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	1]	ALCO PRECENT.	i
1		1	ALSO PRESENT:	
2		2		
3		3	MS. KIM BARON	
4		4	MR. DEREK PARNELL	
5		5	MS. MONA ANDERSON	
6	LOUISIANA USED MOTOR VEHICLE COMMISSION	6	MS. TONYA BURKS	
-		I -		
7	STATE OF LOUISIANA	7	MR. MONTIE WISENOR	
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9		9		
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	DECULAR MEETING	1		
14	REGULAR MEETING	14		
15	MARCH 17, 2014	15		
16	BEGINNING AT 9:30 A.M.	16		
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18		18		
19		19	·	
20	3132 VALLEY CREEK	20		
1				
21	BATON ROUGE, LOUISIANA	21		
22		22		
23		23		
24	REPORTED BY:	24		
25	BETTY D. GLISSMAN, CCR	25		
	Betty D. Glissman, CCR		Betty D. Glissman, CCR	
	2	Ì	4	
1	APPEARANCES:	1		
1 2		1	MR. POTEET:	
1	APPEARANCES: CHAIRMAN:	2	MR. POTEET: Pledge of Allegiance.	
2	APPEARANCES:	2	MR. POTEET: Pledge of Allegiance. (Pledge of Allegiance.)	
2 3 4 5	APPEARANCES: CHAIRMAN: MR. JOHN POTEET	2	MR. POTEET: Pledge of Allegiance. (Pledge of Allegiance.) MR. POTEET:	
2	APPEARANCES: CHAIRMAN: MR. JOHN POTEET COMMISSIONERS PRESENT:	2	MR. POTEET: Pledge of Allegiance. (Pledge of Allegiance.) MR. POTEET: Kim, roll call, please.	
2 3 4 5 6 7	APPEARANCES: CHAIRMAN: MR. JOHN POTEET COMMISSIONERS PRESENT: MR. TONY CORMIER	2 3 4	MR. POTEET: Pledge of Allegiance. (Pledge of Allegiance.) MR. POTEET:	
2 3 4 5 6 7 8	APPEARANCES: CHAIRMAN: MR. JOHN POTEET COMMISSIONERS PRESENT: MR. TONY CORMIER MR. RON DUPLESSIS	2 3 4 5	MR. POTEET: Pledge of Allegiance. (Pledge of Allegiance.) MR. POTEET: Kim, roll call, please.	
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1	<u>r</u>	Τ	. 7
1	MS. BARON:	1	your packets to the January financial
2	George Floyd?	2	statements, we're just going to skim through
3	MR. FLOYD:	3	those since we'll mostly look at the
4	Here.	4	year-to-date figures. And on the balance
	MS. BARON:	*	•
5		5	sheet, the cash in the bank was \$1,606,577.
6	Kirby Roy?	6	Accounts receivable hearings and fines, was
7	MR. ROY:	7	\$44,584. It was decreased due to
8	Here.	8	collections. Down at the bottom of the
9	MS. BARON:	9	page, the current liabilities were \$48,594.
10	Darty Smith?	10	On Page 2, the deferred revenue
11	MR. SMITH:	11	for 2015 was up to \$233,250. Turning on to
12	Here.	12	the revenues, expenses, and changes in net
13	MS. BARON:	13	position report, on Page 3 towards the
14	Mr. Chairman, we have a quorum.	14	bottom of the page, our revenues
15	MR. POTEET:	15	year-to-date were \$881,015 compared to
16	Very good.	16	\$899,493 last year, but our month-to-date
17	Do we have anyone here for public	17	revenues were higher at \$123,290 compared to
18	comments?	18	\$114,279 last year.
19	MS. BARON:	19	Under expenses, there was an
20	Not at this time.	20	increase of \$40,000 in expenses compared to
21	MR. POTEET:	21	last year as shown on Page 5, and the net
22	Okay. If all of you,	22	position year-to-date was \$318,080.
23	hopefully, have had a chance to review the	23	On Page 6, you have the revenues,
24	minutes from the previous meeting, and we	24	expenses, and net position reports. So you
25	need a motion to approve that.	25	can look at the year-to-date and
	Betty D. Glissman, CCR		Betty D. Glissman, CCR
1	6		8
	· ·		5
1	MS. BARON:	1	month-to-date revenues, expenses, and
1 2		1 2	-
	MS. BARON:	1	month-to-date revenues, expenses, and
2	MS. BARON: There was no meeting.	2	month-to-date revenues, expenses, and compare the net position.
3	MS. BARON: There was no meeting. MR. POTEET: There was no meeting. That's absolutely right. All right. So we're	2 3	month-to-date revenues, expenses, and compare the net position. On Page 7 is the graph of that
2 3 4	MS. BARON: There was no meeting. MR. POTEET: There was no meeting. That's	2 3 4	month-to-date revenues, expenses, and compare the net position. On Page 7 is the graph of that report and the revenues are beginning to
2 3 4 5	MS. BARON: There was no meeting. MR. POTEET: There was no meeting. That's absolutely right. All right. So we're	2 3 4 5	month-to-date revenues, expenses, and compare the net position. On Page 7 is the graph of that report and the revenues are beginning to decline at the end of our renewal period.
2 3 4 5 6	MS. BARON: There was no meeting. MR. POTEET: There was no meeting. That's absolutely right. All right. So we're going to be looking at the minutes from the	2 3 4 5 6	month-to-date revenues, expenses, and compare the net position. On Page 7 is the graph of that report and the revenues are beginning to decline at the end of our renewal period. On Page 8 is a chart of the fee
2 3 4 5 6 7	MS. BARON: There was no meeting. MR. POTEET: There was no meeting. That's absolutely right. All right. So we're going to be looking at the minutes from the previous meeting that we met, which was	2 3 4 5 6 7	month-to-date revenues, expenses, and compare the net position. On Page 7 is the graph of that report and the revenues are beginning to decline at the end of our renewal period. On Page 8 is a chart of the fee revenue for the year, the dark blue, being
2 3 4 5 6 7 8	MS. BARON: There was no meeting. MR. POTEET: There was no meeting. That's absolutely right. All right. So we're going to be looking at the minutes from the previous meeting that we met, which was January.	2 3 4 5 6 7 8	month-to-date revenues, expenses, and compare the net position. On Page 7 is the graph of that report and the revenues are beginning to decline at the end of our renewal period. On Page 8 is a chart of the fee revenue for the year, the dark blue, being '13/'14 and the light blue '12/'13. You can
2 3 4 5 6 7 8 9	MS. BARON: There was no meeting. MR. POTEET: There was no meeting. That's absolutely right. All right. So we're going to be looking at the minutes from the previous meeting that we met, which was January. MR. SMITH:	2 3 4 5 6 7 8	month-to-date revenues, expenses, and compare the net position. On Page 7 is the graph of that report and the revenues are beginning to decline at the end of our renewal period. On Page 8 is a chart of the fee revenue for the year, the dark blue, being '13/'14 and the light blue '12/'13. You can see some of the fees fee revenue went up,
2 3 4 5 6 7 8 9	MS. BARON: There was no meeting. MR. POTEET: There was no meeting. That's absolutely right. All right. So we're going to be looking at the minutes from the previous meeting that we met, which was January. MR. SMITH: I'll make a motion.	2 3 4 5 6 7 8 9	month-to-date revenues, expenses, and compare the net position. On Page 7 is the graph of that report and the revenues are beginning to decline at the end of our renewal period. On Page 8 is a chart of the fee revenue for the year, the dark blue, being '13/'14 and the light blue '12/'13. You can see some of the fees fee revenue went up, but there were some declines.
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2 3 4 5 6 7 8 9 10 11	MS. BARON: There was no meeting. MR. POTEET: There was no meeting. That's absolutely right. All right. So we're going to be looking at the minutes from the previous meeting that we met, which was January. MR. SMITH: I'll make a motion. MR. ROY: Second.	2 3 4 5 6 7 8 9 10 11	month-to-date revenues, expenses, and compare the net position. On Page 7 is the graph of that report and the revenues are beginning to decline at the end of our renewal period. On Page 8 is a chart of the fee revenue for the year, the dark blue, being '13/'14 and the light blue '12/'13. You can see some of the fees fee revenue went up, but there were some declines. On Page 9 is the certificate of deposit report. The Concordia Bank CDs,
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	9	Γ	11
1	MR, CORMIER:	1	slight decrease of about \$7,600 there.
2	I make a motion to approve.	2	Again, turning the page to Page 6
1	MR. ROY:	3	,
3	Second.	_	is the revenue, expenses, and net position
4	MR. POTEET:	4	and you can see the comparison
5		5	month-to-month and the year-to-date figures.
6	Kirby second.	6	On Page 7, is the graph of that
7	All in favor, say, "Aye."	7	chart and you can see our net position is
8	(All "Aye" responses.)	8	increasing and but our revenues have
9	MR. POTEET:	9	begun to decline as our revenue period ends.
10	Any opposed?	10	And on Page 8 is the chart of the
11	(No response.)	11	fee revenue. This fiscal year compared to
12	MR. POTEET:	12	last fiscal year, in general, the fees are
13	All right. Good morning, Mr.	13	the fee amounts are increasing.
14	Taylor.	14	On Page 9, the certificate of
15	MR. TAYLOR:	15	deposit report, there's no change in that
16	Good morning.	16	report from January.
17	MR. POTEET:	17	On Page 10 is our hearings and
18	Let the record show that Dino	18	fines report. In February, we assessed
19	Taylor is here.	19	\$24,550 in fines and we collected \$2,250.
20	MS. BARON:	20	We transferred we had an overpayment on
21	Duly noted.	21	some licenses that we transferred to the
22	MR. POTEET:	22	fines for Sean Calvit of \$5,834 leaving us a
23	All right, Mona.	23	balance of \$66,350. We're still trying to
24	MS. ANDERSON:	24	collect from the bond on Knight Affordable
25	If you'll turn in your packets to	25	and also on Premiere. This month, we'll be
	Betty D. Glissman, CCR		Betty D. Glissman, CCR
	10		12
1	the February report. On Page 1, the cash in	1	sending Value Imports to the Attorney
1		1 '	
2	the bank at the end of February was	2	General for collection.
2 3	the bank at the end of February was \$1.605.887. Total current assets	2	General for collection. So unless there are any
3	\$1,605,887. Total current assets	3	So unless there are any
3 4	\$1,605,887. Total current assets \$2,174,820. Hearings and fines increased	3	So unless there are any questions, that concludes my report.
3 4 5	\$1,605,887. Total current assets \$2,174,820. Hearings and fines increased significantly to \$66,350, and current	3 4 5	So unless there are any questions, that concludes my report. MR. POTEET:
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13 15 thing on our agenda is I think is Mr. 1 two agencies concerning licensing auctions. Hallack's invoice; is that right? 2 The discussion primarily addressed a concern MR. PARNELL: that was raised a month ago regarding the 3 Yes. need for a separate auction license issued 4 MR. POTEET: by the LUMVC in addition to the auctioneers 5 We have his invoice for February. license issued by LALB, and whether there is 6 MR. PARNELL: a need for an auction to hold two licenses 7 7 Commissioners, please find in 8 from the LUMVC. What we kind of gathered -your packet Counselor Hallack's bill for what we came to the conclusion was that our 9 services for February of 2014. I have 10 10 Attorney Hallack and Anna Dow would kind of 11 reviewed the services performed and I have work together on an interagency agreement. had accounting review the time calculations 12 12 so that we can make sure that there's no and everything is correct. Counsel crossing of paths and you'll see that. It's 13 13 Hallack's bill for services for February of #2 and #3 kind of -- under policy and 14 2014 is \$3,281.25. I ask that you approve 15 procedure kind of address those things. #2 15 payment for Mr. Hallack's bill. is what we received as a proposed agreement 16 MR. POTEET: from Anna Dow, and #3 the proposed 17 17 18 Okay. 18 interagency agreement from Robert Hallack. MR. CORMIER: 19 19 So I'll ask Robert to kind of 20 I'll make a motion. 20 talk a little bit about both, if you will. MR. POTEET: MR. HALLACK: 21 21 22 I have a motion from Tony. We did have a meeting. During 22 A second? 23 that meeting, we realized -- I quess it was 23 MR. SMITH: 2010 I think we created two separate 24 24 25 I'll second. 25 licenses -- two separate categories of Betty D. Glissman, CCR Betty D. Glissman, CCR 14 16 MR. POTEET: 1 auctions. One is the wholesale auction and Second from Darty. the other is the public or retail auction. 2 All in favor, say, "Aye." And we wrote -- I think back in 2008 maybe 3 (All "Aye" responses.) it was, that we wrote some specific laws 4 MR. POTEET: that deal with wholesale auctions. They 5 Any opposed? didn't deal with public or retail auctions. 6 (No response.) And that's one of the reasons why we created 7 7 MR. POTEET: 8 the separate license. All right. Okay. Next we've got I believe it's Revised Statute 9 9 some discussions of policy and procedure. 32:794, we set forth the different 10 The first thing is of the meeting with Jeff 11 11 categories for which you have to have a 12 and -- Jeff Henderson and Sandy Edmunds with license, and in that, we created a category 13 the LALB. of auctions. And at that time, if you did a Derek, do you want to --14 14 public or retail auction, you had to have a MR. PARNELL: 15 15 separate license for an auction, and we 16 Yes, we can get started. On realized that we didn't really -- we didn't February 10th, we had a meeting with the -regulate public or retail auctions any 17 17 our agency and the Auctioneers Board 18 differently than we did a used motor vehicle representative that was in attendance with 19 dealer. In other words, there was -- the 19 20 Commissioner -- I mean, excuse me, Chairman 20 laws that were developed for wholesale Poteet, Counsel Hallack, Kim Baron and I, auctions did not pertain to public or retail 21 22 for LALB was Jeff Henderson, their counsel, 22 auctions. So what we decided to do in Anna Dow, and Sandy Edmunds was their legislation was to remove wholesale auctions 23 23 Director. The purpose of that meeting, so from the definition of a used motor vehicle 24 that we can kind of see clarity between the dealer and make sure it was clearly Betty D. Glissman, CCR Betty D. Glissman, CCR

