

1997 RECONVENED SESSION

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HB2140ER

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact §§ 46.2-1500, 46.2-1508, 46.2-1521, 46.2-1900, 46.2-1908, 46.2-1921, 46.2-1992, 46.2-1992.6, 46.2-1992.19, 46.2-1993, 46.2-1993.6, and 46.2-1993.19 of the Code of Virginia, relating to motor vehicle, T&M vehicle, trailer, and motorcycle dealers; penalties.

[H 2140]

Approved

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-1500, 46.2-1508, 46.2-1521, 46.2-1900, 46.2-1908, 46.2-1921, 46.2-1992, 46.2-1992.6, 46.2-1992.19, 46.2-1993, 46.2-1993.6, and 46.2-1993.19 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-1500. Definitions.

Unless the context otherwise requires, the following words and terms for the purpose of this chapter shall have the following meanings:

"Board" means the Motor Vehicle Dealer Board.

"Certificate of origin" means the document provided by the manufacturer of a new motor vehicle, or its distributor, which is the only valid indication of ownership between the manufacturer, its distributor, its franchised motor vehicle dealers, and the original purchaser not for resale.

"Dealer-operator" means the individual who works at the established place of business of a dealer and who is responsible for and in charge of day-to-day operations of that place of business.

"Distributor" means a person who is licensed by the Department of Motor Vehicles under Chapter 19 (§ 46.2-1900 et seq.) of this title and who sells or distributes new motor vehicles pursuant to a written agreement with the manufacturer, to franchised motor vehicle dealers in the Commonwealth.

"Distributor branch" means a branch office licensed by the Department of Motor Vehicles under Chapter 19 (§ 46.2-1900 et seq.) of this title and maintained by a distributor for the sale of motor vehicles to motor vehicle dealers or for directing or supervising, in whole or in part, its representatives in the Commonwealth.

"Distributor representative" means a person who is licensed by the Department of Motor Vehicles under Chapter 19 (§ 46.2-1900 et seq.) of this title and employed by a distributor or by a distributor branch, for the purpose of making or promoting the sale of motor vehicles or for supervising or contacting its dealers, prospective dealers, or representatives in the Commonwealth.

"Factory branch" means a branch office maintained by a person for the sale of motor vehicles to distributors or for the sale of motor vehicles to motor vehicle dealers, or for directing or supervising, in whole or in part, its representatives in the Commonwealth.

"Factory representative" means a person who is licensed by the Department of Motor Vehicles under Chapter 19 (§ 46.2-1900 et seq.) of this title and employed by a person who manufactures or assembles motor vehicles or by a factory branch for the purpose of making or promoting the sale of its motor vehicles or for supervising or contacting its dealers, prospective dealers, or representatives in the Commonwealth.

"Factory repurchase motor vehicle" means a motor vehicle sold, leased, rented, consigned, or otherwise transferred to a person under an agreement that the motor vehicle will be resold or otherwise retransferred only to the manufacturer or distributor of the motor vehicle, and which is reacquired by the manufacturer or distributor, or its agents.

"Family member" means a person who either (i) is the spouse, child, grandchild, spouse of a child, spouse of a grandchild, brother, sister, or parent of the dealer or owner or (ii) has been employed continuously by the dealer for at least five years.

"Franchise" means a written contract or agreement between two or more persons whereby one person, the franchisee, is granted the right to engage in the business of offering and selling, servicing, or offering, selling, and servicing new motor vehicles of a particular line-make or late model or factory repurchase motor vehicles of a particular line-make manufactured or distributed by the grantor of the right, the franchisor, and where the operation of the franchisee's business is substantially associated with the franchisor's trademark, trade name, advertising, or other commercial symbol designating the franchisor, the motor vehicle or its manufacturer or distributor. The term shall include any severable part or parts of a franchise agreement which separately provides for selling and servicing different line-makes of the franchisor.

"Franchised late model or factory repurchase motor vehicle dealer" means a dealer in late model or factory repurchase motor vehicles, including a franchised new motor vehicle dealer, that has a franchise

57 agreement with a manufacturer or distributor of the line-make of the late model or factory repurchase
58 motor vehicles.

59 "Franchised motor vehicle dealer" means a dealer in new motor vehicles that has a franchise
60 agreement with a manufacturer or distributor of new motor vehicles, trailers, or semitrailers.

61 "Fund" means the Motor Vehicle Dealer Board Fund.

62 "Independent motor vehicle dealer" means a dealer in used motor vehicles.

63 "Late model motor vehicle" means a motor vehicle of the current model year and the immediately
64 preceding model year.

65 "Line-make" means the name of the motor vehicle manufacturer or distributor and a brand or name
66 plate marketed by the manufacturer or distributor.

67 "Manufacturer" means a person who is licensed by the Department of Motor Vehicles under Chapter
68 19 (§ 46.2-1900 et seq.) of this title and engaged in the business of constructing or assembling new
69 motor vehicles and, in the case of trucks, also means a person engaged in the business of manufacturing
70 engines, power trains, or rear axles, when such engines, power trains, or rear axles are not warranted by
71 the final manufacturer or assembler of the truck.

72 "Motor vehicle" means the same as provided in § 46.2-100, except, for the purposes of this chapter,
73 it shall not include (i) trailers and semitrailers; (ii) mobile homes, sales of which are regulated under
74 Chapter 4.2 (§ 36-85.16 et seq.) of Title 36; (iii) motor homes; (iv) motorcycles; (v) nonrepairable
75 vehicles, as defined in § 46.2-1600; and (vi) salvage vehicles, as defined in § 46.2-1600.

76 "Motor vehicle dealer" or "dealer" means any person who:

77 1. For commission, money, or other thing of value, buys, sells, exchanges, either outright or on
78 conditional sale, bailment lease, chattel mortgage, or otherwise or arranges or offers or attempts to
79 solicit or negotiate on behalf of others a sale, purchase, or exchange of an interest in new motor
80 vehicles, new and used motor vehicles, or used motor vehicles alone, whether or not the motor vehicles
81 are owned by him; or

82 2. Is wholly or partly engaged in the business of selling new motor vehicles, new and used motor
83 vehicles, or used motor vehicles only, whether or not the motor vehicles are owned by him; or

84 3. Offers to sell, sells, displays, or permits the display for sale, of five or more motor vehicles within
85 any twelve consecutive months.

86 The term "motor vehicle dealer" does not include:

87 1. Receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting
88 under judgment or order of any court or their employees when engaged in the specific performance of
89 their duties as employees.

90 2. Public officers, their deputies, assistants, or employees, while performing their official duties.

