# 2011 RECONVENED SESSION

#### REENROLLED

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# VIRGINIA ACTS OF ASSEMBLY - CHAPTER

An Act to amend and reenact §§ 46.2-1503, 46.2-1510, 46.2-1519, 46.2-1529, 46.2-1530, 46.2-1910, 2 46.2-1919, 46.2-1929, 46.2-1930, 46.2-1992.8, 46.2-1992.17, 46.2-1992.22, 46.2-1992.23, 3 46.2-1993.8, 46.2-1993.17, 46.2-1993.22, and 46.2-1993.23 of the Code of Virginia, relating to motor 4 5 vehicle dealers, T&M vehicle dealers, trailer dealers, and motorcycle dealers.

[H 2011]

#### Approved

8 Be it enacted by the General Assembly of Virginia:

9 1. That §§ 46.2-1503, 46.2-1510, 46.2-1519, 46.2-1529, 46.2-1530, 46.2-1910, 46.2-1919, 46.2-1929,

46.2-1930, 46.2-1992.8, 46.2-1992.17, 46.2-1992.22, 46.2-1992.23, 46.2-1993.8, 46.2-1993.17, 10 46.2-1993.22, and 46.2-1993.23 of the Code of Virginia are amended and reenacted as follows: 11 12 § 46.2-1503. Motor Vehicle Dealer Board.

A. The Motor Vehicle Dealer Board is hereby created. The Board shall consist of nineteen 19 13 members appointed by the Governor, subject to confirmation by the General Assembly. Every member 14 15 appointed by the Governor must be a citizen of the United States and must be a resident of Virginia. The Governor may remove any member as provided in subsection B of § 2.2-108. The initial terms of 16 eight of the members appointed in July of 1995 shall commence when appointed and shall be for terms 17 ending on June 30, 1997. Nine members shall be appointed for four-year terms. The members shall be 18 19 at-large members and, insofar as practical, should reflect fair and equitable statewide representation.

20 B. Nine members shall be licensed franchised motor vehicle dealers who have been licensed as such for at least two years prior to being appointed by the Governor and seven members shall be licensed 21 independent motor vehicle dealers who (i) have been licensed as such for at least two years prior to 22 23 being appointed by the Governor and (ii) are not also franchised motor vehicle dealers. One of the 24 independent dealers appointed to the Board shall be a licensed motor vehicle dealer primarily engaged in 25 the business of renting vehicles, and one shall be a licensed independent dealer primarily engaged in the 26 motor vehicle salvage business. One member shall be an individual who has no direct or indirect 27 interest, other than as a consumer, in or relating to the motor vehicle industry.

28 C. Appointments shall be for terms of four years, and no person other than the Commissioner of the 29 Department of Motor Vehicles and the Commissioner of Agriculture and Consumer Services or his 30 designee shall be eligible to serve more than two successive four-year terms. The Commissioner of the 31 Department of Motor Vehicles shall serve as chairman of the Board. Vacancies shall be filled by 32 appointment by the Governor for the unexpired term and shall be effective until thirty 30 days after the 33 next meeting of the ensuing General Assembly and, if confirmed, thereafter for the remainder of the 34 term. Any person appointed to fill a vacancy may serve two additional successive terms.

D. The Commissioner of the Department of Motor Vehicles and the Commissioner of Agriculture 35 and Consumer Services or his designee shall be ex officio voting members of the Board. 36

37 E. Members of the Board shall be reimbursed their actual and necessary expenses incurred in 38 carrying out their duties, such reimbursement to be paid from the special fund referred to in 39 § 46.2-1520. 40

§ 46.2-1510. Dealers required to have established place of business.

41 No license shall be issued to any motor vehicle dealer unless he has an established place of business, 42 owned or leased by him, where a substantial portion of the sales activity of the business is routinely 43 conducted and which:

44 1. Satisfies all local zoning regulations;

45 2. Has sales, service, and office space devoted exclusively to the dealership of at least 250 square feet in a permanent, enclosed building not used as a residence; 46 47

3. Houses all records the dealer is required to maintain by § 46.2-1529;

48 4. Is equipped with a desk, chairs, filing space, a working telephone listed in the name of the 49 dealership, and working utilities including electricity and provisions for space heating, and, on and after 50 July 1, 2013, an Internet connection and email address;

5. Displays a sign and business hours as required by this chapter; and 51

52 6. Has contiguous space designated for the exclusive use of the dealer adequate to permit the display 53 of at least ten 10 vehicles.

54 Any dealer licensed on or before July 1, 1995, shall be considered in compliance with subdivisions 2 55 and 6 of this section for that licensee.

56 § 46.2-1519. License and registration fees; additional to other licenses and fees required by law.

A. The fee for each license and registration year or part thereof shall be determined by the Board, 57 58 subject to the following:

59 1. For motor vehicle dealers, not more than \$300 for each principal place of business, plus not more 60 than \$40 for each supplemental license. 61

2. For motor vehicle salespersons, not more than \$50.

B. The licenses, registrations, and fees required by this chapter are in addition to licenses, taxes, and 62 fees imposed by other provisions of law and nothing contained in this chapter shall exempt any person 63 from any license, tax, or fee imposed by any other provision of law. 64

C. The fee for issuance to a nonprofit organization of a certificate pursuant to subsection B of 65 66 § 46.2-1508.1 shall be \$25 per year or any part thereof.

