Subpart 3. Motor Vehicle Sales Finance

Chapter 71. General Provisions 25
§ 7101. Louisiana Motor Vehicle Commission 25
§ 7103. Definitions 25
Chapter 73. Licensing 25
§ 7301. License Requirement and Exception 25
§ 7303. Denial of License 26
§ 7305. Renewal Application 26
§ 7307. Suspension, or Revocation of License 27
§ 7309. Fees 27
Chapter 75. Examination and Record Retention 28
§ 7501. Examination 28
§ 7503. Records Retention 28
Chapter 77. GAP Coverage 29
§ 7701. Definition 29
§ 7703. Types of Coverage 29
§ 7705. Offer of Coverage 29
§ 7707. Debt Waiver or Debt Forgiveness Agreement 29
§ 7709. Insurance Coverage 29
§ 7711. Debt Waiver or Debt Forgiveness Requirements 29
§ 7713. Filing 29

Chapter 79. Powers of Commission 30
§7901. Subpoenas and Oaths 30
§7903. Cease and Desist Orders 30
§7905. Penalties 30
§7907. Advisory Opinions 30
§7909. Declaratory Orders and Rulings 31
§7911. Cooperative and Reciprocal Agreements 31

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part V. Automotive Industry
Subpart 3. Motor Vehicle Sales Finance

Chapter 71. General Provisions

§7101. Louisiana Motor Vehicle Commission

A. The Louisiana Motor Vehicle Sales Finance Act is administered by the Louisiana Motor Vehicle Commission.

B. The office and domicile of the Louisiana Motor Vehicle Commission is 3519 Twelfth Street, Metairie, LA 70002.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:969.40(D).
HISTORICAL NOTE: Promulgated by the Office of the Governor, Motor Vehicle Commission, LR 31:921 (April 2005).

§7103. Definitions

Chapter—R.S. 6:969.1, et seq.

Commission—Louisiana Motor Vehicle Commission.

Consumer Credit Sale—the sale of a motor vehicle on credit under which the seller acquires a purchase money security interest in the purchased vehicle, and incident to which a credit service charge is charged and the consumer is permitted to defer all or part of the purchase price or other consideration in two or more installments excluding the down payment. A *consumer credit sale* does not include a lease of a motor vehicle under any circumstance, whether or not the lease constitutes a true lease or financed lease within the context of the Louisiana Lease of Movables Act, R.S. 9:3301, et seq. A consumer credit sale may be secured by other collateral in addition to the purchased vehicle.

Consumer Loan—a loan of money or its equivalent made by a lender, the proceeds of which are used by the consumer to purchase or refinance the purchase of a motor vehicle, or which proceeds are used for personal, family, or household purposes, including debts created by the use of a lender credit card, revolving loan account, or similar arrangement, as well as insurance premium financing, with the lender acquiring a purchase money security interest in the purchased motor vehicle. A consumer loan may be secured by other collateral in addition to the purchased vehicle. The provisions of this Paragraph shall not apply to a consumer loan made pursuant to the Louisiana Deferred Presentment and Small Loan Act, R.S. 9:3578.1 et seq.

Person—an individual or corporation, partnership, limited liability company, trust, association, joint venture pool, syndicate, sole proprietorship, unincorporated organization, or any other form of entity not specifically listed herein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:969.40(D).
HISTORICAL NOTE: Promulgated by the Office of the Governor, Motor Vehicle Commission, LR 31:921 (April 2005).

Chapter 73. Licensing

§7301. License Requirement and Exception

A.1. No person unless exempt from licensing under R.S. 6.969.36 shall engage in the business of:

a. making consumer loans or the origination of consumer credit sales;

b. taking assignments of and undertake direct collection of payments from or enforcing rights against consumers under a consumer loan or consumer credit sale;

2. without first filing an application, paying a non-refundable application fee and obtaining a license from the commission. An assignee may, however, collect and enforce consumer obligations of which it has taken assignment for three months without a license if the assignee notifies the commission in writing, the assignee promptly applies for a license, and the application is not rejected.

B. A license is required whether or not the applicant has one or more offices in this state.

C. A license is required for each office maintained in this state. If a licensee makes direct consumer loans to consumers at a seller's location, that location is not deemed to be a branch office of the lender.

