

SENATE BILL NO. 43

BY SENATOR BOUIE

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

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AN ACT

To amend and reenact R.S. 32:1252(25) through (27), (45), and (59) through (74) and to enact R.S. 32:1252(46)(c)(vii) and (75), relative to trolling motors; to provide for definitions; to provide relative to licensing requirements and exemptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:1252(25) through (27), (45), and (59) through (74) are hereby amended and reenacted and R.S. 32:1252(46)(c)(vii) and (75) are hereby enacted to read as follows:

§1252. Definitions

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

\* \* \*

(25) "Marine dealer" means any person who holds a bona fide contract or franchise with a manufacturer or distributor of marine products, except for ~~a~~ **either of the following:**

**(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.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_