

2023 Regular Session

SENATE BILL NO. 43

BY SENATOR BOUIE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

FEES/LICENSES/PERMITS. Exempts certain persons who sell trolling motors from licensing requirements. (8/1/23)

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AN ACT

To amend and reenact R.S. 32:1252(25) through (27), (45), and (59) through (74) and to enact R.S. 32:1252(46)(c)(vii) and (75), relative to trolling motors; to provide for definitions; to provide relative to licensing requirements and exemptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:1252(25) through (27), (45), and (59) through (74) are hereby amended and reenacted and R.S. 32:1252(46)(c)(vii) and (75) are hereby enacted 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:

\* \* \*

(25) "Marine dealer" means any person who holds a bona fide contract or franchise with a manufacturer or distributor of marine products, except for ~~a~~ **either of the following:**



1 classification of dealer pursuant to the provisions of this Title.

2 \* \* \*

3 (59) "Trolling motor" means any self-contained unit composed of an  
4 electric motor, propeller, and controls that may be affixed to a boat and that  
5 acts as a source, but not typically the primary source, of propulsion for the boat.

6 (60) "Ultimate purchaser" means, with respect to any new motor vehicle,  
7 recreational product, or specialty vehicle, the first person, other than a dealer  
8 purchasing in his capacity as a dealer, who in good faith purchases such new motor  
9 vehicles, recreational products, or specialty vehicles for purposes other than resale.  
10 "Ultimate purchaser" shall not include a person who purchases a motor vehicle or  
11 recreational product for purposes of altering or remanufacturing the motor vehicle  
12 or recreational product for future resale.

13 ~~(60)(a)~~ **(61)(a)** "Used marine dealer" means any person, whose business is  
14 to sell, or offer for sale, display, or advertise used marine products, or any person  
15 who holds a license from the commission and is not excluded by Subparagraph (b)  
16 of this Paragraph.

17 (b) "Used marine dealer" shall not include any of the following:

18 (i) Receivers, trustees, administrators, executors, guardians, or other persons  
19 appointed by or acting under the judgment or order of any court.

20 (ii) Public officers while performing their official duties.

21 (iii) Employees of persons, corporations, or associations defined as "used  
22 marine dealers" when engaged in the specific performance of their duties as such  
23 employees.

24 (iv) Mortgagees or secured parties as to sales of marine products constituting  
25 collateral on a mortgage or security agreement and who do not maintain a used car  
26 lot or building with one or more employed marine product salesman.

27 (v) Insurance companies who sell motor vehicles to which they have taken  
28 title as an incident of payments made under policies of insurance and who do not  
29 maintain a used car lot or building with one or more employed marine product

1 salesman.

2 (vi) Used motor vehicle dealers licensed pursuant to R.S. 32:781 et seq.

3 ~~(61)~~ **(62)** "Used marine product" means a marine product, the legal title of  
4 which has been transferred by a manufacturer, distributor, or dealer to an ultimate  
5 purchaser.

6 ~~(62)~~ **(63)** "Used marine product facility" means any facility which is owned  
7 and operated by a licensee of the commission and offers for sale used marine  
8 products.

9 ~~(63)~~ **(64)** "Used motorcycle or all-terrain vehicle" means a motorcycle or all-  
10 terrain vehicle, the legal title of which has been transferred by a manufacturer,  
11 distributor, or dealer to an ultimate purchaser.

12 ~~(64)~~ ~~(a)~~ **(65)(a)** "Used motorcycle or all-terrain vehicle dealer" means any  
13 person, whose business is to sell, or offer for sale, display, or advertise used  
14 motorcycles or all-terrain vehicles, or any person who holds a license from the  
15 commission and is not excluded by Subparagraph (b) of this Paragraph.

16 (b) "Used motorcycle or all-terrain vehicle dealer" shall not include any of  
17 the following:

18 (i) Receivers, trustees, administrators, executors, guardians, or other persons  
19 appointed by or acting under the judgment or order of any court.

20 (ii) Public officers while performing their official duties.

21 (iii) Employees of persons, corporations, or associations enumerated in the  
22 definition of "used motorcycle or all-terrain vehicle dealer" when engaged in the  
23 specific performance of their duties as such employees.

24 (iv) Mortgagees or secured parties as to sales of motorcycles or all-terrain  
25 vehicles constituting collateral on a mortgage or security agreement and who do not  
26 maintain a used car lot or building with one or more employed motorcycle or all-  
27 terrain vehicle salesman.

28 (v) Insurance companies who sell motorcycles or all-terrain vehicles to which  
29 they have taken title as an incident of payments made under policies of insurance and

1 who do not maintain a used car lot or building with one or more employed  
2 motorcycle or all-terrain vehicle salesman.

3 (vi) Used motorcycle or all-terrain vehicle dealers licensed pursuant to R.S.  
4 32:781 et seq.

