

NOTICE OF INTENT
Office of the Governor
Auctioneers Licensing Board
Auctioneers (LAC 46:III.)

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 37:3101 that the Auctioneers Licensing Board proposes to amend its existing rules and regulations to comply with Act 786 of the 2024 Regular Session regarding auction business licensing and the requirement for a qualified party; bond requirements. Rules and regulations for electronic meetings and the Welcome Home Act are also included.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part III. Auctioneers

Chapter 1. Description of Organization

§101. Organization of the Board

A. The Louisiana Auctioneer Licensing Board (hereafter referred to as *board*) is created by virtue of R.S. 37:3111 ~~and is created as an agency of the state government in the Department of Economic Development.~~ No member of the board shall be held liable as an individual in any suit against the board. Statutes relating thereto are found in R.S. 37:3111 et seq., of the Louisiana Statutes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3111 et seq.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:335 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:781 (November 1988).

§103.- 109. . .

Chapter 3. General Course and Method of Operations

§301.- §305.. .

§307. Special Meetings

A. . . .

B. Notice of any special meeting shall be given by electronic mail posted at least five days prior to such a meeting. ~~If mailed, such notice shall be deemed to be delivered when deposited in the United States mail so addressed, with postage thereon prepaid.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3111 and R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:336 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:782 (November 1988).

§309.-315. . .

~~Chapter 5.—Order of Business; Rules of Order~~ **Open Meetings via Electronic Means Policy**

§501.—~~Board Meeting; Order of Business~~ Agency Eligibility

A.—~~The order of business at all meetings of board members shall be:~~ The board meets the below criteria pursuant to Act 393 to be eligible to conduct open public meetings via electronic means:

- 1.—~~call to order;~~ Is a state agency as defined by R.S. 49:951;
2. ~~reading of the minutes of the previous meeting;~~ Has powers, duties, or functions that are not limited in scope to a particular political subdivision or region;

3. ~~reports of members;~~ Conducts at least six regularly scheduled meetings in a calendar year; and
4. ~~consideration of financial statements and reports;~~ Is not one of the agencies identified by R.S. 42:17.2(I) to which open meetings via electronic means shall not apply.

§503. ~~Rules of Order~~ **Postings Prior to Meeting via Electronic Means**

- A. ~~Except as otherwise provided in the statute or the Administrative Procedure Act, the latest edition of *Robert's Rules of Order* as revised from time to time, shall determine procedure in all meetings of the members and the board.~~

At least twenty-four hours prior to the meeting, the board shall post the following on the agency's website at www.LALB.org

1. Meeting notice and agenda; and
2. Detailed information regarding how members of the public may:
 - a. Participate in the meeting via electronic means, including the applicable videoconference link and/or teleconference phone number; and
 - b. Submit written comments regarding matters on the agenda prior to the meeting.

505. Electronic Meeting Requirements and Limitations

- A. For any meeting conducted via electronic means, the board shall ensure compliance with all requirements outlined in R.S. 42:17.2(C).
- B. The board shall not conduct any more than one-third of its open meetings via electronic means, and will only conduct successive meetings via electronic meetings as needed.
- C. A schedule of meetings identifying which will be conducted via electronic means and which will be conducted as in-person meetings shall be posted on the agency's website on an annual basis.
- D. All members of the board, whether participating from the anchor location or via electronic means, shall be counted for the purpose of establishing a quorum and may vote.
- E. An online archive of any open meetings conducted via electronic means shall be maintained and available for two years on the agency's website

507. Disability Accommodations

- A. Although an open meeting may be scheduled as in-person, the board is obligated to provide for participation via electronic means on an individualized basis by people with disabilities.
- B. People with disabilities are defined as any of the following:
 1. A member of the public with a disability recognized by the Americans with Disabilities Act (ADA);
 2. A designated caregiver of such a person; or
 3. A participant member of the agency with an ADA-qualifying disability.
- C. The board shall ensure that the written public notice for an open meeting, as required by R.S. 42:19, includes the name, telephone number and email address of the designated agency representative to whom a disability accommodation may be submitted.
- D. Upon receipt of an accommodation request, the designated agency representative is only permitted to ask if the requestor has an ADA-qualifying disability or is a caregiver of such a person (yes or no). The requestor shall not be required to complete a medical inquiry form or disclose the actual impairment or medical condition to support a disability accommodation request.
- E. The designated agency representative shall provide the requestor with the accommodation, including the teleconference and/or video conference link, for participation via electronic means as soon as possible following receipt of the request, but no later than the start of the scheduled meeting.
- F. Participation via electronic means shall count for purposes of establishing quorum and voting.