	17		10
,	17	١.,	19
1	understood that only public or retail auctions were included within the definition	1	motor vehicles? There's a lot there, but it
2	of a used motor vehicle dealer. And then in	2	pretty much sums it up.
3		3	Shows you what a great negotiator I am. I sat in on this meeting and I still
4	the categories, we removed public or retail	4	-
5	auctions as a separate category. So the end	5	have to get two licenses. All right. So,
6	result is public or retail auctions, no	6	yes, I think we can separate the public from
7	longer under our law, are required to have a separate license for an auction. They are	7	the wholesale. Okay. Would anybody like to make a
8	•	8	• •
9	required to have a UD license. Now,	9	motion to approve this interagency
10	wholesale auctions, who also sell used motor	10	agreement?
11	vehicles to the public or retail or for	11	MR. CORMIER:
12	whatever reason need the ability to transfer	12	I'll make a motion.
13	title, are still required to get the UD	13	MR. POTEET:
14	license. So basically that's what this	14	Motion from Tony.
15	says. And if we have any complaints, which	15	I need a second.
16	we think may involve an auctioneer or	16	MR. SMITH:
17	something peculiar to auction legislation or	17	I'll second.
18	rules and regs, we're going to transfer that	18	MR. POTEET:
19	for them work and if they get something that	19	Second from Darty.
20	comes under our law, they're going to send	20	All in favor, say, "Aye."
21	that to us.	21	(All "Aye" responses.)
22	MR. POTEET:	22	MR. POTEET:
23	I think that sums it up pretty	23	Any opposed?
24	well. MR. HALLACK:	24	(No response.) MR. POTEET:
25		25	
-	Betty D. Glissman, CCR 18		Betty D. Glissman, CCR
۱.	And I know that they met last	۱,	All right. So we've approved
1	Tuesday and they had both proposals before	1 2	that and hope that we can move on from that
3	them. I don't know what action they took,	3	and make all those people happy over there.
4	though.	4	I think that that was a glitch that dragged
5	MR. POTEET:	5	on a little bit longer than needed to.
6	Do we have to take any action on	6	Okay.
7	this?	7	The next thing on our agenda is
8	MR. HALLACK:	8	the Executive Director'S report, review of
9	No.	9	complaint totals, a little information from
10	MR. POTEET:	10	Derek.
11	Okay. I think we've pretty much	11	MR. PARNELL:
12	got that cleared up.	12	If you turn with me to your
13	MR. HALLACK:	13	packets, you will find the January and the
14	Well, I take that back.	14	February 2014 totals. The alleged issue
15	Probably, we need to look at the proposal	15	count for the month of January the
16	that we drafted and maybe acknowledge it or	16	alleged issue document, it illustrates the
17	maybe get approval to it, because I'm sure	17	amount of complaints broken out specifically
18	we'll get a call or an e-mail from them	18	to the actual issue that the person or the
19	saying, did your board approve it?	19	complainant was stating was done incorrect
20	MR. POTEET:	20	to them.
21	Okay. Has anybody had a chance	21	During the month of January,
22	to read that, the proposed interagency	22	there were 60 alleged issues. The next
23	agreement between the Louisiana Used Motor	23	document I don't know what order you put
24	Vehicle Commission and the Louisiana	24	them in. It may be a little bit different
		1	
25	Auctioneers' Licensing Board regarding used	25	from what I have. I have grouped up the

