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**HOUSE BILL NO. 676**

Offered January 9, 2002

Prefiled January 9, 2002

*A BILL to amend and reenact §§ 46.2-1530, 46.2-1930, 46.2-1992.23, and 46.2-1993.23 of the Code of Virginia, relating to vehicle dealers, buyers' orders and personal property tax forms.*

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 Patron—Watts
 

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 Referred to Committee on Transportation
 

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**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 46.2-1530, 46.2-1930, 46.2-1992.23, and 46.2-1993.23 of the Code of Virginia are amended and reenacted as follows:**

§ 46.2-1530. Buyer's order.

A. Every motor vehicle dealer shall complete, in duplicate, a buyer's order for each sale or exchange of a motor vehicle. A copy of the buyer's order form shall be made available to a prospective buyer during the negotiating phase of a sale and prior to any sales agreement. The completed original shall be retained for a period of four years in accordance with § 46.2-1529, and a duplicate copy shall be delivered to the purchaser at the time of sale or exchange. *The motor vehicle dealer shall also provide to the purchaser at the time of sale or exchange a copy of the personal property tax form from the locality in which the motor vehicle will be registered.*

A buyer's order shall include:

1. The name and address of the person to whom the vehicle was sold or traded.

2. The date of the sale or trade.

3. The name and address of the motor vehicle dealer selling or trading the vehicle.

4. The make, model year, vehicle identification number and body style of the vehicle.

5. The sale price of the vehicle.

6. The amount of any cash deposit made by the buyer.

7. A description of any vehicle used as a trade-in and the amount credited the buyer for the trade-in.

The description of the trade-in shall be the same as outlined in subdivision 4 of this subsection.

8. The amount of any sales and use tax, title fee, uninsured motor vehicle fee, registration fee, or other fee required by law for which the buyer is responsible and the dealer has collected. Each tax and fee shall be individually listed and identified.

9. The net balance due at settlement.

10. Any item designated as "processing fee," and the amount charged by the dealer, if any, for processing the transaction. As used in this section processing includes obtaining title and license plates for the purchaser.

11. Any item designated as "dealer's business license tax," and the amount charged by the dealer, if any.

12. For sales involving dealer-arranged financing, the following notice, printed in bold type no less than ten-point: "THIS SALE IS CONDITIONED UPON APPROVAL OF YOUR PROPOSED RETAIL INSTALLMENT SALE CONTRACT AS SUBMITTED TO OR THROUGH THE DEALER. IF THAT PROPOSED RETAIL INSTALLMENT SALE CONTRACT IS NOT APPROVED UNDER THE TERMS AGREED TO WITH THE DEALER, YOU MAY CANCEL THIS SALE AND ANY DOWN PAYMENT AND/OR TRADE-IN YOU SUBMITTED WILL BE RETURNED TO YOU, PROVIDED THAT ANY VEHICLE DELIVERED TO YOU BY THE DEALER PURSUANT TO THIS AGREEMENT IS RETURNED TO THE DEALER IN THE SAME CONDITION AS DELIVERED TO YOU, NORMAL WEAR AND TEAR EXCEPTED, WITHIN TWENTY-FOUR HOURS OF WRITTEN OR ORAL NOTICE TO YOU OF THE CREDIT DENIAL."

13. For sales of used motor vehicles, the disclosure required by § 46.2-1529.1.

If the transaction does not include a policy of motor vehicle liability insurance, the seller shall stamp or mark on the face of the bill of sale in boldface letters no smaller than eighteen point type the following words: "No Liability Insurance Included."

A completed buyer's order when signed by both buyer and seller may constitute a bill of sale.

B. The Board shall approve a buyer's order form and each dealer shall file with each original license application its buyer's order form, on which the processing fee amount is stated.

C. If a processing fee is charged, that fact and the amount of the processing fee shall be disclosed by the dealer. Disclosure shall be by placing a clear and conspicuous sign in the public sales area of the dealership. The sign shall be no smaller than eight and one-half inches by eleven inches and the print

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59 shall be no smaller than one-half inch, and in a form as approved by the Board.

60 § 46.2-1930. Buyer's order.

61 A. Every T&M vehicle dealer shall complete, in duplicate, a buyer's order for each sale or exchange  
62 of a vehicle. A copy of the buyer's order form shall be made available to a prospective buyer during the  
63 negotiating phase of a sale and prior to any sales agreement. The completed original shall be retained  
64 for a period of four years in accordance with § 46.2-1929, and a duplicate copy shall be delivered to the  
65 purchaser at the time of sale or exchange. *The T&M vehicle dealer shall also provide to the purchaser*  
66 *at the time of sale or exchange a copy of the personal property tax form from the locality in which the*  
67 *vehicle will be registered.*

68 A buyer's order shall include:

69 1. The name and address of the person to whom the vehicle was sold or traded.

70 2. The date of the sale or trade.