AUTHORITY NOTE: Promulgated in accordance with Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by Auctioneers Licensing

~~AUTHORITY NOTE: Promulgated in accordance with R.S. 3111 and R.S. 37:3112.~~

~~HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board LR 11:336 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:783 (November 1988).~~

Chapter 7. General Scope of Responsibilities

§701. Duties

A.- B. 7 . .

~~8. furnish, upon request, a copy of Louisiana auction laws, and also an accurate list of those states having reciprocity with Louisiana.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:336 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:783 (November 1988).

§703.. .

Chapter 10. General Provisions

§1001.. .

1. Auction ~~houses~~ Businesses which conduct business solely through internet-based platforms are not required to employ a licensed auctioneer to call the auction. Any live or simulcast auctions are required to employ a licensed auctioneer to call the live or real-time auction.

2. Auction ~~houses~~ Businesses which conduct any auction through an internet-based platform are responsible for the actions of the platform.

Auctioneer—any person who, for another, with or without receiving or collecting a fee, commission, or other valuable consideration, sells or offers to sell property at an auction.

Board—the Louisiana Auctioneers Licensing Board created as created in R.S. 37:3111.

Department—the Office of the Governor.

Internet-based platform - a company that provides a forum through the internet for a person to sell the person's or movable property via the submission of silent bids using a computer or other electronic device.

Licensee—any person or business holding a license under this Chapter.

Person—an individual, partnership, company, corporation, association, or group however organized.

Property—any property, tangible and intangible, movable or immovable, real, personal, or mixed.

Secured Party—a person holding a security interest in a property, whether movable or immovable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3103.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Auctioneers Licensing Board, LR 48:490 (March 2022).

Chapter 11. License of Auctioneer

§1101. - 1102. . .

§1103. Licensing Procedure

A.- B.13. . .

14. ~~tax identification number.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112 and R.S. 37:3113.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:337 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:784 (November 1988), amended by the Office of the Governor, Auctioneers Licensing Board, LR 31:1325 (June 2005). LR 37:2147 (July 2011), LR 48:492 (March 2022).

§1105 – 1111. . . .

§1113. Fees

A. 1-6. . .

7. ~~replacement fee of a lost, destroyed, or mutilated license—\$25; delinquent renewal fee—\$75;~~

8. ~~delinquent renewal fee—\$75; apprentice fee—\$100~~

9. ~~apprentice fee—\$100; initial license fee for an auction business—\$300;~~

10. ~~annual certification of a licensed auctioneer school—\$150; annual license renewal fee for an auction business—\$300~~
11. ~~initial license fee for an auction business—\$300;~~
12. ~~annual license renewal fee for an auction business—\$300;~~
13. ~~replacement fee of lost, destroyed or mutilated identification card—\$5.~~

B. All fees shall be paid by check, money order, or credit card made payable to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3116.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:337 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:785 (November 1988), amended by the Office of the Governor, Auctioneers Licensing Board, LR 31:1326 (June 2005), amended LR 37:2147 (July 2011), LR 48:492 (March 2022).

§1115. Reciprocity and Licensure without Examination

A- B . .

C. ~~Notwithstanding any other provision of law to the contrary, no person duly licensed as an auctioneer in any other state and temporarily present in this state shall conduct an auction in this state unless he acts in association with an auctioneer duly licensed in this state if the state in which the nonresident auctioneer is licensed requires such an association with an auctioneer licensed in this state before an auctioneer duly licensed in Louisiana may conduct an auction in that state.— Any applicant for licensing in this state who meets the requirements of LSA-R.S. 37:51 et seq [The Welcome Home Act] will be required to take the Louisiana examination to be licensed in this state.~~

D – E..

E. Any applicant who receives a license solely under the requirements of LSA-R.S. 37:51 et seq [The Welcome Home Act] cannot use that license to obtain a license in a reciprocal state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3117.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:337 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:785 (November 1988).

§1117. . . .

