

ACT No. 855

SENATE BILL NO. 751 (Substitute of Senate Bill No. 335 by Senator Morrish)

BY SENATORS MORRISH AND PEACOCK

1 AN ACT

2 To amend and reenact R.S. 32:1253(A)(2) and 1256, to enact R.S. 32:1256.1 and 1256.2,
3 and to repeal Chapter 15, Subpart 1, Part V of Title 46 of the Louisiana
4 Administrative Code, comprised of Sections 1501 through 1515, relative to the
5 Louisiana Motor Vehicle Commission; to provide relative to recreational product
6 shows; to provide relative to membership of the commission; and to provide for
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 32:1253(A)(2) and 1256 are hereby amended and reenacted and R.S.
10 32:1256.1 and 1256.2 are hereby enacted to read as follows:

11 §1253. Motor Vehicle Commission; appointment and qualifications of members;
12 terms of office; organization; oath; official bond; compensation;
13 powers and duties

14 A. The Louisiana Motor Vehicle Commission is hereby created within the
15 office of the governor and shall be composed of eighteen members appointed by the
16 governor, as follows:

17 * * *

18 (2) Each of the commissioners appointed under the provisions of Paragraph
19 (1) of this Subsection shall have been an actively engaged licensee of the
20 commission or its previous Louisiana licensing commission for not less than five
21 consecutive years prior to such appointment, and be a holder of such a license at all
22 times while a member of the commission. Being engaged in more than one such
23 pursuit shall not disqualify a person otherwise qualified from serving on the
24 commission. Of these members, one member shall be primarily engaged in the
25 business of lease or rental, one member shall be primarily engaged in the business
26 of heavy truck sales, ~~three members shall be primarily engaged in the business of~~
27 ~~recreational products;~~ **one member shall be primarily engaged in the business of**

1 marine product sales, one member shall be primarily engaged in the business
 2 of motorcycle sales, one member shall be primarily engaged in the business of
 3 recreational vehicle sales, and one member shall be primarily engaged in the
 4 business of sales finance.

5 * * *

6 §1256. Auto shows

7 The commission may authorize or prohibit motor vehicle ~~or recreational~~
 8 ~~products~~ sales and shows at off-site locations. The commission may, in its discretion,
 9 allow such sales and shows in accordance with the rules and regulations adopted by
 10 the commission in accordance with the Administrative Procedure Act.

11 **§1256.1. Regional recreational products shows**

12 **A.(1) Shows where recreational products are displayed and promoted**
 13 **for sale are hereby authorized as provided for in this Section, except that no**
 14 **final sale and delivery of a recreational product shall occur at such show except**
 15 **by licensed Louisiana dealers whose areas of responsibility for the brand of**
 16 **recreational products they represent include the location of the show.**

17 **(2) When used in this Section, the following words and phrases have the**
 18 **meanings ascribed to them in this Paragraph:**

19 **(a) "Nonresident" or "non-Louisiana" means a dealer, distributor, or**
 20 **manufacturer who holds a current license in another state.**

21 **(b) "Producer" means a person who alone or with others assumes the**
 22 **financial responsibility of a recreational product show at which recreational**
 23 **products are displayed by dealers, manufacturers, or distributors. A producer**
 24 **shall be licensed as a promoter pursuant to R.S. 32:1254.**

25 **(c) "Product line" means a specific series of recreational vehicle products**
 26 **that are identified by a common series trade name or trademark and for which**
 27 **the manufacturer or dealer agreement authorizes a dealer to sell.**

28 **(d) "Rally" means an event not opened to the general public held and**
 29 **organized by recreational product clubs of specific products owners or**
 30 **manufacturers of specific products where owners of such products are members**

1 of the club and are invited to participate in the event.

2 (e) "Regional recreational product show" or "show" means a controlled
3 event at which a producer charges or barter for booth space or charges
4 spectator entrance, or both, and where three or more recreational product
5 dealers, distributors, or manufacturers exhibit recreational products. It does
6 not include a rally or a national recreational product show as defined in R.S.
7 32:1256.2.

8 B. Participation in regional recreational product shows is limited to
9 recreational products dealers, distributors, or manufacturers who are licensed
10 in Louisiana pursuant to this Chapter, except as provided in Subsections C and
11 D of this Section.

12 C. Nonresident recreational products dealers, distributors, or
13 manufacturers who hold a current equivalent license in another state may
14 participate in a regional recreational products show in Louisiana, provided all
15 of the following criteria are satisfied:

16 (1) Louisiana recreational products dealers, whose area of responsibility
17 for the brands they represent includes the location of the show, have been given
18 first option on space at the show.