67 D. No nonprofit organization granted a certificate pursuant to subsection B of § 46.2-1508.1 shall, 68 either orally or in writing, assign a value to any donated vehicle for the purpose of establishing tax deduction amounts on any federal or state income tax return. 69

70 E. The Board may authorize discounts and other incentives to encourage licensees to conduct 71 transactions with the Board (i) by means of electronic technologies and (ii) for multi-year periods. 72

F. The fee for reprinting licenses, certificates, and registrations shall be \$10 for each reprint.

G. The fee for reinstating a license, certificate, or registration that has been suspended shall be \$50. § 46.2-1529. Dealer records.

75 All dealer records regarding employees; lists of vehicles in inventory for sale, resale, or on 76 consignment; vehicle purchases, sales, trades, and transfers of ownership; collections of taxes; titling, 77 uninsured motor vehicle, and registration fees; odometer disclosure statements; records of permanent 78 dealer registration plates assigned to the dealer and temporary transport plates and temporary certificates 79 of ownership; proof of safety inspections performed on vehicles sold at retail; and other records required by the Department or the Board shall be maintained on the premises of the licensed location. The Board 80 may, on written request by a dealer, permit his records to be maintained at a location other than the 81 premises of the licensed location for good cause shown. All dealer records shall be preserved in original 82 form or in film, magnetic, or optical media (including but not limited to microfilm, microfiche, or other 83 84 electronic media) for a period of five years in a manner that permits systematic retrieval. Certain records 85 may be maintained on a computerized record-keeping system with the prior approval of the Board.

§ 46.2-1530. Buyer's order.

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A. Every motor vehicle dealer shall complete, in duplicate, a buyer's order for each sale or exchange 87 88 of a motor vehicle. A copy of the buyer's order form shall be made available to a prospective buyer 89 during the negotiating phase of a sale and prior to any sales agreement. The completed original shall be 90 retained for a period of four five years in accordance with § 46.2-1529, and a duplicate copy shall be 91 delivered to the purchaser at the time of sale or exchange. A buyer's order shall include: 92

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

93 2. The date of the sale or trade.

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

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

96 5. The sale price of the vehicle.

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

98 7. A description of any vehicle used as a trade-in and the amount credited the buyer for the trade-in. 99 The description of the trade-in shall be the same as outlined in subdivision 4 of this subsection.

100 8. The amount of any sales and use tax, title fee, uninsured motor vehicle fee, registration fee, purchaser's on-line systems filing fee, or other fee required by law for which the buyer is responsible 101 102 and the dealer has collected. Each tax and fee shall be individually listed and identified. 103

9. The net balance due at settlement.

104 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 105 for the purchaser, but shall not include any "purchaser's on-line systems filing fee" as defined in 106 § 46.2-1530.1 or any "dealer's manual transaction fee" as defined in § 46.2-1530.2. 107

11. Any item designated as "dealer's business license tax," and the amount charged by the dealer, if 108 109 any.

110 12. If the dealer delivers to the customer a vehicle purchased by the customer on or after July 1, 111 2010, that is conditional on dealer-arranged financing, the following notice, printed in bold type no less 112 than 10 point: "IF YOU ARE FINANCING THIS VEHICLE, PLEASE READ THIS NOTICE: YOU ARE PROPOSING TO ENTER INTO A RETAIL INSTALLMENT SALES CONTRACT WITH THE 113 DEALER. PART OF YOUR CONTRACT INVOLVES FINANCING THE PURCHASE OF YOUR 114 VEHICLE. IF YOU ARE FINANCING THIS VEHICLE AND THE DEALER INTENDS TO 115 TRANSFER YOUR FINANCING TO A FINANCE PROVIDER SUCH AS A BANK, CREDIT UNION 116 OR OTHER LENDER, YOUR VEHICLE PURCHASE DEPENDS ON THE FINANCE PROVIDER'S 117