§1118. Qualifications to be Supervising Auctioneer for Apprentice

A.- A2. . .

3. ~~Any auctioneer who presently has an apprentice training under him may complete the year. This regulation will affect only those who begin an apprenticeship training after the approval of these regulations. The auctioneer cannot have any other apprentice being supervised at the time of application. A supervising auctioneer may have only one apprentice working under his supervision at any time.~~

4. ~~The auctioneer cannot have any other apprentice being supervised at the time of application. A supervising auctioneer may have only one apprentice working under his supervision at any time.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3118.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Auctioneers Licensing Board, LR 40:2541 (December 2014).

§1119. Apprentice Auctioneer Licensing

A. ~~The licensed Louisiana auctioneer acting as the supervisor for the apprentice auctioneer must hold the apprentice auctioneer's license. Under no circumstances is the apprentice auctioneer to have, display, or carry his license at any time. The license of an apprentice auctioneer shall be automatically suspended upon the revocation or suspension of the license of the Louisiana auctioneer who is his sponsoring supervisor or in the event the supervising auctioneer becomes incapacitated; however, the apprentice auctioneer may retain his license by transferring to the supervision of another Louisiana licensed auctioneer within 21 days of the effective date of such revocation or suspension. If the apprentice auctioneer does not transfer to another Louisiana licensed auctioneer within the 21 days, he must start his one-year apprentice program over.~~

B. When an apprentice auctioneer's employment with the supervising auctioneer is terminated for any reason, the supervising auctioneer shall immediately ~~contact the board office, deliver or send by registered mail the apprentice auctioneer's license to the board. He must sign the back and indicate the termination date. Such apprentice auctioneer shall not engage in any auctioneer activity until he receives a new license (for the expired term) bearing the name and current license number of his new supervising auctioneer. No more than one license shall be issued to any apprentice auctioneer for the same period of time.~~

C. . . .

~~D. There will be an additional charge of \$25 for the new license. The length of time that an applicant shall work as an apprentice auctioneer shall be 12 months. During that period of time the apprentice auctioneer shall work and be directly involved in at least 80 hours over a minimum period of 12 days.~~

~~E. The length of time that an applicant shall work as an apprentice auctioneer shall be 12 months. During that period of time the apprentice auctioneer shall work and be directly involved in at least 80 hours over a minimum period of 12 days. The apprentice auctioneer shall receive training in the following areas:~~

~~1. the establishment and use of escrow accounts;~~

~~2. bid calling;~~

~~3. pre-auction activities which will include: handling consignments, and all related matters, including but not limited to consignment contracts, the assignment of lot numbers, the establishment of conditions and reserves for consignments, and advertising;~~

~~4. auction day activities which will include: clerking at the auction, including writing sale tickets, keeping track of all sales, and any related paper work or using appropriate auction software, ringman/spotter;~~

~~5. post auction activities which will include: closing out the auction and maintaining and balancing auction account records, collecting and remitting sales taxes to the proper government entities, settlements, closeouts and payments to consignors.~~

~~F. The apprentice auctioneer shall receive training in the following areas:~~

~~1. the establishment and use of escrow accounts;~~

~~2. bid calling;~~

~~3. pre auction activities which will include: handling consignments, and all related matters, including but not limited to consignment contracts, the assignment of lot numbers, the establishment of conditions and reserves for consignments, and advertising;~~

~~4. auction day activities which will include: clerking at the auction, including writing sale tickets, keeping track of all sales, and any related paper work or using appropriate auction software, ringman/spotter;~~

~~5. post auction activities which will include: closing out the auction and maintaining and balancing auction account records, collecting and remitting sales taxes to the proper government entities, settlements, closeouts and payments to consignors.~~

Any person acting as an apprentice auctioneer within the meaning of these rules and regulations without a license and any person who violates these rules and regulations shall be subject to revocation of his license. The Louisiana auctioneer serving as sponsoring supervisor is also subject to discipline of his license should his apprentice auctioneer violate these rules and regulations.

