

SENATE BILL NO. 23

BY SENATOR PEACOCK

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(7) and 1270.10(A) and (B), relative to motorcycles and all-terrain vehicles; to provide for the area of responsibility for motorcycles and all-terrain vehicles; to notify certain existing motorcycle and all-terrain dealerships of any proposed new motorcycle or all-terrain vehicle dealerships or the relocation of a dealership; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:1252(7) and 1270.10(A) and (B) are hereby amended and reenacted 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:

* * *

(7) "Community or territory" or "area of responsibility" shall mean the licensee's area of principal sales and service responsibility as specified by the franchise in effect with any licensee of the commission.

(a) The area of responsibility of a licensee shall not be comprised of an area less than the applicable area provided for in ~~Subparagraphs~~ **Subparagraph** (b) ~~and~~ ~~(c)~~ of this Paragraph, unless approved by the commission pursuant to the provisions of this Chapter, or if, on August 15, 2001, such dealer had an effective contractual agreement for a smaller area of responsibility.

(b) A marine dealer's area of responsibility shall mean the marine dealer's area of principal sales and service responsibility as specified by the contract, franchise, or selling agreement in effect with the manufacturer or distributor. The marine manufacturer or distributor shall designate and provide to the commission in writing the marine dealer's area of responsibility when the contract is granted or, should there be contracts in existence on August 15, 2004, without such designation, the commission shall require the manufacturer or distributor to designate the area of responsibility. The manufacturer or distributor shall adopt uniform procedures to establish the area of responsibility that is assigned to a marine dealer. The uniform procedures shall include market research information from identified credible industry sources that project product sales of the brand of marine product for which the contract or franchise agreement is granted. In the absence of such designation by the manufacturer or distributor, or in the event that the area of responsibility designated by the manufacturer or distributor is rejected by the commission and such decision by the commission is affirmed on appeal, the marine dealer's area of responsibility shall mean either of the following:

(i) The area within a fifteen-mile radius of the dealership if the dealership is located in a parish containing a population of three hundred thousand persons or more.

(ii) The area within a thirty-mile radius of the dealership if the dealership is located in a parish containing a population of less than three hundred thousand persons.

~~(c) A motorcycle or all-terrain vehicle dealer's area of responsibility shall mean the area within at least a thirty-mile radius of the location of his dealership.~~

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§1270.10. Establishment of new motorcycle or all-terrain vehicle dealerships or relocations; protests; procedure

A. Whenever the commission receives an application for a recreational products dealer's license which would add a new motorcycle or all-terrain vehicle dealership, it shall first notify the existing licensed motorcycle or all-terrain vehicle

1 dealership or dealerships selling the same-line makes, models, or classifications if
 2 ~~the new dealership's proposed location is within the existing dealer's area of~~
 3 ~~responsibility~~ **within a thirty-mile radius of the proposed dealership, and such**
 4 **dealer or dealers** ~~.Any same-line makes, models, or classifications dealership whose~~
 5 ~~area of responsibility includes the location of the proposed new motorcycle or all-~~
 6 ~~terrain vehicle dealership may object to the granting of the license.~~

7 B. Whenever the commission receives an application for a recreation
 8 products dealer's license which would relocate an existing motorcycle or all-terrain
 9 vehicle dealership, it shall first notify any existing licensed motorcycle or all-terrain
 10 vehicle dealership selling the same-line makes, models, or classifications ~~if the~~
 11 ~~dealership's proposed new location is within the existing dealer's area of~~
 12 ~~responsibility~~ **within a thirty-mile radius of the proposed relocation address of**
 13 **a dealership**. Any existing same-line makes, models, or classifications dealership
 14 shall have the right to object to the granting of the license only if the proposed
 15 relocation is within a radius of seven miles of its facility. However, without regard
 16 to distance, whenever the commission receives an application for the relocation of
 17 a motorcycle or all-terrain vehicle dealership which would add an additional
 18 franchise to an existing same-line makes, models, or classifications dealership's area
 19 of responsibility, the affected motorcycle or all-terrain vehicle dealership shall have
 20 the right to object.

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 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____