SLS 23RS-230 **ENGROSSED** 

2023 Regular Session

SENATE BILL NO. 43

BY SENATOR BOUIE

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

FEES/LICENSES/PERMITS. Exempts certain persons who sell trolling motors from licensing requirements. (8/1/23)

AN ACT

2	To amend and reenact R.S. 32:1252(25) through (27), (45), and (59) through (74) and to
3	enact R.S. 32:1252(46)(c)(vii) and (75), relative to trolling motors; to provide for
4	definitions; to provide relative to licensing requirements and exemptions; and to
5	provide for related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 32:1252(25) through (27), (45), and (59) through (74) are hereby
8	amended and reenacted and R.S. 32:1252(46)(c)(vii) and (75) are hereby enacted to read as
9	follows:
10	§1252. Definitions
11	The following words, terms, and phrases, when used in this Chapter, shall
12	have the meanings respectively ascribed to them in this Section, except where the
13	context clearly indicates a different meaning:
14	* * *
15	(25) "Marine dealer" means any person who holds a bona fide contract or
16	franchise with a manufacturer or distributor of marine products, except for a either
17	of the following:

1	(a) A person engaged in the business of renting or selling new or used
2	watercraft or boats adapted to be powered only by an occupant's energy, and who
3	holds a license as a recreational products dealer pursuant to the provisions of this
4	Chapter.
5	(b) A person engaged in the business of renting or selling new or used
6	trolling motors who otherwise would not be required to be licensed as any
7	classification of dealer in accordance with the provisions of this Chapter.
8	(26)"Marine motor" or "marine engine" means a motor that is a component
9	of a marine product that is sold separately from a boat when delivered to the marine
10	dealer by the distributor or manufacturer. The term shall not include a trolling
11	motor.
12	(27) "Marine product" means a new or used watercraft, boat, marine motor,
13	and a boat or watercraft trailer. The term also includes an outboard motor or a boat
14	with an inboard/outboard motor attached to it. The term shall not mean include any
15	of the following:
16	(a) a A watercraft or marine motor if the watercraft or marine motor is used
17	primarily for commercial or government purposes or.
18	(b) a new A new or used watercraft or boat adapted to be powered only by
19	occupant's energy.
20	(c) A trolling motor.
21	* * *
22	(45) "Recreational products" means new and unused motorcycles, all-terrain
23	vehicles, marine products, recreational vehicles, and trailers as defined in this
24	Chapter. The term shall not include trolling motors.
25	(46) * * *
26	(c) "Recreational products dealer" shall not include any of the following:
27	* * *
28	(vii) Any person engaged in the business of renting or selling new or used
29	trolling motors who otherwise would not be required to be licensed as any

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## 1 classification of dealer pursuant to the provisions of this Title. 2 (59) "Trolling motor" means any self-contained unit composed of an 3 electric motor, propeller, and controls that may be affixed to a boat and that 4 acts as a source, but not typically the primary source, of propulsion for the boat. 5 (60) "Ultimate purchaser" means, with respect to any new motor vehicle, 6 7 recreational product, or specialty vehicle, the first person, other than a dealer 8 purchasing in his capacity as a dealer, who in good faith purchases such new motor 9 vehicles, recreational products, or specialty vehicles for purposes other than resale. 10 "Ultimate purchaser" shall not include a person who purchases a motor vehicle or 11 recreational product for purposes of altering or remanufacturing the motor vehicle 12 or recreational product for future resale. 13 (60)(a) (61)(a) "Used marine dealer" means any person, whose business is to sell, or offer for sale, display, or advertise used marine products, or any person 14 who holds a license from the commission and is not excluded by Subparagraph (b) 15 16 of this Paragraph. (b) "Used marine dealer" shall not include any of the following: 17 (i) Receivers, trustees, administrators, executors, guardians, or other persons 18 19 appointed by or acting under the judgment or order of any court. 20 (ii) Public officers while performing their official duties. (iii) Employees of persons, corporations, or associations defined as "used 21 marine dealers" when engaged in the specific performance of their duties as such 22 employees. 23 24 (iv) Mortgagees or secured parties as to sales of marine products constituting collateral on a mortgage or security agreement and who do not maintain a used car 25 lot or building with one or more employed marine product salesman. 26 27 (v) Insurance companies who sell motor vehicles to which they have taken

title as an incident of payments made under policies of insurance and who do not

maintain a used car lot or building with one or more employed marine product

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1	salesman.
2	(vi) Used motor vehicle dealers licensed pursuant to R.S. 32:781 et seq.
3	(61) (62) "Used marine product" means a marine product, the legal title of
4	which has been transferred by a manufacturer, distributor, or dealer to an ultimate
5	purchaser.
6	(62) (63) "Used marine product facility" means any facility which is owned
7	and operated by a licensee of the commission and offers for sale used marine
8	products.
9	(63) (64) "Used motorcycle or all-terrain vehicle" means a motorcycle or all-
10	terrain vehicle, the legal title of which has been transferred by a manufacturer,
11	distributor, or dealer to an ultimate purchaser.
12	(64) (a) (65)(a) "Used motorcycle or all-terrain vehicle dealer" means any
13	person, whose business is to sell, or offer for sale, display, or advertise used
14	motorcycles or all-terrain vehicles, or any person who holds a license from the
15	commission and is not excluded by Subparagraph (b) of this Paragraph.
16	(b) "Used motorcycle or all-terrain vehicle dealer" shall not include any of
17	the following:
18	(i) Receivers, trustees, administrators, executors, guardians, or other persons
19	appointed by or acting under the judgment or order of any court.
20	(ii) Public officers while performing their official duties.
21	(iii) Employees of persons, corporations, or associations enumerated in the
22	definition of "used motorcycle or all-terrain vehicle dealer" when engaged in the
23	specific performance of their duties as such employees.
24	(iv) Mortgagees or secured parties as to sales of motorcycles or all-terrain
25	vehicles constituting collateral on a mortgage or security agreement and who do not
26	maintain a used car lot or building with one or more employed motorcycle or all-
27	terrain vehicle salesman.
28	(v) Insurance companies who sell motorcycles or all-terrain vehicles to which

they have taken title as an incident of payments made under policies of insurance and