~~G. Any person acting as an apprentice auctioneer within the meaning of these rules and regulations without a license and any person who violates these rules and regulations shall be subject to revocation of his license. The Louisiana auctioneer serving as sponsoring supervisor is also subject to discipline of his license should his apprentice auctioneer violate these rules and regulations. This Subsection of the rules and regulations specifically prohibits the apprentice auctioneer from calling an auction unless the supervising licensed auctioneer is directly supervising the sale sight at all times. If he does call an auction outside of the presence of his supervising auctioneer, his license will be suspended.~~

~~H. The license of an apprentice auctioneer shall be automatically suspended upon the revocation or suspension of the license of the Louisiana auctioneer who is his sponsoring supervisor or in the event the supervising auctioneer becomes incapacitated; however, the apprentice auctioneer may retain his license by transferring to the supervision of another Louisiana licensed auctioneer within 21 days of the effective date of such revocation or suspension. If the apprentice auctioneer does not transfer to another Louisiana licensed auctioneer within the 21 days, he must start his one year apprentice program over.~~

Upon completion of the one-year apprentice program, the apprentice auctioneer may apply to take the Louisiana auctioneer's examination and become licensed in the state of Louisiana. He must submit the following in order to be considered for administration of the test:

1. a completed application for license as an auctioneer;

2. posting of a \$10,000 surety bond, made payable to the Louisiana Auctioneers Licensing Board (see §1201);

3. a certified copy of voter registration or other appropriate proof of residency;

4. application fee in the sum of \$300 (this includes the \$150 license fee, the \$75 application fee, and \$75 examination fee);

5. a form signed by the supervising Louisiana licensed auctioneer stating that the apprentice did serve under him for the term of twelve months and during which he worked at least 80 hours over a minimum period of 12 days. Evidence of the number of

days/ auctions, along with the place, date and time and the type of work done by the apprentice shall be established by completion of a form to be provided by the board.

~~I. This Subsection of the rules and regulations specifically prohibits the apprentice auctioneer from calling an auction unless the supervising licensed auctioneer is directly supervising the sale sight at all times. If he does call an auction outside of the presence of his supervising auctioneer, his license will be suspended.~~

~~J. Upon completion of the one year apprentice program, the apprentice auctioneer may apply to take the Louisiana auctioneer's examination and become licensed in the state of Louisiana. He must submit the following in order to be considered for administration of the test:~~

- ~~1. a completed application for license as an auctioneer;~~
- ~~2. posting of a \$10,000 surety bond, made payable to the Louisiana Auctioneers Licensing Board (see §1201);~~
- ~~3. a certified copy of voter registration or other appropriate proof of residency;~~
- ~~4. application fee in the sum of \$300 (this includes the \$150 license fee, the \$75 application fee, and \$75 examination fee);~~
- ~~5. a form signed by the supervising Louisiana licensed auctioneer stating that the apprentice did serve under him for the term of twelve months and during which he worked at least 80 hours over a minimum period of 12 days. Evidence of the number of days/ auctions, along with the place, date and time and the type of work done by the apprentice shall be established by completion of a form to be provided by the board.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:338 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:786 (November 1988), amended by the Office of the Governor, Auctioneers Licensing Board, LR 31:1326 (June 2005), LR 40:2541 (December 2014), LR 48:492 (March 2022).

§1120. Auction Business Licensing.

A. . .

~~B. Auction houses which conduct business solely through internet based platforms are not required to employ a licensed auctioneer to call the auction. Any live or simuleast auctions are required to employ a licensed auctioneer to call the live or real-time auction.~~

The Board shall base determination of satisfactory minimum qualifications for licensure of an entity as an auction business on the following requirements:

1. The applicant for an auction business, excluding those who conduct wholesale motor vehicle auctions in compliance with R.S. 32:794, shall designate a qualifying party who shall be the legal representative for the auction business relative to the provisions of this Chapter. The board may deny approval of the qualifying party for good cause, which may include the ability of the proposed principal owner or owners, principal shareholder or shareholders, or qualifying party to engage in the auction business as demonstrated by his prior auction business experience. Evidence which may be considered by the board shall be limited to any legal proceedings against the qualifying party or businesses where the qualifying party was in a position of control at the time a problem arose and the ultimate disposition of such proceedings, any financial history of bankruptcies, unpaid judgments, insolvencies, or any similar evidence. When the qualifying party terminates employment with the licensee, the board shall be notified in writing within thirty days of the disassociation, and another qualifying party shall qualify within sixty days. *Should the qualifying party cancel or not renew his or her license, the license of the auction business shall be canceled at that time.* The qualifying party or parties are any individual licensed as an auctioneer pursuant to the requirements in this Chapter and are one or more of the following:

(a) An applicant sole proprietor or spouse of an applicant sole proprietor.