91 3. Persons other than business entities primarily engaged in the leasing or renting of motor vehicles
92 to others when selling or offering such vehicles for sale at retail, disposing of motor vehicles acquired
93 for their own use and actually so used, when the vehicles have been so acquired and used in good faith
94 and not for the purpose of avoiding the provisions of this chapter.

95 4. Persons dealing solely in the sale and distribution of fire-fighting equipment, ambulances, and
96 funeral vehicles, including motor vehicles adapted therefor; however, this exemption shall not exempt
97 any person from the provisions of §§ 46.2-1519, 46.2-1520 and 46.2-1548.

98 5. Any financial institution chartered or authorized to do business under the laws of the
99 Commonwealth or the United States which may have received title to a motor vehicle in the normal
100 course of its business by reason of a foreclosure, other taking, repossession, or voluntary reconveyance
101 to that institution occurring as a result of any loan secured by a lien on the vehicle.

102 6. An employee of an organization arranging for the purchase or lease by the organization of
103 vehicles for use in the organization's business.

104 7. Any person licensed to sell real estate who sells a mobile home or similar vehicle in conjunction
105 with the sale of the parcel of land on which the mobile home or similar vehicle is located.

106 8. Any person who permits the operation of a motor vehicle show or permits the display of motor
107 vehicles for sale by any motor vehicle dealer licensed under this chapter.

108 9. An insurance company authorized to do business in the Commonwealth that sells or disposes of
109 vehicles under a contract with its insured in the regular course of business.

110 10. Any publication, broadcast, or other communications media when engaged in the business of
111 advertising, but not otherwise arranging for the sale of vehicles owned by others.

112 11. Any person dealing solely in the sale or lease of vehicles designed exclusively for off-road use.

113 12. Any credit union authorized to do business in Virginia, provided the credit union does not
114 receive a commission, money, or other thing of value directly from a motor vehicle dealer.

115 13. Any person licensed as a manufactured home dealer, broker, manufacturer, or salesperson under
116 Chapter 4.2 (§ 36-85.16 et seq.) of Title 36.

117 "Motor vehicle salesperson" or "salesperson" means any person who is licensed as and employed as a

118 salesperson by a motor vehicle dealer to sell or exchange motor vehicles. It shall also mean any person
119 who is licensed as a motor vehicle dealer and who sells or exchanges motor vehicles.

120 "Motor vehicle show" means a display of motor vehicles to the general public at a location other
121 than a dealer's location licensed under this chapter where the vehicles are not being offered for sale or
122 exchange during or as part of the display.

123 "New motor vehicle" means any vehicle which (i) has not been previously sold except in good faith
124 for the purpose of resale, (ii) has not been used as a rental, driver education, or demonstration motor
125 vehicle, or for the personal and business transportation of the manufacturer, distributor, dealer, or any of
126 his employees, (iii) has not been used except for limited use necessary in moving or road testing the
127 vehicle prior to delivery to a customer, (iv) is transferred by a certificate of origin, and (v) has the
128 manufacturer's certification that it conforms to all applicable federal motor vehicle safety and emission
129 standards. Notwithstanding provisions (i) and (iii), a motor vehicle that has been previously sold but not
130 titled shall be deemed a new motor vehicle if it meets the requirements of provisions (ii), (iv), and (v).

131 "*Original license*" means a motor vehicle dealer license issued to an applicant who has never been
132 licensed as a motor vehicle dealer in Virginia or whose Virginia motor vehicle dealer license has been
133 expired for more than thirty days.

134 "Relevant market area" means as follows:

135 1. In metropolitan localities, the relevant market area shall be a circular area around an existing
136 franchised dealer with a population of 250,000, not to exceed a radius of ten miles but in no case less
137 than seven miles.

138 2. If the population in an area within a radius of ten miles around an existing franchised dealer is
139 less than 250,000, but the population in an area within a radius of fifteen miles around an existing
140 franchised dealer is 150,000 or more, the relevant market area shall be that area within the fifteen-mile
141 radius.

142 3. In all other cases the relevant market area shall be an area within a radius of twenty miles around
143 an existing franchised dealer or the area of responsibility defined in the franchise, whichever is greater.
144 In any case where the franchise agreement is silent as to area responsibility, the relevant market area
145 shall be the greater of an area within a radius of twenty miles around an existing franchised dealer or
146 that area in which the franchisor otherwise requires the franchisee to make significant retail sales or
147 sales efforts.

148 In determining population for this definition, the most recent census by the U.S. Bureau of the
149 Census or the most recent population update, either from the National Planning Data Corporation or
150 other similar recognized source, shall be accumulated for all census tracts either wholly or partially
151 within the relevant market area.

152 "Retail installment sale" means every sale of one or more motor vehicles to a buyer for his use and
153 not for resale, in which the price of the vehicle is payable in one or more installments and in which the
154 seller has either retained title to the goods or has taken or retained a security interest in the goods under
155 form of contract designated either as a security agreement, conditional sale, bailment lease, chattel
156 mortgage, or otherwise.

157 "Sale at retail" or "retail sale" means the act or attempted act of selling, bartering, exchanging, or
158 otherwise disposing of a motor vehicle to a buyer for his personal use and not for resale.

159 "Sale at wholesale" or "wholesale" means a sale to motor vehicle dealers or wholesalers other than to
160 consumers; a sale to one who intends to resell.

161 "Used motor vehicle" means any vehicle other than a new motor vehicle as defined in this section.

162 "Wholesale auction" means an auction of motor vehicles restricted to sales at wholesale.

163 § 46.2-1508. Licenses required.

164 It shall be unlawful for any person to engage in business in the Commonwealth as a motor vehicle
165 dealer or salesperson without first obtaining a license as provided in this chapter. It shall be unlawful for
166 any person to engage in business in the Commonwealth as a manufacturer, factory branch, distributor,
167 distributor branch, or factory or distributor representative without first obtaining a license as provided in
168 Chapter 19 (§ 46.2-1900 et seq.) of this title. Any person licensed in another state as a motor vehicle
169 dealer may sell motor vehicles at wholesale auctions in the Commonwealth after having obtained a
170 certificate of dealer registration as provided in Chapter 19 of this title. The offering or granting of a
171 motor vehicle dealer franchise in the Commonwealth shall constitute engaging in business in the
172 Commonwealth for purposes of this section, and no new motor vehicle may be sold or offered for sale
173 in the Commonwealth unless the franchisor of motor vehicle dealer franchises for that line-make in the
174 Commonwealth, whether such franchisor is a manufacturer, factory branch, distributor, distributor
175 branch, or otherwise, is licensed under Chapter 19 of this title. In the event a license issued under
176 Chapter 19 to a franchisor of motor vehicle dealer franchises is suspended, revoked, or not renewed,
177 nothing in this section shall prevent the sale of any new motor vehicle of such franchisor's line-make
178 manufactured in or brought into the Commonwealth for sale prior to the suspension, revocation or

179 expiration of the license.

