

2018 Regular Session

SENATE BILL NO. 469

BY SENATOR WARD

MOTOR VEHICLES. Provides relative to towable equipment. (8/1/18)

1 AN ACT

2 To amend and reenact R.S. 32:1252(8) and (56) and R.S. 39:2182(E), and to enact R.S.
3 32:1252(73) and (74) and 1254(P) and R.S. 39:2182(F), relative to motor vehicles;
4 to provide for definitions; to exempt the procurement or sale of certain towable
5 equipment from licensure; to authorize acceptance by a public entity of a valid
6 dealer's license within a certain time period; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 32:1252(8) and (56) are hereby amended and reenacted and R.S.
9 32:1252(73) and (74) and 1254(P) are hereby enacted to read as 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 (8) "Converter" or "secondary manufacturer" means a person who prior to the
16 retail sale of motor vehicles or trailers, assembles, installs, or affixes a body, cab, or
17 special equipment to a chassis, or who substantially adds, subtracts from, or modifies

1 a previously assembled or manufactured motor vehicle or trailer, **but does not**
 2 **include towable equipment as defined in this Chapter.**

3 * * *

4 (56) "Trailer" means every single vehicle without motive power designed for
 5 carrying property or passengers wholly on its own structure, drawn by a motor
 6 vehicle which carries no part of the weight and load of the trailer on its own wheels
 7 and having one or more load carrying axles. ~~"Trailer" includes but is~~ **including but**
 8 not limited to utility trailers, boat trailers, recreational trailers, semitrailers, livestock
 9 trailers, tow dollies; and dump trailers, **and excluding towable equipment as**
 10 **defined in this Chapter.**

11 * * *

12 **(73) "Tow dolly" means a trailer equipped with one or more axles**
 13 **designed to connect to a tow bar on the rear of a motor vehicle that is used to**
 14 **tow another vehicle and is not a type of towable equipment as defined in this**
 15 **Chapter. The front or rear wheels of the towed vehicle are secured to and rest**
 16 **upon the tow dolly.**

17 **(74) "Towable equipment" means equipment that is permanently affixed**
 18 **to or integrated upon a trailer intended for use when the trailer is not traveling**
 19 **on a road and where its capability for road travel or transport of other property**
 20 **is incidental or secondary to the primary operational purpose of the equipment**
 21 **including, but not limited to towable signage, message boards, generators,**
 22 **lighting tower masts, speed monitoring and traffic cameras, air compressors,**
 23 **water pumps, crash attenuators, or road maintenance equipment such as a**
 24 **pothole patcher or a chipper brush. "Towable equipment" does not include**
 25 **portable facilities primarily intended for human or animal occupancy, hygiene,**
 26 **or similar accommodations, including but not limited to portable toilets,**
 27 **livestock trailers, and enclosed facilities for food service preparation and**
 28 **distribution.**

29 * * *

1 §1254. Application for license; requirements for licensure; contents; licenses;
2 franchise filings; exceptions

3 * * *

4 **P. Notwithstanding any provision of law to the contrary and the**
5 **provisions of Subsection N of this Section, this Chapter shall not apply to the**
6 **procurement or sale of towable equipment as defined in this Chapter.**

7 Section 2. R.S. 39:2182(E) is hereby amended and reenacted and R.S. 39:2182(F) is
8 hereby enacted to read as follows:

9 §2182. Prohibition of bids from or contracts with unlicensed dealers

10 * * *

11 **E. Notwithstanding any provision of law to the contrary and the**
12 **provisions of Subsections B and C of this Section, a public entity may accept a**
13 **bid for the sale of vehicles submitted by a vehicle dealer who is licensed on the**
14 **bid opening date even when a copy of the valid dealer's license is not enclosed**
15 **with the original bid submission, provided that a copy of the dealer's valid**
16 **license is received by the public entity not later than ten business days following**
17 **the bid opening date.**

18 **F.** If in the course of an audit or review by the legislative auditor, pursuant
19 to the powers and duties in R.S. 24:513, a violation of this Section is found, the
20 legislative auditor shall report such findings to the Louisiana Motor Vehicle
21 Commission.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Sharon F. Lyles.