(b) Any employee of an applicant who has been in full-time employment for one hundred twenty consecutive days immediately preceding the application. The employee may be allowed to be the qualifying party for the licensed company and related entities.

1. If the qualifying party is an employee who has recently been hired to replace a party who has already been qualified, then the board may waive the one hundred twenty-day requirement upon good cause shown.
2. No auction business may go for more than 60 days without designating a qualifying party.
3. If an auction business is a first-time applicant to the state of Louisiana, an authorized party must be assigned but the 120 day requirement is waived.

4. However, the authorized party must receive final approval as the qualifying party no more than 180 days after formation of the auction business.

(c) Any stockholder, officer, or director of an applicant corporation, which stockholder, officer or director has been in the office for at least 30 days prior to the application for licensing.

(d) Any partner of an applicant partnership which partner has been in the office for at least 30 days prior to the application for licensing.

(e) Any member or manager of an applicant limited liability company which member or manager has been in the office for at least 30 days prior to the application for licensing.

2. If the entity intends to conduct auctions wherein vehicles will be auctioned as defined by R.S. 32:1, the entity shall hold a valid dealer license pursuant to R.S. 32:1254 unless a valid dealer license is not required by the regulating agency.

C. Auction houses which conduct any auction through an internet-based platform are responsible for the actions of the platform.

Auction houses which conduct business solely through internet-based platforms are not required to employ a licensed auctioneer to call the auction. Any live or simulcast auctions are required to employ a licensed auctioneer to call the live or real-time auction. Auction Businesses are required to have a qualifying party.

D. Licensing Fee. Each application for licensing shall be accompanied by a license fee in the amount of \$300. Renewal of each auction business license shall be on an annual basis, no later than February 1 of each calendar year. An auction business license renewal fee shall be \$300.

Auction Businesses which conduct any auction through an internet-based platform are responsible for the actions of the platform.

E. Application Information. Each applicant shall submit the following information on the designated application form:

1. the name of each owner of the entity and the length of time each such person has been an owner;
2. each business address of the entity;
3. each auctioneer licensed by the date of application who has been employed by the business for more than one auction in the previous calendar year;
4. the nature of the business and the product to be sold;
5. two references who shall be auctioneers currently licensed in this state in good standing with the board;
6. a good and sufficient surety bond executed by the applicant as principal and by a surety company qualified to do business in the state of Louisiana as surety in the amount of \$10,000.

Licensing Fee. Each application for licensing shall be accompanied by a license fee in the amount of \$300. Renewal of each auction business license shall be on an annual basis, no later than February 1 of each calendar year. An auction business license renewal fee shall be \$300.

F. If, in the opinion of the board, the applicant provided inadequate information to allow the board to ascertain whether the applicant satisfies the qualifications for licensing, the applicant shall be required to provide additional information for purposes of the application or may be required to present himself for an interview for this purpose.

Application Information. Each applicant shall submit the following information on the designated application form:

1. the name of each owner of the entity and the length of time each such person has been an owner;
2. each business address of the entity;
3. each auctioneer licensed by the date of application who has been employed by the business for more than one auction in the previous calendar year;
4. the nature of the business and the product to be sold;
5. two references who shall be auctioneers currently licensed in this state in good standing with the board;
6. a good and sufficient surety bond executed by the applicant as principal and by a surety company qualified to do business in the state of Louisiana as surety in the amount of \$25,000.00.
7. a copy of the current auctioneer license of the qualifying party.
8. a copy of the current dealer license for those entities conducting auctions of vehicles if such license is required.

9. Any information required by subsection B of this Section

G. The qualifications of an applicant applying for an auction business license shall be the same as those articulated at R.S. 37:3113(a)1 through 37:3113(b)4, pertaining to the licensing of auctioneers. If, in the opinion of the board, the applicant provided inadequate information to allow the board to ascertain whether the applicant satisfies the qualifications for licensing, the applicant shall be required to provide additional information for purposes of the application or may be required to present himself for an interview for this purpose.

