

SENATE BILL NO. 43

BY SENATOR BOUIE

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

1 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:**

18 **(a)** A person engaged in the business of renting or selling new or used

1 watercraft or boats adapted to be powered only by an occupant's energy, and who
2 holds a license as a recreational products dealer pursuant to the provisions of this
3 Chapter.

4 (b) A person engaged in the business of renting or selling new or used
5 trolling motors who otherwise would not be required to be licensed as any
6 classification of dealer in accordance with the provisions of this Chapter.

7 (26) "Marine motor" or "marine engine" means a motor that is a component
8 of a marine product that is sold separately from a boat when delivered to the marine
9 dealer by the distributor or manufacturer. The term shall not include a trolling
10 motor.

11 (27) "Marine product" means a new or used watercraft, boat, marine motor,
12 and a boat or watercraft trailer. The term also includes an outboard motor or a boat
13 with an inboard/outboard motor attached to it. The term shall not ~~mean~~ include any
14 of the following:

15 (a) a ~~A~~ watercraft or marine motor if the watercraft or marine motor is used
16 primarily for commercial or government purposes ~~or~~.

17 (b) a new ~~A new~~ or used watercraft or boat adapted to be powered only by
18 occupant's energy.

19 (c) A trolling motor.

20 * * *

21 (45) "Recreational products" means new and unused motorcycles, all-terrain
22 vehicles, marine products, recreational vehicles, and trailers as defined in this
23 Chapter. The term shall not include trolling motors.

24 (46) * * *

25 (c) "Recreational products dealer" shall not include any of the following:

26 * * *

27 (vii) Any person engaged in the business of renting or selling new or used
28 trolling motors who otherwise would not be required to be licensed as any
29 classification of dealer pursuant to the provisions of this Title.

30 * * *

1 (59) "Trolling motor" means any self-contained unit composed of an
2 electric motor, propeller, and controls that may be affixed to a boat and that
3 acts as a source, but not typically the primary source, of propulsion for the boat.

4 (60) "Ultimate purchaser" means, with respect to any new motor vehicle,
5 recreational product, or specialty vehicle, the first person, other than a dealer
6 purchasing in his capacity as a dealer, who in good faith purchases such new motor
7 vehicles, recreational products, or specialty vehicles for purposes other than resale.
8 "Ultimate purchaser" shall not include a person who purchases a motor vehicle or
9 recreational product for purposes of altering or remanufacturing the motor vehicle
10 or recreational product for future resale.

11 ~~(60)(a)~~ (61)(a) "Used marine dealer" means any person, whose business is
12 to sell, or offer for sale, display, or advertise used marine products, or any person
13 who holds a license from the commission and is not excluded by Subparagraph (b)
14 of this Paragraph.

15 (b) "Used marine dealer" shall not include any of the following:

16 (i) Receivers, trustees, administrators, executors, guardians, or other persons
17 appointed by or acting under the judgment or order of any court.

18 (ii) Public officers while performing their official duties.

19 (iii) Employees of persons, corporations, or associations defined as "used
20 marine dealers" when engaged in the specific performance of their duties as such
21 employees.

22 (iv) Mortgagees or secured parties as to sales of marine products constituting
23 collateral on a mortgage or security agreement and who do not maintain a used car
24 lot or building with one or more employed marine product salesman.

25 (v) Insurance companies who sell motor vehicles to which they have taken
26 title as an incident of payments made under policies of insurance and who do not
27 maintain a used car lot or building with one or more employed marine product
28 salesman.

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

30 ~~(61)~~ (62) "Used marine product" means a marine product, the legal title of

1 which has been transferred by a manufacturer, distributor, or dealer to an ultimate
2 purchaser.

3 ~~(62)~~ **(63)** "Used marine product facility" means any facility which is owned
4 and operated by a licensee of the commission and offers for sale used marine
5 products.

6 ~~(63)~~ **(64)** "Used motorcycle or all-terrain vehicle" means a motorcycle or all-
7 terrain vehicle, the legal title of which has been transferred by a manufacturer,
8 distributor, or dealer to an ultimate purchaser.

9 ~~(64)(a)~~ **(65)(a)** "Used motorcycle or all-terrain vehicle dealer" means any
10 person, whose business is to sell, or offer for sale, display, or advertise used
11 motorcycles or all-terrain vehicles, or any person who holds a license from the
12 commission and is not excluded by Subparagraph (b) of this Paragraph.

13 (b) "Used motorcycle or all-terrain vehicle dealer" shall not include any of
14 the following:

15 (i) Receivers, trustees, administrators, executors, guardians, or other persons
16 appointed by or acting under the judgment or order of any court.

