CHAPTER 9

DEALERS

SUBCHAPTER 1

GENERAL PROVISIONS

§851. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

1. Business location. "Business location" means a permanent enclosed building in which the business involving transporter or loaner licenses may be lawfully carried on in accordance with the terms of all applicable building codes and zoning and other land use regulatory ordinances. This location must be located within the State, be easily accessible and open to the public at all reasonable times, have an office with suitable equipment for the business conducted and have an exterior sign indicating the business name.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Dealer. "Dealer" means a person engaged in the business of buying, selling, exchanging or offering to negotiate, negotiating or advertising the sale of a vehicle or industrial equipment and who has:

A. An established place of business for those purposes in this State; and [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. A current dealer license issued by the Secretary of State. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

"Dealer" does not include the State when selling state-owned vehicles.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2-A. Electronic temporary registration plate program. "Electronic temporary registration plate program" means an electronic program that permits the creation of a temporary registration plate and the maintenance of temporary registration plate information.
[PL 2025, c. 119, §6 (NEW).]

3. Equipment dealer. "Equipment dealer" means a dealer whose primary business is the buying or selling of new or used industrial equipment or both, or farm equipment, or both.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Established place of business. "Established place of business" means a permanent, enclosed building:

A. Located within the State; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. Easily accessible and open to the public at all reasonable times; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. With an improved display area of not less than 3,500 square feet in or immediately adjoining it; [PL 2023, c. 571, §1 (AMD).]

D. In which the business of a dealer, including the display and repair of motor vehicles, may be lawfully carried on in accordance with building codes and zoning or land-use ordinances; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

E. In which the public may contact the dealer at all reasonable times; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

F. In which is kept and maintained the equipment, books, records and files necessary to conduct the business; and [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

G. Displaying an exterior sign, permanently affixed to the land or building, that indicates the business name. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 2023, c. 571, §1 (AMD).]

4-A. Full-time employee. "Full-time employee" means any person who is employed and works at least 30 hours per week.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

5. Full-time sales representative. "Full-time sales representative" means an employee who is employed by a dealer who, under any form of contract, sells, offers for sale or attempts to negotiate a sale or exchange of an interest in a vehicle.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

6. Immediate family. "Immediate family" means a spouse or child residing in the same household as the dealer.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

7. Light trailer. "Light trailer" means a trailer or semitrailer with an unladen gross weight of 3,000 pounds or less.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

8. Motorcycle dealer. "Motorcycle dealer" means a dealer whose primary business is the buying or selling of new or used motorcycles, or both.

[PL 2005, c. 577, §12 (AMD).]

9. New vehicle dealer. "New vehicle dealer" means a dealer whose primary business is the buying and selling of new motor vehicles and who has a franchise from a distributor or manufacturer.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

10. Trailer dealer. "Trailer dealer" means a dealer whose primary business is the buying and selling of new or used trailers or semitrailers, or both.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

11. Used car dealer. "Used car dealer" means a dealer whose primary business is the buying and selling of used motor vehicles.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

12. Used motor vehicle. "Used motor vehicle" means a motor vehicle that has been registered at least once or is not covered by a manufacturer's new car warranty.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

13. Vehicle auction. "Vehicle auction" means selling a vehicle by bidding at a public or private sale.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

14. Vehicle auction business. "Vehicle auction business" means a business that operates a vehicle auction for gain or compensation.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2005, c. 577, §12 (AMD). PL 2023, c. 571, §1 (AMD). PL 2025, c. 119, §6 (AMD).

§852. Fees

1. Initial application fee. The fee for an initial application for a license under this subchapter is $150. The fee is not refundable. When a licensed dealer applies for an additional type of license this application fee is not required.
[PL 2001, c. 671, §17 (AMD).]

2. Dealer licenses. The annual fee for a dealer license or renewal is:

A. For a motorcycle dealer, $50; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. For a light trailer dealer, $50; and [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. For any other vehicle dealer, $150. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]
[PL 2021, c. 216, §22 (AMD).]

3. Dealer plates. The annual fee for each dealer plate is:

A. For a motorcycle dealer, $5; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. For a light trailer dealer, $5; and [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. For any other vehicle dealer, $20. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

The fee for an additional plate issued to a dealer other than a motorcycle dealer or a light trailer dealer within the last 4 months of the dealer's licensing period is 1/2 of the annual plate fee. The 1/2-price plate fee also applies to additional service plates and wrecker plates.

For a fee of $5 per plate, the Secretary of State shall furnish dealer plates to motorcycle dealers and light trailer dealers to replace lost or mutilated dealer plates.
[PL 1999, c. 470, §10 (AMD).]

4. Branch or annex location.
[PL 1997, c. 437, §23 (RP).]

5. Vehicle auction business license. The annual fee for a vehicle auction business license is $150.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1997, c. 437, §23 (AMD). PL 1999, c. 97, §1 (AMD). PL 1999, c. 470, §10 (AMD). PL 2001, c. 671, §17 (AMD). PL 2003, c. 434, §11 (AMD). PL 2003, c. 434, §37 (AFF). PL 2021, c. 216, §22 (AMD).

§853. Suspension and revocation

Notwithstanding Title 4, section 152, subsection 9 and Title 5, sections 10003 and 10051, the Secretary of State may suspend, revoke or deny any license, registration or renewal issued pursuant to this chapter. [PL 1999, c. 547, Pt. B, §47 (AMD); PL 1999, c. 547, Pt. B, §80 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1999, c. 547, §B47 (AMD). PL 1999, c. 547, §B80 (AFF).

SUBCHAPTER 2

APPLICATION FOR DEALER LICENSE

§901. Application

1. Application. A dealer shall apply for a license by filing with the Secretary of State an application in the form prescribed by the Secretary of State and by paying the necessary fee.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Contents. An application must contain the following:

A. The applicant's name, type of business organization and place of business; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. The qualifications and business history of the applicant and the same information for each partner, officer or director; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. Whether the applicant has been found guilty of a criminal offense within the past 5 years or has been held liable for a judgment involving fraud, misrepresentation or conversion. For a corporation or partnership, the same information must be provided for each director, officer or partner; and [PL 1997, c. 776, §28 (AMD).]

D. Any other information required by the Secretary of State. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]
[PL 1997, c. 776, §28 (AMD).]

3. New or used vehicle dealer. If the applicant is a new or used vehicle dealer, information on the type of business also must be provided, including:

A. Whether the applicant intends to sell used motor vehicles and, if so, whether there is space for servicing and repairs; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. A certificate by a state police officer or a representative of the Secretary of State that the applicant has an established place of business at each business location in the State; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. For a new vehicle dealer, a copy of a current service agreement with a manufacturer or distributor requiring the applicant, on demand of a customer receiving a new vehicle warranty, to perform or arrange for, within a reasonable distance of the established place of business, the service, repair and replacement work required by warranty; and [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

D. Any other information the Secretary of State requires. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Surety bonds. A dealer other than an equipment and light trailer dealer shall file with the Secretary of State and maintain a surety bond in the following amount, based on the prior year's sales:

A. For 0 to 50 sales, $25,000; [PL 2017, c. 229, §17 (AMD).]

B. For 51 to 100 sales, $50,000; [PL 2017, c. 229, §17 (AMD).]

C. For 101 to 150 sales, $75,000; or [PL 2017, c. 229, §17 (AMD).]

D. For 151 sales and over, $100,000. [PL 2017, c. 229, §17 (AMD).]

E. [PL 2017, c. 229, §17 (RP).]

Initial licensees shall file a bond based on projected sales.

Persons beginning in the business as licensed vehicle dealers are subject to review after initial bonding depending on volume.

All licensees must be reviewed annually by the Secretary of State to determine compliance with the correct amount of the bonds.

Failure to maintain such a bond is grounds for immediate suspension of the dealer license.

Any persons with a claim against the bond required by this subsection must file the claim within 3 years from the date of sale.
[PL 2017, c. 229, §17 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1997, c. 776, §28 (AMD). PL 2017, c. 229, §17 (AMD).

§902. Action on application for dealer license

The Secretary of State shall act on an application for an initial dealer license or a renewal of such a license within 90 days of receipt of the application. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

If the Secretary of State refuses to grant or renew a license, notice must be given to the applicant that an opportunity for hearing before the Secretary of State will be provided on request to show cause why that license should be granted or renewed. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

§903. Grounds for denying, suspending, revoking or modifying dealer license

1. Grounds. The Secretary of State may deny, suspend, revoke or modify a dealer license for any of the following reasons:

A. A material misstatement in the application for a license; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. Failure to comply with this subchapter, a rule of the Secretary of State, a provision of this Title related to sales or service of a motor vehicle, or a violation of Title 17-A or this Title; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. For a dealer licensed under this chapter, failure to have an established place of business; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

D. Failure to notify the Secretary of State in writing at least 30 days prior to moving the location of an established place of business; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

E. Failure to maintain a surety bond; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

F. Defrauding of a retail buyer to the buyer's or another's damage; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

G. Conviction of any fraudulent act in connection with the business of selling motor vehicles or parts or being held liable by a civil judgment involving fraud, misrepresentation or conversion; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

H. Violation of the Maine Unfair Trade Practices Act, or Title 17, section 3203; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

I. Submission of a check, draft or money order to the Secretary of State that is dishonored or refused upon presentation; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

J. Certification by the State Tax Assessor that a tax, other than property tax, deemed final under Title 36 remains unpaid in an amount exceeding $1,000 for a period greater than 60 days after notice of the finality of the tax and that the person has refused to cooperate with the Bureau of Revenue Services in complying with a reasonable plan for meeting that liability; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF); PL 1997, c. 526, §14 (AMD).]

