

SENATE BILL NO. 158

BY SENATOR CORTEZ

1 AN ACT

2 To amend and reenact R.S. 32:1252(27), the introductory paragraph of R.S. 32:1253(A)(1),
3 the introductory paragraph of R.S. 32:1261(A)(1)(k)(i), and R.S. 32:1270.1(1)(i)
4 relative to marine products; to provide relative to the definition of marine product;
5 to exclude certain motors; to provide relative to commission member appointments;
6 to provide relative to the sale of marine products; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 32:1252(27), the introductory paragraph of R.S. 32:1253(A)(1), the
9 introductory paragraph of R.S. 32:1261(A)(1)(k)(i), and R.S. 32:1270.1(1)(i) are hereby
10 amended and reenacted to read as follows:

11 §1252. Definitions

12 The following words, terms, and phrases, when used in this Chapter, shall
13 have the meanings respectively ascribed to them in this Section, except where the
14 context clearly indicates a different meaning:

15 * * *

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

22 * * *

23 §1253. Motor Vehicle Commission; appointment and qualifications of members;
24 terms of office; organization; oath; official bond; compensation;
25 powers and duties

26 A. The Louisiana Motor Vehicle Commission is hereby created within the
27 office of the governor and shall be composed of eighteen members appointed by the

1 governor, as follows:

2 (1) A chairman of the commission shall be appointed from the state at large.
3 Fourteen members shall be appointed in such manner that at least one, ~~but no more~~
4 ~~than two~~, shall be from each of the commission districts as listed below:

5 * * *

6 §1261. Unauthorized acts

7 A. It shall be a violation of this Chapter:

8 (1) For a manufacturer, a distributor, a wholesaler, distributor branch, factory
9 branch, converter or officer, agent, or other representative thereof:

10 * * *

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

17 * * *

18 §1270.1. Unauthorized acts; marine products

19 It shall be a violation of this Part:

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

23 * * *

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

29 (aa) ~~Operating a marine dealership temporarily for a reasonable period, not~~
30 ~~to exceed two years:~~

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

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

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

13 * * *

 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____