

11105484D

## HOUSE BILL NO. 2011

## FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Senator Deeds  
on February 22, 2011)

(Patron Prior to Substitute—Delegate Carrico)

A *BILL to amend and reenact §§ 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, 46.2-1993.22, and 46.2-1993.23 of the Code of Virginia, relating to motor vehicle dealers, T&M vehicle dealers, trailer dealers, and motorcycle dealers.*

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

**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, 46.2-1993.22, and 46.2-1993.23 of the Code of Virginia are amended and reenacted as follows:**

§ 46.2-1503. Motor Vehicle Dealer Board.

A. The Motor Vehicle Dealer Board is hereby created. The Board shall consist of ~~nineteen~~ 19 members appointed by the Governor, subject to confirmation by the General Assembly. Every member 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 eight of the members appointed in July of 1995 shall commence when appointed and shall be for terms ending on June 30, 1997. Nine members shall be appointed for four-year terms. The members shall be at-large members and, insofar as practical, should reflect fair and equitable statewide representation.

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

C. Appointments shall be for terms of four years, and no person other than the Commissioner of the Department of Motor Vehicles and the Commissioner of Agriculture and Consumer Services *or his designee* shall be eligible to serve more than two successive four-year terms. The Commissioner of the Department of Motor Vehicles shall serve as chairman of the Board. Vacancies shall be filled by appointment by the Governor for the unexpired term and shall be effective until ~~thirty~~ 30 days after the next meeting of the ensuing General Assembly and, if confirmed, thereafter for the remainder of the 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 and Consumer Services *or his designee* shall be ex officio voting members of the Board.

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

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

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

1. Satisfies all local zoning regulations;
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;
3. Houses all records the dealer is required to maintain by § 46.2-1529;
4. Is equipped with a desk, chairs, filing space, a working telephone listed in the name of the dealership, ~~and~~ working utilities including electricity and provisions for space heating, *and, on and after 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 of at least ~~ten~~ 10 vehicles.

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

§ 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,

60 subject to the following:

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

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

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

67 C. The fee for issuance to a nonprofit organization of a certificate pursuant to subsection B of  
68 § 46.2-1508.1 shall be \$25 per year or any part thereof.

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

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

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

75 *G. The fee for reinstating a license, certificate, or registration that has been suspended shall be \$50.*

76 § 46.2-1529. Dealer records.

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

88 § 46.2-1530. Buyer's order.

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

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

95 2. The date of the sale or trade.

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

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

98 5. The sale price of the vehicle.

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

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

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

105 9. The net balance due at settlement.

106 10. Any item designated as "processing fee," and the amount charged by the dealer, if any, for  
107 processing the transaction. As used in this section processing includes obtaining title and license plates  
108 for the purchaser, but shall not include any "purchaser's on-line systems filing fee" as defined in  
109 § 46.2-1530.1 or any "dealer's manual transaction fee" as defined in § 46.2-1530.2.

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

112 12. If the dealer delivers to the customer a vehicle purchased by the customer on or after July 1,  
113 2010, that is conditional on dealer-arranged financing, the following notice, printed in bold type no less  
114 than 10 point: "IF YOU ARE FINANCING THIS VEHICLE, PLEASE READ THIS NOTICE: YOU  
115 ARE PROPOSING TO ENTER INTO A RETAIL INSTALLMENT SALES CONTRACT WITH THE  
116 DEALER. PART OF YOUR CONTRACT INVOLVES FINANCING THE PURCHASE OF YOUR  
117 VEHICLE. IF YOU ARE FINANCING THIS VEHICLE AND THE DEALER INTENDS TO  
118 TRANSFER YOUR FINANCING TO A FINANCE PROVIDER SUCH AS A BANK, CREDIT UNION  
119 OR OTHER LENDER, YOUR VEHICLE PURCHASE DEPENDS ON THE FINANCE PROVIDER'S  
120 APPROVAL OF YOUR PROPOSED RETAIL INSTALLMENT SALES CONTRACT. IF YOUR  
121 RETAIL INSTALLMENT SALES CONTRACT IS APPROVED WITHOUT A CHANGE THAT

INCREASES THE COST OR RISK TO YOU OR THE DEALER, YOUR PURCHASE CANNOT BE 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 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 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 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 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 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, EXCEPT FOR NORMAL WEAR AND TEAR, THE DEALER MAY BE LIABLE TO YOU UNDER THE VIRGINIA CONSUMER PROTECTION ACT."