alleged issues for both together. So it will probably be your third document.

The alleged issue counts for the 3 month of February is 82 alleged issues. 4

Case report for the month of January is 44, 5 and you have five completed. For February,

7

the case report, the assigned cases were 61.

There were 12 completed cases. The

department summary report for the month of

January illustrated 32 cases that were 10

11 closed, and in the month of February were

43. 12

15

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2

The investigators have been 13 working pretty hard trying to satisfy 14

consumer complaints and ensuring that the

licensees are in compliance. Other 16

functions that they have been working with, 17

they've had the meetings with Louisiana 18

State Police, Rapides Parish Sheriff's 19

Department, Alexandria PD, Office of Motor 20

Vehicle and conducted two seminars. Other 21

actions taking place during the month for

both months were -- audits conducted were 23

three. Five day notices that were issued 24

were three. Total number of site visits was 25 Betty D. Glissman, CCR

22

103. Hand deliveries of cease and desist

orders were five. Citations for violations

issued were 45. Physical inspections were

69. And total funds refunded were

\$6,152,62. That kind of concludes what went

on with the complaint side and investigative

side and general information. 7

Civil Service, we did do a 8

re-post with the Civil Service position that 9

we were looking for, a compliance 10

investigator. I did post that position and 11

I received 26 applicants. Of that pool of 12

13 applicants, I really wasn't satisfied with

what I received. So I did re-post the 14

position again for seven days. Tomorrow, it 15

will end. So, hopefully, I will have some 16

additional persons that I can look at and go 17

ahead and fill that position from District 18

3, and that's the Alexandria Lake Charles 19

area, because of constantly pulling other 20

investigators over and it's kind of getting 21

a little bit more difficult to try to manage 22

that as we're going. 23

Other items that I had to talk 24

about is the replacement of the

Betty D. Glissman, CCR

Commissioners. I've been in contact with

persons from the Governor's Office, but I do

not have any additional updates on 3

appointing a Commissioner.

And I believe one other item Kim

wanted to kind of address a concern or issue

or something that we need to do.

MS. BARON:

Yes. The -- Commissioners, v'all

need to remember that the financial

disclosure statement that you're required to 11

turn in to the Louisiana Board of Ethics is 12

due by May 15th. So do not forget. I will 13

send a reminder e-mail for y'all, but that 14

has to be done by the 15th. And you have to 15

-- they won't let -- you can fill it out

online, but then you have to print it off 17

and either fax it, mail or hand deliver it.

So they won't let you shoot it straight from

that form. So -- but that's due by the 20

15th. 21

22

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And it's always nice to do our

ethics training before the end of the year. 23

So I'm going to start reminding everybody to 24

do that before December 31st, but I will 25

Betty D. Glissman, CCR

24

send you a reminder e-mail, but that does

have to be done by May 15th, the financial

3 disclosure statement.

MR. PARNELL:

That concludes the items under

the Director's report.

7 MR. DUPLESSIS:

I have a question for you. I see

a couple fines down here in February. Can

you explain -- tell us about them real 10

auick? 11

MR. PARNELL:

On the --

MR, DUPLESSIS:

You have Sign and Drive.

MS. MORRIS:

If they don't pay their fines,

then they come for a hearing. 18

MR. PARNELL:

Say that again.

MS. MORRIS: 21

If these people don't pay their 22

fines, then they come for a hearing. 23

MR. PARNELL:

Yes. Some of them have already Betty D. Glissman, CCR

	25		27
1	paid.	1	Ron, would you like
	·	'	
2	MR. DUPLESSIS:	2	MR. DUPLESSIS:
3	One is an \$18,000 fine. That's a	3	The first activity, I'm going to
4	pretty good fine.	4	let Derek talk about the sunset activity,
5	MR. POTEET:	5	and he'll explain it to you real quick.
6	Well, yes, I mean	6	MR. PARNELL:
7	MR. DUPLESSIS:	7	All right. House Bill 232 by
8	That will be a source of revenue,	8	Representative Ponti, this bill refers to
9	but that must have been significant	9	the sunset law. The bill recreates certain
[activity.	-	entities transferred to or placed within the
10	· · · · · · · · · · · · · · · · · · ·	10	·
11	MR. PARNELL:	11	Office of the Governor. Under the present
12	What was it, 20?	12	law, it requires under the sunset law
13	MS. BARON:	13	agencies listed shall begin to terminate
14	It was 20 counts of non-delivery	14	operations on July 1 of 2014, shall cease
15	of title, four counts of fraud, and four	15	operation on July 1 of 2015, unless
16	counts of posing as a dealer with she was	16	legislation is enacted and authorized and
17	posing as a used dealer, which she was not.	17	re-creation. So this bill basically
18	MR. PARNELL:	18	recreates the listing the agencies that
	And if they don't make payment,	19	were listed on this bill fall under the
19		' '	
20	this item will come before us and I guess	20	Governor's Office, and it's extending I
21	MR. DUPLESSIS:	21	guess it's extending our time. A new
22	Well, she doesn't have a bond if	22	termination date begins is July 1 of
23	she's not a dealer.	23	2019. The termination will begin July 1 of
24	MS. BARON:	24	2018.
25	At the time she did.	25	I did receive a call from the
	Betty D. Glissman, CCR		Betty D. Glissman, CCR
	26		28
1	26 MR. DUPLESSIS:	1	28 Governor's Office requesting our
1 2	MR. DUPLESSIS:	1 2	Governor's Office requesting our
2	MR. DUPLESSIS: Oh, at the time she did?	2	Governor's Office requesting our representation there during the Commerce
2 3	MR. DUPLESSIS: Oh, at the time she did? MS. BARON:	2	Governor's Office requesting our representation there during the Commerce Committee hearing, which is scheduled for
2 3 4	MR. DUPLESSIS: Oh, at the time she did? MS. BARON: At the time these things were	2 3 4	Governor's Office requesting our representation there during the Commerce Committee hearing, which is scheduled for March 25th at 9:00 a.m. They're going to
2 3 4 5	MR. DUPLESSIS: Oh, at the time she did? MS. BARON: At the time these things were done, she did have a	2 3 4 5	Governor's Office requesting our representation there during the Commerce Committee hearing, which is scheduled for March 25th at 9:00 a.m. They're going to they just we've done it before. We
2 3 4 5 6	MR. DUPLESSIS: Oh, at the time she did? MS. BARON: At the time these things were done, she did have a MS. MORRIS:	2 3 4 5 6	Governor's Office requesting our representation there during the Commerce Committee hearing, which is scheduled for March 25th at 9:00 a.m. They're going to they just we've done it before. We typically don't have to say anything during
2 3 4 5 6 7	MR. DUPLESSIS: Oh, at the time she did? MS. BARON: At the time these things were done, she did have a MS. MORRIS: You can talk about the ones that	2 3 4 5 6 7	Governor's Office requesting our representation there during the Commerce Committee hearing, which is scheduled for March 25th at 9:00 a.m. They're going to they just we've done it before. We typically don't have to say anything during this hearing unless there are some other
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	20		24
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1	No.	1	recycler as any person in this State engaged
2	MR. DUPLESSIS:	2	in the business of buying, selling,
3	Nothing adversarial to us that we	3	recycling, or otherwise acquiring or
4	know of.	4	disposing of scrap metal. Present law
5	MR. PARNELL:	5	provides for certain duties of an operator.
6	Not at this time, no.	6	The proposed law transfers the duties of an
7	MR. DUPLESSIS:	7	operator to a scrap metal recycler. The
8	Okay. That's the key word.	8	present law prohibits a person from doing
9	MR. SMITH:	9	business as a scrap metal recycler in this
10	There's a Senate bill. Hang on	10	state without having first obtained the
11	just a second.	11	occupational license required by law.
12	MR. HALLACK:	12	Present law requires a signed statement to
13	475.	13	be obtained from the seller that states that
14	MR. SMITH:	14	the scrap metal has been paid for or is
15	475.	15	owned by the seller. Proposed law changes
16	MR. DUPLESSIS:	16	present law to require an affidavit rather
17	What does it contain?	17	than a signed statement be obtained from the
18	MR. SMITH:	18	seller of the scrap metal. Present law
19	It's scrap yards.	19	provides that an operator who obtains the
20	MR. DUPLESSIS:	20	required statement from the seller shall be
21	Okay.	21	exonerated for being fraudulent, willful or
22	MR. SMITH:	22	criminal knowledge. Proposed law removes
23	I went to Robert to look at it	23	present law the in immunity provision.
24	and see if the Senate Bill 475	24	Present law provides that any
25	MR. DUPLESSIS:	25	licensed operator who violates, neglects, or
	Betty D. Glissman, CCR		Betty D. Glissman, CCR
	30		32
1	What does it say, what position?	1	refuses to comply with certain provisions of
2	MR. SMITH:	2	the law shall be penalized as follows. A
3	I just got it over the weekend.	3	fine of not less than \$1,000, no more than
4	I haven't even read it. They sent it to me	4	\$10,000 or not less than 30 days, nor more
5	over my phone.	5	than 60 days or both. For the second
6	MR. DUPLESSIS:	6	offense, his occupational license shall be
7	We might be able to make it up	7	suspended for a 30-day period. For the
8	right here. It should be scrap metal.	8	third offense, the occupational license
9	MR. PARNELL:	9	shall be revoked and he shall not thereafter
10	That's why it goes to the scrap	10	be permitted to engage in the business of
11	metal.	11	the scrap metal recycling in the State of
12	MS. BARON:	12	Louisiana.
13	The present law provides for the	13	Proposed law retains present law
14	purchase of auto hulk as scrap to scrap	14	in providing for the licensed scrap metal
15	metal processer or dismantler or parts	15	recycler to abide by the certain provisions
16	recyclers. The proposed law repeals the	16	of law shall be subject to penalties and
17	present law. And then it says, the present	17	actions of the Unfair Trade Practices and
18	law regulates the purchase of scrap metal,	18	the General Protection Law. This is
19	and then the present law defines the term	19	effective upon signature of the Governor or
20	operator as any person employed in a	20	lapse of time from gubernatorial action.
21	responsible charge of operating all or any	21	MR. SMITH:
22	portion of a scrap metal recycling facility.	22	Well, the question I've got is,
23	The proposed law removes from present law	23	where are the auto recyclers going to fall
24	the definition of the for the term	24	under this?
25	operator and defines the term scrap metal	25	MR. DUPLESSIS:
	Betty D. Glissman, CCR	<u> </u>	Betty D. Glissman, CCR

1 That's inclusive. 2 MS. MORRIS: 3 Right now it provides that it— 4 it defines operators as subject to the 5 current law as any person employed in the 6 responsible charge of operating all or a 7 portion of a scrap metal recycling facility. 8 So you are complying with this already? 9 MR. SMITH: 10 No. We're under the auto 11 recycling, not the scrap metal. 12 MS. MORRIS: 13 Recycling, Under the auto hulk. 14 part. 15 MR. SMITH: 16 It would be under the auto hulk. 17 MS. MORRIS: 18 It seems like under scrap metal 18 recycler, we could ask that persons licensed under the other provisions be exempted from 21 the definition and that would take care of 21 it, right? 24 Who authored it? 25 MS. MORRIS: 26 MR. DUPLESSIS: 27 MS. MORRIS: 28 MR. DUPLESSIS: 39 MR. DUPLESSIS: 40 MS. MORRIS: 41 Kostelka. 41 Kostelka. 42 MR. DUPLESSIS: 43 I mean, what position well, I think they've labeled you green now that you're a recycler. So that's a good thing, 5 MR. SMITH: 41 We don't buy the stuff off the— 42 We just buy vehicles. 43 MR. DUPLESSIS: 44 We fount buy the stuff off the— 45 you know, the cans and scrap. 46 MR. SMITH: 47 We don't buy the stuff off the— 48 you know, the cans and scrap. 49 MR. SMITH: 40 MR. SMITH: 41 What we wanted really with this already? 41 MR. SMITH: 42 We just buy vehicles. 43 I guess on the offensive side, we wanted really the commission to review it to make sure that everybody was okay with it. It be can that, please. 41 Like you'l see on Page 1 of 8, we're adding doing. 42 MR. DUPLESSIS: 43 I guess we could ask for a provisions, the about all you're definition of scrap metal recycler, you can a accept those persons licensed pursuant to worth of the provisions, the auto salvage and of the provisions, the vent of the provisi			т	
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37 39 1 MR. POTEET: 1 that's an oxymoron. 2 We're really just taking our 2 I mean, you can't say that you're policy and -quaranteed approval, but go to this asterisk 3 MS. MORRIS: 4 and go down to the bottom and it will tell Putting it in the statute. you why you're not guaranteed approval. It 5 5 6 MR. HALLACK: doesn't make sense. I think -- and don't 7 That's bad numbering and that's worry about quarantee approval, because the way it's been forever. You see it -- it these things are like computer viruses or comes under Subsection #1 and it really 9 anything else. If you get the guaranty should come under Subsection #2. #1 deals approval out, then they're going to come up 10 with problems -- the reasons for denying an with another phase and another phrase and 11 applicant for license, and #2 actually deals 12 another phase, but that needs cleaned up with penalties. So you could put them under somehow, in my opinion. We are giving 13 B2 instead of B1. It's always been like and dealers permission to do this if they will 14 that's an error. 15 15 put an asterisk. Is that how you read it, MS. MORRIS: 16 Ron. 16 17 We can fix it then. 17 MR. DUPLESSIS: MR. DUPLESSIS: 18 18 No, it is not. This is a cleanup bill. So let's MR. TAYLOR: 19 19 20 do it. 20 It's not? MS. MORRIS: MR. DUPLESSIS: 21 21 Okay. But the language that's in 22 22 No. And I think this is a here was lifted from our policy. So I think 23 23 clarification with Derek. The basis of how it needs some cleanup or clarification. We 24 24 this was originally written was based on the can certainly do that. 25 Federal Trade Commission Law based on being Betty D. Glissman, CCR Betty D. Glissman, CCR 38 40 MR. TAYLOR: 1 true and -- well, in my opinion, an asterisk Before we move to the down 2 doesn't make it true. So my vision of that, payments and what-have-you. I read over it 3 if you put that case in front of me and I for a pretty good while yesterday. If look at the Federal Trade Commission Rules, you'll go to Page 3 of 8 in this bill, go it's just not -- it's fraudulent. So I 5 down to your second line. think it's a broad scope. And I think what 6 7 Let me just kind of show v'all we tried to do here at the Used Car something that's going on around my town, Commission was to have a broader scope and I don't even know -- it reads 9 unlike the New Car Commission, that has 10 advertising guaranty credit approval without factory and they have proprietary captive restriction or limitation. We've got a 11 11 lenders. couple of car lots in my town. I'm sure 12 12 In my instance, you have GM y'all can see the quaranteed approval on the that's got rebates. That's a huge issue, 13 bottom right here. Can y'all see that. 14 and then all those asterisks have to be MR. POTEET: 15 15 calculated, because they don't include the I can see it. 16 entire buying public because of the 16 manufacturer's commissions. The exact same 17 MR. TAYLOR: 17 18 All right. Well, then you go thing takes place, if you will, with GM 18 back to this one, too, which is -- if you Financial or GMAC or Allied, and those 19 19 look right here in the middle on my 20 asterisks are legit, because it comes from a right-hand side, you'll see it, also. Well, higher authority. So when you're dealing 21 21 the way this reads -- the way this reads is 22 with a bank or you're dealing with our own 22 23 that you can put some type of disclaimer credit approval, I don't think those -- I 23 about your guaranteed approval and you can 24 24 personally don't think that those asterisks still run it, is the way I read it, but carry today, and I think it's fraudulent. Betty D. Glissman, CCR Betty D. Glissman, CCR