1 who do not maintain a used car lot or building with one or more employed 2 motorcycle or all-terrain vehicle salesman. 3 (vi) Used motorcycle or all-terrain vehicle dealers licensed pursuant to R.S. 32:781 et seq. 4 (65) (66) "Used motorcycle or all-terrain vehicle facility" means any facility 5 which is owned and operated by a licensee of the commission and offers for sale 6 7 used motorcycles or all-terrain vehicles. 8 (66) (67) "Used motor vehicle" means a motor vehicle, recreational product, 9 or specialty vehicle, the legal title of which has been transferred by a manufacturer, 10 distributor, or dealer to an ultimate purchaser. 11 (67)(a) (68)(a) "Used motor vehicle dealer" means any person, whose 12 business is to sell, or offer for sale, display, or advertise used motor vehicles, 13 recreational products, or specialty vehicles, or any person who holds a license from the commission and is not excluded by Subparagraph (b) of this Paragraph. 14 (b) "Used motor vehicle dealer" shall not include any of the following: 15 16 (i) Receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting under the judgment or order of any court. 17 (ii) Public officers while performing their official duties. 18 19 (iii) Employees of persons, corporations, or associations enumerated in the definition of "used motor vehicle dealer" when engaged in the specific performance 20 21 of their duties as such employees. 22 (iv) Mortgagees or secured parties as to sales of motor vehicles constituting collateral on a mortgage or security agreement and who do not maintain a used car 23 24 lot or building with one or more employed motor vehicle salesman. (v) Insurance companies who sell motor vehicles to which they have taken 25 title as an incident of payments made under policies of insurance and who do not 26 27 maintain a used car lot or building with one or more employed motor vehicle salesman. 28

(vi) Used motor vehicle dealers licensed pursuant to R.S. 32:781 et seq.

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2	and operated by a licensee of the commission and offers for sale used motor vehicles,
3	recreational products, or specialty vehicles.
4	(69) (70) "Used recreational vehicle" means a recreational vehicle, the legal
5	title of which has been transferred by a manufacturer, distributor, or dealer to an
6	ultimate purchaser.
7	(70)(a) (71)(a) "Used recreational vehicle dealer" means any person, whose
8	business is to sell, or offer for sale, display, or advertise used recreational vehicles,
9	or any person who holds a license from the commission and is not excluded by
10	Subparagraph (b) of this Paragraph.
11	(b) "Used recreational vehicle dealer" shall not include any of the following:
12	(i) Receivers, trustees, administrators, executors, guardians, or other persons
13	appointed by or acting under the judgment or order of any court.
14	(ii) Public officers while performing their official duties.
15	(iii) Employees of persons, corporations, or associations enumerated in the
16	definition of "used recreational vehicle dealer" when engaged in the specific
17	performance of their duties as such employees.
18	(iv) Mortgagees or secured parties as to sales of recreational vehicles
19	constituting collateral on a mortgage or security agreement and who do not maintain
20	a used car lot or building with one or more employed recreational vehicle salesman.
21	(v) Insurance companies who sell recreational vehicles to which they have
22	taken title as an incident of payments made under policies of insurance and who do
23	not maintain a used car lot or building with one or more employed recreational
24	vehicle salesman.
25	(vi) Used recreational vehicle dealers licensed pursuant to R.S. 32:781 et seq.
26	(71) (72) "Used recreational vehicle facility" means any facility which is
27	owned and operated by a licensee of the commission and offers for sale used
28	recreational vehicles.
29	(72) (73) "Vehicle" means any motor vehicle, specialty vehicle, or

(68) (69) "Used motor vehicle facility" means any facility which is owned

1 recreational product subject to regulation by this Chapter. (73) (74) "Watercraft" means any contrivance used or designated for 2 3 navigation on water, including but not limited to a personal watercraft as defined in R.S. 34:855.2. 4 5 (74) (75) "Wrecker" means any motor vehicle equipped with a boom or booms, winches, slings, tilt beds, or similar equipment designed for towing or 6 recovery of vehicles and other objects which cannot operate under their own power 7 8 or for some reason must be transported by means of towing.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Xavier I. Alexander.

## DIGEST

SB 43 Engrossed

2023 Regular Session

Bouie

<u>Present law</u> provides relative to the distribution and sale of recreational products and provides for the licensure of dealers.

<u>Present law</u> defines certain terms, including "marine dealer", "marine motor" or "marine engine", "marine product", "recreational products", and "recreational products dealer".

<u>Proposed law</u> defines the term "trolling motor" and excludes that term from the definitions of "marine motor" or "marine engine", "marine product", and "recreational products".

<u>Proposed law</u> changes the definitions of "marine dealer" and "recreational products dealer" to exempt from licensure any person engaged in the business of renting or selling new or used trolling motors who otherwise would not be required to be licensed under <u>present law</u>.

Effective August 1, 2023.

(Amends R.S. 32:1252(25) - (27), (45), and (59) - (74); adds R.S. 32:1252(46)(c)(vii) and (75))