K. Failure to appear at a hearing required by the Secretary of State, failure to appear in court to answer a summons or failure to pay fines or fees for a violation of this chapter; or [PL 2023, c. 634, §12 (AMD).]

L. Failure to comply or to maintain compliance with section 1612. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 2023, c. 634, §12 (AMD).]

2. Procedures for hearing; appeals. The procedures of chapter 23, subchapter III, article 3 apply to a suspension.

[PL 1995, c. 65, Pt. A, §97 (AMD); PL 1995, c. 65, Pt. A, §153 (AFF); PL 1995, c. 65, Pt. C, §15 (AFF).]

3. Plate reduction. Upon renewal of a dealer license, the number of plates allowed a motor vehicle dealer who fails to sell at least 12 vehicles within a 12-month period must be reduced to 2 dealer plates, and the motor vehicle dealer may not be issued a dealer plate under section 1002, subsection 1, paragraph B. Upon a 2nd application for renewal of a dealer license, a motor vehicle dealer must be denied renewal if the Secretary of State determines that the dealer sold fewer than 4 vehicles in the previous license year, at which time all dealer credentials issued previously must be returned to the Secretary of State.

A reduction in the number of plates under this subsection must be based on rules adopted by the Secretary of State. A dealer shall maintain a surety bond adequate to cover the number of sales indicated by that dealer's plates.

A motor vehicle dealer who is denied a license renewal under this subsection may not reapply until the license has been expired at least one year.

A motor vehicle dealer who holds a vehicle auction business license under section 1051 is exempt from this subsection.

A motor vehicle dealer who engages primarily in the sale of vehicles more than 15 years old, emergency vehicles or industrial or farm equipment or who sells only trucks with a gross vehicle weight rating of more than 26,000 pounds is exempt from this subsection.

Sales of vehicles to dealerships under the same ownership must be excluded when determining total sales.

[PL 2021, c. 216, §23 (AMD).]

4. Continuing business. A person may not continue to engage in the business of buying or selling of vehicles after suspension or revocation of the dealer license. A person is guilty of a Class E crime if that person continues in business after suspension or revocation. That crime is punishable by a fine of not less than $200, which may not be suspended.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

5. Refusal to surrender. A dealer who fails or refuses to surrender a license, plates, registration certificates or temporary plates on demand of the Secretary of State following the suspension, revocation or nonrenewal of a dealer license commits a Class E crime.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 65, §A97 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1997, c. 526, §14 (AMD). PL 2003, c. 496, §1 (AMD). PL 2003, c. 544, §1 (AMD). PL 2005, c. 433, §12 (AMD). PL 2005, c. 433, §28 (AFF). PL 2009, c. 435, §14 (AMD). PL 2021, c. 216, §23 (AMD). PL 2023, c. 634, §12 (AMD).

§904. Vicarious liability

1. Acts of officers, directors, trustees or partners. There is sufficient cause for the denial, suspension or revocation of the license of a partnership or corporation if an officer, director, trustee or partner has committed an act or omitted a duty that would be cause for denying, suspending or revoking a license to the party as an individual.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Acts of sales representative. A licensee is responsible for the acts of a sales representative acting as the licensee's agent, if the licensee approved of or had knowledge of the acts or other similar acts and, after such approval or knowledge, retained the benefit, proceeds, profits or advantages accruing from those acts or otherwise ratified those acts.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

SUBCHAPTER 3

LICENSING OF DEALERS

§951. Licensing of dealers

1. Definition. A person is "engaged in the business of buying, selling, exchanging, offering to negotiate, negotiating or advertising a sale of vehicles" if that person:

A. Buys vehicles for the purpose of resale; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. Sells more than 5 vehicles in any 12-month period; or [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. Advertises in any form 3 or more vehicles for sale or displays 3 or more vehicles for sale within a 30-day period on premises controlled by that person. [PL 1997, c. 776, §29 (AMD).]

Vehicles owned and registered by that person for at least 6 months are not included for purposes of this definition.
[PL 1997, c. 776, §29 (AMD).]

2. Dealers must be licensed. A person may not engage in the business of buying, selling, exchanging, offering to negotiate, negotiating or advertising a sale of vehicles unless that person has been issued a license under this subchapter. A dealer licensed by any other jurisdiction who sells vehicles only to licensed dealers in this State is exempt from this subsection. Violation of this subsection is a Class E crime.
[PL 2005, c. 433, §13 (AMD); PL 2005, c. 433, §28 (AFF).]

3. Term.
[PL 1999, c. 470, §11 (RP).]

4. Exemptions. Financial institutions, as defined in Title 9-B, section 131, subsections 17 and 17-A, are exempt from the requirements of this section when selling vehicles repossessed and sold by full-time employees of the institution. Financial institutions that do not use full-time employees to repossess and sell vehicles must use dealers licensed pursuant to this chapter.

Any public or nonprofit organization that, for the purpose of making vehicles available to low-income persons, accepts donated vehicles and provides them to low-income persons at a cost that is no more than the cost of ensuring that the vehicle is in good operating condition is exempt from the requirements of this section. A public or nonprofit organization that transfers a vehicle under this subsection is subject to the provisions of Title 10, chapter 217 and shall register with the Secretary of State and maintain a certificate of training as required by the Secretary of State.

Any public or nonprofit organization whose sole or primary purpose is to provide transportation for persons 65 years of age or older that accepts donated vehicles for the purpose of providing that transportation or accepts in trade for transportation services the vehicles belonging to persons 65 years of age or older who use those transportation services is exempt from the requirements of this section. A public or nonprofit organization that transfers a vehicle under this subsection is subject to the provisions of Title 10, chapter 217 and shall register with the Secretary of State and maintain a certificate of training as required by the Secretary of State.
[PL 2005, c. 71, §1 (AMD).]

5. Approval of location.
[PL 1997, c. 437, §24 (RP).]

6. Term. Dealer licenses issued after the effective date of this subsection must be issued on a staggered basis and expire on the last day of the month, one year from issuance. All dealer licenses that are renewed for the renewal year 2000 must be done on a staggered basis and the license fees must be prorated accordingly.
[PL 1999, c. 470, §12 (NEW).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1997, c. 437, §24 (AMD). PL 1997, c. 776, §29 (AMD). PL 1999, c. 470, §§11,12 (AMD). PL 1999, c. 631, §1 (AMD). PL 2005, c. 71, §1 (AMD). PL 2005, c. 433, §13 (AMD). PL 2005, c. 433, §28 (AFF).

§952. Requirements

1. Facilities. To qualify for a dealer license, an applicant must maintain the following facilities and personnel:

A. Facilities for the display of vehicles being handled; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. A repair department for repair of vehicles; [PL 2011, c. 556, §7 (AMD).]

C. Sufficient tools and equipment for servicing of the vehicles handled; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

D. A suitable office in which business is conducted and records of the business are kept; and [PL 2021, c. 216, §24 (AMD).]

E. At least one mechanic, who may be the owner, who has a thorough knowledge of the vehicles being handled. [PL 2021, c. 216, §25 (AMD).]

F. [PL 2021, c. 216, §26 (RP).]
[PL 2021, c. 216, §§24-26 (AMD).]

1-A. Display license. A dealer shall display the dealer's license at the dealer's place of business. [PL 2021, c. 216, §27 (NEW).]

1-B. Vehicles. A dealer shall:

A. On all used motor vehicles offered for sale, ensure that the written vehicle history statement is conspicuously affixed to the vehicle pursuant to Title 10, section 1475; [PL 2021, c. 660, §3 (AMD).]

B. For all vehicles sold, comply with the provisions of Title 10, chapter 217; and [PL 2021, c. 660, §3 (AMD).]

C. For a motor vehicle sold at retail to the end consumer, engrave the vehicle identification number on the catalytic converter in a location that is visible from the underside of the motor vehicle. The vehicle identification number engraved on the catalytic converter must be legible. This paragraph does not require a dealer to engrave the vehicle identification number on the catalytic converter if:

(1) The motor vehicle is sold at wholesale; or

(2) The catalytic converter is not in a location where it is clearly visible from the underside of the motor vehicle. [PL 2021, c. 660, §3 (NEW).]