180 *Violation of any provision of this section shall constitute a Class 1 misdemeanor.*

181 § 46.2-1521. Issuance, expiration, and renewal of licenses and certificates of registration.

182 A. All licenses and certificates of registration issued under this chapter shall be issued for a period of
183 twelve consecutive months except, at the discretion of the Board, the periods may be adjusted as is
184 necessary to distribute the licenses and certificates as equally as practicable on a monthly basis. The
185 expiration date shall be the last day of the twelfth month of validity or the last day of the designated
186 month. Every license and certificate of registration shall be renewed annually on application by the
187 licensee or registrant and by payment of fees required by law, the renewal to take effect on the first day
188 of the succeeding month.

189 *B. Licenses and certificates of registration issued under this chapter shall be deemed not to have*
190 *expired if the renewal application and required fees as set forth in this subsection are received by the*
191 *Board or postmarked not more than thirty days after the expiration date of such license or certificate of*
192 *registration. Whenever the renewal application is received by the Board or postmarked no more than*
193 *thirty days after the expiration date of such license or certificate of registration, the license fees shall be*
194 *150 percent of the fees provided for in § 46.2-1519.*

195 § 46.2-1900. Definitions.

196 Unless the context otherwise requires, the following words and terms for the purpose of this chapter
197 shall have the following meanings:

198 "Certificate of origin" means the document provided by the manufacturer of a new T&M vehicle, or
199 its distributor, which is the only valid indication of ownership between the manufacturer, its distributor,
200 its franchised T&M vehicle dealers, and the original purchaser not for resale.

201 "Dealer-operator" means the individual who works at the established place of business of a dealer
202 and who is responsible for and in charge of day-to-day operations of that place of business.

203 "Distributor" means a person who sells or distributes new T&M vehicles pursuant to a written
204 agreement with the manufacturer, to franchised T&M vehicle dealers in the Commonwealth.

205 "Distributor branch" means a branch office maintained by a distributor for the sale of T&M vehicles
206 to T&M vehicle dealers or for directing or supervising, in whole or in part, its representatives in the
207 Commonwealth.

208 "Distributor representative" means a person employed by a distributor or by a distributor branch, for
209 the purpose of making or promoting the sale of T&M vehicles or for supervising or contacting its
210 dealers, prospective dealers, or representatives in the Commonwealth.

211 "Factory branch" means a branch office maintained by a person for the sale of T&M vehicles to
212 distributors or for the sale of T&M vehicles to T&M vehicle dealers, or for directing or supervising, in
213 whole or in part, its representatives in the Commonwealth.

214 "Factory representative" means a person employed by a person who manufactures or assembles T&M
215 vehicles, or by a factory branch for the purpose of making or promoting the sale of its T&M vehicles,
216 or for supervising or contacting its dealers, prospective dealers, or representatives in the Commonwealth.

217 "Factory repurchase T&M vehicle" means a T&M vehicle sold, leased, rented, consigned, or
218 otherwise transferred to a person under an agreement that the T&M vehicle will be resold or otherwise
219 retransferred only to the manufacturer or distributor of the T&M vehicle, and which is reacquired by the
220 manufacturer or distributor, or its agents.

221 "Family member" means a person who either (i) is the spouse, child, grandchild, spouse of a child,
222 spouse of a grandchild, brother, sister, or parent of the dealer or owner, or (ii) has been employed
223 continuously by the dealer for at least five years.

224 "Franchise" means a written contract or agreement between two or more persons whereby one
225 person, the franchisee, is granted the right to engage in the business of offering and selling, servicing, or
226 offering, selling, and servicing new T&M vehicles of a particular line-make or late model or factory
227 repurchase T&M vehicles of a particular line-make manufactured or distributed by the grantor of the
228 right, the franchisor, and where the operation of the franchisee's business is substantially associated with
229 the franchisor's trademark, trade name, advertising, or other commercial symbol designating the
230 franchisor, the T&M vehicle or its manufacturer or distributor. The term shall include any severable part
231 or parts of a franchise agreement which separately provides for selling and servicing different line-makes
232 of the franchisor.

233 "Franchised late model or factory repurchase T&M vehicle dealer" means a dealer in late model or
234 factory repurchase T&M vehicles, including a franchised new T&M vehicle dealer, that has a franchise
235 agreement with a manufacturer or distributor of the line-make of the late model or factory repurchase
236 T&M vehicles.

237 "Franchised T&M vehicle dealer" or "franchised dealer" means a dealer in new T&M vehicles that
238 has a franchise agreement with a manufacturer or distributor of new T&M vehicles.

239 "Independent T&M vehicle dealer" means a dealer in used T&M vehicles.

240 "Late model T&M vehicle" means a T&M vehicle of the current model year and the immediately
241 preceding model year.

242 "Manufacturer" means a person engaged in the business of constructing or assembling new T&M
243 vehicles or a person engaged in the business of manufacturing engines, power trains, or rear axles, when
244 such engines, power trains, or rear axles are not warranted by the final manufacturer or assembler of the
245 motor home.

246 "Motor home" means a motor vehicle with a normal seating capacity of not more than ten persons,
247 including the driver, designed primarily for use as living quarters for human beings.

248 "Motor vehicle dealer," "motor vehicle manufacturer," "motor vehicle factory branch," "motor vehicle
249 distributor," "motor vehicle distributor branch," "motor vehicle factory representative," and "motor
250 vehicle distributor representative" mean the same as provided in § 46.2-1500.

251 "New T&M vehicle" means any T&M vehicle which (i) has not been previously sold except in good
252 faith for the purpose of resale, (ii) has not been used as a rental, driver education, or demonstration
253 T&M vehicle, or for the personal and business transportation of the manufacturer, distributor, dealer, or
254 any of his employees, (iii) has not been used except for limited use necessary in moving or road testing
255 the T&M vehicle prior to delivery to a customer, (iv) is transferred by a certificate of origin, and (v) has
256 the manufacturer's certification that it conforms to all applicable federal T&M vehicle safety and
257 emission standards. Notwithstanding provisions (i) and (iii), a T&M vehicle that has been previously
258 sold but not titled shall be deemed a new T&M vehicle if it meets the requirements of provisions (ii),
259 (iv), and (v) of this definition.

260 "*Original license*" means a T&M vehicle dealer license issued to an applicant who has never been
261 licensed as a T&M vehicle dealer in Virginia or whose Virginia T&M vehicle dealer license has been
262 expired for more than thirty days.