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 18 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~~ 11 inches and the print shall be no smaller than one-half inch, and in a form as approved by the Board.

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

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

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

1. Satisfies all local zoning regulations;
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;
3. Houses all records the dealer is required to maintain by § 46.2-1929;
4. Is equipped with a desk, chairs, filing space, a working telephone listed in the name of the dealership, and working utilities including electricity and provisions for space heating, and, on and after 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 of at least ~~ten~~ 10 T&M vehicles.

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

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

§ 46.2-1919. 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:

1. For T&M vehicle dealers, \$100 for each principal place of business, plus \$20 for each supplemental license.
2. For T&M and motor vehicle manufacturers, distributors, and each factory branch and distributor

183 branch, \$100.

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

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

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

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

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

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

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

201 F. *The fee for reinstating a license, certificate, or registration that has been suspended shall be \$50.*

202 § 46.2-1929. Dealer records.

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

215 § 46.2-1930. Buyer's order.

216 A. Every T&M vehicle dealer shall complete, in duplicate, a buyer's order for each sale or exchange  
217 of a vehicle. A copy of the buyer's order form shall be made available to a prospective buyer during the  
218 negotiating phase of a sale and prior to any sales agreement. The completed original shall be retained  
219 for a period of ~~four~~ five years in accordance with § 46.2-1929, and a duplicate copy shall be delivered to  
220 the purchaser at the time of sale or exchange. A buyer's order shall include:

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

222 2. The date of the sale or trade.

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

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

225 5. The sale price of the vehicle.

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

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

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

232 9. The net balance due at settlement.

233 10. Any item designated as "processing fee," and the amount charged by the dealer, if any, for  
234 processing the transaction. As used in this section processing includes obtaining title and license plates  
235 for the purchaser, but shall not include any "purchaser's on-line systems filing fee" as described in  
236 § 46.2-1930.1 or any "dealer's manual transaction fee" as defined in § 46.2-1930.2.

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

239 12. If the dealer delivers to the customer a vehicle purchased by the customer on or after July 1,  
240 2010, that is conditional on dealer-arranged financing, the following notice, printed in bold type no less  
241 than 10 point: "IF YOU ARE FINANCING THIS VEHICLE, PLEASE READ THIS NOTICE. YOU  
242 ARE PROPOSING TO ENTER INTO A RETAIL INSTALLMENT SALES CONTRACT WITH THE  
243 DEALER. PART OF YOUR CONTRACT INVOLVES FINANCING THE PURCHASE OF YOUR  
244 VEHICLE. IF YOU ARE FINANCING THIS VEHICLE AND THE DEALER INTENDS TO

TRANSFER YOUR FINANCING TO A FINANCE PROVIDER SUCH AS A BANK, CREDIT UNION OR OTHER LENDER, YOUR VEHICLE PURCHASE DEPENDS ON THE FINANCE PROVIDER'S APPROVAL OF YOUR PROPOSED RETAIL INSTALLMENT SALES CONTRACT. IF YOUR RETAIL INSTALLMENT SALES CONTRACT IS APPROVED WITHOUT A CHANGE THAT INCREASES THE COST OR RISK TO YOU OR THE DEALER, YOUR PURCHASE CANNOT BE 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 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 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 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 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 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, EXCEPT FOR NORMAL WEAR AND TEAR, THE DEALER MAY BE LIABLE TO YOU UNDER THE VIRGINIA CONSUMER PROTECTION ACT."

If the transaction does not include a policy of liability insurance, the seller shall stamp or mark on the face of the bill of sale in boldface letters no smaller than 18 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 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~~ 11 inches and the print shall be no smaller than one-half inch, and in a form as approved by the Commissioner.