[PL 2021, c. 660, §3 (AMD).]

2. Exemptions. A person who held used car registration plates on January 1, 1964 is exempt from subsection 1, paragraphs B and E. This exemption expires if that person sells or discontinues that business and subsequently becomes licensed again on or after January 1, 1985.

A vehicle manufacturer who does not retail vehicles directly to the public is exempt from the requirements under subsection 1, except the requirement under paragraph D.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Penalty. A person who fails to comply with subsections 1, 1-A and 1-B commits a traffic infraction.
[PL 2021, c. 216, §29 (AMD).]

4. Display.
[PL 2021, c. 216, §30 (RP).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1999, c. 771, §C3 (AMD). PL 1999, c. 771, §§D1,2 (AFF). PL 2001, c. 671, §18 (AMD). PL 2011, c. 556, §7 (AMD). PL 2021, c. 216, §§24-30 (AMD). PL 2021, c. 660, §3 (AMD).

§953. License to deal in new vehicle

1. License; new vehicle dealer. A person may not have on a licensed facility at any one time more than 5 new vehicles unless the person is licensed as a new vehicle dealer.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Requirements. A new vehicle dealer license may be issued only to:

A. A sales branch or agency of a manufacturer of vehicles; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. A distributor of new vehicles who holds an unexpired appointment in writing from the manufacturer of such vehicles; or [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. A dealer in new vehicles who holds an unexpired appointment in writing from the manufacturer of such vehicles or from an authorized distributor of such vehicles. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Copy of appointment. An applicant for a license to deal in new vehicles shall submit with the application a certification of franchise from the manufacturer of the new vehicles to be sold.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. License. The make of the new vehicle in which the licensee is authorized to deal must be stated on the license.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

5. Additional charges. A new vehicle dealer may not charge an extra charge for preparation service or optional equipment unless that charge is described and clearly posted on the motor vehicle to which it applies. For purposes of this subsection, the following terms have the following meanings.

A. "Extra charge" means a consumer charge that is not included in the manufacturer's suggested retail price. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. "Preparation service" means an adjustment, inspection, test, repair, replacement of parts, cleaning, polishing or other labor performed by the dealer without prior written authorization of the purchaser. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. "Optional equipment" means equipment, protective coating, special feature, appliance, part or accessory added to a vehicle and not included in the manufacturer's suggested retail price. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

6. Penalty. A person who fails to comply with this section commits a traffic infraction.
[PL 1999, c. 771, Pt. C, §4 (AMD); PL 1999, c. 771, Pt. D, §§1, 2 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1999, c. 771, §C4 (AMD). PL 1999, c. 771, §§D1,2 (AFF).

§953-A. Document fees

A dealer shall post on a vehicle the dealer is selling any document preparation fee that will be added to the vehicle's sale price. A violation of this section is prima facie evidence of an unfair trade practice and is a violation of Title 5, section 207. [PL 2023, c. 634, §13 (AMD).]

SECTION HISTORY

PL 1999, c. 211, §1 (NEW). PL 2023, c. 634, §13 (AMD).

§954. Special dealer licenses and plates

1. Equipment. Equipment dealer plates and a license may be issued to a person engaged in the manufacturing or buying and selling of:

A. Farm tractors with engines in excess of 40 horsepower; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. Farm equipment; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. Construction vehicles or equipment; or [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

D. Industrial vehicles or equipment. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Motorcycle. Motorcycle dealer plates and a license may be issued to a person engaged in the manufacturing or buying and selling of new or used motorcycles.

[PL 2005, c. 577, §13 (AMD).]

3. Light trailer. Light trailer dealer plates and a license may be issued to a person engaged in the manufacturing or buying and selling of trailers or semitrailers with an unladen gross weight of 3,000 pounds or less.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Trailer. Heavy trailer dealer plates and a license may be issued to a person engaged in the manufacturing or buying and selling of mobile homes or of trailers or semitrailers with an unladen weight of more than 3,000 pounds. Mobile home dealers are exempt from the requirements of this section.
[PL 1997, c. 776, §30 (AMD).]

5. Transporter. A garage owner, towing business, body shop, finance company, bank, motor vehicle auction business, motor vehicle rental company, recycler or repossession company licensed by the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection or any public or nonprofit organization as described in section 951, subsection 4 may be issued transporter plates and a license to transport a vehicle owned by or in the custody of that owner or business.

A. The holder may use this plate only if the vehicle is accompanied by the owner or the owner's employee. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. A transporter plate may not be:

(1) Used in lieu of registration plates;

(2) Loaned to another;

(3) Used for personal reasons; or

(4) Used on a towing vehicle, except for a drive-away saddlemount vehicle transporter combination. [PL 2007, c. 306, §7 (AMD).]

[PL 2023, c. 634, §14 (AMD).]

6. Trailer transit plate. A business that delivers or services mobile homes or tiny homes, leases or transports storage trailers or transports light trailers, modular homes or frames for transporting modular homes may apply for a trailer transit license and plate. The transit plate may not be loaned, used in place of registration plates on another vehicle, used for personal reasons or used on the towing vehicle. Issuance of a trailer transit license and plate does not exempt the holder from compliance with any state law or municipal ordinance governing the movement of mobile homes, tiny homes, storage trailers, modular homes or frames for transporting modular homes or light trailers over the highways of this State and does not exempt the holder from required permits or certificates prior to moving the vehicles. Trailer transit plates issued pursuant to this subsection may be used only subject to the following conditions.

A. A storage trailer must be empty during transportation. [PL 2019, c. 397, §15 (NEW).]

B. A light trailer may be transported with a load appropriate for the light trailer, as long as the load is owned by or in the custody of the transporting business. [PL 2019, c. 397, §15 (NEW).]

C. A light trailer may be transported with a trailer transit plate only if the business owner or an employee of the business accompanies the vehicle transporting the light trailer. [PL 2019, c. 397, §15 (NEW).]

Fees for trailer transit licenses and plates are established in section 852. Trailer transit licenses are exempt from section 951, subsection 6.

For purposes of this subsection, "business" means a corporation, firm, partnership, joint venture, sole proprietorship or other commercial entity. For the purposes of this subsection, "modular home" has the same meaning as in Title 30-A, section 4358, subsection 1, paragraph A, subparagraph (2).

A person who violates this subsection commits a traffic infraction.
[PL 2019, c. 650, §11 (AMD).]

7. Expiration date. A trailer transit plate under subsection 6 expires annually on the last day of the month of March.
[PL 2019, c. 397, §15 (NEW).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 309, §26 (AMD). PL 1995, c. 309, §29 (AFF). PL 1995, c. 645, §B13 (AMD). PL 1997, c. 437, §25 (AMD). PL 1997, c. 776, §30 (AMD). PL 2001, c. 671, §19 (AMD). PL 2005, c. 577, §13 (AMD). PL 2007, c. 273, Pt. B, §5 (REV). PL 2007, c. 273, Pt. B, §7 (AFF). PL 2007, c. 306, §7 (AMD). PL 2007, c. 695, Pt. A, §47 (AFF). PL 2011, c. 556, §8 (AMD). PL 2019, c. 397, §15 (AMD). PL 2019, c. 650, §11 (AMD). PL 2023, c. 634, §14 (AMD).

§954-A. Temporary registration plates

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

(REALLOCATED FROM TITLE 29-A, SECTION 462)

1. Temporary plate attachment. Except a transporter licensee or loaner licensee, a person licensed as a dealer may, on the sale or exchange of a motor vehicle or trailer, attach to its rear a temporary registration plate. For the purposes of this subsection, "loaner licensee" means a person to whom the Secretary of State has granted permission to use loaner plates on vehicles owned by that person for the purpose of loaning those vehicles to customers whose vehicles are being repaired at the licensee's business location.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF); PL 2023, c. 257, §7 (RAL).]

1-A. Electronic temporary registration plate program. Notwithstanding any provision of law to the contrary, the Secretary of State may use, but may not require the use of, an electronic temporary registration plate program. If the Secretary of State uses an electronic temporary registration plate program under this subsection, the Secretary of State may adopt rules to implement and administer the program. Rules adopted under this subsection must include, but are not limited to, rules governing the process by which a dealer elects to participate in or stop participating in the electronic temporary registration plate program. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2025, c. 119, §7 (NEW).]

2. (TEXT EFFECTIVE UNTIL 1/01/26) Payment of fee for temporary registration plate. The fee for a temporary registration plate is $1 per plate. A purchaser may operate the motor vehicle or trailer with a temporary registration plate for a period of 30 consecutive days without payment of a regular fee. At the end of this initial period, a resident who is unable to comply with the requirements of chapter 7 or a nonresident who has applied for but has not yet received a registration certificate from a home state may request the Secretary of State to extend this period without charge for an additional 20 days.
[PL 2021, c. 126, §1 (AMD); PL 2023, c. 257, §7 (RAL).]