D. All of the following shall be exempt from the licensing requirements of this Chapter:

1. supervised financial organizations;

2. trusts and trustee, including without limitation securitization trusts and trustees;

3. assignees with no offices in this state holding motor vehicle contracts on an interim basis for a period of 90 days or less;

4. governmental agencies, instrumentalities, or public entities organized by Act of Congress or the Legislature of Louisiana;

5. qualified pension plans when entering into an extension of credit to a plan participant;

6. bona fide pledgees of motor vehicle credit contracts;

7. persons holding motor vehicle contracts for servicing or collection on behalf of the actual owner of such obligations;

8. licensed new motor vehicle dealers to the extent that they regularly sell, assign, and transfer contracts originated by them to third party assignees within 60 days following origination. A licensed new motor vehicle dealer may retain at any one time, and from time to time thereafter, a maximum of 12 contracts for its own account without being subject to the licensing requirements of this Chapter.

E. The commission may waive the licensing and examination requirements for a subsidiary of an entity as described in Paragraph D.1.

F. The application shall be in writing, under oath, and in the form prescribed by the commission. The application shall contain: the name of the applicant; date of incorporation, if incorporated, date of formation if a partnership or limited liability company or other entity; the address where the business is to be conducted and similar information as to any branch office of the applicant in this state; the name and resident address of the owner, members or partners or, if a corporation or association, of the directors, trustees, and principal officers; and such other pertinent information as the commission may require to make an evaluation of the applicant.

G. No license shall be issued unless the commission, upon investigation, finds that the financial responsibility, business integrity and ability to properly conduct the business by the applicant's owner, partners if the applicant is a partnership, members if the applicant is a limited liability company, officers and directors if the applicant is a corporation, and the applicant if a sole proprietorship are such to warrant a belief that the business shall be conducted honestly and fairly within the purposes of this Chapter and they each meet the following requirements:

1. be 18 years of age or older and a citizen of the United States or a resident alien holding proper documentation to work in the United States;

2. be of good character and fitness; and

3. not been convicted of a felony in the previous ten years, notwithstanding that the conviction was expunged, set aside, or received a first offense pardon. The only felony conviction which shall not be considered for purposes of this Chapter is one which received a governor's or presidential pardon.

H. No license shall be issued in any name other than its legal name or assumed name properly filed in accordance with the statutes of this state and set forth in the license application. No license shall be issued in any name which may be confused with or which is similar to any federal, state, parish, or municipal governmental function or agency, or in any name which may tend to describe any business function or enterprise not actually engaged in by the applicant, or in any name which is the same as or so similar to that of any existing license as would tend to deceive the public, or in any name which would otherwise tend to be deceptive or misleading.

I. Each license expires December 31 and must be renewed annually by the licensee.

J. No license shall be sold or otherwise transferred.

K. A licensee shall give the commission 30 days prior written notice of any location change.

L. A licensee shall notify the commission in writing within 30 days after ceasing to do business in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:969.40(D).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Motor Vehicle Commission, LR 31:922 (April 2005).

§7303. Denial of License

A. The applicant shall be entitled to a hearing on the question of his qualifications for a license if the applicant requests such in writing to the commission and either of the following has occurred.

1. The applicant has received notification from the commission that his application has been denied.

2. The commission has not issued to the applicant a license and it has been 60 days since the date that the application for the license was filed with the commission.

B. The denial notice from the commission to the applicant shall be in writing and shall state, in substance, the commission's findings supporting the denial of the application. Such notice shall be sent certified mail, return receipt requested, to the primary business address on the application.

C. A request for a hearing based on the denial of an application must be received by the commission, in writing, within 15 days of the date that the commission mailed the denial notice to the applicant.

D. Upon receipt of the request for a hearing, the commission shall give the applicant at least 30 days written notice of the time and place of such hearing by certified mail addressed to the primary business address on the application.

E. The hearing will be conducted in accordance with the Administrative Procedure Act and the rules and regulations of the commission.

F. Within 30 days after a denial or revocation of a license, the licensee may apply for a review thereof by application to the district court for the parish of Jefferson in accordance with the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:969.40(D).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Motor Vehicle Commission, LR 31:923 (April 2005).

§7305. Renewal Application

A. Annually by November 1 each licensee shall file a renewal application and pay a non-refundable renewal fee.

1. An annual renewal application received by the commission postmarked after December 1 shall be accompanied by a late filing fee, in addition to the annual renewal fee.