71 3. The name and address of the T&M vehicle dealer selling or trading the vehicle.

72 4. The make, model year, vehicle identification number and body style of the vehicle.

73 5. The sale price of the vehicle.

74 6. The amount of any cash deposit made by the buyer.

75 7. A description of any vehicle used as a trade-in and the amount credited the buyer for the trade-in.

76 The description of the trade-in shall be the same as outlined in subdivision 4 of this subsection.

77 8. The amount of any sales and use tax, title fee, uninsured vehicle fee, registration fee, or other fee  
78 required by law for which the buyer is responsible and the dealer has collected. Each tax and fee shall  
79 be individually listed and identified.

80 9. The net balance due at settlement.

81 10. Any item designated as "processing fee," and the amount charged by the dealer, if any, for  
82 processing the transaction. As used in this section processing includes obtaining title and license plates  
83 for the purchaser.

84 11. Any item designated as "dealer's business license tax," and the amount charged by the dealer, if  
85 any.

86 12. For sales involving dealer-arranged financing, the following notice, printed in bold type no less  
87 than ten-point: "THIS SALE IS CONDITIONED UPON APPROVAL OF YOUR PROPOSED RETAIL  
88 INSTALLMENT SALE CONTRACT AS SUBMITTED TO OR THROUGH THE DEALER. IF THAT  
89 PROPOSED RETAIL INSTALLMENT SALE CONTRACT IS NOT APPROVED UNDER THE  
90 TERMS AGREED TO WITH THE DEALER, YOU MAY CANCEL THIS SALE AND ANY DOWN  
91 PAYMENT AND/OR TRADE-IN YOU SUBMITTED WILL BE RETURNED TO YOU, PROVIDED  
92 THAT ANY VEHICLE DELIVERED TO YOU BY THE DEALER PURSUANT TO THIS  
93 AGREEMENT IS RETURNED TO THE DEALER IN THE SAME CONDITION AS DELIVERED TO  
94 YOU, NORMAL WEAR AND TEAR EXCEPTED, WITHIN TWENTY-FOUR HOURS OF WRITTEN  
95 OR ORAL NOTICE TO YOU OF THE CREDIT DENIAL."

96 If the transaction does not include a policy of liability insurance, the seller shall stamp or mark on  
97 the face of the bill of sale in boldface letters no smaller than eighteen point type the following words:  
98 "No Liability Insurance Included."

99 A completed buyer's order when signed by both buyer and seller may constitute a bill of sale.

100 B. The Commissioner shall approve a buyer's order form and each dealer shall file with each original  
101 license application its buyer's order form, on which the processing fee amount is stated.

102 C. If a processing fee is charged, that fact and the amount of the processing fee shall be disclosed by  
103 the dealer. Disclosure shall be by placing a clear and conspicuous sign in the public sales area of the  
104 dealership. The sign shall be no smaller than eight and one-half inches by eleven inches and the print  
105 shall be no smaller than one-half inch, and in a form as approved by the Commissioner.

106 § 46.2-1992.23. Buyer's order.

107 A. Every trailer dealer shall complete, in duplicate, a buyer's order for each sale or exchange of a  
108 vehicle. A copy of the buyer's order form shall be made available to a prospective buyer during the  
109 negotiating phase of a sale and prior to any sales agreement. The completed original shall be retained  
110 for a period of four years in accordance with § 46.2-1992.22, and a duplicate copy shall be delivered to  
111 the purchaser at the time of sale or exchange. *The trailer dealer shall also provide to the purchaser at*  
112 *the time of sale or exchange a copy of the personal property tax form from the locality in which the*  
113 *vehicle will be registered.*

114 A buyer's order shall include:

115 1. The name and address of the person to whom the vehicle was sold or traded.

116 2. The date of the sale or trade.

117 3. The name and address of the trailer dealer selling or trading the vehicle.

118 4. The make, model year, vehicle identification number and body style of the vehicle.

119 5. The sale price of the vehicle.

120 6. The amount of any cash deposit made by the buyer.

7. A description of any vehicle used as a trade-in and the amount credited the buyer for the trade-in. The description of the trade-in shall be the same as outlined in subdivision 4 of this subsection.

8. The amount of any sales and use tax, title fee, uninsured motor vehicle fee, registration fee, or other fee required by law for which the buyer is responsible and the dealer has collected. Each tax and fee shall be individually listed and identified.

9. The net balance due at settlement.

10. Any item designated as "processing fee," and the amount charged by the dealer, if any, for processing the transaction. As used in this section processing includes obtaining title and license plates for the purchaser.