1 And I think if you read the Federal Trade 2 Commission, I think it's clear that they 3 should be hammered and the appropriate 4 action taken. So that's how I see it as 5 encompassing, but, you know, 7 MS, MORRIS: 8 And I think it's two issues. I 9 mean, can you put guaranteed approval in 10 three inch letters and, you know 11 MR, TAYLOR: 12 Well, I wrote that down, too. 13 There should be a percentage or something, 14 some type of ratio that we use, no one 15 guarantying approval, should not be there. 16 I mean, it just shouldn't be there. 17 MR, DUPLESSIS: 18 Well, it's guaranteed approval 19 with approved credit. The whole deal is 20 MR, POTEET: 21 This guy doesn't even have an 22 asterisk. He's got approved all around the 23 thing and he's guaranteed approval with an 24 exclamation point, and not only that, he has 25 the best tax deals ever. 20 Go back to this right here. The 21 Well, it's guaranteed approval in limitation, does that give them, if you read 22 think approved credit. The whole deal is 23 mR, POTEET: 24 MR, TAYLOR: 25 MR, HALLACK: 26 MR, TAYLOR: 27 MR, HALLACK: 28 Well, it's guaranteed approval 29 with approved credit. The whole deal is 29 MR, POTEET: 20 MR, POTEET: 21 This guy doesn't even have an 22 asterisk. He's got approved all around the 23 thing and he's guaranteed approval 24 MR, TAYLOR: 25 Depen that one up, he does have 26 a saterisks. So open that one up, He does have 27 a sterisk. So open that one up, He does have 28 thave asterisks and if you go down there to 29 the bottom and read I don't know what 29 size that font is, but it's probably five 20 percentage of the put in 21 then you're got all only it is the way this read, advertising guaranteed 21 then you're got all only is last was mal mislanding. 22 MR, TAYLOR: 23 MR, FOTEET: 24 MR, TAYLOR: 25 MR, FOTEET: 26 MR, TayloR: 27 MR, TayloR: 28 MR, TayloR: 29 Depen that one up, He does have 30 asterisks and if you go down there to 31 then you're got all only is lift. TayloR: 32 MR, FOTEET: 33 MR, FOTEET: 34 MR, TayloR		A 4	-	
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Betty D. Glissman, CCR Betty D. Glissman, CCR 11 of 33 sheets Page 41 to 44 of 85	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR. TAYLOR: Open that one up, he does have asterisks. So open that one up. He does have asterisks and if you go down there to the bottom and read — I don't know what size that font is, but it's probably five percent as big as the — what he put in there, you know, and they are competitors, but, you know, I don't think that relationship has anything to do with this. MR. DUPLESSIS: It does not. MR. POTEET: It says 700 beacon score or better. Well, 700 beacon score or better, you think they've got a good chance. I think they've got a pretty good chance of getting approved with 700. MR. POTEET: Yes. I tend to agree with Ron. I think that the way it's written — what do the attorneys think, does this give them any out by saying we're guaranteeing it, but	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MS. MORRIS: They shouldn't be able to whether it's credit or not without a full disclosure. MR. HALLACK: But then that still gives them an out. I think you need to change it to say advertising guaranteed credit. MS. MORRIS: If it's guaranteed, it has to be available to everybody. MR. DUPLESSIS: Yes. I think the more you write in there, the less control that we end up having, because then, you know, we may have lawyers like Wade Shows, who I respect, reads the law and they start chipping away at the meaning and intent and of the law and, to me, the great thing is the broad basis of fraudulent, 700 beacon, in my opinion, that's fraudulent. If you tell me 550, I might say, well, maybe. If you told me 475, I'd say you're good, but at 700, that's just it's obscene. MR. TAYLOR:

45 47 You know, if we send Montie to -reference to an approved credit rating, you 1 out to a car lot in town and tell him to might want to consider adding that to the 2 enforce advertising quaranteed credit with other ones, and then make it similar size 3 no restriction or limitation, that dealer is front. 4 4 MR. DUPLESSIS: going to look at him and tell him right 5 there across their desk that I've got it. 6 Well, I think it's good if y'all It's right down here on the bottom. I don't want to straighten it. You've just got to 7 find a way to straighten it. And if you get 8 care what the beacon score is. MR. DUPLESSIS: into typesets and other ratios, they did 9 That's not a problem. Montie that on the New Car Commission, we've got 10 just needs to go ahead and write that all the new car dealers squabbling, but at 11 citation and hand it to him. the end of the day, they all comply, 12 12 MR. POTEET: inclusive of myself, you know. 13 13 What would be the downside of us MR. POTEET: 14 14 15 taking it out? 15 Can we work on getting that done? MS. MORRIS: MS. MORRIS: 16 16 17 None, really. 17 Yes. MR. POTEET: MR. TAYLOR: 18 18 19 I mean, it's a little more 19 And I've got two other questions. direct. If you go down to Line #5 -- I think that's 20 20 MR. TAYLOR: 21 actually #6 right there, advising a 21 Well, it falls back on over where guaranteed amount for trade ins, what is the 22 22 it says misleading on the other side. 23 problem with that? Why can't you advertise 23 Maybe, you know, it's sustained claims a guaranteed amount for trade ins? Why 24 24 regarding the dealerships such as -- no, no, can't I say I'll, you know, guarantee \$2,000 25 Betty D. Glissman, CCR Betty D. Glissman, CCR 46 48 that's not it. for a trade? 1 1 MR. DUPLESSIS: 2 MS. MORRIS: 2 Well, we have that without 3 Well, the reason is, is it 3 restriction and several things adverting an doesn't stand the test of the ultimate 4 interest rate without restriction. contractual price. So, basically, you take advertising credit approval without a \$6,000 car and give \$1,000 trade and now restriction and advertising a monthly note 7 it becomes an \$8,000 car. It affects the without restriction. All three of those 8 ultimate pricing transaction of the new car. have that restriction language. 9 9 MR. TAYLOR: 10 MR. DUPLESSIS: 10 Okay. Yes. I think currently the law MR. DUPLESSIS: 11 11 is good. If you want to go write the cites, 12 So the other -- you know, I lost 12 it's okay. 13 one at the New Car Commission. One of my 13 MR. HALLACK: competitors was advertising and I thought it 14 14 And these were written -- just to was clever, but it irritated me, that we'll 15 give you a little bit of understanding, pay off your car -- if we make a deal, we'll 16 these were written with Glen Robinson's 17 17 pay off your car no matter how much you owe. assistance. So he had a lot of -- a lot to Well, no kidding. 18 18 do with the way that this was written and 19 19 Of all things, the New Car bearing in mind a lot of the practices that 20 Commission, as concerned as they are, that's 20 were going on in Monroe, you know, so. truthful. And I said, well, ultimately, 21 MS. MORRIS: that's correct, but let's turn to some of 22 23 Well, that one seems a little bit 23 your other provisions, and that one actually more specific on the monthly note, but that flew. 24 24 restriction and limitation and without Now, I don't know if that will 25 25 Betty D. Glissman, CCR Betty D. Glissman, CCR