2. (TEXT EFFECTIVE 1/01/26) Payment of fee for temporary registration plate. The fee for a temporary registration plate is $2.00 per plate, $1.00 of which must be deposited into the Motor Vehicle Services Fund established under section 159 to establish and maintain an electronic temporary registration plate program. A purchaser may operate the motor vehicle or trailer with a temporary registration plate for a period of 30 consecutive days without payment of a regular fee. At the end of this initial period, a resident who is unable to comply with the requirements of chapter 7 or a nonresident

who has applied for but has not yet received a registration certificate from a home state may request the Secretary of State to extend this period without charge for an additional 20 days.
[PL 2025, c. 119, §8 (AMD); PL 2025, c. 119, §9 (AFF).]

3. Trucks. A temporary registration plate may not be used on a loaded truck without a written permit from the Secretary of State.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF); PL 2023, c. 257, §7 (RAL).]

4. Mobile homes. A temporary registration plate may not be used on a house trailer or mobile home unless the operator of the vehicle possesses the written certificate from the tax collector required by section 1002, subsection 9.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF); PL 2023, c. 257, §7 (RAL).]

5. Motorcycle. A temporary registration plate for a motorcycle must be the same size as the regular motorcycle plate.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF); PL 2023, c. 257, §7 (RAL).]

6. Notice of date of expiration. A person attaching a temporary registration plate to a vehicle sold or exchanged by that person, shall mark on the plate the date of expiration and immediately notify the Secretary of State of the sale or exchange, giving the name and address of the purchaser, the number of the temporary plate and other information as the Secretary of State may require. The date may not be less than one inch in height and must be written with indelible or waterproof ink.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF); PL 2023, c. 257, §7 (RAL).]

7. Temporary registration certificate. When a temporary registration plate is attached to a vehicle, the Secretary of State must furnish the purchaser a certificate of temporary registration.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF); PL 2023, c. 257, §7 (RAL).]

8. Trailer transit plate.
[PL 2019, c. 397, §6 (RP); PL 2023, c. 257, §7 (RAL).]

9. Unavailability. The Secretary of State, if unable to furnish immediately a plate or marker, may issue a temporary certificate with temporary plates. The certificate must be carried and plates displayed in the same manner as regular certificates and plates.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF); PL 2023, c. 257, §7 (RAL).]

10. Prohibition. A person issued temporary registration plates may not:

A. Attach a plate to a vehicle that the person did not sell, lease or transfer; or [PL 2003, c. 452, Pt. Q, §4 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF); PL 2023, c. 257, §7 (RAL).]

B. Provide the plates to another person other than by attachment to a vehicle as authorized by this section. [PL 2003, c. 452, Pt. Q, §4 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF); PL 2023, c. 257, §7 (RAL).]

A person who violates this subsection commits a traffic infraction.
[PL 2003, c. 452, Pt. Q, §4 (RPR); PL 2003, c. 452, Pt. X, §2 (AFF); PL 2023, c. 257, §7 (RAL).]

11. Records. A person issued temporary registration plates by the Secretary of State shall maintain a written record on a form prescribed by the Secretary of State of the use or disposal of every plate. The record must be available for inspection by the Secretary of State at the person's place of business

and must be submitted annually upon application for renewal of a dealer license. A person who violates this subsection commits a traffic infraction.
[PL 2019, c. 397, §7 (AMD); PL 2023, c. 257, §7 (RAL).]

SECTION HISTORY

PL 1993, c. 663, Pt. A, §2 (NEW). PL 1993, c. 683, Pt. B, §5 (AFF). PL 2001, c. 149, §1 (AMD). PL 2003, c. 132, §1 (AMD). PL 2003, c. 452, Pt. Q, §§4, 5 (AMD). PL 2003, c. 452, Pt. X, §2 (AFF). PL 2019, c. 397, §§6, 7 (AMD). PL 2021, c. 126, §1 (AMD). PL 2023, c. 257, §7 (RAL). PL 2025, c. 119, §§7, 8 (AMD). PL 2025, c. 119, §9 (AFF).

§955. Change in status of dealership

1. Termination of new vehicle dealership. A new vehicle dealer whose franchise is terminated or changed shall immediately surrender the dealer plates and license to the Secretary of State. If business is to be continued, the Secretary of State shall issue the appropriate class of plates.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Used vehicle dealer obtaining a new vehicle franchise. A used vehicle dealer who obtains a new vehicle franchise from a manufacturer or distributor shall immediately surrender the used vehicle plates and certificates and the Secretary of State shall issue the appropriate class of plates.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Penalty. A person who fails to comply with this section commits a traffic infraction.
[PL 1999, c. 771, Pt. C, §5 (AMD); PL 1999, c. 771, Pt. D, §§1, 2 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1999, c. 771, §C5 (AMD). PL 1999, c. 771, §§D1,2 (AFF).

§956. Record of transactions

1. Record of vehicles. A dealer shall complete and maintain for a period of not less than 5 years after the date of transaction a record of the purchase or sale of a vehicle and the following:

A. A description of the vehicle, including make, model, model year, body type, vehicle identification number, color and whether the vehicle is new or used; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. The name and address of the person from whom purchased; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. The name of the legal owner, if different from the name from whom purchased in paragraph B; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

D. The name and address of the purchaser; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

E. The mileage of the vehicle when received and sold; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

F. Copies of the warranty and of the disclosure statement, pursuant to Title 10, section 1474, received and issued by the dealer with the sale; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

G. An invoice disclosing from whom the vehicle was obtained. If the vehicle was obtained from another dealer, the dealer's name must be disclosed; [PL 1997, c. 776, §31 (AMD).]

H. On a used motor vehicle offered for sale, the written vehicle history statement required by Title 10, section 1475; [PL 2023, c. 634, §15 (AMD).]

I. Copies of titles, transfers and other documents used for titling purposes; and [PL 2023, c. 634, §16 (AMD).]

J. A copy of the purchase and sale agreement for each transaction conducted. [PL 2023, c. 634, §17 (NEW).]

[PL 2023, c. 634, §§15-17 (AMD).]

2. Inspection. The records, vehicles and vehicle parts in the dealer's possession must be available for inspection during the dealer's normal business hours by the Secretary of State, law enforcement officers or representatives of the office of the Attorney General.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Filing.

[PL 2013, c. 496, §12 (RP).]

4. Federal requirements. A dealer shall comply with the federal Truth in Mileage Act of 1986, Public Law 99-579, as amended, and the regulations promulgated under 49 Code of Federal Regulations, Part 580, as amended, in keeping of records.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

5. Personnel. The dealer shall maintain a current record of all sales representatives and full-time employees employed by the dealer, including but not limited to the general manager, the sales manager and the service manager. The record must include the full name, date of birth, social security number and home address of each full-time employee and the position held by each. Those records must be available for inspection by the Secretary of State, the Attorney General and law enforcement officers.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

6. Penalty. Violation of this section is a Class E crime.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 482, §A18 (AMD). PL 1997, c. 776, §§31,32 (AMD). PL 2013, c. 496, §12 (AMD). PL 2023, c. 634, §§15-17 (AMD).

§957. Licensing of locations other than primary facilities

1. Annex license. The Secretary of State may issue to a dealer a license to operate an annex facility. An annex facility must be an established place of business, except that books and records may be kept at the dealer's primary location. An annex facility must meet the requirements of section 952, subsection 1. The annual fee for an annex license is $150.

[PL 1997, c. 437, §26 (NEW).]

2. Secondary location license. The Secretary of State may issue to a dealer a license to operate at a secondary location. For the purposes of this subsection, "secondary location" means a display area that complies with applicable building codes and zoning and land use ordinances, is large enough to display at least 2 vehicles and contains signs posting the business's name and operating hours. The annual fee for a secondary location license is $100.

[PL 2013, c. 381, Pt. A, §3 (AMD).]

3. Attended sales promotion. The Secretary of State may issue to a dealer a permit for up to 90 days to operate an attended sales promotion at one or more locations inside this State. A request for an attended sales promotion must be submitted to the Secretary of State at least 48 hours before the proposed promotion and must contain the proposed promotion dates. The promotion must comply with applicable building codes and zoning and land use ordinances. A new vehicle dealer who requests a permit under this subsection for a promotion involving new vehicles may not locate the promotion outside that dealer's area of responsibility as defined by the dealer's franchise agreement. A dealer who operates an attended sales promotion at an agricultural fair or other agricultural event or at a charitable

event where a vehicle is displayed or offered as a prize for fund-raising purposes is exempt from this subsection. An equipment dealer or trailer dealer is exempt from this subsection if the sales promotion does not include motor vehicles and does not exceed 90 continuous days. The fee for an attended sales promotion is:

A. Fifty dollars if the promotion runs for 7 or fewer days; [PL 2009, c. 435, §15 (NEW).]

B. One hundred dollars if the promotion runs for more than 7 but no more than 60 days; and [PL 2009, c. 435, §15 (NEW).]

C. One hundred fifty dollars if the promotion runs for more than 60 days but no more than 90 days. [PL 2009, c. 435, §15 (NEW).]