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APPROVAL OF YOUR PROPOSED RETAIL INSTALLMENT SALES CONTRACT. IF YOUR 118 RETAIL INSTALLMENT SALES CONTRACT IS APPROVED WITHOUT A CHANGE THAT 119 INCREASES THE COST OR RISK TO YOU OR THE DEALER, YOUR PURCHASE CANNOT BE 120 CANCELLED. IF YOUR RETAIL INSTALLMENT SALES CONTRACT IS NOT APPROVED, THE 121 122 DEALER WILL NOTIFY YOU VERBALLY OR IN WRITING. YOU CAN THEN DECIDE TO PAY 123 FOR THE VEHICLE IN SOME OTHER WAY OR YOU OR THE DEALER CAN CANCEL YOUR PURCHASE. IF THE SALE IS CANCELLED, YOU NEED TO RETURN THE VEHICLE TO THE 124 125 DEALER WITHIN 24 HOURS OF VERBAL OR WRITTEN NOTICE IN THE SAME CONDITION 126 IT WAS GIVEN TO YOU, EXCEPT FOR NORMAL WEAR AND TEAR. ANY DOWN PAYMENT 127 OR TRADE-IN YOU GAVE THE DEALER WILL BE RETURNED TO YOU. IF YOU DO NOT RETURN THE VEHICLE WITHIN 24 HOURS OF VERBAL OR WRITTEN NOTICE OF 128 129 CANCELLATION, THE DEALER MAY LOCATE THE VEHICLE AND TAKE IT BACK WITHOUT 130 FURTHER NOTICE TO YOU AS LONG AS THE DEALER FOLLOWS THE LAW AND DOES NOT CAUSE A BREACH OF THE PEACE WHEN TAKING THE VEHICLE BACK. IF THE 131 DEALER DOES NOT RETURN YOUR DOWN PAYMENT AND ANY TRADE-IN WHEN THE DEALER GETS THE VEHICLE BACK IN THE SAME CONDITION IT WAS GIVEN TO YOU, 132 133 134 EXCEPT FOR NORMAL WEAR AND TEAR, THE DEALER MAY BE LIABLE TO YOU UNDER 135 THE VIRGINIA CONSUMER PROTECTION ACT."

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

137 If the transaction does not include a policy of motor vehicle liability insurance, the seller shall stamp 138 or mark on the face of the bill of sale in boldface letters no smaller than 18 point type the following 139 words: "No Liability Insurance Included." 140

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

141 B. The Board shall approve a buyer's order form and each dealer shall file with each original license 142 application its buyer's order form, on which the processing fee amount is stated.

143 C. If a processing fee is charged, that fact and the amount of the processing fee shall be disclosed by 144 the dealer. Disclosure shall be by placing a clear and conspicuous sign in the public sales area of the 145 dealership. The sign shall be no smaller than eight and one-half inches by eleven 11 inches and the print 146 shall be no smaller than one-half inch, and in a form as approved by the Board.

147 D. If the buyer's order is for a new motor vehicle having a gross vehicle weight rating of less than 148 16,000 pounds that had accumulated, at the time of the sale, mileage in excess of 750 miles as a 149 demonstrator or as a result of delivery to a prospective purchaser who never took title to the new motor 150 vehicle and returned it, the vehicle may be sold as new, provided the dealer delivers this disclosure in 151 writing on the buyer's order containing type of no smaller than 10 point or in a separate document 152 containing only the disclosure in type of no smaller than 14 point: "Notice: This new motor vehicle has 153 accumulated mileage in excess of 750 miles as the result of use as a demonstrator and/or as the result of delivery to a prior prospective purchaser who never took title to it and who returned it." When delivered 154 155 as a separate document, this disclosure shall also contain the actual odometer reading for the vehicle and 156 shall be signed by the purchaser.

157 § 46.2-1910. Dealers required to have established place of business.

158 No license shall be issued to any T&M vehicle dealer unless he has an established place of business, 159 owned or leased by him, where a substantial portion of the sales activity of the business is routinely 160 conducted and which: 161

1. Satisfies all local zoning regulations;

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162 2. Has sales, service, and office space devoted exclusively to the dealership of at least 250 square feet in a permanent, enclosed building not used as a residence; 163

164 3. Houses all records the dealer is required to maintain by § 46.2-1929;

165 4. Is equipped with a desk, chairs, filing space, a working telephone listed in the name of the 166 dealership, and working utilities including electricity and provisions for space heating, and, on and after 167 July 1, 2013, an Internet connection and email address;

5. Displays a sign and business hours as required by this chapter; and

6. Has contiguous space designated for the exclusive use of the dealer adequate to permit the display 169 170 of at least ten 10 T&M vehicles.

171 However, any licensee engaging in business exclusively as a dealer in used mobile homes without 172 inventory need not have contiguous display space and need have only 120 square feet of sales and office 173 space devoted exclusively to its business.

174 Any person licensed by the Department as a dealer under any provision of this subtitle on June 30, 175 1996, shall be considered in compliance with subdivisions 2 and 6 of this section for that licensee.

176 § 46.2-1919. License and registration fees; additional to other licenses and fees required by law.

177 A. The fee for each license and registration year or part thereof shall be as follows:

178 1. For T&M vehicle dealers, \$100 for each principal place of business, plus \$20 for each 179 supplemental license.

180 2. For T&M and motor vehicle manufacturers, distributors, and each factory branch and distributor 181 branch, \$100.

182 3. For T&M and motor vehicle rebuilder salespersons, factory representatives, and distributor 183 representatives, \$10.

184 4. For motor vehicle dealers and T&M vehicle dealers licensed in other states, but not in Virginia, a 185 registration fee of \$50. 186

5. For manufactured home dealers, a registration fee of \$50.

B. The licenses, registrations, and fees required by this chapter are in addition to licenses, taxes, and 187 188 fees imposed by other provisions of law and nothing contained in this chapter shall exempt any person 189 from any license, tax, or fee imposed by any other provision of law. However, the Commissioner may waive fees for those licensed under Chapter 15 (§ 46.2-1500 et seq.), 19.1 (§ 46.2-1992 et seq.), or 19.2 190 191 of this title (§ 46.2-1993 et seq.); the Commissioner shall waive the fee for nonprofit organizations certified under Chapter 15, 19.1, or 19.2 of this title. 192

193 C. The fee for any nonprofit organization issued a certificate pursuant to § 46.2-1908.1 shall be \$25 194 per year or any part thereof.