DIGEST

SB 469 Engrossed 2018 Regular Session Ward

Proposed law adds definitions for "towable equipment" and "tow dolly".

Proposed law defines "tow dolly" to mean a trailer equipped with one or more axles designed to connect to a tow bar on the rear of a motor vehicle that is used to tow another vehicle and is not a type of towable equipment as defined in proposed law. The front or rear wheels of the towed vehicle are secured to and rest upon the tow dolly.

Proposed law defines "towable equipment" to mean equipment that is permanently affixed to or integrated upon a trailer intended for use when the trailer is not traveling on a road and

where its capability for road travel or transport of other property is incidental or secondary to the primary operational purpose of the equipment. "Towable equipment" includes, but is not limited to towable signage, message boards, generators, lighting tower masts, speed monitoring and traffic cameras, air compressors, water pumps, crash attenuators, or road maintenance equipment such as a pothole patcher or a chipper brush. "Towable equipment" does not include portable facilities primarily intended for human or animal occupancy, hygiene, or similar accommodations, including but not limited to portable toilets, livestock trailers, and enclosed facilities for food service preparation and distribution.

Present law defines "converter" or "secondary manufacturer" and "trailer".

Present law defines "converter" or "secondary manufacturer" to mean a person who prior to the retail sale of motor vehicles or trailers, assembles, installs, or affixes a body, cab, or special equipment to a chassis, or who substantially adds, subtracts from, or modifies a previously assembled or manufactured motor vehicle or trailer.

Present law defines "trailer" to mean every single vehicle without motive power designed for carrying property or passengers wholly on its own structure, drawn by a motor vehicle which carries no part of the weight and load of the trailer on its own wheels and having one or more load carrying axles. "Trailer" includes but is not limited to utility trailers, boat trailers, recreational trailers, semitrailers, livestock trailers, tow dollies, and dump trailers.

Proposed law excludes towable equipment from the definitions of "converter" or "secondary manufacturer" and "trailer".

Present law requires persons who distribute and manufacture or sell certain types of motor vehicles and recreational products to be licensed by the Motor Vehicle Commission prior to engaging in business in the state of Louisiana, regardless of whether or not said person maintains or has a place or places of business in this state, and makes it a violation of law to operate without first obtaining a license.

Proposed law exempts distributors and manufacturers of towable equipment from licensing requirements and rules and regulations of the Motor Vehicle Commission.

Present law provides that a public entity require that any bid submitted by, or a contract or cooperative endeavor agreement with, a dealer for the purchase of vehicles to include a copy of a valid dealer's license issued under the provisions of R.S. 32:1254. Further, requires a public entity to reject any bid submitted by a dealer for the purchase of vehicles which does not include a copy of a valid dealer's license.

Proposed law authorizes a public entity to accept a bid for the sale of vehicles submitted by a vehicle dealer who is licensed on the bid opening date even when a copy of the valid dealer's license is not enclosed with the original bid submission, provided that a copy of the dealer's valid license is received by the public entity not later than ten business days following the bid opening date.

Present law requires the legislative auditor to report a violation of licensure requirements to the Motor Vehicle Commission discovered during the course of an audit or review pursuant to R.S. 24:513.

Effective August 1, 2018.

(Amends R.S. 32:1252(8) and (56) and R.S. 39:2182(E); adds R.S. 32:1252(73) and (74) and 1254(P) and R.S. 39:2182(F))

Summary of Amendments Adopted by SenateCommittee Amendments Proposed by Senate Committee on Transportation,
Highways, and Public Works to the original bill

1. Retains "tow dollies" in present law definition of "trailer" that includes "tow dollies" in an illustrative list of types of a trailer.
2. Adds to definition of "towable equipment" that "towable equipment" does not include portable facilities primarily intended for human or animal occupancy, hygiene, or similar accommodations, including but not limited to portable toilets, livestock trailers, and enclosed facilities for food service preparation and distribution.