263 "Relevant market area" means as follows:

264 1. In metropolitan localities with a population of 250,000, the relevant market area shall be a circular
265 area around an existing franchised dealer not to exceed a radius of ten miles, but in no case less than
266 seven miles.

267 2. If the population in an area within a radius of ten miles around an existing franchised dealer is
268 less than 250,000, but the population in an area within a radius of fifteen miles around an existing
269 franchised dealer is 150,000 or more, the relevant market area shall be that area within the fifteen-mile
270 radius.

271 3. In all other cases the relevant market area shall be an area within a radius of twenty miles around
272 an existing franchised dealer or the area of responsibility defined in the franchise, whichever is greater.
273 In any case where the franchise agreement is silent as to area responsibility, the relevant market area
274 shall be the greater of an area within a radius of twenty miles around an existing franchised dealer or
275 that area in which the franchisor otherwise requires the franchisee to make significant retail sales or
276 sales efforts.

277 In determining population for this definition, the most recent census by the U.S. Bureau of the
278 Census or the most recent population update, either from the National Planning Data Corporation or
279 other similar recognized source, shall be accumulated for all census tracts either wholly or partially
280 within the relevant market area.

281 "Retail installment sale" means every sale of one or more T&M vehicles to a buyer for his use and
282 not for resale, in which the price of the T&M vehicle is payable in one or more installments and in
283 which the seller has either retained title to the goods or has taken or retained a security interest in the
284 goods under form of contract designated either as a security agreement, conditional sale, bailment lease,
285 chattel mortgage, or otherwise.

286 "Sale at retail" or "retail sale" means the act or attempted act of selling, bartering, exchanging, or
287 otherwise disposing of a T&M vehicle to a buyer for his personal use and not for resale.

288 "Sale at wholesale" or "wholesale" means a sale to T&M vehicle dealers or wholesalers other than to
289 consumers, or a sale to one who intends to resell.

290 "T&M vehicle" means motor homes and travel trailers as defined in this section.

291 "T&M vehicle dealer" or "dealer" means any person who:

292 1. For commission, money, or other thing of value, buys, sells, exchanges, either outright or on
293 conditional sale, bailment lease, chattel mortgage, or otherwise or arranges or offers or attempts to
294 solicit or negotiate on behalf of others a sale, purchase, or exchange of an interest in new T&M
295 vehicles, new and used T&M vehicles, or used T&M vehicles alone, whether or not the T&M vehicles
296 are owned by him;

297 2. Is wholly or partly engaged in the business of selling new T&M vehicles, new and used T&M
298 vehicles, or used T&M vehicles only, whether or not the T&M vehicles are owned by him; or

299 3. Offers to sell, sells, displays, or permits the display for sale, of five or more T&M vehicles within
300 any twelve consecutive months.

301 The term "T&M vehicle dealer" does not include:

302 1. Receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting
303 under judgment or order of any court or their employees when engaged in the specific performance of
304 their duties as employees.

305 2. Public officers, their deputies, assistants, or employees, while performing their official duties.

306 3. Persons other than business entities primarily engaged in the leasing or renting of T&M vehicles
307 to others when selling or offering such vehicles for sale at retail, disposing of T&M vehicles acquired
308 for their own use and actually so used, when the T&M vehicles have been so acquired and used in good
309 faith and not for the purpose of avoiding the provisions of this chapter.

310 4. Persons dealing solely in the sale and distribution of fire-fighting equipment, ambulances, and
311 funeral vehicles, including T&M vehicles adapted therefor; however, this exemption shall not exempt
312 any person from the provisions of §§ 46.2-1919, 46.2-1920 and 46.2-1949.

313 5. Any financial institution chartered or authorized to do business under the laws of the
314 Commonwealth or the United States which may have received title to a T&M vehicle in the normal
315 course of its business by reason of a foreclosure, other taking, repossession, or voluntary reconveyance
316 to that institution occurring as a result of any loan secured by a lien on the T&M vehicle.

317 6. An employee of an organization arranging for the purchase or lease by the organization of T&M
318 vehicles for use in the organization's business.

319 7. Any person licensed to sell real estate who sells a mobile home or similar vehicle in conjunction
320 with the sale of the parcel of land on which the mobile home or similar vehicle is located.

321 8. Any person who permits the operation of a T&M vehicle show or permits the display of T&M
322 vehicles for sale by any T&M vehicle dealer licensed under this chapter.

323 9. An insurance company authorized to do business in the Commonwealth that sells or disposes of
324 T&M vehicles under a contract with its insured in the regular course of business.

325 10. Any publication, broadcast, or other communications media when engaged in the business of
326 advertising, but not otherwise arranging for the sale of T&M vehicles owned by others.

327 11. Any person dealing solely in the sale or lease of T&M vehicles designed exclusively for off-road
328 use.

329 12. Any credit union authorized to do business in Virginia, provided the credit union does not
330 receive a commission, money, or other thing of value directly from a T&M vehicle dealer.

331 13. Any person licensed as a manufactured home dealer, broker, manufacturer, or salesperson under
332 Chapter 4.2 (§ 36-85.16 et seq.) of Title 36.

333 "T&M vehicle salesperson" or "salesperson" means any person who is licensed as and employed as a
334 salesperson by a T&M vehicle dealer to sell or exchange T&M vehicles.

335 "T&M vehicle show" means a display of T&M vehicles to the general public at a location other than
336 a dealer's location licensed under this chapter where the T&M vehicles are not being offered for sale or
337 exchange during or as part of the display.

338 "Travel trailer" means a vehicle designed to provide temporary living quarters of such size or weight
339 as not to require special highway movement permits when towed by a motor vehicle and having a gross
340 trailer area less than 320 square feet.

341 "Used T&M vehicle" means any T&M vehicle other than a new T&M vehicle as defined in this
342 section.

343 "Wholesale auction" means an auction of T&M vehicles restricted to sales at wholesale.

344 § 46.2-1908. Licenses required.

345 It shall be unlawful for any person to engage in business in the Commonwealth as a T&M vehicle
346 dealer, salesperson, manufacturer, factory branch, distributor, distributor branch, or factory or distributor
347 representative or as a motor vehicle manufacturer, factory branch, distributor, distributor branch, or
348 factory or distributor representative as defined in § 46.2-1500, without first obtaining a license as
349 provided in this chapter. Every person licensed as a manufactured home dealer under Chapter 4.2
350 (§ 36-85.16 et seq.) of Title 36 shall obtain a certificate of dealer registration as provided in this chapter.