[PL 2009, c. 435, §15 (AMD).]

4. Unattended sales promotion. The Secretary of State may issue to a dealer a permit to operate an unattended sales promotion. A request for an unattended sales promotion must be submitted to the Secretary of State at least 48 hours before the proposed promotion and contain the proposed promotion dates and, if applicable, a copy of a contract between the dealer and the promotion sponsor. The promotion and any use of a location must comply with applicable building codes and zoning and land use ordinances. A new vehicle dealer who requests a permit under this subsection for a promotion involving new vehicles may not locate the promotion outside that dealer's area of responsibility as defined by the dealer's franchise agreement. An equipment dealer or trailer dealer is exempt from this subsection if the sales promotion does not include motor vehicles and does not exceed 90 continuous days. The fee for an unattended sales promotion is:

A. Fifty dollars if the promotion runs 7 days or less; [PL 1997, c. 437, §26 (NEW).]

B. One hundred dollars if the promotion runs between 8 and 60 days; or [PL 1997, c. 437, §26 (NEW).]

C. One hundred fifty dollars if the promotion runs more than 60 days. [PL 1997, c. 437, §26 (NEW).]

A dealer who operates an unattended sales promotion at a charity event where a vehicle is displayed as a prize is exempt from the permit fee requirements.

[PL 2009, c. 598, §33 (AMD).]

5. Penalty. A person commits a Class E crime if that person conducts an activity authorized by a license or permit under this section without obtaining that license or permit.

[PL 2007, c. 5, §3 (AMD).]

SECTION HISTORY

PL 1997, c. 437, §26 (NEW). PL 2001, c. 361, §27 (AMD). PL 2007, c. 5, §§1-3 (AMD). PL 2009, c. 435, §15 (AMD). PL 2009, c. 598, §33 (AMD). PL 2013, c. 381, Pt. A, §3 (AMD).

SUBCHAPTER 4

DISPLAY

§1001. Display and content of license

1. Specify place of business. A dealer license must specify the location of each place of business occupied by the licensee in conducting business.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Specify vehicle types. A dealer license must state the types of vehicle that the licensee may deal and the location in which each particular type of vehicle is dealt.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Display. A license must be conspicuously displayed at each location.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

§1002. Vehicle and equipment dealer plates

1. Limitations on use. A person using a dealer plate may not operate a vehicle owned or controlled by a manufacturer or dealer except for:

A. Purposes directly connected with the business of buying, selling, testing, adjusting, servicing, demonstrating or exchanging the vehicle, including use of that vehicle by a full-time employee to attend schools and seminars designed to assist the employee in the testing, adjusting or servicing of vehicles; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. Personal use by a manufacturer or dealer. There may be no more than one dealer plate for the personal use of the manufacturer or dealer and one dealer plate for the personal use of the immediate family of the dealer; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. Use of the vehicle in a funeral or public parade when no charge is made for that use; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

D. Use by a full-time sales representative, general manager, sales manager or service manager who is on the dealer's payroll but not in the dealer's immediate family or members of that person's household; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

E. Use by customers for not more than 7 days to demonstrate the vehicle; or [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

F. Use by the manufacturer or dealer when the combined weight of the vehicle and the load does not exceed 10,000 pounds unless the vehicle, by design, exceeds 10,000 pounds without a load. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]
[PL 2003, c. 452, Pt. Q, §11 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

1-A. Limitation on use. The following provisions govern limitations on use.

A. A person using a dealer plate may not permit a vehicle owned or controlled by a manufacturer or dealer to be operated except for the purposes authorized under subsection 1. [PL 2023, c. 634, §18 (NEW).]

B. Unless otherwise authorized by law, a dealer plate may only be used on the type of vehicle for which the plate is issued. [PL 2023, c. 634, §18 (NEW).]
[PL 2023, c. 634, §18 (RPR).]

2. Term. Dealer plates expire on the last day of the month, one year from issuance. The Secretary of State may determine the number and conditions of use of dealer plates.
[PL 1999, c. 470, §13 (AMD).]

3. Penalty. A violation of subsection 1 or subsection 1-A is a traffic infraction for which a minimum penalty of $200 must be adjudged for each infraction. That penalty may not be suspended.
[PL 2003, c. 452, Pt. Q, §13 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

4. Service vehicle. A licensed new or used car dealer may attach to that dealer's service vehicles specially designed service vehicle plates. These plates may be used only in direct connection with the new or used car license. A dealer may attach a service vehicle plate only to a vehicle used for the service or repair of vehicles sold or being repaired by the dealer. A dealer may not attach a service

vehicle plate to a vehicle that delivers parts to individuals or to businesses that are not owned by the dealer.

A. A dealer is not entitled to more than 3 service vehicle plates at each established place of business. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. The weight limit for a service vehicle, including the combined weight of vehicle and load, may not exceed 24,000 pounds. This weight limit does not apply to service vehicles of equipment dealers. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. The fee for a service vehicle plate is $50 annually per plate. [PL 1999, c. 470, §14 (AMD).]

D. A vehicle to which a service vehicle plate is attached must have the name of the licensed dealership on the sides of the vehicle in letters at least 3 inches in height and clearly visible. The name of any other business may not be displayed on the sides of the vehicle to which the service vehicle plate is attached. [PL 2005, c. 433, §14 (NEW); PL 2005, c. 433, §28 (AFF).]

[PL 2021, c. 216, §31 (AMD).]

5. Equipment dealers. Unless otherwise prohibited, equipment dealer plates may be attached only for demonstration, emergency and service purposes to the following:

A. Motorized graders; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. Power shovels; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. Front-end loaders; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

D. Backhoes; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

E. Rubber-tired bulldozers; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

F. Large 4-wheel drive trucks and snowplows that are manufactured to be equipment; [PL 2023, c. 634, §19 (AMD).]

G. Motor cranes; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

H. Road sweepers; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

I. Sidewalk cleaners; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

J. Log skidders; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

K. Other related heavy equipment; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

L. Farm tractors; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

M. Self-propelled combines; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

N. Harvesters; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

O. Other related farm machinery; or [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

P. Equipment or a motor vehicle taken in trade. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

A specially designed equipment dealer plate may be attached to a motor truck used for service in direct connection with the equipment dealer business. Any motor truck to which a specially designed equipment dealer plate has been attached may not be used for any purpose except in the service of equipment directly connected with the business of the equipment dealer. An equipment dealer business may not be provided with more than 3 specially designed equipment dealer plates.

[PL 2023, c. 634, §19 (AMD).]

6. Wreckers. The following provisions apply to the operation of wreckers and to dealer wrecker plates.

A. A vehicle dealer or equipment dealer may operate a wrecker with a dealer wrecker plate if the wrecker is used only in direct connection with the buying, selling, service or repair business of the dealer to which it is issued. [PL 1995, c. 482, Pt. B, §16 (AMD).]

B. A wrecker on which a dealer wrecker plate is attached may not be used in commercial towing. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. The annual fee for a dealer wrecker plate is $50 per plate for attachment to a wrecker that does not exceed 26,000 pounds gross vehicle weight and $200 for attachment to a wrecker that does not exceed 80,000 pounds gross vehicle weight. [PL 2009, c. 435, §16 (AMD).]

D. [PL 1999, c. 470, §16 (RP).]

E. The certificate of registration for the dealer wrecker plate must be displayed at the dealer's established place of business. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

F. The Secretary of State shall determine the number of dealer wrecker plates that may be issued to a dealer. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 2009, c. 435, §16 (AMD).]

7. Demonstrating a loaded truck. A dealer must obtain a written permit from the Secretary of State to demonstrate a loaded truck, truck tractor, trailer, semitrailer or combination of vehicles bearing dealer plates.

A permit may be issued to a nonresident dealer when reciprocity has been established.

A permit may not be issued to allow demonstration for a period longer than 7 days. A permit to demonstrate can not be issued to the same individual or company more than once to cause use for a period of more than 7 days.

A permit may not be issued to a vehicle or combination of vehicles that is being rented or leased.

The processing fee for a permit to demonstrate is $1.

[PL 2003, c. 434, §12 (AMD); PL 2003, c. 434, §37 (AFF).]

8. Vehicle weighing more than 10,000 pounds. The following provisions apply to the use of dealer plates on vehicles weighing more than 10,000 pounds.

A. Except as provided in paragraph B, a truck tractor and trailer or semitrailer combination may be operated with dealer plates if the dealer is licensed as a new vehicle dealer or used vehicle dealer and heavy trailer dealer and if the trailer or semitrailer does not contain a load. [PL 2003, c. 652, Pt. B, §5 (NEW); PL 2003, c. 652, Pt. B, §8 (AFF).]