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

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

1. Satisfies all local zoning regulations;
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;
3. Houses all records the dealer is required to maintain by § 46.2-1992.22;
4. Is equipped with a desk, chairs, filing space, a working telephone listed in the name of the dealership, and working utilities including electricity and provisions for space heating, *and, on and after 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 of at least ~~ten~~ 10 trailers.

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

§ 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:

1. For trailer dealers, \$100 for each principal place of business, plus \$20 for each supplemental license.
2. For each trailer manufacturer, distributor, factory branch and distributor branch, \$100.
3. For trailer rebuilder salespersons, factory representatives, and distributor representatives, \$10.
4. For trailer dealers licensed in other states, but not in Virginia, and for watercraft trailer dealers, a registration fee of \$50.

B. The licenses, registrations, and fees required by this chapter are in addition to licenses, taxes, and fees imposed by other provisions of law and nothing contained in this chapter shall exempt any person 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 (§ 46.2-1900 *et seq.*), or 19.2 of this title (§ 46.2-1993 *et seq.*); the Commissioner shall waive the fee for nonprofit organizations certified under Chapter 15, 19, or 19.2 of this title.

C. The fee for any nonprofit organization issued a certificate pursuant to § 46.2-1992.6:1 shall be \$25

306 per year or any part thereof.

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

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

311 F. *The fee for reinstating a license, certificate, or registration that has been suspended shall be \$50.*

312 § 46.2-1992.22. Dealer records.

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

325 § 46.2-1992.23. Buyer's order.

326 A. Every trailer dealer shall complete, in duplicate, a buyer's order for each sale or exchange of a  
327 vehicle. A copy of the buyer's order form shall be made available to a prospective buyer during the  
328 negotiating phase of a sale and prior to any sales agreement. The completed original shall be retained  
329 for a period of ~~four~~ five years in accordance with § 46.2-1992.22, and a duplicate copy shall be  
330 delivered to the purchaser at the time of sale or exchange. A buyer's order shall include:

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

332 2. The date of the sale or trade.

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

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

335 5. The sale price of the vehicle.

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

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

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

342 9. The net balance due at settlement.

343 10. Any item designated as "processing fee," and the amount charged by the dealer, if any, for  
344 processing the transaction. As used in this section processing includes obtaining title and license plates  
345 for the purchaser, but shall not include any "purchaser's on-line systems filing fee" as defined in  
346 § 46.2-1992.23:1 or any "dealer's manual transaction fee" as defined in § 46.2-1992.23:2.

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

349 12. If the dealer delivers to the customer a vehicle purchased by the customer on or after July 1,  
350 2010, that is conditional on dealer-arranged financing, the following notice, printed in bold type no less  
351 than 10 point: "IF YOU ARE FINANCING THIS VEHICLE, PLEASE READ THIS NOTICE. YOU  
352 ARE PROPOSING TO ENTER INTO A RETAIL INSTALLMENT SALES CONTRACT WITH THE  
353 DEALER. PART OF YOUR CONTRACT INVOLVES FINANCING THE PURCHASE OF YOUR  
354 VEHICLE. IF YOU ARE FINANCING THIS VEHICLE AND THE DEALER INTENDS TO  
355 TRANSFER YOUR FINANCING TO A FINANCE PROVIDER SUCH AS A BANK, CREDIT UNION  
356 OR OTHER LENDER, YOUR VEHICLE PURCHASE DEPENDS ON THE FINANCE PROVIDER'S  
357 APPROVAL OF YOUR PROPOSED RETAIL INSTALLMENT SALES CONTRACT. IF YOUR  
358 RETAIL INSTALLMENT SALES CONTRACT IS APPROVED WITHOUT A CHANGE THAT  
359 INCREASES THE COST OR RISK TO YOU OR THE DEALER, YOUR PURCHASE CANNOT BE  
360 CANCELLED. IF YOUR RETAIL INSTALLMENT SALES CONTRACT IS NOT APPROVED, THE  
361 DEALER WILL NOTIFY YOU VERBALLY OR IN WRITING. YOU CAN THEN DECIDE TO PAY  
362 FOR THE VEHICLE IN SOME OTHER WAY OR YOU OR THE DEALER CAN CANCEL YOUR  
363 PURCHASE. IF THE SALE IS CANCELLED, YOU NEED TO RETURN THE VEHICLE TO THE  
364 DEALER WITHIN 24 HOURS OF VERBAL OR WRITTEN NOTICE IN THE SAME CONDITION  
365 IT WAS GIVEN TO YOU, EXCEPT FOR NORMAL WEAR AND TEAR. ANY DOWN PAYMENT  
366 OR TRADE-IN YOU GAVE THE DEALER WILL BE RETURNED TO YOU. IF YOU DO NOT  
367 RETURN THE VEHICLE WITHIN 24 HOURS OF VERBAL OR WRITTEN NOTICE OF

