# SENATE COMMITTEE AMENDMENTS

2016 Regular Session

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Original Senate Bill No. 158 by Senator Cortez

### 1 AMENDMENT NO. 1

2 On page 1, line 2, after "R.S. 32:1252(27)," insert "the introductory paragraph of R.S. 3 32:1253(A)(1), the introductory paragraph of R.S. 32:1261(A)(1)(k)(i), and R.S. 4 32:1270.1(1)(i)"

#### 5 AMENDMENT NO. 2

6 On page 1, line 3, after "motors;" insert "to provide relative to commission member 7 appointments; to provide relative to the sale of marine products;"

## 8 AMENDMENT NO. 3

9 On page 1, line 6, after "R.S. 32:1252(27)" insert ",the introductory paragraph of R.S. 10 32:1253(A)(1), the introductory paragraph of R.S. 32:1261(A)(1)(k)(i), and R.S. 11 32:1270.1(1)(i)" and change "is" to "are"

- 12 AMENDMENT NO. 4
- 13 On page 1, delete lines 12 through 17 and insert the following:

14 "(27) "Marine product" means a new or used watercraft, boat, or 15 <u>marine</u> motor, designed for recreational or commercial use on water and a 16 boat or watercraft trailer. The term also includes an outboard motor or a boat 17 with an inboard/outboard motor attached to it. The term shall not mean a 18 watercraft designed for use primarily for commercial purposes or new or 19 used watercraft or boats <u>boat</u> adapted to be powered only by <u>the</u> occupant's 20 energy."

- 21 AMENDMENT NO. 5
- 22 On page 2, after line 1, insert the following:
- "§1253. Motor Vehicle Commission; appointment and qualifications of
   members; terms of office; organization; oath; official bond;
   compensation; powers and duties
- A. The Louisiana Motor Vehicle Commission is hereby created
  within the office of the governor and shall be composed of eighteen members
  appointed by the governor, as follows:
- (1) A chairman of the commission shall be appointed from the state
  at large. Fourteen members shall be appointed in such manner that at least
  one, but no more than two, shall be from each of the commission districts as
  listed below:
- 34 §1261. Unauthorized acts

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A. It shall be a violation of this Chapter:
(1) For a manufacturer, a distributor, a wholesaler, distributor branch,
factory branch, converter or officer, agent, or other representative thereof:
\* \* \*
(k)(i) To sell or offer to sell a new or unused motor vehicle or
recreational product directly to a consumer except as provided in this

#### Page 1 of 2 et of amendment(s) was prepared by Shar

This set of amendment(s) was prepared by Sharon F. Lyles.

Chapter, or to compete with a licensee in the same-line makes, models, or classifications operating under an agreement or franchise from the aforementioned manufacturer. A manufacturer shall not, however, be deemed to be competing when any one of the following conditions are met:

§1270.1. Unauthorized acts; marine products

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It shall be a violation of this Part:

(1) For a manufacturer, a distributor, a wholesaler, distributor branch, or factory branch of marine products or any officer, agent, or other representative thereof:

(i)(i) To sell or offer to sell a new or unused marine product directly to a consumer except as provided in this Chapter, or to compete with a licensee in the same-line makes, models, or classifications operating under an agreement from the aforementioned manufacturer. A manufacturer shall not, however, be deemed to be competing when any one of the following conditions are met:

(aa) Operating a marine dealership temporarily for a reasonable period, not to exceed two years.

(bb) Operating a bona fide retail marine dealership that is for sale to any qualified independent person at a fair and reasonable price, not to exceed two years.

(cc) Operating in a bona fide relationship in which a person independent of a manufacturer has made a significant investment subject to loss in the marine dealership, and can reasonably expect to acquire full ownership of such dealership on reasonable terms and conditions.

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(ii) After any of the conditions have been met under Subitems (i)(aa)
 and (bb) of this Subparagraph, the commission shall allow the manufacturer
 to compete with licensees of the same-line makes, models, or classifications
 under an agreement from the manufacturer for longer than two years when,
 in the discretion of the commission, the best interest of the manufacturer,
 consuming public, and licensees are best served.

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