2. If the annual renewal application and renewal fee are not received postmarked by December 31, the license shall lapse without a hearing or notification, and the license shall not be reinstated; however, the person whose license has lapsed may apply for a new license. No new license shall be issued upon the filing of a new application by any person against whom any penalty or late fee has been imposed unless and until such penalty or late fee previously accrued under this Section has been paid, and the commission has determined that the applicant has the requisite qualifications for a license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:969.40(D).
HISTORICAL NOTE: Promulgated by the Office of the Governor, Motor Vehicle Commission, LR 31:923 (April 2005).

§7307. Suspension, or Revocation of License

A. Renewal of a license originally granted under this Chapter may be denied or a license may be suspended or revoked by the commission for any of the following grounds:

1. material misstatements in the application for a license;

2. failure to comply with any provision of this Chapter relating to motor vehicle credit transactions;

3. defrauding any consumer purchaser of a motor vehicle to the consumer's damage;

4. fraudulent misrepresentation, circumvention, or concealment by the licensee through whatever subterfuge or device of any of the material particulars or the nature thereof required to be stated or furnished to the purchasing consumer under this Chapter.

B. If the licensee is a person, it shall be sufficient cause for the suspension or revocation of a license that any officer, director, trustee, partner, or member of the licensee has so acted or failed to act as would be cause for suspending or revoking the license to such party as an individual.

C. Each licensee shall be responsible for the acts of any and all of its employees while acting as its agent, if such licensee after actual knowledge of such acts retained the benefits, proceeds, profits, or advantages accruing from such acts or otherwise ratified such acts.

D. No license shall be suspended or revoked by the commission except after a hearing in the form of an order to show cause. The commission shall give the licensee at least 30 days written notice of the time and place of such hearing which notice shall contain the grounds for the suspension or revocation of the license. The notice shall be sent by certified mail, return receipt requested, addressed to the primary business address on the application.

E. Any order suspending or revoking such license shall recite the grounds upon which the same is based. The order shall be entered upon the records of the commission and shall not be effective until after 30 days written notice thereof given after such entry forwarded by certified mail to the licensee at such primary business address on the application.

F. No revocation, suspension, or surrender of any license shall impair or affect the obligation under any motor vehicle credit contract or agreement entered into or acquired previously thereto by the licensee.

G. The hearing will be conducted in accordance with the Administrative Procedure Act and the rules and regulations of the commission.

H. Within 30 days after such suspension or revocation of a license, the licensee may apply for a review thereof by application to the district court for the parish of Jefferson in accordance with the Administrative Procedure Act.

I. Prior to the institution of commission proceedings regarding the revocation, suspension, annulment, or withdrawal of a license, when such action must be accomplished pursuant to the Administrative Procedure Act, R.S. 49:950 et seq.

1. The commission shall give notice by mail to the licensee, setting forth the facts or conduct which serve(s) as the commission's basis for such action. The notice shall advise the licensee that he is being offered an opportunity to participate in an informal meeting with a representative of the commission to show compliance with all lawful requirements for retention of the license, in conformity with R.S. 49:961(C).

2. The licensee shall have 15 calendar days from receipt of such notice to request, in writing, an informal meeting. Such informal meeting shall be held not less than 10 days nor more than 30 days following receipt of the licensee's request for the meeting, unless the commission determines that an extension is warranted.

3. Notwithstanding any other provision of this rule, if the commission finds that the public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in an order to the licensee, summary suspension may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:969.40(D).
HISTORICAL NOTE: Promulgated by the Office of the Governor, Motor Vehicle Commission, LR 31:923 (April 2005).

§7309. Fees

A. All fees are non refundable.

B. License application fee per location—$400.

C. License renewal fee and late penalty per location—$400; late fee—$100.

D. Change of location—no charge.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:969.40(D).
HISTORICAL NOTE: Promulgated by the Office of the Governor, Motor Vehicle Commission, LR 31:924 (April 2005).

Chapter 75. Examination and Record Retention

§7501. Examination

A. The commission shall have the power to examine all books, records and accounts of all persons licensed under this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:969.40(D).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Motor Vehicle Commission, LR 31:924 (April 2005).

