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HOUSE BILL NO. 235

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Transportation
on January 26, 2012)

(Patron Prior to Substitute—Delegate Cosgrove)

A BILL to amend and reenact §§ 46.2-1516, 46.2-1916, 46.2-1992.14, and 46.2-1993.14 of the Code of Virginia, relating to supplemental sales locations of motor vehicles T&M dealers, trailer dealers, and motorcycle dealers.

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-1516, 46.2-1916, 46.2-1992.14, and 46.2-1993.14 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-1516. Supplemental sales locations.

The Board may issue a license for a licensed motor vehicle dealer to display for sale or sell vehicles at locations other than his established place of business, subject to compliance with local ordinances and requirements.

A permanent supplemental license may be issued for premises less than 500 yards from the dealer's established place of business, provided a sign is displayed as required for the established place of business. A supplemental license shall not be required for premises otherwise contiguous to the established place of business except for a public thoroughfare.

A temporary supplemental license may be issued for a period not to exceed seven days, provided that the application is made ~~fifteen~~ 15 days prior to the sale. *The Board shall not issue a temporary supplemental license for the same jurisdiction for a consecutive seven-day period. The Board shall not issue more than eight supplemental licenses per year to any licensed motor vehicle dealer.*

A temporary supplemental license for the sale of new motor vehicles may be issued only for locations within the dealer's area of responsibility, as defined in his franchise or sales agreement, unless proof is provided that all dealers in the same line-make in whose areas of responsibility, as defined in their franchise or sales agreements, where the temporary supplemental license is sought do not oppose the issuance of the temporary license.

A temporary supplemental license for sale of used motor vehicles may be issued only for the county, city, or town in which the dealer is licensed pursuant to § 46.2-1510, or for a contiguous county, city, or town. Temporary licenses may be issued without regard to the foregoing geographic restrictions where the dealer operating under a temporary license provides notice *by certified mail*, at least ~~thirty~~ 30 days before any proposed sale under a temporary license, to all other dealers licensed in the jurisdiction in which the sale will occur of the intent to conduct a sale and permits any locally licensed dealer who wishes to do so to participate in the sale on the same terms as the dealer operating under the temporary license. Any locally licensed dealer who chooses to participate in the sale must obtain a temporary supplemental license for the sale pursuant to this section. *The dealer operating under a temporary license shall provide to the Board a copy of the notice required under this section and a list of the dealers to whom the notice was distributed.*

A temporary supplemental license may be issued for the sale of boat trailers at a boat show. Any such license shall be valid for no more than ~~fourteen~~ 14 days. Application for such a license shall be made and such license obtained prior to the opening of the show. Temporary supplemental licenses for sale of boat trailers at boat shows may be issued for any boat show located anywhere in the Commonwealth without notification of or approval by other boat trailer dealers.

§ 46.2-1916. Supplemental sales locations.

The Commissioner may issue a license for a licensed T&M vehicle dealer to display for sale or sell T&M vehicles at locations other than his established place of business, subject to compliance with local ordinances and requirements.

A permanent supplemental license may be issued for premises less than 500 yards from the dealer's established place of business, provided a sign is displayed as required for the established place of business. A supplemental license shall not be required for premises otherwise contiguous to the established place of business except for a public thoroughfare.

A temporary supplemental license may be issued for a period not to exceed seven days, provided that the application is made ~~fifteen~~ 15 days prior to the sale. *The Department shall not issue a temporary supplemental license for the same jurisdiction for a consecutive seven-day period. The Department shall not issue more than eight supplemental licenses per year to any licensed T&M vehicle dealer.* A temporary supplemental license for the sale of new T&M vehicles may be issued only for locations within the dealer's area of responsibility, as defined in his franchise or sales agreement, unless proof is provided that all dealers in the same line-make in whose areas of responsibility, as defined in their

60 franchise or sales agreements, where the temporary supplemental license is sought do not oppose the
61 issuance of the temporary license.

62 However, the application for a temporary supplemental license may be made five business days prior
63 to the sale if the applicant submits evidence that the location is in compliance with all applicable local
64 ordinances and that all other requirements of this section have been met. The application shall include
65 affirmative proof of no opposition, in the form of letters signed by all dealers in the same line-make in
66 whose areas of responsibility, as defined in their franchise or sales agreements, where the temporary
67 supplemental license is sought, approving the Department's granting the temporary supplemental license.

68 A temporary supplemental license for sale of used T&M vehicles may be issued only for the county,
69 city, or town in which the dealer is licensed pursuant to § 46.2-1910, or for a contiguous county, city, or
70 town. Temporary licenses may be issued without regard to the foregoing geographic restrictions where
71 the dealer operating under a temporary license provides notice *by certified mail*, at least ~~thirty~~ 30 days
72 before any proposed sale under a temporary license, to all other dealers licensed in the jurisdiction in
73 which the sale will occur of the intent to conduct a sale and permits any locally licensed dealer who
74 wishes to do so to participate in the sale on the same terms as the dealer operating under the temporary
75 license. Any locally licensed dealer who chooses to participate in the sale must obtain a temporary
76 supplemental license for the sale pursuant to this section. *The dealer operating under a temporary*
77 *license shall provide to the Department a copy of the notice required under this section and a list of the*
78 *dealers to whom the notice was distributed.*

79 § 46.2-1992.14. Supplemental sales locations.

