§8107. Suspension of Time to Renew and Licenses to Remain Valid

A. The time for renewal of licenses for extenders of credit to finance motor vehicles and for Administrators pursuant to R.S. 6:969.1 et seq. whose business is based in Louisiana and having an expiration date falling in the time period from July 1, 2020 through June 30, 2021 is suspended until July 1, 2021.

B. During the suspended renewal period pursuant to this Emergency Rule, the current license of an extender of credit whose business is based in Louisiana to finance motor vehicles pursuant to R.S. 6:969.1 et seq. and the current license of Administrators whose business is based in Louisiana shall remain valid unless surrendered, suspended or revoked.

AUTHORITY NOTE: Promulgated in accordance with Proclamation N. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, Proclamation No. JBE 2020-41, and House Concurrent Resolution No. 71 of the 2020 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of Governor, Motor Vehicle Commission LR 46:

§8109. Effective Date

A. This Emergency Rule, suspension of license renewal fees for Louisiana Motor Vehicle Commission licensees whose business is based in Louisiana, shall become effective at 12:01 a.m. on June 15, 2020 and shall continue in full force and effect until expiration on June 30, 2021, 11:59p.m.

AUTHORITY NOTE: Promulgated in accordance with Proclamation N. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, Proclamation No. JBE 2020-41, and House Concurrent Resolution No. 71 of the 2020 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of Governor, Louisiana Motor Vehicle Commission LR 46:

§8111. Severability

A. If any section or provision of this Emergency Rule, suspension of license renewal fees for licensees of the Louisiana Motor Vehicle Commission whose business is based in Louisiana or its application to any person or circumstance is held invalid, such invalidity or determination shall not affect other sections or provisions or the application of this Emergency Rule, suspension of license renewal fees for licensees of the Louisiana Motor Vehicle Commission whose business is based in Louisiana, to any persons or circumstances that can be given effect without the invalid section or provision or application, and for these purposes the sections and provisions of this Emergency Rule, suspension of license renewal fees for licensees of the Louisiana Motor Vehicle Commission whose business is based in Louisiana, and the application to any persons or circumstances are severable.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, Proclamation No. JBE 2020-41, and House Concurrent Resolution No. 71 of the 2020 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Motor Vehicle Commission LR 46:

Lessie A. House
Executive Director