§7503. Records Retention

A. Each person required to be licensed under this Chapter shall maintain in its offices such books, records and accounts of its lending activities as the commission may prescribe by policy as required to determine whether such licensee is complying with the provisions of this Chapter and the rules, regulations and policies promulgated under the provisions of this Chapter included by not limited to the following:

1. the original or a copy of all documentation signed by the consumer, including but not limited to:

a. note;

b. disclosure statement;

c. financing statement (or equivalent);

2. individual account of the borrower (ledger card or printable computer screen) showing the following:

a. amount of loan;

b. origination date;

c. repayment terms;

d. insurance charges, whether sold in connection with the loan or not;

e. total finance charge;

f. annual contractual percentage rate;

g. date, amount and application of each payment;

h. date and amount of late charges assessed;

i. date and amount of deferral charges;

j. remaining unpaid balance;

k. due date of first payment;

l. all changes in due date of payment;

3. all paid out accounts (including those paid out by renewal) must be filed separately and contain the following:

a. interest rebate;

b. itemized rebate of all insurance premiums;

4. accounts turned over to an attorney for collection:

a. amount paid to attorney, including court costs and attorney fees shown as separate charges;

b. receipt from Clerk of Court, evidencing court costs;

5. accounts reduced to judgment:

a. same documents as for attorney accounts;

b. receipt from Clerk of Court, evidencing any additional court costs;

c. copy of signed judgment;

6. death claims:

a. copy of death certificate;

b. copy of all checks or other evidence of payment received from insurance company in payment of claim;

c. copy of check evidencing payment to secondary beneficiary, where applicable;

7. insurance records:

a. copy of master policy for each type of insurance sold to consumers;

b. copy of rates approved by the Insurance Rating Commission, except for those established by the Louisiana Motor Vehicle Sales Finance Law;

c. lenders will be expected to provide proof of compliance as set out by the commissioner of insurance;

d. proof of remittance of premiums to the previous underwriter;

8. paid out accounts containing errors cited at the previous examination:

a. must be separately filed or identified;

b. must contain proof of correction of error, including copies of refund checks issued to consumers;

9. any other records that may be deemed necessary by the commission to determine compliance with the provisions of the Louisiana Motor Vehicle Sales Finance Law.

B. Period for Retention of Records. All records must be retained for at least two years after the account is paid in full, or any insurance coverage remaining in force after the account has been paid has lapsed, unless required by law to be retained for a longer period. Records are required to be kept indefinitely during the pendency of an investigation or enforcement proceedings involving alleged violations.

C. Variance. After considering the particular facts and circumstances of an individual licensed lender's recordkeeping procedures, and the public interest in promoting the efficiency and effectiveness of compliance examinations, the commission may formally grant a variance to a licensed lender to any requirement in this rule.

D. Such books, records, and accounts shall be maintained separate and apart from any other business which the agency is involved. If the licensee's books, records, and accounts are located outside the state, the licensee, at the commission's option, shall make them available to the

commission at a location within the state convenient to the commission, or pay the reasonable and necessary expenses for the commission or its representatives to examine them at the place where they are maintained.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:969.40(D).
HISTORICAL NOTE: Promulgated by the Office of the Governor, Motor Vehicle Commission, LR 31:924 (April 2005).

Chapter 77. GAP Coverage

§7701. Definition

A. GAP coverage covers a consumers deficiency balance between the net payoff of the consumers loan retail installment sales contract at the time of a loss and the amount paid by the consumers primary insurance after a vehicle is deemed a total loss due to any direct or accidental physical damages or unrecovered theft.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:969.40(D).
HISTORICAL NOTE: Promulgated by the Office of the Governor, Motor Vehicle Commission, LR 31:925 (April 2005).

§7703. Types of Coverage

A. Guaranteed Auto Protection (GAP) offered by a Property and Casualty (P&C) company licensed and regulated by the Louisiana Department of Insurance.

B. Guaranteed Auto Protection (GAP) offered by a Property Residual Value Insurer (PRVI) licensed and regulated by the Louisiana Department of Insurance.

C. Debt waiver or debt forgiveness agreements regulated by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:969.40(D).
HISTORICAL NOTE: Promulgated by the Office of the Governor, Motor Vehicle Commission, LR 31:925 (April 2005).

§7705. Offer of Coverage

A. The seller shall and the extender of credit may offer a consumer the option of voluntarily purchasing GAP coverage in a transaction involving a consumer loan or consumer credit sale secured by a motor vehicle.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:969.40(D).
HISTORICAL NOTE: Promulgated by the Office of the Governor, Motor Vehicle Commission, LR 31:925 (April 2005).

