

2017 Regular Session

SENATE RESOLUTION NO. 144

BY SENATOR JOHNS

MOTOR VEHICLES. Requests the Louisiana Motor Vehicle Commission to examine its interpretation of statutes applicable to recreational products dealer license for certain marine product dealers.

1 A RESOLUTION

2 To urge and request the Louisiana Motor Vehicle Commission to examine whether R.S.
3 32:1252(26), (27), (45), and (46)(a) and 1254(A)(18), relative to recreational product
4 dealers, are currently interpreted in accordance with their original legislative intent.

5 WHEREAS, when these statutes are construed as a whole, all recreational products
6 dealers are required to obtain a recreational products dealer license; and

7 WHEREAS, the purpose of a recreational products dealer license is consumer
8 protection and safety; and

9 WHEREAS, certain "marine motor" and "marine engine" dealers contend that to
10 require the purchase of a recreational products dealer license of those dealers whose products
11 are not truly recreational in nature is beyond the scope of what was intended by the
12 legislature; and

13 WHEREAS, R.S. 32:1254(A)(18) requires "recreational products dealers" to be
14 licensed by the Louisiana Motor Vehicle Commission in order to do business in the state of
15 Louisiana; and

16 WHEREAS, R.S. 32:1252(46)(a) defines a "recreational products dealer" as "any
17 person who, for a commission or with intent to make a profit or gain of money or other thing
18 of value, buys, sells, brokers, exchanges, auctions, offers, or attempts to negotiate a sale or

1 exchange of an interest in recreational products and who is engaged wholly or in part in the
2 business of buying and selling recreational products in the state of Louisiana"; and

3 WHEREAS, R.S. 32:1252(45) defines "recreational products" as "new and unused
4 motorcycles, all-terrain vehicles, marine products, recreational vehicles, and trailers as
5 defined in this Chapter"; and

6 WHEREAS, R.S. 32:1252(27) defines "marine product" as "a new or used watercraft,
7 boat, marine motor, and a boat or watercraft trailer. The term also includes an outboard
8 motor or a boat with an inboard/outboard motor attached to it. The term shall not mean a
9 new or used watercraft or boat adapted to be powered only by the occupant's energy"; and

10 WHEREAS, R.S. 32:1252(26) defines "marine motor" or "marine engine" as "a
11 motor that is a component of a marine product that is sold separately from a boat when
12 delivered to the marine dealer by the distributor or manufacturer"; and

13 WHEREAS, as currently interpreted by the Louisiana Motor Vehicle Commission,
14 dealers of large "marine motors" or "marine engines" are required to purchase a recreational
15 products dealer license even though the products they sell are solely commercial in nature;
16 and

17 WHEREAS, certain companies currently required to obtain a recreational products
18 dealer license are dealers of large diesel engines which are placed in commercial vessels
19 such as tanks, barges, and tugboats; and

20 WHEREAS, these companies act as dealers of large "marine motors" and "marine
21 engines" that are traditionally placed in vessels that are recreational in nature; and

22 WHEREAS, when R.S. 32:1252(26), (27), (45), and (46)(a) and 1254(A)(18) are
23 interpreted in their current manner, these companies are forced to purchase a recreational
24 products dealer license even when acting as a dealer of "marine motors" or "marine engines"
25 that are solely commercial in nature; and

26 WHEREAS, these dealers contend that the legislative intent of R.S. 32:1252(26),
27 (27), (45), and (46)(a) at the time of enactment was to require only those dealers whose
28 products are solely recreational in nature to purchase a recreational products dealer license.

29 THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana
30 does hereby urge and request the Louisiana Motor Vehicle Commission to examine whether

1 R.S. 32:1252(26), (27), (45), and (46)(a) and 1254(A)(18) are being interpreted to reflect the
2 true intent of the legislature at the time of enactment.

3 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
4 Louisiana Motor Vehicle Commission.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Jerry J. Guillot.

SR 144 Original DIGEST 2017 Regular Session Johns

Requests the La. Motor Vehicle Commission to examine whether R.S. 32:1252(26), (27), (45), and (46)(a) and 1254(A)(18), requiring a recreational products dealer license, are being interpreted in a manner consistent with the intent of the legislature at the time of enactment.