49 51 fly again in today's world. There's a new 1 on. order there and they're dealing with some 2 MR. DUPLESSIS: different things, but that's an example. 3 So we're empowering the citations 4 And you can overbear this and I think we already. 4 tighten it up a little bit at a time, 5 5 MR. TAYLOR: because it takes away, I think, your control 6 Do you have any comments on this, to take away bad players, if you will, and 7 Montie? that's an art that I think the two lawyers 8 MR. WISENOR: are going to have to come together as to how I mean, I see discrepancies in you word these things. I always like the just about every ad that's running in those word "shall" a lot. 11 papers in Monroe, and that's why -- and I 11 12 MR. POTEET: think we met with Derek and Robert one day 12 Yes. I think that that -- I and I didn't know if we needed to get 13 13 agree with you, Ron, because I think that something definitely agreed upon, and then 14 go to the dealers and either give them an the thing on the guaranteed amount for trade ins, that's a little sliver of all the idea or if we could just go write violations 16 things that go on around that situation. So and let them all come here and argue the 17 17 18 it's making it -- you're not really telling case at the Commission. 18 the whole story if you do that. 19 19 MS. MORRIS: 20 MR. TAYLOR: Maybe once this is adopted, we 20 Well, moving on to #8, that's --21 21 could send out a memo to everybody. it discusses description of vehicle. I 22 MR. DUPLESSIS: think there needs to be some type of VIN Let me give you fair warning. 23 23 number or something added to that. It says, The New Car Commission -- we're so -- with 24 when a price is advertised, the dealer is new cars and all the stuff I described Betty D. Glissman, CCR Betty D. Glissman, CCR 50 52 required to provide a complete and accurate earlier, they have a provision that we think description of the vehicle including make. that we're on the edge and we're speaking model, and year, and I think we need have to 3 over and it looks good on the other side. a portion of VIN, complete VIN, stock We can call them and get a clarification and numbers, and used cars probably -- you know, that is a service they provide to keep the I can make up a stock number. I think stock dealers out of their office. You know, if number is too broad and I think it needs to 7 that happens, y'all might be opening up this have some -can of worms to start pre-approving ads and 8 9 MR. DUPLESSIS: when you do that, you're going to have to start keeping a chart of what you approve. 10 Last six of the VIN. 10 MR. TAYLOR: 11 MR. POTEET: 11 12 Last six of the VIN. 12 And who you approve. 13 MR. DUPLESSIS: 13 MR. DUPLESSIS: 14 That's the standard in the 14 And -- yes, and how you interpret industry at the end of the day. I'd go for it and maybe bring it to the Commission, put 15 15 that. out something, but they will pre-approve 16 16 What do y'all think? your ad. Because we have a lot of weird 17 17 MR. HALLACK: action programs and a lot of times, we don't 18 18 even understand them. And we still apply 19 Sure. 19 20 MR. DUPLESSIS: for the money any ways, we are cautious so 20 21 That's solid and it's safe and 21 they don't lose it. So they have to it's not unreasonable. actually interpret that sometimes for us to 22 23 MR. TAYLOR: 23 be on the safe side. And I'm glad you brought that up, 24 MR. POTEET: 24 too. That font size, I mean, my God, come You know what else is interesting 25 Betty D. Glissman, CCR Betty D. Glissman, CCR

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	57		59
1	MR. ROY:	1	they could get them financed and
2	You're talking about this?	2	what-have-you. Then, they would take that
3	MR. DUPLESSIS:	3	mileage and they would take those deposits
4	Yes, just the it will tell you	4	and what-have-you and call those profit when
5	what all it contains.	5	they would couldn't get the people
6	MR. ROY:	6	financed.
7	Dealership, cross reference,	7	
ļ	• • • • • • • • • • • • • • • • • • • •]	Well, in here, one of those
8	associates, the franchise law, sales finance	8	people worked for me, actually, for a
9	law, LMVC rules, and records and retention.	9	minute, but in here, it states that if the
10	MR. DUPLESSIS:	10	customer cannot get financed, then they can
11	It's a pretty good handbook. We	11	forfeit their deposit.
12	could do something online, just add an entry	12	So if a customer went out there
13	on that.	13	and tried to obtain financing on their own
14	MR. PARNELL:	14	and they couldn't get it done, it reads
15	We are already kind of working	15	and I forget where it was at that they
l		l	•
16	Tonya is kind of working on that already, a	16	would have to that they would have to
17	similar handbook, maybe not as comprehensive	17	forfeit their deposit when they brought the
18	as that one, kind of a smaller item rather	18	car back, because they couldn't honor their
19	than because I know at one point, they	19	end of the agreement. But on the other side
20	had a book that they would hand out to the	20	of that ball, if a dealer tells a customer,
21	dealers, a guide that they would go by, but	21	I can get you financed and they spot deliver
22	we've kind of been working on something like	22	them in that car, they should have some type
23	that that we can kind of hand out, put	23	of obligation to you know, they shouldn't
24	online when dealers come in for seminars or	24	be able to keep that money. They should be
l	just something for our investigators to have	25	able to give that money back to them. If I
25		23	
	Betty D. Glissman, CCR	ļ	Betty D. Glissman, CCR
	58		60
	with them so a dealer has a quick reference	l 1	told a customor of mina, how I'm soins to
1	with them, so a dealer has a quick reference	'	told a customer of mine, hey, I'm going to
1 2	to look at what they should and should not	2	get you done, drive all weekend, blah, blah,
l	•	l	
2	to look at what they should and should not	2	get you done, drive all weekend, blah, blah,
2	to look at what they should and should not be doing. It's not as comprehensive as that, but we've kind of already started that	2	get you done, drive all weekend, blah, blah, and I got \$500 of their money, and they come back to me on Monday morning, I can't get
2 3 4 5	to look at what they should and should not be doing. It's not as comprehensive as that, but we've kind of already started that process and we wanted to put something out	2 3 4 5	get you done, drive all weekend, blah, blah, and I got \$500 of their money, and they come back to me on Monday morning, I can't get you done, I'm personally, I'm going to
2 3 4 5 6	to look at what they should and should not be doing. It's not as comprehensive as that, but we've kind of already started that process and we wanted to put something out there online like that as well.	2 3 4 5 6	get you done, drive all weekend, blah, blah, and I got \$500 of their money, and they come back to me on Monday morning, I can't get you done, I'm personally, I'm going to hand them their money back. Everybody is
2 3 4 5 6 7	to look at what they should and should not be doing. It's not as comprehensive as that, but we've kind of already started that process and we wanted to put something out there online like that as well. MR. POTEET:	2 3 4 5 6 7	get you done, drive all weekend, blah, blah, and I got \$500 of their money, and they come back to me on Monday morning, I can't get you done, I'm personally, I'm going to hand them their money back. Everybody is not everybody doesn't do it that way.
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differential in the two is one -- is what 1

- we'll call a cash deal where the customer 2
- says, look, I'm going and I'm going to go to 3
- the credit union and I've got a friend and
- 4 before you know it, they're abandoned and
- 5
- they get their financing. Well, the dealer
- has been kind of duped and they might drive 7
- forever. 8
- 9 So I think there is a mileage
- penalty in there. There's a time line. 10
- That dealer needs to have a legitimate 11
- bailment agreement, not the bailment 12
- agreements that I see floating around. 13
- That's just -- that is your ticket to a 14
- civil suit, a good bailment agreement. We 15
- cannot print those, because we can't take 16
- that responsibility, but -- and we've seen 17
- those issues over a period of time, but a 18
- cash deal, the dealer is entitled to get 19
- some mileage, some wear and tear on the 20
- vehicle. But if he puts the car out there 21
- for spot delivery, he's on his own. He's 22
- obligated to return the deposit. 23
- MR. HALLACK: 24
- What this law does is it tells 25
 - Betty D. Glissman, CCR
- 62