195 D. No nonprofit organization granted a certificate pursuant to § 46.2-1908.1 shall, either orally or in 196 writing, assign a value to any donated vehicle for the purpose of establishing tax deduction amounts on 197 any federal or state income tax return. 198

E. The fee for reprinting licenses, certificates, and registrations shall be \$10 for each reprint.

199 F. The fee for reinstating a license, certificate, or registration that has been suspended shall be \$50. 200 § 46.2-1929. Dealer records.

201 All dealer records regarding employees; lists of vehicles in inventory for sale, resale, or on 202 consignment; vehicle purchases, sales, trades, and transfers of ownership; collections of taxes; titling, uninsured T&M vehicle and registration fees; odometer disclosure statements; records of permanent 203 204 dealer registration plates assigned to the dealer and temporary transport plates and temporary certificates of ownership; proof of safety inspections performed on vehicles sold at retail; and other records required 205 by the Department shall be maintained on the premises of the licensed location. The Commissioner may, 206 on written request by a dealer, permit his records to be maintained at a location other than the premises 207 208 of the licensed location for good cause shown. All dealer records shall be preserved in original form or in film, magnetic, or optical media (including but not limited to microfilm, microfiche, or other 209 210 electronic media) for a period of five years in a manner that permits systematic retrieval. Certain records 211 may be maintained on a computerized record-keeping system with the prior approval of the 212 Commissioner. 213

§ 46.2-1930. Buyer's order.

214 A. Every T&M vehicle dealer shall complete, in duplicate, a buyer's order for each sale or exchange 215 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 216 for a period of four five years in accordance with § 46.2-1929, and a duplicate copy shall be delivered to 217 218 the purchaser at the time of sale or exchange. A buyer's order shall include:

219 1. The name and address of the person to whom the vehicle was sold or traded. 220

- 2. The date of the sale or trade.
- 3. The name and address of the T&M vehicle dealer selling or trading the vehicle.
- 4. The make, model year, vehicle identification number and body style of the vehicle.
- 223 5. The sale price of the vehicle.

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

225 7. A description of any vehicle used as a trade-in and the amount credited the buyer for the trade-in. 226 The description of the trade-in shall be the same as outlined in subdivision 4 of this subsection.

227 8. The amount of any sales and use tax, title fee, uninsured vehicle fee, registration fee, or other fee 228 required by law for which the buyer is responsible and the dealer has collected. Each tax and fee shall 229 be individually listed and identified. 230

9. The net balance due at settlement.

231 10. Any item designated as "processing fee," and the amount charged by the dealer, if any, for 232 processing the transaction. As used in this section processing includes obtaining title and license plates for the purchaser, but shall not include any "purchaser's on-line systems filing fee" as described in 233 234 § 46.2-1930.1 or any "dealer's manual transaction fee" as defined in § 46.2-1930.2.

235 11. Any item designated as "dealer's business license tax," and the amount charged by the dealer, if 236 any.

237 12. If the dealer delivers to the customer a vehicle purchased by the customer on or after July 1, 238 2010, that is conditional on dealer-arranged financing, the following notice, printed in bold type no less than 10 point: "IF YOU ARE FINANCING THIS VEHICLE, PLEASE READ THIS NOTICE. YOU 239

ARE PROPOSING TO ENTER INTO A RETAIL INSTALLMENT SALES CONTRACT WITH THE 240 DEALER. PART OF YOUR CONTRACT INVOLVES FINANCING THE PURCHASE OF YOUR VEHICLE. IF YOU ARE FINANCING THIS VEHICLE AND THE DEALER INTENDS TO 241 242 243 TRANSFER YOUR FINANCING TO A FINANCE PROVIDER SUCH AS A BANK, CREDIT UNION 244 OR OTHER LENDER, YOUR VEHICLE PURCHASE DEPENDS ON THE FINANCE PROVIDER'S 245 APPROVAL OF YOUR PROPOSED RETAIL INSTALLMENT SALES CONTRACT. IF YOUR RETAIL INSTALLMENT SALES CONTRACT IS APPROVED WITHOUT A CHANGE THAT 246 247 INCREASES THE COST OR RISK TO YOU OR THE DEALER, YOUR PURCHASE CANNOT BE 248 CANCELLED. IF YOUR RETAIL INSTALLMENT SALES CONTRACT IS NOT APPROVED, THE 249 DEALER WILL NOTIFY YOU VERBALLY OR IN WRITING. YOU CAN THEN DECIDE TO PAY FOR THE VEHICLE IN SOME OTHER WAY OR YOU OR THE DEALER CAN CANCEL YOUR 250 251 PURCHASE. IF THE SALE IS CANCELLED, YOU NEED TO RETURN THE VEHICLE TO THE 252 DEALER WITHIN 24 HOURS OF VERBAL OR WRITTEN NOTICE IN THE SAME CONDITION 253 IT WAS GIVEN TO YOU, EXCEPT FOR NORMAL WEAR AND TEAR. ANY DOWN PAYMENT 254 OR TRADE-IN YOU GAVE THE DEALER WILL BE RETURNED TO YOU. IF YOU DO NOT 255 RETURN THE VEHICLE WITHIN 24 HOURS OF VERBAL OR WRITTEN NOTICE OF 256 CANCELLATION, THE DEALER MAY LOCATE THE VEHICLE AND TAKE IT BACK WITHOUT 257 FURTHER NOTICE TO YOU AS LONG AS THE DEALER FOLLOWS THE LAW AND DOES 258 NOT CAUSE A BREACH OF THE PEACE WHEN TAKING THE VEHICLE BACK. IF THE 259 DEALER DOES NOT RETURN YOUR DOWN PAYMENT AND ANY TRADE-IN WHEN THE 260 DEALER GETS THE VEHICLE BACK IN THE SAME CONDITION IT WAS GIVEN TO YOU. 261 EXCEPT FOR NORMAL WEAR AND TEAR, THE DEALER MAY BE LIABLE TO YOU UNDER 262 THE VIRGINIA CONSUMER PROTECTION ACT."