§7707. Debt Waiver or Debt Forgiveness Agreement

A. Debt waiver or debt forgiveness is an agreement whereby a extender of credit agrees with the consumer to waive any unpaid balance on a consumer loan or consumer credit sale due to a physical damage total loss or constructive loss or unrecovered theft to the covered collateral secured by an eligible security device.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:969.40(D).
HISTORICAL NOTE: Promulgated by the Office of the Governor, Motor Vehicle Commission, LR 31:925 (April 2005).

§7709. Insurance Coverage

A. An extender of credit may insure its debt waiver or debt forgiveness agreement by an insurance company licensed by the Louisiana Department of Insurance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:969.40(D).
HISTORICAL NOTE: Promulgated by the Office of the Governor, Motor Vehicle Commission, LR 31:925 (April 2005).

§7711. Debt Waiver or Debt Forgiveness Requirements

A. The retail installment sales contract must have an addendum where upon the extender of credit agrees to waive the consumers debt for the difference between the amount paid by the consumers primary insurance and the net payoff of the contract.

B. There shall be a clear statement in the waiver form that is given to the consumer that the consumer's debt is waived. The following is an example:

> The extender of credit hereby agrees, by acceptance of this Addendum as an amendment to the Retail Installment Sales Contract upon assignment, to waive the consumers liability for the difference between the amount owed (excluding past due amounts, payment extensions, insurance or other charges) under the consumers retail installment sales contract and the actual cash value of the consumers vehicle as of the date of the total loss of the consumers vehicle resulting from a peril covered by the consumers primary insurance company.

C. The consumer shall have the right to cancel the debt waiver or debt forgiveness agreement and shall be entitled to a refund of the premium paid no less favorable to the consumer than the rule of 78's or pro-rata.

D. The agreement shall contain a statement of how the unpaid net balance is determined. In making this determination, unearned interest, loan charges, late charges, any delinquent payments, any uncollected service charges, refundable prepaid taxes or fees or any other proceeds the consumer may recover by cancelling insurance coverages, service contracts or warranties, disposition fees, termination fees, penalty fees or other items built into or added to the initial loan balance are not covered by the agreement.

E. There shall be no deductible provision in the agreement.

F. There may be a limited waiver of subrogation which shall apply only to sums actually paid or waived on behalf of the consumer.

G. The claim shall be paid within 60 days of the incident or 30 days from filing of the police report.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:969.40(D).
HISTORICAL NOTE: Promulgated by the Office of the Governor, Motor Vehicle Commission, LR 31:925 (April 2005).

§7713. Filing

A. No person shall offer for sale a debt waiver or debt forgiveness agreement in this state until its sale materials, agreements, insurance policies and any and all documents used in connection with its offer and sale of such agreements shall be filed with the commission.

B. Within 30 days of the receipt of the filing, the commission will notify the filing party of any additional requirements or grant its approval for the sale of the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:969.40(D).
HISTORICAL NOTE: Promulgated by the Office of the Governor, Motor Vehicle Commission, LR 31:925 (April 2005).

Chapter 79. Powers of Commission

§7901. Subpoenas and Oaths

A. The commission shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents, papers, books, records, and other evidence before it in any matter over which it has jurisdiction, control, or supervision pertaining to this Chapter. The commission shall have the power to administer oaths and affirmations to any person whose testimony is required.

B. Whenever a person becomes licensed by the commission, pursuant to this Chapter, such person shall provide a physical address to the commission that may be used as a basis for service or notification of any order or other issuance or communication by the commission to such person. Whenever such person changes his physical address, it shall notify the commission at least 30 days prior to the change. Notification or service of any order, notice, or other issuance or communication by the commission by certified mail to the address most recently provided to the commission by the person shall satisfy all requisites of service required for any registration, administrative enforcement, or other action, undertaken by the commission pursuant to the Administrative Procedure Act or otherwise, in connection with such person.

C. If any person shall refuse to obey any such subpoena, to give testimony, or to produce evidence thereby, the commission may apply to the Twentieth Judicial District Court for the Parish of Jefferson for an order awarding process of subpoena or subpoena duces tecum out of the district court for the witness to appear before the commission and to give testimony and to produce evidence as required thereby.

D. If any person served with any such subpoena shall refuse to obey the same and to give testimony and to produce evidence as required there, the commission may apply to the Twentieth Judicial District Court for the Parish of Jefferson for an attachment against such person, as for a contempt.