H. An auction business licensee with a physical location within this State shall be able to operate the licensed auction business in any parish of the state of Louisiana. Should the licensee desire to operate the business at more than one location or change the location, the licensee shall give the Louisiana Auctioneers Licensing Board written notice of the change at least five days prior to the change of address or establishment of new location, as well as provide a physical and mailing address of the new or additional location of the business. Failure by licensee to give notice to the Louisiana Auctioneers Licensing Board after such change of location (or establishment of an additional location) shall be grounds for revocation of the auction business license by the board. The qualifications of an applicant applying for an auction business license shall be the same as those articulated at R.S. 37:3113(a)1 through 37:3113 pertaining to the licensing of auctioneers.

I. A licensee's auction business license shall automatically be suspended if no licensed auctioneer is engaged in conducting the auctions for the licensee if the auction house conducts live or simulcast auctions. Such license may be reinstated by the board for the unexpired term upon proof that a duly licensed auctioneer has been affiliated with the auction business. This subsection will not apply to auction houses which conduct business solely through internet-based platforms which are not required to employ a licensed auctioneer to call the auction. An auction business licensee with a physical location within this State shall be able to operate the licensed auction business in any parish of the state of Louisiana. Should the licensee desire to operate the business at more than one location or change the location, the licensee shall give the Louisiana Auctioneers Licensing Board written notice of the change at least five days prior to the change of address or establishment of new location, as well as provide a physical and mailing address of the new or additional location of the business. Failure by licensee to give notice to the Louisiana Auctioneers Licensing Board after such change of location (or establishment of an additional location) shall be grounds for revocation of the auction business license by the board.

J. The provision of R.S. 37:3115 relative to renewal of license, certificate and penalties for failure to renew the license of auctioneers, shall also apply to an auction business license. A licensee's auction business license shall automatically be suspended if no licensed auctioneer is engaged in conducting the auctions for the licensee if the auction house conducts live or simulcast auctions. Such license may be reinstated by the board for the unexpired term upon proof that a duly licensed auctioneer has been affiliated with the auction business. This subsection will not apply to auction houses which conduct business solely through internet-based platforms which are not required to employ a licensed auctioneer to call the auction.

K. No auction business license shall be issued or renewed unless the applicant presents a bond in the amount of \$10,000 in a form approved by the board. The provision of R.S. 37:3115 relative to renewal of license, certificate and penalties for failure to renew the license of auctioneers, shall also apply to an auction business license.

L. A resident Louisiana licensed auctioneer may operate an auction business without a fee, and without posting of an additional surety bond if a surety bond guaranteeing his performance as an auctioneer has previously been posted. No auction business license shall be issued or renewed unless the applicant presents a bond in the amount of \$25,000.00 in a form approved by the board.

M. An auction business must display in its office or offices, its current license to do business as an auction business at all times. An auction business must display its Louisiana license number on its website and in all advertising in a prominent location with the license number preceded by "LA" to indicate the issuing state. A resident Louisiana licensed auctioneer may operate an auction business without a fee, and without posting of an additional surety bond if a surety bond guaranteeing his performance as an auctioneer has previously been posted.

N. An auction business must display in its office or offices, its current license to do business as an auction business at all times. An auction business must display its Louisiana license number on its website and in all advertising in a prominent location with the license number preceded by "LA" to indicate the issuing state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3103.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Auctioneers Licensing Board, LR 48:492 (March 2022).

Chapter 12. Bonds; Funds

§1201. Bonds

A. Each applicant for licensure as a resident auctioneer, apprentice auctioneer, or auction business shall deliver to and deposit with the board at the time of application either ~~the sum of \$10,000 in cash~~ or a surety bond in the amounts described below, of \$10,000. Such bond shall:

1. ~~be executed by the applicant as principal and by a surety company qualified to do business in the state as a surety; For individual auctioneers, the amount of \$10,000.00.~~

2. ~~be in a form approved by the board; For auction businesses, the amount of \$25,000.00~~

3.-6. . .

7. be executed by the applicant as principal and by a surety company qualified to do business in the state as a surety;

8. be in a form approved by the board;

B.- F . . .