263 If the transaction does not include a policy of liability insurance, the seller shall stamp or mark on 264 the face of the bill of sale in boldface letters no smaller than 18 point type the following words: "No 265 Liability Insurance Included."

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 267 268 license application its buyer's order form, on which the processing fee amount is stated.

269 C. If a processing fee is charged, that fact and the amount of the processing fee shall be disclosed by 270 the dealer. Disclosure shall be by placing a clear and conspicuous sign in the public sales area of the 271 dealership. The sign shall be no smaller than eight and one-half inches by eleven 11 inches and the print 272 shall be no smaller than one-half inch, and in a form as approved by the Commissioner. 273

§ 46.2-1992.8. Dealers required to have established place of business.

274 No license shall be issued to any trailer dealer unless he has an established place of business, owned 275 or leased by him, where a substantial portion of the sales activity of the business is routinely conducted 276 and which: 277

1. Satisfies all local zoning regulations;

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278 2. Has sales, service, and office space devoted exclusively to the dealership of at least 250 square 279 feet in a permanent, enclosed building not used as a residence;

280 3. Houses all records the dealer is required to maintain by § 46.2-1992.22;

281 4. Is equipped with a desk, chairs, filing space, a working telephone listed in the name of the 282 dealership, and working utilities including electricity and provisions for space heating, and, on and after 283 July 1, 2013, an Internet connection and email address;

5. Displays a sign and business hours as required by this chapter; and

285 6. Has contiguous space designated for the exclusive use of the dealer adequate to permit the display 286 of at least ten 10 trailers.

287 Any person licensed as a dealer by the Department under any provision of this subtitle on June 1, 288 1996, shall be considered in compliance with subdivisions 2 and 6 of this section for that licensee. 289

§ 46.2-1992.17. License and registration fees; additional to other licenses and fees required by law.

A. The fee for each license and registration year or part thereof shall be as follows:

291 1. For trailer dealers, \$100 for each principal place of business, plus \$20 for each supplemental 292 license.

293 2. For each trailer manufacturer, distributor, factory branch and distributor branch, \$100.

294 3. For trailer rebuilder salespersons, factory representatives, and distributor representatives, \$10.

295 4. For trailer dealers licensed in other states, but not in Virginia, and for watercraft trailer dealers, a 296 registration fee of \$50.

297 B. The licenses, registrations, and fees required by this chapter are in addition to licenses, taxes, and 298 fees imposed by other provisions of law and nothing contained in this chapter shall exempt any person 299 from any license, tax, or fee imposed by any other provision of law. However, the Commissioner may 300 waive fees for those licensed under Chapter 15 (§ 46.2-1500 et seq.), 19 (§ 46.2-1900 et seq.), or 19.2 of

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301 this title (§ 46.2-1993 et seq.); the Commissioner shall waive the fee for nonprofit organizations certified 302 under Chapter 15, 19, or 19.2 of this title.

303 C. The fee for any nonprofit organization issued a certificate pursuant to § 46.2-1992.6:1 shall be \$25 304 per year or any part thereof.

D. No nonprofit organization granted a certificate pursuant to § 46.2-1992.6:1 shall, either orally or 305 306 in writing, assign a value to any donated vehicle for the purpose of establishing tax deduction amounts 307 on any federal or state income tax return.

E. The fee for reprinting licenses, certificates, and registrations shall be \$10 for each reprint. 308

309 F. The fee for reinstating a license, certificate, or registration that has been suspended shall be \$50. 310 § 46.2-1992.22. Dealer records.