17 (ii) Public officers while performing their official duties.

18 (iii) Employees of persons, corporations, or associations enumerated in the
19 definition of "used motorcycle or all-terrain vehicle dealer" when engaged in the
20 specific performance of their duties as such employees.

21 (iv) Mortgagees or secured parties as to sales of motorcycles or all-terrain
22 vehicles constituting collateral on a mortgage or security agreement and who do not
23 maintain a used car lot or building with one or more employed motorcycle or all-
24 terrain vehicle salesman.

25 (v) Insurance companies who sell motorcycles or all-terrain vehicles to which
26 they have taken title as an incident of payments made under policies of insurance and
27 who do not maintain a used car lot or building with one or more employed
28 motorcycle or all-terrain vehicle salesman.

29 (vi) Used motorcycle or all-terrain vehicle dealers licensed pursuant to R.S.
30 32:781 et seq.

1 ~~(65)~~ **(66)** "Used motorcycle or all-terrain vehicle facility" means any facility
2 which is owned and operated by a licensee of the commission and offers for sale
3 used motorcycles or all-terrain vehicles.

4 ~~(66)~~ **(67)** "Used motor vehicle" means a motor vehicle, recreational product,
5 or specialty vehicle, the legal title of which has been transferred by a manufacturer,
6 distributor, or dealer to an ultimate purchaser.

7 ~~(67)(a)~~ **(68)(a)** "Used motor vehicle dealer" means any person, whose
8 business is to sell, or offer for sale, display, or advertise used motor vehicles,
9 recreational products, or specialty vehicles, or any person who holds a license from
10 the commission and is not excluded by Subparagraph (b) of this Paragraph.

11 (b) "Used motor 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 motor vehicle dealer" when engaged in the specific performance
17 of their duties as such employees.

18 (iv) Mortgagees or secured parties as to sales of motor vehicles constituting
19 collateral on a mortgage or security agreement and who do not maintain a used car
20 lot or building with one or more employed motor vehicle salesman.

21 (v) Insurance companies who sell motor vehicles to which they have taken
22 title as an incident of payments made under policies of insurance and who do not
23 maintain a used car lot or building with one or more employed motor vehicle
24 salesman.

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

26 ~~(68)~~ **(69)** "Used motor vehicle facility" means any facility which is owned
27 and operated by a licensee of the commission and offers for sale used motor vehicles,
28 recreational products, or specialty vehicles.

29 ~~(69)~~ **(70)** "Used recreational vehicle" means a recreational vehicle, the legal
30 title of which has been transferred by a manufacturer, distributor, or dealer to an

1 ultimate purchaser.

2 ~~(70)(a)~~ **(71)(a)** "Used recreational vehicle dealer" means any person, whose
3 business is to sell, or offer for sale, display, or advertise used recreational vehicles,
4 or any person who holds a license from the commission and is not excluded by
5 Subparagraph (b) of this Paragraph.

6 (b) "Used recreational vehicle dealer" shall not include any of the following:

7 (i) Receivers, trustees, administrators, executors, guardians, or other persons
8 appointed by or acting under the judgment or order of any court.

9 (ii) Public officers while performing their official duties.

10 (iii) Employees of persons, corporations, or associations enumerated in the
11 definition of "used recreational vehicle dealer" when engaged in the specific
12 performance of their duties as such employees.

13 (iv) Mortgagees or secured parties as to sales of recreational vehicles
14 constituting collateral on a mortgage or security agreement and who do not maintain
15 a used car lot or building with one or more employed recreational vehicle salesman.

16 (v) Insurance companies who sell recreational vehicles to which they have
17 taken title as an incident of payments made under policies of insurance and who do
18 not maintain a used car lot or building with one or more employed recreational
19 vehicle salesman.

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

21 ~~(71)~~ **(72)** "Used recreational vehicle facility" means any facility which is
22 owned and operated by a licensee of the commission and offers for sale used
23 recreational vehicles.

24 ~~(72)~~ **(73)** "Vehicle" means any motor vehicle, specialty vehicle, or
25 recreational product subject to regulation by this Chapter.

26 ~~(73)~~ **(74)** "Watercraft" means any contrivance used or designated for
27 navigation on water, including but not limited to a personal watercraft as defined in
28 R.S. 34:855.2.

29 ~~(74)~~ **(75)** "Wrecker" means any motor vehicle equipped with a boom or
30 booms, winches, slings, tilt beds, or similar equipment designed for towing or

1 recovery of vehicles and other objects which cannot operate under their own power
2 or for some reason must be transported by means of towing.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____