19 (2) Louisiana recreational products dealers, whose area of responsibility
20 does not include the location of the show, have been given second option on
21 space at the show, provided that the dealers shall not show the same brand of
22 recreational product as shown by a participating Louisiana recreational
23 products dealer whose area of responsibility includes the location of the show.

24 (3) Non-Louisiana recreational products dealers, distributors, and
25 manufacturers shall not show the same brand of recreational products as shown
26 by participating Louisiana recreational products dealers.

27 (4) Non-Louisiana recreational products dealers, distributors, and
28 manufacturers shall register their participation with the commission not later
29 than ten business days prior to the date of the show. To register, each non-
30 Louisiana recreational products dealer, distributor, and manufacturer shall

1 submit its name, address, a copy of its current equivalent license from the state
2 of its domicile, and a fee of two hundred fifty dollars to the commission.

3 (5) Non-Louisiana recreational products dealers, distributors, and
4 manufacturers shall disclose to show attendees the location of where warranty
5 repairs would be made for products it has on display at the show.

6 D. Notwithstanding any provision of law to the contrary, no recreational
7 vehicle dealer, distributor or manufacturer shall participate in any regional
8 recreational product show where its product line of recreational vehicles is
9 represented by a dealer whose area of responsibility includes the location of the
10 show, whether or not that dealer participates in the show.

11 E. The provisions of this Section shall not apply to a rally held in this
12 state.

13 F. The commission may adopt rules and regulations consistent with the
14 provisions of this Section in accordance with the Administrative Procedure Act.
15 §1256.2. National recreational product shows

16 A. National recreational product shows are hereby authorized as
17 provided for in this Section.

18 B. When used in this Section, the following words and phrases have the
19 meaning ascribed to them in this Paragraph:

20 (1) "National recreational product show" or "show" means a controlled
21 event promoted by an organizer who seeks sponsorships from distributors or
22 manufacturers of recreational products where their products are shown. A
23 national recreational product show requires all of the following:

24 (a) The participation of at least three or more sponsors.

25 (b) A duration of no longer than ten days.

26 (c) A non-selling show with no execution of sales contracts, credit
27 applications, taking of security deposits, or delivery of any recreational product.

28 (2) "Non-Louisiana" means a distributor or manufacturer who holds a
29 current license as a distributor or manufacturer in another state.

30 (3) "Organizer" means any person, alone or with others, whose principal

1 business activity is the promotion of shows. An organizer shall be licensed as a
2 promoter pursuant to R.S. 32:1254.

3 (4) "Product specialist" means any person selected by the sponsor to
4 assist in the sponsor's participation in a show.

5 (5) "Sponsor" means a distributor or manufacturer who pays cash or an
6 in-kind fee to an organizer in return for access to the commercial potential
7 associated with a show.

8 C. The presence of product specialists, business cards, brochures, pricing
9 sheets and other points of sales devices to answer consumer questions are not
10 prohibited at a national recreational product show.

11 D.(1) An organizer shall obtain a license from the commission on an
12 application prescribed by and with the information required by the commission.

13 (2) The application shall be submitted to the commission not less than
14 sixty days prior to the opening of the show.

15 (3) A license fee of five hundred dollars shall be included with the
16 application.

17 E. Participation in a national recreational product show is limited to
18 distributors or manufacturers who are licensed in Louisiana pursuant to this
19 Chapter, except as provided in Subsection F of this Section.

20 F. In order to participate in a national recreational product show in
21 Louisiana, non-Louisiana recreational products distributors and manufacturers
22 shall register their participation with the commission not later than ten business
23 days prior to the date of the show. To register, each non-Louisiana recreational
24 product distributor or manufacturer shall submit its name, address, a copy of
25 its current equivalent license from the state of its domicile, and a fee of two
26 hundred fifty dollars to the commission.

27 G. The commission may adopt rules and regulations consistent with the
28 provisions of this Section in accordance with the Administrative Procedure Act.

29 Section 2. Chapter 15, Subpart 1, Part V of Title 46 of the Louisiana Administrative
30 Code, entitled "Recreational Product Shows" and comprised of Sections 1501 through 1515,

1 are hereby repealed as of the effective date of this Act.

2 Section 3. This Act shall become effective on July 1, 2012; if vetoed by the governor
3 and subsequently approved by the legislature, this Act shall become effective on July 1,
4 2012, or on the day following such approval by the legislature, whichever is later.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____