311 All dealer records regarding employees; lists of vehicles in inventory for sale, resale, or on 312 consignment; vehicle purchases, sales, trades, and transfers of ownership; collections of taxes; titling, uninsured motor vehicle and registration fees; odometer disclosure statements, records of permanent 313 dealer registration plates assigned to the dealer and temporary transport plates and temporary certificates 314 of ownership; proof of safety inspections performed on vehicles sold at retail; and other records required 315 316 by the Department shall be maintained on the premises of the licensed location. The Commissioner may, on written request by a dealer, permit his records to be maintained at a location other than the premises 317 318 of the licensed location for good cause shown. All dealer records shall be preserved in original form or 319 in film, magnetic, or optical media (including but not limited to microfilm, microfiche, or other 320 electronic media) for a period of five years in a manner that permits systematic retrieval. Certain records 321 may be maintained on a computerized record-keeping system with the prior approval of the 322 Commissioner. 323

§ 46.2-1992.23. Buyer's order.

324 A. Every trailer dealer shall complete, in duplicate, a buyer's order for each sale or exchange of a 325 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 326 for a period of four five years in accordance with § 46.2-1992.22, and a duplicate copy shall be 327 328 delivered to the purchaser at the time of sale or exchange. A buyer's order shall include:

- 329 1. The name and address of the person to whom the vehicle was sold or traded. 330
  - 2. The date of the sale or trade.
- 331 3. The name and address of the trailer dealer selling or trading the vehicle.
- 332 4. The make, model year, vehicle identification number and body style of the vehicle.
- 333 5. The sale price of the vehicle.
- 334 6. The amount of any cash deposit made by the buyer.

335 7. A description of any vehicle used as a trade-in and the amount credited the buyer for the trade-in. 336 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 337 338 other fee required by law for which the buyer is responsible and the dealer has collected. Each tax and 339 fee shall be individually listed and identified. 340

9. The net balance due at settlement.

341 10. Any item designated as "processing fee," and the amount charged by the dealer, if any, for 342 processing the transaction. As used in this section processing includes obtaining title and license plates 343 for the purchaser, but shall not include any "purchaser's on-line systems filing fee" as defined in 344 § 46.2-1992.23:1 or any "dealer's manual transaction fee" as defined in § 46.2-1992.23:2.

345 11. Any item designated as "dealer's business license tax," and the amount charged by the dealer, if 346 any.

347 12. If the dealer delivers to the customer a vehicle purchased by the customer on or after July 1, 348 2010, that is conditional on dealer-arranged financing, the following notice, printed in bold type no less 349 than 10 point: "IF YOU ARE FINANCING THIS VEHICLE, PLEASE READ THIS NOTICE. YOU ARE PROPOSING TO ENTER INTO A RETAIL INSTALLMENT SALES CONTRACT WITH THE 350 DEALER. PART OF YOUR CONTRACT INVOLVES FINANCING THE PURCHASE OF YOUR VEHICLE. IF YOU ARE FINANCING THIS VEHICLE AND THE DEALER INTENDS TO 351 352 353 TRANSFER YOUR FINANCING TO A FINANCE PROVIDER SUCH AS A BANK, CREDIT UNION 354 OR OTHER LENDER, YOUR VEHICLE PURCHASE DEPENDS ON THE FINANCE PROVIDER'S APPROVAL OF YOUR PROPOSED RETAIL INSTALLMENT SALES CONTRACT. IF YOUR 355 RETAIL INSTALLMENT SALES CONTRACT IS APPROVED WITHOUT A CHANGE THAT 356 INCREASES THE COST OR RISK TO YOU OR THE DEALER, YOUR PURCHASE CANNOT BE 357 358 CANCELLED. IF YOUR RETAIL INSTALLMENT SALES CONTRACT IS NOT APPROVED, THE 359 DEALER WILL NOTIFY YOU VERBALLY OR IN WRITING. YOU CAN THEN DECIDE TO PAY FOR THE VEHICLE IN SOME OTHER WAY OR YOU OR THE DEALER CAN CANCEL YOUR 360 PURCHASE. IF THE SALE IS CANCELLED, YOU NEED TO RETURN THE VEHICLE TO THE 361

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DEALER WITHIN 24 HOURS OF VERBAL OR WRITTEN NOTICE IN THE SAME CONDITION 362 IT WAS GIVEN TO YOU, EXCEPT FOR NORMAL WEAR AND TEAR. ANY DOWN PAYMENT 363 364 OR TRADE-IN YOU GAVE THE DEALER WILL BE RETURNED TO YOU. IF YOU DO NOT RETURN THE VEHICLE WITHIN 24 HOURS OF VERBAL OR WRITTEN NOTICE OF 365 366 CANCELLATION, THE DEALER MAY LOCATE THE VEHICLE AND TAKE IT BACK WITHOUT 367 FURTHER NOTICE TO YOU AS LONG AS THE DEALER FOLLOWS THE LAW AND DOES 368 NOT CAUSE A BREACH OF THE PEACE WHEN TAKING THE VEHICLE BACK. IF THE 369 DEALER DOES NOT RETURN YOUR DOWN PAYMENT AND ANY TRADE-IN WHEN THE 370 DEALER GETS THE VEHICLE BACK IN THE SAME CONDITION IT WAS GIVEN TO YOU. 371 EXCEPT FOR NORMAL WEAR AND TEAR, THE DEALER MAY BE LIABLE TO YOU UNDER 372 THE VIRGINIA CONSUMER PROTECTION ACT."