E. The commission, if it has reason to believe that any licensee or any other person has violated any of the provisions of this Chapter relating to motor vehicle credit transactions shall have the power to make such investigations as it shall deem necessary and, to the extent necessary for this purpose, the commission may examine such licensee or any other person and shall have the power to compel the production of all relevant books, records, accounts and documents.

F. Any consumer having reason to believe that this Chapter relating to the consumer's motor vehicle credit transaction has been violated may file with the commission a written complaint setting forth the details of such alleged violation. The commission, upon receipt of such complaint, may inspect the pertinent books, records, letters of the lessee and of the consumer involved relating to such specific written complaint.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:969.40(D).
HISTORICAL NOTE: Promulgated by the Office of the Governor, Motor Vehicle Commission, LR 31:925 (April 2005).

§7903. Cease and Desist Orders

A. The commission shall have the power to issue cease and desist orders to protect the public welfare.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:969.40(D).
HISTORICAL NOTE: Promulgated by the Office of the Governor, Motor Vehicle Commission, LR 31:926 (April 2005).

§7905. Penalties

A. In addition to any other authority conferred upon the commission by this Chapter the commission may impose fines and penalties against persons violating the provisions of this Chapter and the rules and regulations adopted thereunder.

B. The commission may impose a fine on any person who willfully violates any provision of this Chapter and the rules and regulations adopted thereunder in an amount not to exceed $5,000 per violation.

C. The commission may impose a fine on any person who originates or purchases a contract subject to this Chapter of $1,000 for each contract, who has not first obtained a license from the commission.

D. The commission may render judgment for costs, or any part thereof, against any party to proceedings held or scheduled to be held before the commission as it may consider equitable. These costs shall include but shall not be limited to court reporter fees, commission attorney fees, the mileage and per diem of the commissioners, and other applicable reasonable costs.

E. Any person who is required to be licensed under this Chapter and who fails to timely purchase a license herein provided may be ordered by the commission to pay a penalty of $100 in addition to the regular license fee herein provided.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:969.40(D).
HISTORICAL NOTE: Promulgated by the Office of the Governor, Motor Vehicle Commission, LR 31:926 (April 2005).

§7907. Advisory Opinions

A. The commission, its employees and attorneys may issue advisory opinions and interpretations regarding this Chapter. Advisory opinions and interpretations of the commission or its employees and attorneys shall not be

considered rules requiring compliance with the rule making process under the Administrative Procedure Act.

B. Any actions taken by an extender of credit pursuant to any opinion or interpretation made by the commission, its officers or attorneys shall not be deemed to be a violation of this Chapter.

C. The commission or its employees and attorneys shall have no liability to any person with respect to the issuance of a ruling or interpretative opinion made under this Chapter.

D. A request for an advisory opinion or interpretation shall be in writing and shall set forth the specific statute or rules and regulations to which the request relates.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:969.40(D).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Motor Vehicle Commission, LR 31:926 (April 2005).

§7909. Declaratory Orders and Rulings

A. The commission may issue a declaratory order and ruling pursuant to the Administrative Procedure Act which has the same status as a commission decision or order in an adjudicated case.

B. A request for a declaratory order and ruling shall be made in the form of a petition to the commission. The petition shall include, but shall not be limited, to the following:

1. the name and address of petitioner;

2. specific reference to the statutes or rules and regulations to which it relates;

3. a statement of the manner in which the petitioner is aggrieved by the statue or rule or by its potential application to it, or in which it is uncertain of its effects;

4. a statement of whether an oral hearing is desired;

5. other information appropriate for the commission's deliberation on the request.

C. The petition will be considered by the commission at its next regularly scheduled meeting provided that the petition has been filed at least 30 days prior to that meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:969.40(D).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Motor Vehicle Commission, LR 31:926 (April 2005).

§7911. Cooperative and Reciprocal Agreements

A. The commission may enter into cooperative and reciprocal agreements with the regulatory authorities of the federal government or any state for the periodic examination of persons engaged in the business regulated by this Chapter and may accept reports of examination and other records from such authorities in lieu of conducting its own examinations. The commission may enter into joint actions with other regulatory bodies having concurrent jurisdiction or may enter into such actions independently to carry out its responsibilities under this Chapter and assure compliance with the laws of this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:969.40(D).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Motor Vehicle Commission, LR 31:927 (April 2005).