5 ~~(65)~~ **(66)** "Used motorcycle or all-terrain vehicle facility" means any facility  
6 which is owned and operated by a licensee of the commission and offers for sale  
7 used motorcycles or all-terrain vehicles.

8 ~~(66)~~ **(67)** "Used motor vehicle" means a motor vehicle, recreational product,  
9 or specialty vehicle, the legal title of which has been transferred by a manufacturer,  
10 distributor, or dealer to an ultimate purchaser.

11 ~~(67)(a)~~ **(68)(a)** "Used motor vehicle dealer" means any person, whose  
12 business is to sell, or offer for sale, display, or advertise used motor vehicles,  
13 recreational products, or specialty vehicles, or any person who holds a license from  
14 the commission and is not excluded by Subparagraph (b) of this Paragraph.

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

16 (i) Receivers, trustees, administrators, executors, guardians, or other persons  
17 appointed by or acting under the judgment or order of any court.

18 (ii) Public officers while performing their official duties.

19 (iii) Employees of persons, corporations, or associations enumerated in the  
20 definition of "used motor vehicle dealer" when engaged in the specific performance  
21 of their duties as such employees.

22 (iv) Mortgagees or secured parties as to sales of motor vehicles constituting  
23 collateral on a mortgage or security agreement and who do not maintain a used car  
24 lot or building with one or more employed motor vehicle salesman.

25 (v) Insurance companies who sell motor vehicles to which they have taken  
26 title as an incident of payments made under policies of insurance and who do not  
27 maintain a used car lot or building with one or more employed motor vehicle  
28 salesman.

29 (vi) Used motor vehicle dealers licensed pursuant to R.S. 32:781 et seq.

1           ~~(68)~~ **(69)** "Used motor vehicle facility" means any facility which is owned  
2 and operated by a licensee of the commission and offers for sale used motor vehicles,  
3 recreational products, or specialty vehicles.

4           ~~(69)~~ **(70)** "Used recreational vehicle" means a recreational vehicle, the legal  
5 title of which has been transferred by a manufacturer, distributor, or dealer to an  
6 ultimate purchaser.

7           ~~(70)(a)~~ **(71)(a)** "Used recreational vehicle dealer" means any person, whose  
8 business is to sell, or offer for sale, display, or advertise used recreational vehicles,  
9 or any person who holds a license from the commission and is not excluded by  
10 Subparagraph (b) of this Paragraph.

11           (b) "Used recreational vehicle dealer" shall not include any of the following:

12           (i) Receivers, trustees, administrators, executors, guardians, or other persons  
13 appointed by or acting under the judgment or order of any court.

14           (ii) Public officers while performing their official duties.

15           (iii) Employees of persons, corporations, or associations enumerated in the  
16 definition of "used recreational vehicle dealer" when engaged in the specific  
17 performance of their duties as such employees.

18           (iv) Mortgagees or secured parties as to sales of recreational vehicles  
19 constituting collateral on a mortgage or security agreement and who do not maintain  
20 a used car lot or building with one or more employed recreational vehicle salesman.

21           (v) Insurance companies who sell recreational vehicles to which they have  
22 taken title as an incident of payments made under policies of insurance and who do  
23 not maintain a used car lot or building with one or more employed recreational  
24 vehicle salesman.

25           (vi) Used recreational vehicle dealers licensed pursuant to R.S. 32:781 et seq.

26           ~~(71)~~ **(72)** "Used recreational vehicle facility" means any facility which is  
27 owned and operated by a licensee of the commission and offers for sale used  
28 recreational vehicles.

29           ~~(72)~~ **(73)** "Vehicle" means any motor vehicle, specialty vehicle, or

1 recreational product subject to regulation by this Chapter.

2 ~~(73)~~ **(74)** "Watercraft" means any contrivance used or designated for  
3 navigation on water, including but not limited to a personal watercraft as defined in  
4 R.S. 34:855.2.

5 ~~(74)~~ **(75)** "Wrecker" means any motor vehicle equipped with a boom or  
6 booms, winches, slings, tilt beds, or similar equipment designed for towing or  
7 recovery of vehicles and other objects which cannot operate under their own power  
8 or for some reason must be transported by means of towing.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Xavier I. Alexander.

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DIGEST

SB 43 Original

2023 Regular Session

Bowie

Present law provides relative to the distribution and sale of recreational products and provides for the licensure of dealers.

Present law defines certain terms, including "marine dealer", "marine motor" or "marine engine", "marine product", "recreational products", and "recreational products dealer".

Proposed law defines the term "trolling motor" and excludes that term from the definitions of "marine motor" or "marine engine", "marine product", and "recreational products".

Proposed law changes the definitions of "marine dealer" and "recreational products dealer" to exempt from licensure any person engaged in the business of renting or selling new or used trolling motors who otherwise would not be required to be licensed under present law.

Effective August 1, 2023.

(Amends R.S. 32:1252(25) - (27), (45), and (59) - (74); adds R.S. 32:1252(46)(c)(vii) and (75))