80 The Commissioner may issue a license for a licensed trailer dealer to display for sale or sell trailers
81 at locations other than his established place of business, subject to compliance with local ordinances and
82 requirements.

83 A permanent supplemental license may be issued for premises less than 500 yards from the dealer's
84 established place of business, provided a sign is displayed as required for the established place of
85 business. A supplemental license shall not be required for premises otherwise contiguous to the
86 established place of business except for a public thoroughfare.

87 A temporary supplemental license may be issued for a period not to exceed ~~fourteen~~ 14 days,
88 provided that the application is made ~~fifteen~~ 15 days prior to the sale. *The Department shall not issue a*
89 *temporary supplemental license for the same jurisdiction for a consecutive 14-day period. The*
90 *Department shall not issue more than eight supplemental licenses per year to any licensed trailer*
91 *dealer.*

92 A temporary supplemental license for the sale of new trailers may be issued only for locations within
93 the dealer's area of responsibility, as defined in his franchise or sales agreement, unless certification is
94 provided that all dealers in the same line-make in whose areas of responsibility, as defined in their
95 franchise or sales agreements, where the temporary supplemental license is sought do not oppose the
96 issuance of the temporary license.

97 However, the application for a temporary supplemental license may be made five business days prior
98 to the sale, provided the applicant submit evidence that the location is in compliance with all local
99 ordinances and that all other requirements of this section have been met. The application shall include
100 affirmative proof of nonopposition in the form of letters signed by all dealers in the same line-make in
101 whose areas of responsibility, as defined in their franchise or sales agreements, where the temporary
102 supplemental license is sought, approving the Department's granting of the temporary supplemental
103 license.

104 A temporary supplemental license for sale of used trailers may be issued only for the county, city, or
105 town in which the dealer is licensed pursuant to § 46.2-1992.8, or for a contiguous county, city, or town.
106 Temporary licenses may be issued without regard to the foregoing geographic restrictions where the
107 dealer operating under a temporary license provides notice *by certified mail*, at least ~~thirty~~ 30 days
108 before any proposed sale under a temporary license, to all other dealers licensed in the jurisdiction in
109 which the sale will occur of the intent to conduct a sale and permits any locally licensed dealer who
110 wishes to do so to participate in the sale on the same terms as the dealer operating under the temporary
111 license. Any locally licensed dealer who chooses to participate in the sale must obtain a temporary
112 supplemental license for the sale pursuant to this section. *The dealer operating under a temporary*
113 *license shall provide to the Department a copy of the notice required under this section and a list of the*
114 *dealers to whom the notice was distributed.*

115 § 46.2-1993.14. Supplemental sales locations.

116 The Commissioner may issue a license for a licensed motorcycle dealer to display for sale or sell
117 motorcycles at locations other than his established place of business, subject to compliance with local
118 ordinances and requirements.

119 A permanent supplemental license may be issued for premises less than 500 yards from the dealer's
120 established place of business, provided a sign is displayed as required for the established place of
121 business. A supplemental license shall not be required for premises otherwise contiguous to the

122 established place of business except for a public thoroughfare.

123 A temporary supplemental license may be issued for a period not to exceed ~~fourteen~~ 14 days,
124 provided that the application is made ~~fifteen~~ 15 days prior to the sale. *The Department shall not issue a*
125 *temporary supplemental license for the same jurisdiction for a consecutive 14-day period. The*
126 *Department shall not issue more than eight supplemental licenses per year to any licensed motorcycle*
127 *dealer.*

128 A temporary supplemental license for the sale of new motorcycles may be issued only for locations
129 within the dealer's area of responsibility, as defined in his franchise or sales agreement, unless
130 certification is provided that all dealers in the same line-make in whose areas of responsibility, as
131 defined in their franchise or sales agreements, where the temporary supplemental license is sought do
132 not oppose the issuance of the temporary license.

133 However, the application for a temporary supplemental license may be made five business days prior
134 to the sale, provided the applicant submit evidence that the location is in compliance with all local
135 ordinances and that all other requirements of this section have been met. The application shall include
136 affirmative proof of nonopposition in the form of letters signed by all dealers in the same line-make in
137 whose areas of responsibility, as defined in their franchise or sales agreements, where the temporary
138 supplemental license is sought, approving the Department's granting the temporary supplemental license.

139 A temporary supplemental license for sale of used motorcycles may be issued only for the county,
140 city, or town in which the dealer is licensed pursuant to § 46.2-1993.8, or for a contiguous county, city,
141 or town. Temporary licenses may be issued without regard to the foregoing geographic restrictions
142 where the dealer operating under a temporary license provides notice *by certified mail*, at least ~~thirty~~ 30
143 days before any proposed sale under a temporary license, to all other dealers licensed in the jurisdiction
144 in which the sale will occur of the intent to conduct a sale and permits any locally licensed dealer who
145 wishes to do so to participate in the sale on the same terms as the dealer operating under the temporary
146 license. Any locally licensed dealer who chooses to participate in the sale must obtain a temporary
147 supplemental license for the sale pursuant to this section. *The dealer operating under a temporary*
148 *license shall provide to the Department a copy of the notice required under this section and a list of the*
149 *dealers to whom the notice was distributed.*