B. A dealer must obtain a written permit from the Secretary of State to operate a vehicle or combination of vehicles carrying a load. The permit must be issued in accordance with the following provisions.

(1) The operation of the vehicle or combination of vehicles and load must be in conjunction with the sale or purchase of a motor vehicle, vehicle or equipment by the dealer.

(2) The load must consist of a motor vehicle, trailer or equipment that the dealer is licensed to sell.

(3) The load may not consist of more than one automobile, truck or truck tractor at any time.

(4) The initial fee and renewal fee for a permit issued under this paragraph are $200 each.

(5) A permit expires 90 days from the date of issuance and may be renewed.

(6) A permit must contain the name and address of the licensed dealer, an effective date, an expiration date and any other information required by the Secretary of State. [PL 2017, c. 229, §18 (AMD).]

[PL 2017, c. 229, §18 (AMD).]

9. Mobile homes. A mobile home may not be moved over a public way unless the operator of the vehicle hauling it has in possession a permit issued pursuant to section 2382 or a written certificate from the tax collector of the municipality in which the mobile home is situated on the day of the move, identifying the mobile home and stating that all applicable property taxes, including those for the current tax year, have been paid or that the mobile home is exempt from taxes. The tax year is the period from April 1st to March 31st. For the purposes of this subsection, taxes for the current tax year include taxes not yet committed. If the amount of these taxes can not then be determined, the amount must be presumed to be the same as the previous year's taxes until the current year's taxes are assessed. Notwithstanding Title 36, section 506, the tax collector may accept prepayment of these taxes and shall repay any amount paid in excess of that finally assessed, with interest on that amount as provided in Title 36, section 506-A. If a mobile home was moved into the municipality after April 1st so that no tax was assessed in the previous year and will be moved from the municipality before the commitment of the current year's taxes but after April 1st, the term "previous year's taxes" means taxes estimated by using the prior year's tax rate.

[PL 1999, c. 117, §1 (AMD).]

10. Loss of dealer plate. Upon the loss of a dealer plate, the dealer immediately shall notify the Secretary of State.

[PL 2003, c. 452, Pt. Q, §14 (AMD); PL 2003, c. 452, Pt. X, §2 (AFF).]

11. Temporary dealer plate. If a dealer has written authorization from the Secretary of State, a dealer may use a temporary number plate bearing the registration number issued to that dealer.

[PL 2003, c. 452, Pt. Q, §15 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 482, §B16 (AMD). PL 1999, c. 117, §1 (AMD). PL 1999, c. 470, §§13-16 (AMD). PL 2001, c. 671, §20 (AMD). PL 2003, c. 434, §§12,13 (AMD). PL 2003, c. 434, §37 (AFF). PL 2003, c. 452, §§Q11-15 (AMD). PL 2003, c. 452, §X2 (AFF). PL 2003, c. 652, §B5 (AMD). PL 2003, c. 652, §B8 (AFF). PL 2005, c. 433, §14 (AMD). PL 2005, c. 433, §28 (AFF). PL 2009, c. 435, §16 (AMD). PL 2017, c. 229, §18 (AMD). PL 2021, c. 216, §31 (AMD). PL 2023, c. 634, §§18, 19 (AMD).

§1003. Loaner registration certificate and plates

1. Application for certificate and plates. A dealer or an owner of a body shop, transmission shop or garage may apply for a loaner license and plates.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Permissible use. A loaner plate may be used on a vehicle owned by the licensee for the sole purpose of loaning the vehicle to a customer when the customer's vehicle is disabled and in the garage for repairs. The limit on the use of the loaned vehicle is 7 consecutive days. The Secretary of State may extend the period to no more than 30 days. A fee for the use of a loaner plate may not be charged to a customer.

[PL 2003, c. 434, §14 (AMD); PL 2003, c. 434, §37 (AFF).]

3. Disabled vehicle registration; restrictions; permissions. The registration certificate assigned to the disabled vehicle must be carried in the loaner vehicle and produced upon demand of a law enforcement officer. Restrictions imposed on or permissions granted to the disabled vehicle apply to the loaner vehicle.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Record. A complete record must be kept at the licensee's established place of business, stating the hour and date the vehicle is loaned and returned, the serial number of the vehicle loaned, the loaner plate number and the registration number of the customer's vehicle. Failure to keep this record is a traffic infraction.
[PL 1999, c. 771, Pt. C, §6 (AMD); PL 1999, c. 771, Pt. D, §§1, 2 (AFF).]

5. Operator license. Before releasing a vehicle to an operator, the licensee must see that the operator has a current operator license and record that operator's name and address.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

6. Personal use. A loaner plate may not be used by the licensee for personal use or pleasure, in lieu of registration.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

7. Special vanity registration plates. A car dealer or an owner of a body shop, transmission shop or garage holding special vanity registration plates issued pursuant to section 459 may apply for special vanity loaner plates bearing the same combination of letters and numbers as appears on the special vanity registration plates. Special vanity loaner plates may not be used to supplement existing loaner registration numbers assigned. The Secretary of State shall charge an additional $30 fee per special vanity loaner registration plate.
[PL 2011, c. 44, §2 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1999, c. 771, §C6 (AMD). PL 1999, c. 771, §§D1,2 (AFF). PL 2003, c. 434, §14 (AMD). PL 2003, c. 434, §37 (AFF). PL 2011, c. 44, §2 (AMD).

§1004. Transit placard

1. Issuance of transit placard. The Secretary of State may issue a transit placard upon application by any person involved in the business of importing new motor vehicles. The transit placard is to be used to facilitate the movement over the highway of the motor vehicles from the port of entry to a storage yard within a 10-mile radius of the port.
[PL 2003, c. 452, Pt. Q, §16 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

2. Required use of transit placard. A transit placard must be displayed in or on any unregistered motor vehicle that is being operated or towed from the port to a storage yard.
[PL 2003, c. 452, Pt. Q, §16 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

3. Prohibited use of transit placard. A transit placard may not be used:

A. On a towing vehicle; or [PL 2003, c. 452, Pt. Q, §16 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

B. For any purpose other than that permitted under this section. [PL 2003, c. 452, Pt. Q, §16 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]
[PL 2003, c. 452, Pt. Q, §16 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

4. Expiration. Transit placards expire at the end of the month one year from the month of issue.
[PL 2003, c. 452, Pt. Q, §16 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

5. Fee. The fee for a transit license is $100 annually and the fee for each placard is $10. Government and quasi-government agencies may not be assessed a fee.
[PL 2003, c. 452, Pt. Q, §16 (NEW); PL 2003, c. 452, Pt. X, §2 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2003, c. 452, §Q16 (RPR). PL 2003, c. 452, §X2 (AFF).

SUBCHAPTER 5

VEHICLE AUCTION BUSINESS

§1051. Vehicle auction business license

1. License. A person may not engage in the business of auctioning vehicles without first being issued a vehicle auction business license.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Conditions for license. A vehicle auction business license may be issued only after the Secretary of State has made a thorough inspection of the premises on which the business is to be conducted and is satisfied that the proposed business meets all requirements and that the proposed methods of operation are suitable for the business.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Facilities. A vehicle auction business must maintain proper facilities for display of vehicles being auctioned. The Secretary of State may waive the provision of this subsection for an auction business that does not auction vehicles on its own premises if the facilities used are proper for the display of vehicles.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Records. A vehicle auction business must maintain an office in which books, records and files related to the business are kept.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

5. Authority of the Secretary of State. The Secretary of State may:

A. Attend all motor vehicle auctions; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. Inspect all books, records and files related to a vehicle auction business; or [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. Inspect all vehicles to be auctioned. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

6. Location. Except as provided in subsection 3, a vehicle auction business license authorizes business at the licensed premises only. The boundaries of the business are determined by the plan submitted with the application and may be altered with the approval of the Secretary of State.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

7. Nontransferability. A vehicle auction business license is not transferable.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

8. Application. This section does not apply to vehicle auctioneers who are licensed and bonded pursuant to Title 32, chapter 5-B and who are conducting a vehicle auction incidental to the liquidation of a business or an estate.
[PL 1999, c. 146, §3 (AMD).]

9. Penalty. A person who fails to obtain a vehicle auction business license as required by this section commits a traffic infraction.
[PL 1999, c. 771, Pt. C, §7 (AMD); PL 1999, c. 771, Pt. D, §§1, 2 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1999, c. 146, §3 (AMD). PL 1999, c. 771, §C7 (AMD). PL 1999, c. 771, §§D1,2 (AFF).

§1052. Record of transactions by vehicle auction business

1. Record of sale. A vehicle auction business must complete a record for each sale of a vehicle.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Contents of record. The record of sale must include the following:

A. A description of the vehicle; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. The name of the transferor and transferee; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. The date of the transaction; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

D. The odometer reading at the time of sale; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

E. A statement that a completed disclosure, as required by Title 10, section 1475, subsection 1, was affixed to the vehicle before sale; and [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

F. Any additional information that may be required by the official form provided by the Secretary of State. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Filing.
[PL 2023, c. 634, §20 (RP).]

