

VIRGINIA ACTS OF ASSEMBLY -- 2024 SESSION

CHAPTER 85

An Act to amend and reenact §§ 46.2-1583, 46.2-1586, and 46.2-1589 of the Code of Virginia, relating to motor vehicle dealers; independent dealer-operator recertification; exam.

[S 452]

Approved March 14, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-1583, 46.2-1586, and 46.2-1589 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-1583. Definitions.

As used in this article, unless the context requires a different meaning:

"Certificate of qualification" means a designation issued by the Board acknowledging that the individual has been certified by the Board as an independent dealer-operator pursuant to § 46.2-1511.

"Course" means a course of study leading to recertification for independent dealer-operators offered by correspondence, electronically, or in person.

"Course provider" or "provider" means any person or entity presenting or offering one or more recertification education courses.

"Exam" or "examination" means a test administered by the Board *or the Department*.

"Executive Director" means the Executive Director of the Board.

"Independent dealer-operator" means the individual who works at the established place of business of an independent motor vehicle dealer and who is responsible for and in charge of day-to-day operations of that place of business.

"Independent motor vehicle dealer" or "independent dealer" means a dealer in used motor vehicles that is not also licensed as a franchised motor vehicle dealer.

"Original application" means an application for an independent dealer-operator certificate of qualification from an applicant who has never been issued an independent dealer-operator certificate of qualification in Virginia or whose Virginia independent dealer-operator certificate of qualification has been expired for more than 60 days.

"Recertification" means completing the requirements of this article to recertify an independent dealer-operator certificate of qualification.

§ 46.2-1586. Recertification requirements.

A. To become recertified, an independent dealer-operator shall (i) complete one live instructor-led course certified by the Board with at least four hours of instruction and ~~(ii)~~ pass an examination that may be administered in person or virtually *by the course provider or (ii) pass the independent dealer-operator recertification exam administered by the Department*. Such course may be attended in person or virtually, provided that any virtual participation shall require the participant to view the instructor and be viewed by the instructor throughout the course. The Board shall ensure that any such course is available at least monthly.

B. The provisions of this section shall not apply to any independent dealer-operator who completes a training program approved by the Executive Director and administered by a dealer that employs at least 50 licensed salespersons in the Commonwealth. Any such training program shall not be subject to the requirements of §§ 46.2-1587 and 46.2-1588.

§ 46.2-1589. Fees.

A. The recertification application fee shall be \$50 for taking the course and shall be paid directly to the course provider.

B. The fee for returned checks shall be \$35.

C. In addition to the recertification application fee, course providers may charge applicants a course fee of no more than \$300.

D. The recertification application fee for taking the exam shall be \$50 and shall be paid at the time the exam is administered. *If the applicant is taking the independent dealer-operator recertification exam administered by the Department, the Department shall collect such \$50 fee at the time the exam is administered and transmit \$48 from such fee to the Board within 15 days of receiving the fee from the applicant, and the Department shall retain the remaining \$2 to cover the costs incurred in administering such exams.*