

Regular Session, 2014

HOUSE BILL NO. 945

BY REPRESENTATIVE DOVE

MOTOR VEHICLES: Exempts certain persons who engage in the sale or lease of certain trailers from certain definitions in the law pertaining to motor vehicle and similar products dealership, sales, and lessor licensing

1 AN ACT

2 To enact R.S. 32:1252(35)(b)(v), (36)(b)(v), 46(b)(vii), 65(b)(v) relative to motor vehicle
3 leases and sales; to exempt certain persons from the definitions of "motor vehicle
4 dealer", "motor vehicle lessor", "recreational products dealer", and "used motor
5 vehicle dealer"; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 32:1252(35)(b)(v), (36)(b)(v), 46(b)(vii), 65(b)(v) are hereby
8 enacted to read as follows:

9 §1252. Definitions

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

13 * * *

14 (35)

15 * * *

16 (b) The term "motor vehicle dealer" does not include any of the following:

17 * * *

18 (v) Persons who sell or offer to sell trailers with equipment attached thereto
19 to a lessor at the end of a lease term and do not hold a bona fide franchise in effect

1 with a manufacturer or distributor of new motor vehicles other except for trailers
2 with equipment attached thereto.

3 * * *

4 (36)

5 * * *

6 (b) The term "motor vehicle lessor" does not include any of the following:

7 * * *

8 (v) Persons who sell or offer to sell trailers with equipment attached thereto
9 to a lessor at the end of a lease term and do not engage in the lease or sale of any
10 other motor vehicle, recreational product, except for trailers with equipment attached
11 thereto, or specialty vehicle leasing or rental business.

12 * * *

13 (46)

14 * * *

15 (b) "Recreational products dealer" shall not include any of the following:

16 * * *

17 (vii) Persons who sell or offer to sell trailers with equipment attached thereto
18 to a lessor at the end of a lease term and do not for a commission or with intent to
19 make a profit or gain of money or other thing of value, buy, sell, broker, exchange,
20 offer, or attempt to negotiate a sale or exchange of an interest in any other
21 recreational product except trailers with equipment attached thereto and who are not
22 engaged wholly or in part in the business of buying and selling recreational products,
23 except for trailers with equipment attached thereto, in the state of Louisiana.

24 * * *

25 (65)

26 * * *

27 (b) "Used motor vehicle dealer" shall not include any of the following:

28 * * *

1 (v) Persons who sell or offer to sell trailers with equipment attached thereto
2 to a lessor at the end of a lease term and do not sell, or offer for sale, except for used
3 trailers with equipment attached thereto, display, or advertise used motor vehicles,
4 recreational products, or speciality vehicles.

5 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Dove

HB No. 945

Abstract: Exempts certain persons from the definitions of "motor vehicle dealer", "motor vehicle lessor", "recreational products dealer".

Present law defines "motor vehicle dealer" as any person, not excluded by Subparagraph (b) of this Paragraph who holds a bona fide franchise in effect with a manufacturer or distributor of new motor vehicles, and a license by the La. Motor Vehicle Comm. or a subsidiary of any such entity. Such duly franchised and licensed motor vehicle dealers are the sole and only persons entitled to sell, publicly solicit, and advertise the sale of new motor vehicles as such and provides for persons not included in the definition of the term.

Proposed law provides that persons who sell or offer to sell trailers with equipment attached thereto to a lessor at the end of a lease term and do not hold a bona fide franchise in effect with a manufacturer or distributor of new motor vehicles except for trailers with equipment attached thereto not be included in the definition of "motor vehicle dealer" as defined in present law .

Present law defines "motor vehicle lessor" as any person or the subsidiary of any entity engaged in the motor vehicle, recreational products, or specialty vehicle leasing or rental business and provides for persons not included in the definition of the term.

Proposed law provides that persons who sell or offer to sell trailers with equipment attached thereto to a lessor at the end of a lease term and do not engage in the lease or sale of any other motor vehicle, recreational product, except for trailers with equipment attached thereto, or specialty vehicle leasing or rental business not be included in the definition of "motor vehicle lessor" as defined in present law .

Present law defines "recreational products dealer" as any person who, for a commission or with intent to make a profit or gain of money or other thing of value, buys, sells, brokers, exchanges, auctions, offers, or attempts to negotiate a sale or exchange of an interest in recreational products and who is engaged wholly or in part in the business of buying and selling recreational products in La. and provides for persons not included in the definition of the term.

Proposed law provides that persons who sell or offer to sell trailers with equipment attached thereto to a lessor at the end of a lease term and do not for a commission or with intent to make a profit or gain of money or other thing of value, buy, sell, broker, exchange, offer, or attempt to negotiate a sale or exchange of an interest in any other recreational product except trailers with equipment attached thereto and who are not engaged wholly or in part in the business of buying and selling recreational products, except for trailers with equipment

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attached thereto, in La. not be included in the definition of "recreational products dealer" as defined in present law.

Present law defines "used motor vehicle dealer" as any person, whose business is to sell, or offer for sale, display, or advertise used motor vehicles, recreational products, or specialty vehicles, or any person who holds a license from the La. Motor Vehicle Comm. and provides for persons not included in the definition of the term.

Proposed law provides that persons who sell or offer to sell trailers with equipment attached thereto to a lessor at the end of a lease term and do not sell, or offer for sale, except for used trailers with equipment attached thereto, display, or advertise used motor vehicles, recreational products, or specialty vehicles not be included in the definition of "recreational products dealer" as defined in present law.

(Adds R.S. 32:1252(35)(b)(v), (36)(b)(v), 46(b)(vii), 65(b)(v))