

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 679

2024 Regular Session

Riser

LICENSING: Provides relative to auctioneers

Synopsis of Senate Amendments	
1.	Makes technical changes.
2.	Makes proposed law effective on January 1, 2025.

Digest of Bill as Finally Passed by Senate

With respect to auctioneers, present law provides for the definition of "internet-based platform" as a website which is used by licensed auction houses or auctioneers to conduct auctions as defined in present law.

Proposed law amends the definition of "internet-based platform" to mean a company that provides a forum through the internet for a person to sell the person's immovable or movable property via the submission of silent bids using a computer or other electronic device.

Present law provides the requirements that the Auctioneer Licensing board shall base determination of satisfactory minimum qualifications for licensure of an entity as an auction business.

Proposed law adds the requirement that certain applicants for licensure shall designate a qualifying party who shall be the legal representative for the auction business relative to the provisions of present and proposed law.

Proposed law provides that the board may deny approval of the qualifying party for good cause, which may include the ability of the proposed principal owner or owners, principal shareholder or shareholders, or qualifying party to engage in the auction business as demonstrated by his prior auction business experience. Evidence which may be considered by the board shall be limited to any legal proceedings against the qualifying party or businesses where the qualifying party was in a position of control at the time a problem arose and the ultimate disposition of such proceedings, any financial history of bankruptcies, unpaid judgments, insolvencies, or any similar evidence.

Proposed law provides that when the qualifying party terminates employment with the licensee, the board shall be notified in writing within 30 days of the disassociation and another qualifying party must qualify within 60 days.

Proposed law provides that the qualifying party or parties are any individual licensed as an auctioneer pursuant to the requirements in present law and proposed law and are one or more of the following:

- (1) An applicant sole proprietor or spouse of an applicant sole proprietor.
- (2) Any employee of an applicant who has been in full-time employment for one hundred twenty consecutive days immediately preceding the application. The employee may be allowed to be the qualifying party for the licensed company and related entities.
- (3) Any stockholder, officer, or director of an applicant corporation.
- (4) Any partner of an applicant partnership.
- (5) Any member or manager of an applicant limited liability company.

Proposed law provides that if the entity intends to conduct auctions wherein vehicles will be auctioned as defined by present law, the entity must hold a valid dealer license pursuant to present law unless a valid dealer license is not required by the regulating agency.

Present law provides that an applicant for licensure of an entity as an auction business shall submit certain information on an application form designated by the board.

Proposed law adds that a copy of the auctioneer license of the qualifying party and a copy of the dealer license for those entities conducting auctions of vehicles, if such license is required, shall be included on the application form.

Present law provides that except as otherwise provided in present law, each applicant for licensure as a resident auctioneer, apprentice auctioneer, or auction business shall deliver to and deposit with the board at the time of application either the sum of \$10,000 in cash or a surety bond in the amount of \$10,000.

Proposed law amends present law that each applicant for licensure as an auctioneer or apprentice auctioneer shall deliver to and deposit with the board at the time of application either the sum of \$10,000 in cash or a surety bond in the amount of \$10,000.

Proposed law adds that each applicant for licensure as an auction business shall deliver to and deposit with the board at the time of application either the sum of \$25,000 in cash or a surety bond in the amount of \$25,000.

Present law provides that the board may promulgate rules to require a cash deposit or surety bond not to exceed \$10,000 as a condition of reinstatement of a license revoked, canceled, suspended, or otherwise restricted pursuant to present law.

Proposed law amends present law to state that the board may promulgate rules to require a cash deposit or surety bond not to exceed an amount equal to proposed law as a condition of reinstatement of a license revoked, canceled, suspended, or otherwise restricted pursuant to present law.

Present law provides that a licensed resident auctioneer shall not be required to deposit with the board an additional cash amount or an additional surety bond upon application for licensure as an auction business.

Proposed law repeals present law.

Present law provides that an auction business which is owned by a nonresident auctioneer shall, prior to being licensed by the board, post a surety bond in an amount which shall be the greater of either \$10,000 or the amount of the bond required of an auction business owned by an auctioneer licensed in this state in the licensing jurisdiction of such nonresident auctioneer. Such bond shall name the board as beneficiary.

Proposed law amends present law to apply to a business owned by a nonresident auctioneer which received its license through reciprocity. Proposed law also changes the bond required from \$10,000 to \$25,000.

Effective January 1, 2025.

(Amends R.S. 37:3103(A)(8) and 3118(A)(1)(intro. para.), (B), and (D)(1)(intro. para.) and (a); Adds R.S. 37:3113(B)(3) and (4) and (D)(1)(f) and (g); Repeals R.S. 37:3118(A)(4))