

1 classification of dealer pursuant to the provisions of this Title.

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

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

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

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

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

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

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

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

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

1 salesman.

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

3 ~~(61)~~ **(62)** "Used marine product" means a marine product, the legal title of
4 which has been transferred by a manufacturer, distributor, or dealer to an ultimate
5 purchaser.

6 ~~(62)~~ **(63)** "Used marine product facility" means any facility which is owned
7 and operated by a licensee of the commission and offers for sale used marine
8 products.

9 ~~(63)~~ **(64)** "Used motorcycle or all-terrain vehicle" means a motorcycle or all-
10 terrain vehicle, the legal title of which has been transferred by a manufacturer,
11 distributor, or dealer to an ultimate purchaser.

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

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

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

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

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

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

28 (v) Insurance companies who sell motorcycles or all-terrain vehicles to which
29 they have taken title as an incident of payments made under policies of insurance and

1 who do not maintain a used car lot or building with one or more employed
2 motorcycle or all-terrain vehicle salesman.

3 (vi) Used motorcycle or all-terrain vehicle dealers licensed pursuant to R.S.
4 32:781 et seq.

5 ~~(65)~~ **(66)** "Used motorcycle or all-terrain vehicle facility" means any facility
6 which is owned and operated by a licensee of the commission and offers for sale
7 used motorcycles or all-terrain vehicles.

8 ~~(66)~~ **(67)** "Used motor vehicle" means a motor vehicle, recreational product,
9 or specialty vehicle, the legal title of which has been transferred by a manufacturer,
10 distributor, or dealer to an ultimate purchaser.

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

15 (b) "Used motor vehicle 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 enumerated in the
20 definition of "used motor vehicle dealer" when engaged in the specific performance
21 of their duties as such employees.

22 (iv) Mortgagees or secured parties as to sales of motor vehicles 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 motor vehicle 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 motor vehicle
28 salesman.

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

1 ~~(68)~~ **(69)** "Used motor vehicle facility" means any facility which is owned
2 and operated by a licensee of the commission and offers for sale used motor vehicles,
3 recreational products, or specialty vehicles.

4 ~~(69)~~ **(70)** "Used recreational vehicle" means a recreational vehicle, the legal
5 title of which has been transferred by a manufacturer, distributor, or dealer to an
6 ultimate purchaser.

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

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

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

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

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

26 ~~(71)~~ **(72)** "Used recreational vehicle facility" means any facility which is
27 owned and operated by a licensee of the commission and offers for sale used
28 recreational vehicles.

29 ~~(72)~~ **(73)** "Vehicle" means any motor vehicle, specialty vehicle, or

1 recreational product subject to regulation by this Chapter.

2 (~~73~~) **(74)** "Watercraft" means any contrivance used or designated for
3 navigation on water, including but not limited to a personal watercraft as defined in
4 R.S. 34:855.2.

5 (~~74~~) **(75)** "Wrecker" means any motor vehicle equipped with a boom or
6 booms, winches, slings, tilt beds, or similar equipment designed for towing or
7 recovery of vehicles and other objects which cannot operate under their own power
8 or for some reason must be transported by means of towing.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Xavier I. Alexander.

DIGEST

SB 43 Engrossed

2023 Regular Session

Bowie

Present law provides relative to the distribution and sale of recreational products and provides for the licensure of dealers.

Present law defines certain terms, including "marine dealer", "marine motor" or "marine engine", "marine product", "recreational products", and "recreational products dealer".

Proposed law defines the term "trolling motor" and excludes that term from the definitions of "marine motor" or "marine engine", "marine product", and "recreational products".

Proposed law changes the definitions of "marine dealer" and "recreational products dealer" to exempt from licensure any person engaged in the business of renting or selling new or used trolling motors who otherwise would not be required to be licensed under present law.

Effective August 1, 2023.

(Amends R.S. 32:1252(25) - (27), (45), and (59) - (74); adds R.S. 32:1252(46)(c)(vii) and (75))