351 Any person licensed in another state as a motor vehicle dealer or T&M vehicle dealer may sell motor
352 vehicles or T&M vehicles at wholesale auctions in the Commonwealth after having obtained a certificate
353 of dealer registration as provided in this chapter. The offering or granting of a T&M vehicle dealer
354 franchise in the Commonwealth shall constitute engaging in business in the Commonwealth for purposes
355 of this section, and no new T&M vehicle may be sold or offered for sale in the Commonwealth unless
356 the franchisor of T&M vehicle dealer franchises for that line-make in the Commonwealth, whether such
357 franchisor is a manufacturer, factory branch, distributor, distributor branch, or otherwise, is licensed
358 under this chapter. In the event a license issued under this chapter to a franchisor of T&M vehicle
359 dealer franchises is suspended, revoked, or not renewed, nothing in this section shall prevent the sale of
360 any new T&M vehicle of such franchisor's line-make manufactured in or brought into the
361 Commonwealth for sale prior to the suspension, revocation or expiration of the license.

362 *Violation of any provision of this section shall constitute a Class 1 misdemeanor.*

363 § 46.2-1921. Issuance, expiration, and renewal of licenses and certificates of registration.

364 A. All licenses and certificates of registration issued under this chapter shall be issued for a period of
365 twelve consecutive months except, at the discretion of the Commissioner, the periods may be adjusted as
366 is necessary to distribute the licenses and certificates as equally as practicable on a monthly basis. The
367 expiration date shall be the last day of the twelfth month of validity or the last day of the designated
368 month. Every license and certificate of registration shall be renewed annually on application by the
369 licensee or registrant and by payment of fees required by law, the renewal to take effect on the first day
370 of the succeeding month.

371 *B. Licenses and certificates of registration issued under this chapter shall be deemed not to have*
372 *expired if the renewal application and required fees as set forth in this subsection are received by the*
373 *Commissioner or postmarked not more than thirty days after the expiration date of such license or*
374 *certificate of registration. Whenever the renewal application is received by the Commissioner or*
375 *postmarked no more than thirty days after the expiration date of such license or certificate of*
376 *registration, the license fees shall be 150 percent of the fees provided for in § 46.2-1919.*

377 § 46.2-1992. Definitions.

378 Unless the context otherwise requires, the following words and terms, for the purpose of this chapter,
379 shall have the following meanings:

380 "Certificate of origin" means the document, provided by the manufacturer or distributor of a new
381 trailer, that is the only valid indication of ownership between the manufacturer, its distributor, its
382 franchised trailer dealers, and the original purchaser not for resale.

383 "Dealer-operator" means the individual who works at the established place of business of a dealer
384 and who is responsible for and in charge of day-to-day operations of that place of business.

385 "Distributor" means a person who sells or distributes new trailers, pursuant to a written agreement
386 with the manufacturer, to franchised trailer dealers in the Commonwealth.

387 "Distributor branch" means a branch office maintained by a distributor for the sale of trailers to
388 trailer dealers or for directing or supervising, in whole or in part, its representatives in the
389 Commonwealth.

390 "Distributor representative" means a person employed, by a distributor or by a distributor branch, for
391 the purpose of making or promoting the sale of trailers or for supervising or contacting its dealers,
392 prospective dealers, or representatives in the Commonwealth.

393 "Factory branch" means a branch office maintained by a person for the sale of trailers to distributors,
394 for the sale of trailers to trailer dealers, or for directing or supervising, in whole or in part, its
395 representatives in the Commonwealth.

396 "Factory representative" means a person employed either by a person who manufactures or assembles
397 trailers or by a factory branch for the purpose of (i) making or promoting the sale of its trailers or (ii)
398 for supervising or contacting its dealers, prospective dealers, or representatives in the Commonwealth.

399 "Factory repurchase trailer" means a trailer that is (i) sold, leased, rented, consigned, or otherwise
400 transferred to a person under an agreement that the trailer will be resold or otherwise retransferred only
401 to the manufacturer or distributor of the trailer, and (ii) reacquired by the manufacturer or distributor, or
402 its agents.

403 "Family member" means a person who either (i) is the spouse, child, grandchild, spouse of a child,
404 spouse of a grandchild, brother, sister, or parent of the dealer or owner, or (ii) has been employed
405 continuously by the dealer for at least five years.

406 "Franchise" means a written contract or agreement between two or more persons whereby one
407 person, the franchisee, is granted the right to engage in the business of offering and selling, servicing, or
408 offering, selling, and servicing new trailers of a particular line-make or late model or factory repurchase
409 trailers of a particular line-make manufactured or distributed by the grantor of the right, the franchisor,
410 and where the operation of the franchisee's business is substantially associated with the franchisor's
411 trademark, trade name, advertising, or other commercial symbol designating the franchisor, the trailer or
412 its manufacturer or distributor. The term shall include any severable part or parts of a franchise
413 agreement which separately provides for selling and servicing different line-makes of the franchisor.

414 "Franchised late model or factory repurchase trailer dealer" means a dealer in late model or factory
415 repurchase trailers, including a franchised new trailer dealer, that has a franchise agreement with a
416 manufacturer or distributor of the line-make of the late model or factory repurchase trailers.

417 "Franchised trailer dealer" or "franchised dealer" means a dealer in new trailers that has a franchise
418 agreement with a manufacturer or distributor of new trailers.

419 "Independent trailer dealer" means a dealer in used trailers.

420 "Late model trailer" means a trailer of the current model year and the immediately preceding model
421 year.

422 "Manufacturer" means a person engaged in the business of constructing or assembling new trailers.

423 "New trailer" means any trailer which (i) has not been previously sold except in good faith for the
 424 purpose of resale, (ii) has not been used as a rental, driver education, or demonstration trailer, or for the
 425 personal and business transportation of the manufacturer, distributor, dealer, or any of his employees,
 426 (iii) has not been used except for limited use necessary in moving or road testing the trailer prior to
 427 delivery to a customer, (iv) is transferred by a certificate of origin, and (v) has the manufacturer's
 428 certification that it conforms to all applicable federal trailer safety and emission standards.
 429 Notwithstanding provisions (i) and (iii), a trailer that has been previously sold but not titled shall be
 430 deemed a new trailer if it meets the requirements of provisions (ii), (iv), and (v).

431 *"Original license" means a trailer dealer license issued to an applicant who has never been licensed*
 432 *as a trailer dealer in Virginia or whose Virginia trailer dealer license has been expired for more than*
 433 *thirty days.*

434 "Relevant market area" means as follows:

435 1. In metropolitan localities with a population of 250,000, the relevant market area shall be a circular
 436 area around an existing franchised dealer not to exceed a radius of ten miles, but in no case less than
 437 seven miles.