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- you what must be in your agreement. You
- know, we have a lot of dealers who operate
- with no agreement at all, which if you
- operate with no agreement at all, really it
- falls back on the deposit law, the earnest 5
- money law. 6
- 7 So basically what this does, it
- really just -- it takes the earnest money 8
- law and puts it toward -- it's fashions it
- for a used motor vehicle dealer, but the 10
- 11 part where you're talking about -- you know,
- this was something that was discussed again 12
- eight, ten years ago in detail and we just 13
- said, you know, let's make sure we adopt 14
- 15 something that has a lot more detail.
- Because the way the law is written right now 16
- the way it is right now is that the dealer 17
- has to return the money if he can't get the 18
- customer financed. But at the time that we 19
- were writing this, the thought was who
- between the dealer or the customer should 21
- know whether they are going to get financed. 22
- And so a lot of the dealers that were 23
- sitting on the Commission then thought, 24
- well, the customer should know what kind of
 - Betty D. Glissman, CCR

- financial situation he is in, so he knows
- whether he's going to get financed or not.
- And, also, they thought that a lot of --
- there was a lot of play from the customer on
- what information they may give to a lending
- institution and, therefore, they should be
- responsible for the information that they
- give to a lender in order to get financed.
- So, in the end, between the dealer and the
- customer, the people who were responsible 10
- for putting this together thought that the 11
- customer should know best. 12

MR. DUPLESSIS:

Well, the problem is federal law 14 15 and the Truth in Lending Act prevails. So

- -- and I think that's something we can put 16
- in our chapters and FAQs, how to approach it 17
- and what our position on it is, and then
- that pretty much is our judgment ruling.
- But, you know, spot delivery laws, five day 20
- tickets, five day plates and all of that, 21
- you know, we can add all of that in as FAQ 22
- and take a position on that. 23
- 24 MR. WISENOR:

Are we talking about proposed

Betty D. Glissman, CCR

change to the existing law or the way it's

written now? 2

MR. HALLACK: 3 The way it's written now, the 4

dealer must give back the money. 5

MR. WISENOR: 6

Always, no matter what, right?

MR. HALLACK:

No matter what.

MR. WISENOR:

11 Okay. It doesn't matter that if

they sign. 12

MR. HALLACK:

And we have investigators right 14 now that can write tickets, but we've got dealers who are saying, they provided me 16

17 with incorrect false information and that's why I couldn't get them financed, so it's 18

their fault, I can't get them financed. 19

MS. MORRIS: 20

Drive a vehicle for the weekend.

22 MR. ROY:

And then if they get them 23

financed, how about this extremely high

percentage rate?

Betty D. Glissman, CCR

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1	65	1	67
l .			
1	MR. DUPLESSIS:	1	You've got to pay for the car and start
2	Well, you've got points.	2	servicing the debt. I'm not brave enough to
3	MR. HALLACK:	3	do that.
4	That's federal law.	4	MR. HALLACK:
5	MR. WISENOR:	5	The new car spot delivery law is
6	It is regulated by OFI.	6	a lot more onerous that what we've written.
	MR. HALLACK:		MR. DUPLESSIS:
7		7	
8	Well, it's regulated now by the	8	But it's accurate.
9	consumer protection people, but	9	MR. WISENOR:
10	MR. TAYLOR:	10	Just like the advertising laws.
11	You're telling me my concern is	11	MR. DUPLESSIS:
12	handled in the spot delivery law, correct?	12	Do y'all want to address that?
13	MR. HALLACK:	13	MR. HALLACK:
14	No, no, no, no, no. The only	14	Do you want to change that, Mr.
1	· · · · · · · · · · · · · · · · · · ·		· · · · · · · · · · · · · · · · · · ·
15	spot delivery law that exists right now is a	15	Taylor?
16	rule and regulation for the New Car	16	MR. TAYLOR:
17	Commission, period. There is no federal	17	I was bringing up an argument,
18	spot delivery law right now.	18	you know. I'm arguing the fact that if a
19	MR. DUPLESSIS:	19	dealer tells a customer if once again, if
20	There's a State spot delivery	20	the dealer tells a customer, I can get you
21	law.	21	done and can't, I don't want them keeping
22	MR. HALLACK:	22	that money.
23	But that's only for new car	23	MR. HALLACK:
l '	dealers.	1	
24		24	But this at least requires the
25	MR. DUPLESSIS:	25	dealer to put it in writing to the customer,
	Betty D. Glissman, CCR		Betty D. Glissman, CCR
1	66	I	68
	50	1	66
1	That's correct. You might want	1	if you don't get financed, you lose your
1 2		1 2	
	That's correct. You might want to add that in, too, and we have to make	1	if you don't get financed, you lose your
2 3	That's correct. You might want to add that in, too, and we have to make sure it's correct, the 20 day limit.	2 3	if you don't get financed, you lose your deposit. MR. POTEET:
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69 71 see who -- the type of customer they're 1 information. dealing with. Wouldn't they have a better 2 2 MR. HALLACK: idea to say, I'm pretty sure I can get you 3 Okay. So we need to amend it to financed or this is going to be worth. So say that it ---4 4 5 5 MR. DUPLESSIS: MR. TAYLOR: Just adopt the spot delivery law 6 6 They should. They should be able and the earnest law and you're done for the 7 7 to do that. They should. day, because basically if they give you a 8 MR. WISENOR: credit app, you can't -- you legally cannot 9 make that judgment. You're required by law They don't want to turn the 10 customer away, but I'm just saying that -to submit that, and then get the turn downs 11 MR. TAYLOR: 12 12 and the turn down letters out. And, You know, I mean, we spot deliver otherwise, you get guys like Garth Ridge and 13 13 people and couldn't get them financed and we James McManus, you know, the fair credit 14 14 thought we could. lawyers that go after the dealers and, you 15 Ron, you've spot delivered know, they see that. The good thing is, is 16 people. You thought you can get done and that used car dealers are normally good 17 17 you couldn't. hunting grounds, because they have small 18 18 MR. WISENOR: 19 19 portfolios and they don't have the capital. New car dealers are normally the target. So 20 If the consumer provide false information and we get into that back and 21 I think if you look at some of the new car forth. So the dealer wants to be regulations under finance, they would be 22 22 compensated for the use of the vehicle. accurate for adoption. 23 23 MR. TAYLOR: MR. HALLACK: 24 24 25 So once again, if you tell your 25 The way it reads right now the Betty D. Glissman, CCR Betty D. Glissman, CCR 70 72 customer, I can get you done and you can't 1 inability of a potential purchaser to secure get them done, you don't need to have that financing or to obtain State mandated 2 compulsory automobile insurance shall be 3 money. MR. DUPLESSIS: treated as -- the same as the customer 4 4 5 And I would agree. I think it withdrawing. So we'll have to redo that needs to be spelled out. I would move for language somehow. 6 6 the adoption of the new car spot delivery 7 7 MR. TAYLOR: law because this act is finally --Okay. I mean, I'm done. Are 8 8 MR. HALLACK: 9 there any questions? 9 I mean, this covers things that MS. MORRIS: 10 10 are in there, too, but we changed it because 11 11 We can just say it may be treated we got a lot of push back from the the same as the customer withdrawing if the 12 12 investigators who kept coming to us saying inability is because of misinformation 13 13 the dealers don't like this, the dealers 14 14 supplied by the purchaser. don't want to give back that money because MR. HALLACK: 15 15 the dealers all believe they're trying to Or incomplete. 16 16 get financing done on what information the MS. MORRIS: 17 17 customer gives them and if the customer is 18 18 Incomplete. giving them false information or inaccurate MR. DUPLESSIS: 19 19 20 or incomplete, then that's not the dealer's 20 If you want to word the body fault and they shouldn't have to give the 21 21 correct, the customer's inability to fulfill money back. the stipulations. It's called stips in the 22 22 MR. TAYLOR: 23 23 finance world. Stipulation of any financial But that's an if. That's an if arrangement, that would cover the dealer 24 24 totally. So if he didn't have receipts, he the customer gives them the false Betty D. Glissman, CCR Betty D. Glissman, CCR