4. Maintaining record. The licensee shall maintain a copy of the record of sale for at least 5 years after the date of sale.
[PL 1997, c. 437, §27 (AMD).]

5. Availability of records for inspection. All books, records and files related to the sale of vehicles or vehicle parts must be available during normal business hours for inspection by the Secretary of State, law enforcement officers or representatives of the office of the Attorney General. The records must be kept in compliance with the federal Truth in Mileage Act of 1986, Public Law 99-579 and regulations promulgated under 49 Code of Federal Regulations, Part 580.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

6. Penalty. Violation of this section is a traffic infraction.
[PL 1999, c. 771, Pt. C, §8 (AMD); PL 1999, c. 771, Pt. D, §§1, 2 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1997, c. 437, §27 (AMD). PL 1999, c. 771, §C8 (AMD). PL 1999, c. 771, §§D1,2 (AFF). PL 2023, c. 634, §20 (AMD).

SUBCHAPTER 6

LICENSING OF RECYCLERS

§1101. Recycler license required

1. Recycler. "Recycler" means a person engaged in the business of purchasing or acquiring in any manner vehicles or vehicle parts for the purpose of:

A. Reselling the vehicle as salvage or scrap; [PL 2021, c. 216, §32 (AMD).]

B. Rebuilding or repairing salvage vehicles for the purpose of resale; [PL 2021, c. 216, §32 (AMD).]

C. Selling or storing the vehicle's parts or basic materials; [PL 2021, c. 216, §32 (AMD).]

D. Displaying or storing salvage vehicles; [PL 2021, c. 216, §32 (AMD).]

E. Acting as a scrap processor; or [PL 2021, c. 216, §32 (AMD).]

F. Advertising in any form that an individual or business engages in any of the activities in paragraphs A to E. [PL 2021, c. 216, §32 (NEW).]

A person may not engage in business as a recycler without a recycler license issued under this subchapter.
[PL 2021, c. 216, §32 (AMD).]

2. Insurance salvage pool. A person may not engage in business as an insurance salvage pool without a license issued under section 1051.
[PL 1995, c. 482, Pt. A, §19 (AMD).]

3. Dealer registration. A person licensed under this section who displays, sells, exchanges, offers to negotiate, negotiates or advertises the sale of rebuilt or repaired salvage vehicles must comply with chapter 9, subchapter III.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Term.
[PL 1999, c. 470, §17 (RP).]

4-A. Term. Recycler licenses issued on or after the effective date of this subsection must be issued on a staggered basis and expire on the last day of the month, one year from issuance. All recycler licenses renewed for calendar year 2000 must be renewed on a staggered basis and the license fees prorated.
[PL 1999, c. 470, §18 (NEW).]

5. Penalty. Violation of this section is a Class E crime.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 482, §A19 (AMD). PL 1997, c. 776, §33 (AMD). PL 1999, c. 470, §§17,18 (AMD). PL 2021, c. 216, §32 (AMD).

§1102. Exemptions

The following are exempt from this subchapter: [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

1. Financial institutions. A financial institution, as defined in Title 9-B, section 131, subsections 17 and 17-A;
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Insurance companies. An insurance company licensed to do business in this State;
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Persons performing repairs to own vehicles. A person performing repairs to a vehicle registered in that person's name;
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Certain retail businesses. A retail business that primarily sells new or rebuilt auto parts and does not buy salvage vehicles to dismantle for inventory; and
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

5. Towing businesses. A towing business or garage that tows accident-damaged vehicles and stores them while awaiting disposition or that acquires vehicles pursuant to chapter 15, subchapter III, if the vehicles are disposed of through sale or transfer immediately upon gaining ownership.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

§1102-A. Mobile crushers

1. Mobile crushers permitted. A person operating a mobile crusher in this State, whether based in or outside of the State, is subject to the provisions of this subchapter except the provisions of section 1103. The Secretary of State may adopt rules for the permitting of mobile crushers. For purposes of this section, "mobile crusher" means a transportable device that is used to crush motor vehicles.
[PL 2021, c. 216, §33 (NEW).]

2. Penalty. Violation of this section is a traffic infraction.
[PL 2021, c. 216, §33 (NEW).]

SECTION HISTORY

PL 2009, c. 435, §17 (NEW). PL 2021, c. 216, §33 (RPR).

§1103. License requirements

To qualify for a license, an applicant must: [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

1. Established place of business. Have an established place of business that is a permanent commercial location within the State:

A. That is easily accessible and open to the public at all reasonable times; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. At which the business of a recycler may be carried on in accordance with all applicable laws, codes, zoning and land use regulations; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. At which the public may contact the recycler at all reasonable times; and [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

D. At which the books, records and files necessary to conduct business at that place are kept and maintained; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Sign. Display an exterior sign permanently affixed to the land or buildings;
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Storage and display facilities. Have proper facilities for storage and display of vehicles being handled; and
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Office. Have a suitable office from which business is conducted and in which records of the business are kept.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

§1104. Application for license

An application for a recycler license must contain the following information in such form as the Secretary of State may prescribe: [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

1. Identification. The applicant's name, type of business organization and place of organization;
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. History. The qualifications and business history of the applicant and any partner, officer or director;
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Criminal and civil record. Whether the applicant has been found guilty of any criminal offense within the past 5 years or has had a judgment of liability in a civil action involving fraud, misrepresentation or conversion. For a corporation or partnership, the application must provide the information required in this subsection for all directors, officers or partners;
[PL 1997, c. 776, §34 (AMD).]

4. Place of business. A satisfactory report from a representative of the Secretary of State that the applicant has an established place of business at each business location in the State; and
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

5. Additional information. Any other information that the Secretary of State requires to implement this section.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1997, c. 776, §34 (AMD).

§1105. License fees

1. Application fee. The fee for an initial application for a license under this subchapter is $150 and is nonrefundable.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. License fee. The fee for the issuance or renewal of a license is $150.
[PL 2021, c. 533, §2 (AMD).]

3. Annex or secondary locations. Each secondary or annex location of a recycler must be approved and licensed by the Secretary of State. The annual fee for each secondary location is $100. The annual fee for each annex location is $150.
[PL 1997, c. 776, §35 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1997, c. 437, §28 (AMD). PL 1997, c. 776, §35 (AMD). PL 2021, c. 533, §2 (AMD).

§1106. Action on application for license or renewal

The Secretary of State shall act on an application for a recycler license or its renewal within 90 days of receipt. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

If the Secretary of State refuses to grant or to renew a license, notice must be given to the applicant that an opportunity for hearing before the Secretary of State will be provided on request to show cause why that license should be granted or renewed. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

§1106-A. Municipal notification

The Secretary of State shall provide written notice of all license decisions under section 1106 to the code enforcement officer or municipal designee of the municipality in which the applicant for a recycler license proposed its facilities to be located. If any proposed location is not within an organized municipality, the Secretary of State shall provide written notice to the county commissioners for that location. [PL 2003, c. 312, §1 (NEW).]

SECTION HISTORY

PL 2003, c. 312, §1 (NEW).

§1107. Display and content of license

1. Content. A recycler license must specify:

A. The location of each established place of business and other locations occupied in conducting business; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. The effective and expiration dates of the license; and [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. Any other information the Secretary of State considers necessary to implement this section. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Display. The license must be conspicuously displayed at each established place of business or other location occupied in conducting business.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

§1108. Denial, suspension or revocation of a recycler license

1. Grounds. The Secretary of State may deny, suspend or revoke a recycler license on the following grounds:

A. A material misstatement in an application for a license; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. Failure to comply with a provision of this subchapter, any lawful rule adopted by the Secretary of State or any provision of Title 17 or Title 17-A or this Title as they relate to being a proper person to be in the business of acquiring or selling vehicles or parts; [PL 2021, c. 216, §34 (AMD).]

C. Failure to maintain an established place of business; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

D. Failure to notify the Secretary of State in writing 30 days prior to moving or ceasing operation; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

E. The defrauding of a buyer, to the buyer's or another's damage, in the conduct of the licensee's business; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

F. Conviction of a fraudulent act in connection with the business of selling motor vehicles or parts or being held liable by a civil judgment involving fraud, misrepresentation or conversion; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

G. Violation of Title 5, sections 206 to 212; Title 17, section 3203; or Title 30-A, sections 3751 to 3760; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

H. Submission of a check, draft or money order to the Secretary of State that is dishonored or refused upon presentation; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

I. Certification by the State Tax Assessor that a tax, other than property tax, considered final under Title 36, remained unpaid in an amount exceeding $1,000 for a period greater than 60 days after notice of finality and that the licensee or applicant refused to cooperate with the Bureau of Revenue Services in establishing and remaining in compliance with a reasonable plan for meeting that liability; or [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF); PL 1997, c. 526, §14 (AMD).]