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

374 B. The Commissioner shall approve a buyer's order form and each dealer shall file with each original 375 license application its buyer's order form, on which the processing fee amount is stated.

376 C. If a processing fee is charged, that fact and the amount of the processing fee shall be disclosed by 377 the dealer. Disclosure shall be by placing a clear and conspicuous sign in the public sales area of the 378 dealership. The sign shall be no smaller than eight and one-half inches by eleven 11 inches and the print 379 shall be no smaller than one-half inch, and in a form as approved by the Commissioner.

380 § 46.2-1993.8. Dealers required to have established place of business.

381 No license shall be issued to any motorcycle dealer unless he has an established place of business, 382 owned or leased by him, where a substantial portion of the sales activity of the business is routinely 383 conducted and which:

384 1. Satisfies all local zoning regulations;

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385 2. Has sales, service, and office space devoted exclusively to the dealership of at least 250 square 386 feet in a permanent, enclosed building not used as a residence;

387 3. Houses all records the dealer is required to maintain by § 46.2-1993.22;

388 4. Is equipped with a desk, chairs, filing space, a working telephone listed in the name of the 389 dealership, and working utilities including electricity and provisions for space heating, and, on and after 390 July 1, 2013, an Internet connection and email address;

391 5. Displays a sign and business hours as required by this chapter; and

392 6. Has contiguous space designated for the exclusive use of the dealer adequate to permit the display 393 of at least ten 10 motorcycles.

394 Any person licensed as a dealer by the Department under any provision of this subtitle on June 30, 395 1996, shall be considered in compliance with subdivisions 2 and 6 of this section for that licensee. 396

§ 46.2-1993.17. License and registration fees; additional to other licenses and fees required by law.

A. The fee for each license and registration year or part thereof shall be as follows:

398 1. For motorcycle dealers, \$100 for each principal place of business, plus \$20 for each supplemental 399 license.

2. For each motorcycle manufacturer, distributor, factory branch, and distributor branch, \$100.

401 3. For motorcycle rebuilder salespersons, factory representatives, and distributor representatives, \$10.

402 4. For motorcycle dealers licensed in other states, but not in Virginia, a registration fee of \$50.

403 B. The licenses, registrations, and fees required by this chapter are in addition to licenses, taxes, and **404** fees imposed by other provisions of law and nothing contained in this chapter shall exempt any person 405 from any license, tax, or fee imposed by any other provision of law. However, the Commissioner may 406 waive fees for those licensed under Chapter 15 (§ 46.2-1500 et sea.), 19 (§ 46.2-1900 et sea.), or 19.1 of 407 this title (§ 46.2-1992 et seq.); the Commissioner shall waive the fee for nonprofit organizations certified 408 under Chapter 15, 19, or 19.2 of this title 19.1.

409 C. The fee for any nonprofit organization issued a certificate pursuant to § 46.2-1992.6:1 shall be \$25 410 per year or any part thereof.

D. No nonprofit organization granted a certificate pursuant to subsection B of § 46.2-1993.6:1 shall, 411 412 either orally or in writing, assign a value to any donated vehicle for the purpose of establishing tax 413 deduction amounts on any federal or state income tax return.

414 E. The fee for reprinting licenses, certificates, and registrations shall be \$10 for each reprint.

415 F. The fee for reinstating a license, certificate, or registration that has been suspended shall be \$50. § 46.2-1993.22. Dealer records. 416

417 All dealer records regarding employees; lists of vehicles in inventory for sale, resale, or on 418 consignment; vehicle purchases, sales, trades, and transfers of ownership; collections of taxes; titling, 419 uninsured motor vehicle and registration fees; odometer disclosure statements; records of permanent 420 dealer registration plates assigned to the dealer and temporary transport plates and temporary certificates 421 of ownership; proof of safety inspections performed on vehicles sold at retail; and other records required 422 by the Department shall be maintained on the premises of the licensed location. The Commissioner may,

423 on written request by a dealer, permit his records to be maintained at a location other than the premises 424 of the licensed location for good cause shown. All dealer records shall be preserved in original form or 425 in film, magnetic, or optical media (including but not limited to microfilm, microfiche, or other 426 electronic media) for a period of five years in a manner that permits systematic retrieval. Certain records 427 may be maintained on a computerized record-keeping system with the prior approval of the 428 Commissioner.

429 § 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 430 431 a vehicle. A copy of the buyer's order form shall be made available to a prospective buyer during the 432 negotiating phase of a sale and prior to any sales agreement. The completed original shall be retained for a period of four five years in accordance with § 46.2-1993.22, and a duplicate copy shall be 433 434 delivered to the purchaser at the time of sale or exchange. A buyer's order shall include:

- 435 1. The name and address of the person to whom the vehicle was sold or traded.
- 436 2. The date of the sale or trade.
- 437 3. The name and address of the motorcycle dealer selling or trading the vehicle.
- 438 4. The make, model year, and vehicle identification number.
- 439 5. The sale price of the vehicle.