11. Any item designated as "dealer's business license tax," and the amount charged by the dealer, if any.

12. For sales involving dealer-arranged financing, the following notice, printed in bold type no less than ten-point: "THIS SALE IS CONDITIONED UPON APPROVAL OF YOUR PROPOSED RETAIL INSTALLMENT SALE CONTRACT AS SUBMITTED TO OR THROUGH THE DEALER. IF THAT PROPOSED RETAIL INSTALLMENT SALE CONTRACT IS NOT APPROVED UNDER THE TERMS AGREED TO WITH THE DEALER, YOU MAY CANCEL THIS SALE AND ANY DOWN PAYMENT AND/OR TRADE-IN YOU SUBMITTED WILL BE RETURNED TO YOU, PROVIDED THAT ANY VEHICLE DELIVERED TO YOU BY THE DEALER PURSUANT TO THIS AGREEMENT IS RETURNED TO THE DEALER IN THE SAME CONDITION AS DELIVERED TO YOU, NORMAL WEAR AND TEAR EXCEPTED, WITHIN TWENTY-FOUR HOURS OF WRITTEN OR ORAL NOTICE TO YOU OF THE CREDIT DENIAL."

A completed buyer's order when signed by both buyer and seller may constitute a bill of sale.

B. The Commissioner shall approve a buyer's order form and each dealer shall file with each original license application its buyer's order form, on which the processing fee amount is stated.

C. If a processing fee is charged, that fact and the amount of the processing fee shall be disclosed by the dealer. Disclosure shall be by placing a clear and conspicuous sign in the public sales area of the dealership. The sign shall be no smaller than eight and one-half inches by eleven inches and the print shall be no smaller than one-half inch, and in a form as approved by the Commissioner.

§ 46.2-1993.23. Buyer's order.

A. Every motorcycle dealer shall complete, in duplicate, a buyer's order for each sale or exchange of a vehicle. A copy of the buyer's order form shall be made available to a prospective buyer during the negotiating phase of a sale and prior to any sales agreement. The completed original shall be retained for a period of four years in accordance with § 46.2-1993.22, and a duplicate copy shall be delivered to the purchaser at the time of sale or exchange. *The motorcycle dealer shall also provide to the purchaser at the time of sale or exchange a copy of the personal property tax form from the locality in which the vehicle will be registered.*

A buyer's order shall include:

1. The name and address of the person to whom the vehicle was sold or traded.
2. The date of the sale or trade.
3. The name and address of the motorcycle dealer selling or trading the vehicle.
4. The make, model year, and vehicle identification number.
5. The sale price of the vehicle.
6. The amount of any cash deposit made by the buyer.

7. A description of any vehicle used as a trade-in and the amount credited the buyer for the trade-in. The description of the trade-in shall be the same as outlined in subdivision 4 of this subsection.

8. The amount of any sales and use tax, title fee, uninsured motor vehicle fee, registration fee, or other fee required by law for which the buyer is responsible and the dealer has collected. Each tax and fee shall be individually listed and identified.

9. The net balance due at settlement.

10. Any item designated as "processing fee," and the amount charged by the dealer, if any, for processing the transaction. As used in this section processing includes obtaining title and license plates for the purchaser.

11. Any item designated as "dealer's business license tax," and the amount charged by the dealer, if any.

12. For sales involving dealer-arranged financing, the following notice, printed in bold type no less than ten-point: "THIS SALE IS CONDITIONED UPON APPROVAL OF YOUR PROPOSED RETAIL INSTALLMENT SALE CONTRACT AS SUBMITTED TO OR THROUGH THE DEALER. IF THAT PROPOSED RETAIL INSTALLMENT SALE CONTRACT IS NOT APPROVED UNDER THE TERMS AGREED TO WITH THE DEALER, YOU MAY CANCEL THIS SALE AND ANY DOWN PAYMENT AND/OR TRADE-IN YOU SUBMITTED WILL BE RETURNED TO YOU, PROVIDED THAT ANY VEHICLE DELIVERED TO YOU BY THE DEALER PURSUANT TO THIS

182 AGREEMENT IS RETURNED TO THE DEALER IN THE SAME CONDITION AS DELIVERED TO  
183 YOU, NORMAL WEAR AND TEAR EXCEPTED, WITHIN TWENTY-FOUR HOURS OF WRITTEN  
184 OR ORAL NOTICE TO YOU OF THE CREDIT DENIAL."

185 If the transaction does not include a policy of liability insurance, the seller shall stamp or mark on  
186 the face of the bill of sale in boldface letters no smaller than eighteen point type the following words:  
187 "No Liability Insurance Included."

188 A completed buyer's order when signed by both buyer and seller may constitute a bill of sale.

189 B. The Commissioner shall approve a buyer's order form and each dealer shall file with each original  
190 license application its buyer's order form, on which the processing fee amount is stated.

191 C. If a processing fee is charged, that fact and the amount of the processing fee shall be disclosed by  
192 the dealer. Disclosure shall be by placing a clear and conspicuous sign in the public sales area of the  
193 dealership. The sign shall be no smaller than eight and one-half inches by eleven inches and the print  
194 shall be no smaller than one-half inch, and in a form as approved by the Commissioner.