G. An auction business which is owned by a nonresident auctioneer shall, prior to being licensed by the board, post a surety bond in the amount ~~which shall be the greater of either: of \$25,000.~~

1. ~~\$10,000;~~

2. ~~the amount of the bond required of an auction business owned by an auctioneer licensed in Louisiana in the licensing jurisdiction of such nonresident auctioneer.~~

H. Such bond shall name the board as beneficiary.

1. In the case of a cash deposit, the auctioneer or auction business making the cash deposit shall deposit funds in a recognized state depository with the account or certificate pledged to the Louisiana Auctioneer Licensing Board under the same requirements as a surety bond. The funds shall be maintained in this depository for a period of one calendar year past the expiration date of the license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Auctioneers Licensing Board, LR 31:1326 (June 2005).

Chapter 15. Violations and Penalties

§1501. A-C. .

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3123.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Auctioneer Licensing Board, LR 11:338 (April 1985), amended by the Department of Economic Development, Auctioneers Licensing Board, LR 14:787 (November 1988), amended by the Office of the Governor, Auctioneers Licensing Board, LR 31:1327 (June 2005).

§1503. Fines for Advertising Violations

A. Violations of Chapter 17 requiring that the licensee place his name and license number in all advertising will result in a money fine to be levied against him after first being issued a warning letter. The amount of the fine will be \$50 for the first offense and \$100 for the second offense. A third or subsequent offense may result in a fine or other disciplinary action within the discretion of the board. Signs and business cards shall be exempt from this requirement of displaying the licensee number so long as the contact information is present since these are not considered ads.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3119.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Auctioneers Licensing Board, LR 20:1367 (December 1994), amended by the Office of the Governor, Auctioneers Licensing Board, LR 37:2148 (July 2011).

Chapter 29. Miscellaneous

§2901. ~~Costs for Letters of Good Standing and Rosters of Licensees~~

A. ~~The board may charge any individual, board or other party requesting a letter of good standing for an individual auctioneer or an Auction Business the sum of \$25 as cost for research, preparation, postage and copies necessary for the preparation of that letter. The board may charge any individual, board or other party the sum of \$25 for the preparation and mailing of a roster of licensees or for preparation of electronic media or labels containing that information~~

~~B. The board may charge any individual, board or other party the sum of \$25 for the preparation and mailing of a roster of licensees or for preparation of electronic media or labels containing that information.~~

~~C. The board may charge any individual, board or other party the sum of \$10 plus the cost of labels to prepare mailing labels. Any such request must be approved by the board chairman before preparing.~~

~~D. Should any reciprocal auctioneer licensing board request any of the above, or any other document, that board shall be charged what it charges the Louisiana Auctioneers Licensing Board for the same document.~~

~~E. Any auctioneer or auction business licensed under any reciprocity agreement with a reciprocal state will be charged for any of the items listed in this Section the same amount as that charged to Louisiana individual and/or business licensees by the reciprocal state.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3112.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Auctioneers Licensing Board, LR 31:1329 (June 2005).

Family Impact Statement

The proposed Rule has no known impact on family formation, stability, or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule will have no impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed Rule will have no adverse impact on small businesses as described in R.S. 49:965.6

Provider Impact Statement

The proposed Rule has no known impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session.

Public Comment

Interested persons may submit written comments until 5:00 p.m., September 22, 2025, to Sandy Edmonds, Auctioneers Licensing Board, 11736 Newcastle Avenue, Bldg 2, Suite C, Baton Rouge, LA 70816
Sandy Edmonds, Executive Director

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is not anticipated to have any costs or savings to state or local government units.

The proposed rule change makes various changes to the regulations of the Louisiana Auctioneers Licensing Board:

- 1) Simplifies existing rules and eliminates unnecessary rules,
- 2) Provides for definitions relating to auctions,
- 3) Provides for qualifications of applicants for licensure,
- 4) Provides for bond requirements,
- 5) Provides for regulations pertaining to electronic meetings, and
- 6) Provides for the provisions of the Welcome Home Act.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will have no impact on state or local governmental unit revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

Electronic meetings could reduce expenses for individuals participating in meetings by negating the need for travel to a commission meeting.

The proposed rule change also codifies an alternative path to licensure for certain individuals as authorized in La. R.S. 37:51 et seq (The Welcome Home Act), which may result in an economic benefit for those applicants.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

To the extent the Welcome Home Act leads to an increase in the number of applicants, there may be an increase in competition and employment. The magnitude of such impact is indeterminable but is expected to be minimal.