	72	1	72
١.	73		75
1	didn't have a W-2, he didn't have a job, you	1	Absolutely.
2	know, he didn't couldn't acquire	2	MR. TAYLOR:
3	insurance, those are the things they	3	Everything I think I've said that
4	normally start with.	4	was in benefit to the customer, but do you
5	MR. CORMIER:	5	think I put anything too hard on the dealer?
6	But before we even start on a	6	MR. CORMIER:
7	bill like that, we need stips up front	7	No. It's just keeping the dealer
8	before we even begin to start the	8	in line of what he's supposed to be doing.
9	MR. TAYLOR:	9	Yes.
10	That's because you are doing what	10	MR. TAYLOR:
11	you are supposed to do, but we're talking	11	Okay.
12	about what dealers do.	12	MR. CORMIER:
13	MR. CORMIER:	13	Because it gives us a bad name,
14	Yes, I understand, absolutely.	14	the guys that are doing it right, you know.
15	MR. DUPLESSIS:	15	MR. DUPLESSIS:
16	Yes. You are so correct. That's	16	I agree. Well, the lawyers can
17	your job up front to do that.	17	pick up that from there and we can do the
18	MR. CORMIER:	18	rewrite and we'll go from there.
19	Absolutely, that's the job of the	19	Dino, anything else?
20	dealer.	20	MR. TAYLOR:
21	MR. DUPLESSIS:	21	No, that's it. I'm done.
22	Otherwise, you're just you're	22	MR. DUPLESSIS:
23	hanging yourself out in the wind.	23	Sheri, anything, any other notes?
24	MR. CORMIER:	24	Robert, any other notes on the
25	That's a lot of work involved.	25	770?
	Betty D. Glissman, CCR		Betty D. Glissman, CCR
	74		76
1	MR. DUPLESSIS:	1	Mr. Chairman, that finishes my
2	Right.	2	report.
3	MR. CORMIER:	3	MS. MORRIS:
4	It's a lot of work on y'all,	4	Well, the only thing that Derek
5	absolutely.	5	had sent me, something he got from Lessie on
6	MR. POTEET:	6	golf carts
7	Why don't we work on that a	7	MR. PARNELL:
8	little bit and get that back out to the	8	Act 158.
9	Commissioners, so we can look at it.	9	MS. MORRIS:
10	MR. HALLACK:	10	which was some legislation
11	We're going to make the change to	11	that was put in, in 2013, which new golf
12	B like Sheri said.	12	carts are now regulated. The sales are
13	MR. CORMIER:	13	regulated by the New Car Commission, because
14	That's most of the reason why the	14	it's an exception to the cars that have to
15	dealer wants to keep it as a profit, if they	15	be registered drivable on the road. They
16	do all of this work, and then the customer	16	have a definition of ATV in their law. And
17	decides they're going to go down the road	17	Lessie had a question about a used golf cart
18	and Joe Blow is going to pull their credit	18	dealership and why it wasn't being regulated
19	and see what bank they send it to and	19	by us. Well, that's not in our definition.
20	they've done all of the work, you know, and	20	We have ATVs in our definition, but we
21	the customer didn't commit to them. So	21	have the word ATV, but they are all-terrain
22	that's where the dealer's argument comes in.	22	vehicle, but our definition of motor vehicle
23	MR. DUPLESSIS:	23	is those required to be registered pursuant
24	That's another day at the office.	24	to the motor vehicle license tax law. And
25	MR. CORMIER:	25	so we don't have an the same exception
E	Betty D. Glissman, CCR		Betty D. Glissman, CCR

	77	1	79
1	that they put in their law last year. And I	1	MR. ROY:
	know this is a cleanup bill. Is that		
2		2	Well, I have two of them around
3	something that we want to get into, so that	3	my place.
4	it's consistently regulated whether it's a	4	MR. HALLACK:
5	new or used vehicle. We could do it in this	5	That sell just used golf carts?
6	instrument. Their law defines an	6	MR. ROY:
7	all-terrain vehicle as a vehicle	7	Just used.
8	manufactured for off road use and issued a	8	MS. MORRIS:
9	manufacturer statement or certificate of	9	It's just their definition of
10	origin as required by the Commission that	10	vehicle and ours is different, because all
11	cannot be issued a registration certificate	11	of ours are under the licensing law and they
12	and licensed to operate on a public road of	12	have two exceptions in their law,
13	the State, because at the time of	13	all-terrain vehicle and off road vehicles,
14	manufacture, the vehicle does not meet the	14	and they basically have the same
1			MR. WISENOR:
15	safety requirements in Title 32. We don't	15	
16	have that. So unless it's a street vehicle,	16	A lot of these do not have
17	we're not regulating it.	17	stickers as far as titles so how do you get
18	MR. PARNELL:	18	around the registration.
19	We regulate modified golf cars.	19	MR. DUPLESSIS:
20	We do license those dealers, but not your	20	You take it to the State Police
21	plain run-of-the-mill golf cart.	21	and let them view it and they'll give you a
22	MS. MORRIS:	22	re-issuance.
23	And we had some legislation to do	23	MS. BARON:
24	that one year that was withdrawn or failed	24	Didn't they pass a law that you
25	or	25	could drive them on the road
	Betty D. Glissman, CCR		Betty D. Glissman, CCR
		-	
	78		80 1
1	MR HALIACK:	4	MR DUPLESSIS:
1	MR. HALLACK:	1	MR. DUPLESSIS:
2	MR. HALLACK: They took all of the recreational	2	MR. DUPLESSIS: You can if
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	81	Π	83
1	MS. BARON:	1	If we're going in that direction,
2	Because to me that just shows	2	why don't we just encompass all original OEM
	that they're exempt, it doesn't mean it	3	franchise used motor vehicle dealers? What
3	·	-	
4	doesn't say that we need to pick them up	4	about used motorcycle and used?
5	from there, so.	5	MS. BARON:
6	MR. TAYLOR:	6	Well, used motorcycles and stuff,
7	Last year, I said, who's	7	we still cover. We still have that. We
8	legislating them now?	8	still have that, but those are street legal.
9	MR. DUPLESSIS:	9	MR. POTEET:
10	Nobody.	10	Yes, street, everything is
11	MS. BARON:	11	registered.
12	Only if they're new. If they are	12	MR. WISENOR:
13	used, there's nobody regulating them.	13	But off road still have VIN
14	MS. MORRIS:	14	numbers and certificates of origin.
15	And I guess they get into	15	MR. HALLACK:
16	misleading advertisement and stuff.	16	Chinese motorcycles don't have a
17	MR. DUPLESSIS:	17	certificate of origin.
18	I'm thinking potential income	18	MS. BARON:
19	here.	19	So we're going to add that to the
20	MS. MORRIS:	20	language?
21	I mean, if you we could just	21	MR. DUPLESSIS:
22	add it	22	We are.
23	MR. DUPLESSIS:		MS. MORRIS:
		23	
24	Okay. Let's go ahead and say I think everybody is in favor of that?	24	Yes. I will try to encompass whatever is used and regulated by the New
25	Betty D. Glissman, CCR	25	Betty D. Glissman, CCR
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	MP POTEET:		Motor Vehicle Commission
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85 1 REPORTER'S CERTIFICATE 2 I, BETTY D. GLISSMAN, Certified Court 3 Reporter, Certificate No. 86150, in and for 4 the State of Louisiana, do hereby certify 5 6 that the Louisiana Used Motor Vehicle Commission March 17, 2014 meeting was 7 reported by me in the stenotype reporting 8 method, was prepared and transcribed by me 9 or under my personal direction and 10 supervision, and is a true and correct 11 transcript to the best of my ability and 12 understanding. 13 This March 26, 2014, Baton Rouge, 14 15 Louisiana. 16 17 18 19 20 21 22 23 24 BETTY D. GLISSMAN, CCR CERTIFIED COURT REPORTER 25

Betty D. Glissman, CCR