438 2. If the population in an area within a radius of ten miles around an existing franchised dealer is
 439 less than 250,000, but the population in an area within a radius of fifteen miles around an existing
 440 franchised dealer is 150,000 or more, the relevant market area shall be that area within the fifteen-mile
 441 radius.

442 3. In all other cases the relevant market area shall be an area within a radius of twenty miles around
 443 an existing franchised dealer or the area of responsibility defined in the franchise, whichever is greater.
 444 In any case where the franchise agreement is silent as to area responsibility, the relevant market area
 445 shall be the greater of an area within a radius of twenty miles around an existing franchised dealer or
 446 that area in which the franchisor otherwise requires the franchisee to make significant retail sales or
 447 sales efforts.

448 In determining population for this definition, the most recent census by the U.S. Bureau of the
 449 Census or the most recent population update, either from the National Planning Data Corporation or
 450 other similar recognized source, shall be accumulated for all census tracts either wholly or partially
 451 within the relevant market area.

452 "Retail installment sale" means every sale of one or more trailers to a buyer for his use and not for
 453 resale, in which the price of the trailer is payable in one or more installments and in which the seller
 454 has either retained title to the goods or has taken or retained a security interest in the goods under form
 455 of contract designated either as a security agreement, conditional sale, bailment lease, chattel mortgage,
 456 or otherwise.

457 "Sale at retail" or "retail sale" means the act or attempted act of selling, bartering, exchanging, or
 458 otherwise disposing of a trailer to a buyer for his personal use and not for resale.

459 "Sale at wholesale" or "wholesale" means a sale to trailer dealers or wholesalers other than to
 460 consumers, or a sale to one who intends to resell.

461 "Trailer" means every vehicle without motive power designed for carrying property or passengers
 462 wholly on its own structure and for being drawn by a motor vehicle, including semitrailers but not
 463 mobile homes, sales of which are regulated under Chapter 4.2 (§ 36-85.16 et seq.) of Title 36, and not
 464 (i) watercraft trailers as defined in this section or (ii) travel trailers as defined in § 46.2-1900.

465 "Trailer dealer" or "dealer" means any person who:

466 1. For commission, money, or other thing of value, buys, sells, exchanges, either outright or on
 467 conditional sale, bailment lease, chattel mortgage, or otherwise, arranges, offers or attempts to solicit or
 468 negotiate on behalf of others a sale, purchase, or exchange of an interest in new trailers, new and used
 469 trailers, or used trailers alone, whether or not the trailers are owned by him;

470 2. Is wholly or partly engaged in the business of selling new trailers, new and used trailers, or used
 471 trailers only, whether or not the trailers are owned by him; or

472 3. Offers to sell, sells, displays, or permits the display for sale, of five or more trailers within any
 473 twelve consecutive months.

474 The term "trailer dealer" does not include:

475 1. Receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting
 476 under judgment or order of any court or their employees when engaged in the specific performance of
 477 their duties as employees.

478 2. Public officers, their deputies, assistants, or employees, while performing their official duties.

479 3. Persons other than business entities primarily engaged in the leasing or renting of trailers to others
 480 when selling or offering such trailers for sale at retail, disposing of trailers acquired for their own use
 481 and actually so used, when the trailers have been so acquired and used in good faith and not for the
 482 purpose of avoiding the provisions of this chapter.

483 4. Persons dealing solely in the sale and distribution of fire-fighting equipment, ambulances, and

484 funeral trailers, including trailers adapted therefor; however, this exemption shall not exempt any person
485 from the provisions of §§ 46.2-1992.17, 46.2-1992.18 and 46.2-1992.41.

486 5. Any financial institution chartered or authorized to do business under the laws of the
487 Commonwealth or the United States which may have received title to a trailer in the normal course of
488 its business by reason of a foreclosure, other taking, repossession, or voluntary reconveyance to that
489 institution occurring as a result of any loan secured by a lien on the trailer.

490 6. An employee of an organization arranging for the purchase or lease by the organization of trailers
491 for use in the organization's business.

492 7. Any person who permits the operation of a trailer show or permits the display of trailers for sale
493 by any trailer dealer licensed under this chapter.

494 8. An insurance company authorized to do business in the Commonwealth that sells or disposes of
495 trailers under a contract with its insured in the regular course of business.

496 9. Any publication, broadcast, or other communications media when engaged in the business of
497 advertising, but not otherwise arranging for the sale of trailers owned by others.

498 10. Any person dealing solely in the sale or lease of trailers designed exclusively for off-road use.

499 11. Any credit union authorized to do business in Virginia, provided the credit union does not
500 receive a commission, money, or other thing of value directly from a trailer dealer.

501 "Trailer salesperson" or "salesperson" means any person who is licensed as and employed as a
502 salesperson by a trailer dealer to sell or exchange trailers.

503 "Trailer show" means a display of trailers to the general public at a location other than a dealer's
504 location licensed under this chapter where the trailers are not being offered for sale or exchange during
505 or as part of the display.

506 "Used trailer" means any trailer other than a new trailer as defined in this section.

507 "Watercraft trailer" means any new or used trailer specifically designed to carry a watercraft or a
508 motorboat and purchased, sold, or offered for sale by a watercraft dealer licensed under Chapter 8
509 (§ 29.1-800 et seq.) of Title 29.1.

510 "Watercraft trailer dealer" means any watercraft dealer licensed under Chapter 8 (§ 29.1-800 et seq.)
511 of Title 29.1 who obtains a certificate of dealer registration under this chapter.

512 "Wholesale auction" means an auction of trailers restricted to sales at wholesale.

513 § 46.2-1992.6. Licenses required.

514 It shall be unlawful for any person to engage in business in the Commonwealth as a trailer dealer,
515 salesperson, manufacturer, factory branch, distributor, distributor branch, or factory or distributor
516 representative, without first obtaining a license as provided in this chapter. Every person licensed as a
517 watercraft dealer under Chapter 8 (§ 29.1-800 et seq.) of Title 29.1 and who offers for sale watercraft
518 trailers, shall obtain a certificate of dealer registration as provided in this chapter, but shall not be
519 required to obtain a dealer license unless he also sells other types of trailers. Any person licensed in
520 another state as a trailer dealer may sell trailers at wholesale auctions in the Commonwealth after having
521 obtained a certificate of dealer registration as provided in this chapter. The offering or granting of a
522 trailer dealer franchise in the Commonwealth shall constitute engaging in business in the Commonwealth
523 for purposes of this section, and no new trailer may be sold or offered for sale in the Commonwealth
524 unless the franchisor of trailer dealer franchises for that line-make in the Commonwealth, whether such
525 franchisor is a manufacturer, factory branch, distributor, distributor branch, or otherwise, is licensed
526 under this chapter. In the event a license issued under this chapter to a franchisor of trailer dealer
527 franchises is suspended, revoked, or not renewed, nothing in this section shall prevent the sale of any
528 new trailer of such franchisor's line-make manufactured in or brought into the Commonwealth for sale
529 prior to the suspension, revocation or expiration of the license.