CANCELLATION, THE DEALER MAY LOCATE THE VEHICLE AND TAKE IT BACK WITHOUT 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 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, EXCEPT FOR NORMAL WEAR AND TEAR, THE DEALER MAY BE LIABLE TO YOU UNDER THE VIRGINIA CONSUMER PROTECTION ACT."

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~~ 11 inches and the print shall be no smaller than one-half inch, and in a form as approved by the Commissioner.

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

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

1. Satisfies all local zoning regulations;
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;
3. Houses all records the dealer is required to maintain by § 46.2-1993.22;
4. Is equipped with a desk, chairs, filing space, a working telephone listed in the name of the dealership, and working utilities including electricity and provisions for space heating, and, on and after 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 of at least ~~ten~~ 10 motorcycles.

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

§ 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:

1. For motorcycle dealers, \$100 for each principal place of business, plus \$20 for each supplemental license.
2. For each motorcycle manufacturer, distributor, factory branch, and distributor branch, \$100.
3. For motorcycle rebuilder salespersons, factory representatives, and distributor representatives, \$10.
4. For motorcycle dealers licensed in other states, but not in Virginia, a registration fee of \$50.

B. The licenses, registrations, and fees required by this chapter are in addition to licenses, taxes, and fees imposed by other provisions of law and nothing contained in this chapter shall exempt any person 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 (§ 46.2-1900 *et seq.*), or 19.1 of this title (§ 46.2-1992 *et seq.*); the Commissioner shall waive the fee for nonprofit organizations certified under Chapter 15, 19, or ~~19.2 of this title~~ 19.1.

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

D. No nonprofit organization granted a certificate pursuant to subsection B of § 46.2-1993.6:1 shall, 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.

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

F. The fee for reinstating a license, certificate, or registration that has been suspended shall be \$50.

§ 46.2-1993.22. Dealer records.

All dealer records regarding employees; lists of vehicles in inventory for sale, resale, or on 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 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 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 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 electronic media) for a period of five years in a manner that permits systematic retrieval. Certain records

429 may be maintained on a computerized record-keeping system with the prior approval of the  
430 Commissioner.

431 § 46.2-1993.23. Buyer's order.

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

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

438 2. The date of the sale or trade.

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

440 4. The make, model year, and vehicle identification number.

441 5. The sale price of the vehicle.

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

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

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

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

448 9. The net balance due at settlement.

449 10. Any item designated as "processing fee," and the amount charged by the dealer, if any, for  
450 processing the transaction. As used in this section processing includes obtaining title and license plates  
451 for the purchaser, but shall not include any "purchaser's on-line systems filing fee" as defined in  
452 § 46.2-1993.23:1 or any "dealer's manual transaction fee" as defined in § 46.2-1993.23:2.

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

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

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

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

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

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



491 2. That the Motor Vehicle Dealer Board shall study the provisions of this act requiring that motor  
492 vehicle dealers, T&M vehicle dealers, trailer dealers, and motorcycle dealers, on and after July 1,  
493 2013, be equipped with an Internet connection and an email address and advise the Governor and  
494 the General Assembly of the desirability and feasibility of these provisions on or before December  
495 1, 2011.