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

441 7. A description of any vehicle used as a trade-in and the amount credited the buyer for the trade-in. 442 The description of the trade-in shall be the same as outlined in subdivision 4 of this subsection.

443 8. The amount of any sales and use tax, title fee, uninsured motor vehicle fee, registration fee, or 444 other fee required by law for which the buyer is responsible and the dealer has collected. Each tax and 445 fee shall be individually listed and identified. 446

9. The net balance due at settlement.

10. Any item designated as "processing fee," and the amount charged by the dealer, if any, for 447 **448** processing the transaction. As used in this section processing includes obtaining title and license plates for the purchaser, but shall not include any "purchaser's on-line systems filing fee" as defined in 449 450 § 46.2-1993.23:1 or any "dealer's manual transaction fee" as defined in § 46.2-1993.23:2.

11. Any item designated as "dealer's business license tax," and the amount charged by the dealer, if 451 452 any.

453 12. If the dealer delivers to the customer a vehicle purchased by the customer on or after July 1, 454 2010, that is conditional on dealer-arranged financing, the following notice, printed in bold type no less 455 than 10 point: "IF YOU ARE FINANCING THIS VEHICLE, PLEASE READ THIS NOTICE. YOU ARE PROPOSING TO ENTER INTO A RETAIL INSTALLMENT SALES CONTRACT WITH THE 456 457 DEALER. PART OF YOUR CONTRACT INVOLVES FINANCING THE PURCHASE OF YOUR VEHICLE. IF YOU ARE FINANCING THIS VEHICLE AND THE DEALER INTENDS TO 458 TRANSFER YOUR FINANCING TO A FINANCE PROVIDER SUCH AS A BANK, CREDIT UNION 459 OR OTHER LENDER, YOUR VEHICLE PURCHASE DEPENDS ON THE FINANCE PROVIDER'S **460** APPROVAL OF YOUR PROPOSED RETAIL INSTALLMENT SALES CONTRACT. IF YOUR RETAIL INSTALLMENT SALES CONTRACT IS APPROVED WITHOUT A CHANGE THAT 461 462 463 INCREASES THE COST OR RISK TO YOU OR THE DEALER, YOUR PURCHASE CANNOT BE 464 CANCELLED. IF YOUR RETAIL INSTALLMENT SALES CONTRACT IS NOT APPROVED, THE DEALER WILL NOTIFY YOU VERBALLY OR IN WRITING. YOU CAN THEN DECIDE TO PAY 465 466 FOR THE VEHICLE IN SOME OTHER WAY OR YOU OR THE DEALER CAN CANCEL YOUR 467 PURCHASE. IF THE SALE IS CANCELLED, YOU NEED TO RETURN THE VEHICLE TO THE 468 DEALER WITHIN 24 HOURS OF VERBAL OR WRITTEN NOTICE IN THE SAME CONDITION IT WAS GIVEN TO YOU, EXCEPT FOR NORMAL WEAR AND TEAR. ANY DOWN PAYMENT 469 470 OR TRADE-IN YOU GAVE THE DEALER WILL BE RETURNED TO YOU. IF YOU DO NOT RETURN THE VEHICLE WITHIN 24 HOURS OF VERBAL OR WRITTEN NOTICE OF CANCELLATION, THE DEALER MAY LOCATE THE VEHICLE AND TAKE IT BACK WITHOUT 471 **472** FURTHER NOTICE TO YOU AS LONG AS THE DEALER FOLLOWS THE LAW AND DOES NOT CAUSE A BREACH OF THE PEACE WHEN TAKING THE VEHICLE BACK. IF THE 473 474 475 DEALER DOES NOT RETURN YOUR DOWN PAYMENT AND ANY TRADE-IN WHEN THE DEALER GETS THE VEHICLE BACK IN THE SAME CONDITION IT WAS GIVEN TO YOU, 476 EXCEPT FOR NORMAL WEAR AND TEAR, THE DEALER MAY BE LIABLE TO YOU UNDER 477 478 THE VIRGINIA CONSUMER PROTECTION ACT."

479 If the transaction does not include a policy of liability insurance, the seller shall stamp or mark on 480 the face of the bill of sale in boldface letters no smaller than 18 point type the following words: "No **481** Liability Insurance Included."

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

483 B. The Commissioner shall approve a buyer's order form and each dealer shall file with each original

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**484** license application its buyer's order form, on which the processing fee amount is stated.

485 C. If a processing fee is charged, that fact and the amount of the processing fee shall be disclosed by
486 the dealer. Disclosure shall be by placing a clear and conspicuous sign in the public sales area of the
487 dealership. The sign shall be no smaller than eight and one-half inches by eleven 11 inches and the print
488 shall be no smaller than one-half inch, and in a form as approved by the Commissioner.

489 2. That the Motor Vehicle Dealer Board in consultation with the Department of Motor Vehicles 490 shall study the provisions of this act requiring that motor vehicle dealers, T&M vehicle dealers, 491 trailer dealers, and motorcycle dealers, on and after July 1, 2013, be equipped with an Internet 492 connection and an email address and advise the Governor and the General Assembly of the 493 desirability and feasibility of these provisions on or before December 1, 2011.