530 *Violation of any provision of this section shall constitute a Class 1 misdemeanor.*

531 § 46.2-1992.19. Issuance, expiration, and renewal of licenses and certificates of registration.

532 A. All licenses and certificates of registration issued under this chapter shall be issued for a period of
533 twelve consecutive months except, at the discretion of the Commissioner, the periods may be adjusted as
534 is necessary to distribute the licenses and certificates as equally as practicable on a monthly basis. The
535 expiration date shall be the last day of the twelfth month of validity or the last day of the designated
536 month. Every license and certificate of registration shall be renewed annually on application by the
537 licensee or registrant and by payment of fees required by law, the renewal to take effect on the first day
538 of the succeeding month.

539 B. *Licenses and certificates of registration issued under this chapter shall be deemed not to have*
540 *expired if the renewal application and required fees as set forth in this subsection are received by the*
541 *Commissioner or postmarked not more than thirty days after the expiration date of such license or*
542 *certificate of registration. Whenever the renewal application is received by the Commissioner or*
543 *postmarked no more than thirty days after the expiration date of such license or certificate of*
544 *registration, the license fees shall be 150 percent of the fees provided for in § 46.2-1992.17.*

545 § 46.2-1993. Definitions.

546 Unless the context otherwise requires, the following words and terms for the purpose of this chapter
547 shall have the following meanings:

548 "Certificate of origin" means the document provided by the manufacturer of a new motorcycle, or its
549 distributor, which is the only valid indication of ownership between the manufacturer, its distributor, its
550 franchised motorcycle dealers, and the original purchaser not for resale.

551 "Dealer-operator" means the individual who works at the established place of business of a dealer
552 and who is responsible for and in charge of day-to-day operations of that place of business.

553 "Distributor" means a person who sells or distributes new motorcycles pursuant to a written
554 agreement with the manufacturer, to franchised motorcycle dealers in the Commonwealth.

555 "Distributor branch" means a branch office maintained by a distributor for the sale of motorcycles to
556 motorcycle dealers or for directing or supervising, in whole or in part, its representatives in the
557 Commonwealth.

558 "Distributor representative" means a person employed by a distributor or by a distributor branch, for
559 the purpose of making or promoting the sale of motorcycles or for supervising or contacting its dealers,
560 prospective dealers, or representatives in the Commonwealth.

561 "Factory branch" means a branch office maintained by a person for the sale of motorcycles to
562 distributors or for the sale of motorcycles to motorcycle dealers, or for directing or supervising, in whole
563 or in part, its representatives in the Commonwealth.

564 "Factory representative" means a person employed by a person who manufactures or assembles
565 motorcycles, or by a factory branch for the purpose of making or promoting the sale of its motorcycles,
566 or for supervising or contacting its dealers, prospective dealers, or representatives in the Commonwealth.

567 "Factory repurchase motorcycle" means a motorcycle sold, leased, rented, consigned, or otherwise
568 transferred to a person under an agreement that the motorcycle will be resold or otherwise retransferred
569 only to the manufacturer or distributor of the motorcycle, and which is reacquired by the manufacturer
570 or distributor, or its agents.

571 "Family member" means a person who either (i) is the spouse, child, grandchild, spouse of a child,
572 spouse of a grandchild, brother, sister, or parent of the dealer or owner, or (ii) has been employed
573 continuously by the dealer for at least five years.

574 "Franchise" means a written contract or agreement between two or more persons whereby one
575 person, the franchisee, is granted the right to engage in the business of offering and selling, servicing, or
576 offering, selling, and servicing new motorcycles of a particular line-make or late model or factory
577 repurchase motorcycles of a particular line-make manufactured or distributed by the grantor of the right,
578 the franchisor, and where the operation of the franchisee's business is substantially associated with the
579 franchisor's trademark, trade name, advertising, or other commercial symbol designating the franchisor,
580 the motorcycle or its manufacturer or distributor. The term shall include any severable part or parts of a
581 franchise agreement which separately provides for selling and servicing different line-makes of the
582 franchisor.

583 "Franchised late model or factory repurchase motorcycle dealer" means a dealer in late model or
584 factory repurchase motorcycles, including a franchised new motorcycle dealer, that has a franchise
585 agreement with a manufacturer or distributor of the line-make of the late model or factory repurchase
586 motorcycles.

587 "Franchised motorcycle dealer" or "franchised dealer" means a dealer in new motorcycles that has a
588 franchise agreement with a manufacturer or distributor of new motorcycles.

589 "Independent motorcycle dealer" means a dealer in used motorcycles.

590 "Late model motorcycle" means a motorcycle of the current model year and the immediately
591 preceding model year.

592 "Manufacturer" means a person engaged in the business of constructing or assembling new
593 motorcycles.

594 "Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact
595 with the ground, except any vehicle included within the term "farm vehicle" or "moped" as defined in
596 § 46.2-100.

597 "Motorcycle dealer" or "dealer" means any person who:

598 1. For commission, money, or other thing of value, buys, sells, exchanges, either outright or on
599 conditional sale, bailment lease, chattel mortgage, or otherwise or arranges or offers or attempts to
600 solicit or negotiate on behalf of others a sale, purchase, or exchange of an interest in new motorcycles,
601 new and used motorcycles, or used motorcycles alone, whether or not the motorcycles are owned by
602 him;

603 2. Is wholly or partly engaged in the business of selling new motorcycles, new and used motorcycles,
604 or used motorcycles only, whether or not the motorcycles are owned by him; or

605 3. Offers to sell, sells, displays, or permits the display for sale, of five or more motorcycles within

606 any twelve consecutive months.

607 The term "motorcycle dealer" does not include:

608 1. Receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting
609 under judgment or order of any court or their employees when engaged in the specific performance of
610 their duties as employees.

611 2. Public officers, their deputies, assistants, or employees, while performing their official duties.

612 3. Persons other than business entities primarily engaged in the leasing or renting of motorcycles to
613 others when selling or offering such motorcycles for sale at retail, disposing of motorcycles acquired for
614 their own use and actually so used, when the motorcycles have been so acquired and used in good faith
615 and not for the purpose of avoiding the provisions of this chapter.

616 4. Any financial institution chartered or authorized to do business under the laws of the
617 Commonwealth or the United States which may have received title to a motorcycle in the normal course
618 of its business by reason of a foreclosure, other taking, repossession, or voluntary reconveyance to that
619 institution occurring as a result of any loan secured by a lien on the motorcycle.

