

SENATE RESOLUTION NO. 144

BY SENATOR JOHNS

A RESOLUTION

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

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

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

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

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

WHEREAS, R.S. 32:1252(46)(a) defines a "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 the state of Louisiana"; and

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

WHEREAS, R.S. 32:1252(27) defines "marine product" as "a new or used watercraft,

boat, marine motor, and a boat or watercraft trailer. The term also includes an outboard motor or a boat with an inboard/outboard motor attached to it. The term shall not mean a new or used watercraft or boat adapted to be powered only by the occupant's energy"; and

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

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

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

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

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

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

THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana does hereby urge and request the Louisiana Motor Vehicle Commission to examine whether R.S. 32:1252(26), (27), (45), and (46)(a) and 1254(A)(18) are being interpreted to reflect the true intent of the legislature at the time of enactment.

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