620 5. An employee of an organization arranging for the purchase or lease by the organization of
621 motorcycles for use in the organization's business.

622 6. Any person who permits the operation of a motorcycle show or permits the display of motorcycles
623 for sale by any motorcycle dealer licensed under this chapter.

624 7. An insurance company authorized to do business in the Commonwealth that sells or disposes of
625 motorcycles under a contract with its insured in the regular course of business.

626 8. Any publication, broadcast, or other communications media when engaged in the business of
627 advertising, but not otherwise arranging for the sale of motorcycles owned by others.

628 9. Any person dealing solely in the sale or lease of motorcycles designed exclusively for off-road
629 use.

630 10. Any credit union authorized to do business in Virginia, provided the credit union does not
631 receive a commission, money, or other thing of value directly from a motorcycle dealer.

632 "Motorcycle salesperson" or "salesperson" means any person who is licensed as and employed as a
633 salesperson by a motorcycle dealer to sell or exchange motorcycles.

634 "Motorcycle show" means a display of motorcycles to the general public at a location other than a
635 dealer's location licensed under this chapter where the motorcycles are not being offered for sale or
636 exchange during or as part of the display.

637 "New motorcycle" means any motorcycle which (i) has not been previously sold except in good faith
638 for the purpose of resale, (ii) has not been used as a rental, driver education, or demonstration
639 motorcycle, or for the personal and business transportation of the manufacturer, distributor, dealer, or
640 any of his employees, (iii) has not been used except for limited use necessary in moving or road testing
641 the motorcycle prior to delivery to a customer, (iv) is transferred by a certificate of origin, and (v) has
642 the manufacturer's certification that it conforms to all applicable federal motorcycle safety and emission
643 standards. Notwithstanding provisions (i) and (iii), a motorcycle that has been previously sold but not
644 titled shall be deemed a new motorcycle if it meets the requirements of provisions (ii), (iv), and (v).

645 "*Original license*" means a motorcycle dealer license issued to an applicant who has never been
646 licensed as a motorcycle dealer in Virginia or whose Virginia motorcycle dealer license has been
647 expired for more than thirty days.

648 "Relevant market area" means as follows:

649 1. In metropolitan localities with a population of 250,000, the relevant market area shall be a circular
650 area around an existing franchised dealer not to exceed a radius of ten miles, but in no case less than
651 seven miles.

652 2. If the population in an area within a radius of ten miles around an existing franchised dealer is
653 less than 250,000, but the population in an area within a radius of fifteen miles around an existing
654 franchised dealer is 150,000 or more, the relevant market area shall be that area within the fifteen-mile
655 radius.

656 3. In all other cases the relevant market area shall be an area within a radius of twenty miles around
657 an existing franchised dealer or the area of responsibility defined in the franchise, whichever is greater.
658 In any case where the franchise agreement is silent as to area responsibility, the relevant market area
659 shall be the greater of an area within a radius of twenty miles around an existing franchised dealer or
660 that area in which the franchisor otherwise requires the franchisee to make significant retail sales or
661 sales efforts.

662 In determining population for this definition, the most recent census by the U.S. Bureau of the
663 Census or the most recent population update, either from the National Planning Data Corporation or
664 other similar recognized source, shall be accumulated for all census tracts either wholly or partially
665 within the relevant market area.

666 "Retail installment sale" means every sale of one or more motorcycles to a buyer for his use and not

667 for resale, in which the price of the motorcycle is payable in one or more installments and in which the
668 seller has either retained title to the goods or has taken or retained a security interest in the goods under
669 form of contract designated either as a security agreement, conditional sale, bailment lease, chattel
670 mortgage, or otherwise.

671 "Sale at retail" or "retail sale" means the act or attempted act of selling, bartering, exchanging, or
672 otherwise disposing of a motorcycle to a buyer for his personal use and not for resale.

673 "Sale at wholesale" or "wholesale" means a sale to motorcycle dealers or wholesalers other than to
674 consumers, or a sale to one who intends to resell.

675 "Used motorcycle" means any motorcycle other than a new motorcycle as defined in this section.

676 "Wholesale auction" means an auction of motorcycles restricted to sales at wholesale.

677 § 46.2-1993.6. Licenses required.

678 It shall be unlawful for any person to engage in business in the Commonwealth as a motorcycle
679 dealer, salesperson, manufacturer, factory branch, distributor, distributor branch, or factory or distributor
680 representative, without first obtaining a license as provided in this chapter. Any person licensed in
681 another state as a motorcycle dealer may sell motorcycles at wholesale auctions in the Commonwealth
682 after having obtained a certificate of dealer registration as provided in Chapter 19 of Title 46.2. The
683 offering or granting of a motorcycle dealer franchise in the Commonwealth shall constitute engaging in
684 business in the Commonwealth for purposes of this section, and no new motorcycle may be sold or
685 offered for sale in the Commonwealth unless the franchisor of motorcycle dealer franchises for that
686 line-make in the Commonwealth, whether such franchisor is a manufacturer, factory branch, distributor,
687 distributor branch, or otherwise, is licensed under this chapter. In the event a license issued under this
688 chapter to a franchisor of motorcycle dealer franchises is suspended, revoked, or not renewed, nothing in
689 this section shall prevent the sale of any new motorcycle of such franchisor's line-make manufactured in
690 or brought into the Commonwealth for sale prior to the suspension, revocation or expiration of the
691 license.

692 *Violation of any provision of this section shall constitute a Class 1 misdemeanor.*

693 § 46.2-1993.19. Issuance, expiration, and renewal of licenses and certificates of registration.

694 A. All licenses and certificates of registration issued under this chapter shall be issued for a period of
695 twelve consecutive months except, at the discretion of the Commissioner, the periods may be adjusted as
696 is necessary to distribute the licenses and certificates as equally as practicable on a monthly basis. The
697 expiration date shall be the last day of the twelfth month of validity or the last day of the designated
698 month. Every license and certificate of registration shall be renewed annually on application by the
699 licensee or registrant and by payment of fees required by law, the renewal to take effect on the first day
700 of the succeeding month.

701 *B. Licenses and certificates of registration issued under this chapter shall be deemed not to have*
702 *expired if the renewal application and required fees as set forth in this subsection are received by the*
703 *Commissioner or postmarked not more than thirty days after the expiration date of such license or*
704 *certificate of registration. Whenever the renewal application is received by the Commissioner or*
705 *postmarked no more than thirty days after the expiration date of such license or certificate of*
706 *registration, the license fees shall be 150 percent of the fees provided for in § 46.2-1993.17.*