J. Failure to appear at a hearing required by the Secretary of State, failure to appear in court pursuant to a lawful summons or failure to pay fines or fees for a violation of this chapter. [PL 2023, c. 634, §21 (AMD).]

[PL 2023, c. 634, §21 (AMD).]

1-A. Appeal from action of the Secretary of State. Any person aggrieved by the act of the Secretary of State to refuse to grant or renew a license under this subchapter or to suspend or revoke a license or by any other act of the Secretary of State that the person alleges to be improper, unreasonable or unlawful under this subchapter may, within 30 days' notice of the decision, appeal to the Superior Court for a judicial review, as provided in Title 5, chapter 375, subchapter VII.

[PL 1995, c. 65, Pt. A, §98 (NEW); PL 1995, c. 65, Pt. A, §153 (AFF); PL 1995, c. 65, Pt. C, §15 (AFF).]

2. Proximity to veterans' cemetery. A license may be denied if a place of business is within one mile of a federally owned or state veterans' cemetery, unless the Secretary of State finds that:

A. The conduct of the business will not unduly interfere or degrade the purposes of the cemetery; [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

B. The business and location will be adequately screened for sight and noise; and [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

C. There is adequate distance, not less than 1,500 feet, between the cemetery and place of business. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

3. Refusal to surrender license. Any recycler who fails or refuses to surrender the license upon demand of the Secretary of State following the suspension or revocation of that license, commits a Class E crime.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Penalties. Any person who continues to engage in business as a salvage vehicle dealer, recycler or as a scrap processor, after suspension or revocation of the license issued by the Secretary of State, is guilty of a Class E crime, punishable by a fine of not less than $200 and that fine may not be suspended.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1995, c. 65, §A98 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1995, c. 482, §A20 (AMD). PL 1997, c. 526, §14 (AMD). PL 2021, c. 216, §34 (AMD). PL 2023, c. 634, §21 (AMD).

§1109. Vicarious liability

1. Corporators or partners. If a licensee is a partnership or corporation, it is sufficient cause for denial, suspension or revocation of a license if an officer, director, trustee or partner of the partnership or corporation has committed an act or omitted a duty that would be cause for denying, suspending or revoking a license.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

2. Employees. A licensee is responsible for the acts of employees if that licensee approved of or had knowledge of the acts or other similar acts and after that approval or knowledge retained the benefit, proceeds, profits or advantages accruing from the acts or otherwise ratified the acts.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

§1110. Records of transactions

1. Record keeping. A licensee shall maintain business records for 5 years, including:

A. A record of every vehicle received or disposed of; its make, model, model year, vehicle identification number; the date of its receipt or disposition; and the name and address of the person from whom received or to whom given; [PL 2021, c. 216, §35 (AMD).]

A-1. A record of every component part, as defined in section 602, subsection 2, received or disposed of; its part identifying number; the date of its receipt or disposition; and the name and address of the person from whom received or to whom given; [PL 2021, c. 216, §35 (AMD).]

B. A record of every vehicle scrapped or dismantled by the licensee, the date of that action and the vehicle's make, model, model year and vehicle identification number; [PL 2021, c. 216, §35 (AMD).]

C. A record of the seller's name and address from a government-issued photograph identification document or credential. For purposes of this subsection, "government-issued photograph identification document or credential" includes, but is not limited to, a current and valid United States passport, military identification card, driver's license or nondriver identification card; and [PL 2021, c. 216, §35 (AMD).]

D. Copies of titles, transfers and other documents used for titling purposes. [PL 2021, c. 216, §35 (NEW).]

A licensed mobile crusher must maintain an operator log for each location. The log must contain the make, model, model year and vehicle identification number of each vehicle crushed and the date of that action.

A scrap processor is exempt from the requirements set forth in paragraph A-1 for vehicles received that are already dismantled.
[PL 2021, c. 216, §35 (AMD).]

2. Availability. The records, the place of business and the vehicles and vehicle parts in the possession of the licensee must be available for inspection during normal business hours by the Secretary of State, a law enforcement officer or representatives of the office of the Attorney General.

The operator of a mobile crusher as defined in section 1102-A shall make that operator's records available in this State during normal business hours or in accordance with rules adopted by the Secretary of State.
[PL 2009, c. 435, §18 (AMD).]

3. Compliance with federal law. In the keeping of records, a licensee shall comply with the federal Truth in Mileage Act of 1986, Public Law 99-579, as amended, and the regulations of the United States Secretary of Transportation, 49 Code of Federal Regulations, Part 580. A licensee shall comply

with the federal Anti Car Theft Act of 1992, Public Law 102-519, as amended, 49 United States Code, Section 30502 and the Code of Federal Regulations, Part 25.56.
[PL 2019, c. 397, §17 (AMD).]

4. Penalty. Violation of this section is a Class E crime.
[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2009, c. 435, §18 (AMD). PL 2019, c. 397, §§16, 17 (AMD). PL 2021, c. 216, §35 (AMD).

§1111. Surrendering certificate

(REPEALED)

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 2019, c. 397, §18 (RP).

§1112. Identification number

A recycler may not possess or exercise control over a vehicle or vehicle part that has had the vehicle identification number removed. It is not a defense that the recycler did not know that the vehicle identification number had been removed. Violation of this section is a Class E crime. [PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF).

§1113. Catalytic converters

This section governs the sale, purchase, removal, transport and disposal of catalytic converters that have been removed from motor vehicles. The exemptions provided in section 1102 do not apply to the provisions of this section. [PL 2021, c. 660, §4 (NEW).]

1. Removal from a motor vehicle. This subsection governs the removal of a catalytic converter from a motor vehicle.

A. Except as provided in subsections 2, 3 and 4, a recycler may not remove a catalytic converter from a motor vehicle if the catalytic converter does not have the vehicle identification number of the vehicle engraved on the catalytic converter in accordance with section 952, subsection 1-B, paragraph C unless the recycler, immediately upon removal, engraves or marks the catalytic converter in a location that is clearly visible, and in a manner that is permanent and legible, with:

(1) The vehicle identification number of the motor vehicle; or

(2) The recycler's license number and a stock number from a stock number system used by the recycler.

A person who violates this paragraph commits a Class E crime. [PL 2021, c. 660, §4 (NEW).]

B. Except as provided in subsections 2 and 3, a person who is not a recycler may not remove a catalytic converter from a motor vehicle if the catalytic converter does not have the vehicle identification number of the motor vehicle engraved on the catalytic converter in accordance with section 952, subsection 1-B, paragraph C unless the person, immediately upon removal, marks the catalytic converter in a location that is clearly visible, and in a manner that is permanent and legible, with the vehicle identification number of the motor vehicle.

A person who violates this paragraph commits a Class E crime. [PL 2021, c. 660, §4 (NEW).]
[PL 2021, c. 660, §4 (NEW).]

2. Damage or missing vehicle identification number upon removal. If a person is not able to identify the vehicle identification number of the motor vehicle the catalytic converter is attached to or the catalytic converter is too damaged to mark in a manner that is permanent and legible, the person may remove the catalytic converter from the motor vehicle only if the person follows the process established by the Secretary of State under subsection 14.
[PL 2021, c. 660, §4 (NEW).]

3. Motor vehicle repair and maintenance. If a person engaged in the repair or maintenance of a motor vehicle must temporarily remove the catalytic converter from the motor vehicle in order to complete the repair or maintenance, that person is not required to mark the catalytic converter in accordance with subsection 1. This subsection does not exempt a person from the marking requirements in subsection 1 if the person attaches the catalytic converter to a different motor vehicle than the motor vehicle undergoing repair or maintenance or sells, trades or transfers the catalytic converter to another person.
[PL 2021, c. 660, §4 (NEW).]

4. Marking or recording in the event of final disposal or deconstruction. If a recycler is removing a catalytic converter from a motor vehicle for the purpose of final disposal or deconstruction under subsection 8, the recycler is not required to mark the catalytic converter in accordance with subsection 1. A recycler removing a catalytic converter from a motor vehicle for the purpose of final disposal shall:

A. Mark the catalytic converter with the recycler's license number in a location that is clearly visible and in a manner that is permanent and legible; and [PL 2021, c. 660, §4 (NEW).]

B. Maintain a record of the catalytic converter the recycler removed from a motor vehicle and the manner in which it was disposed. [PL 2021, c. 660, §4 (NEW).]
[PL 2021, c. 660, §4 (NEW).]

5. Prohibition on purchase or sale. This subsection governs the purchase and sale of a catalytic converter that has been removed from a motor vehicle.

A. A person who is not a recycler may not operate a business that deals in the purchase or sale of catalytic converters that have been removed from motor vehicles or the deconstruction or disposal of catalytic converters that have been removed from motor vehicles.

A person who violates this paragraph commits a Class E crime. [PL 2023, c. 634, §22 (AMD).]

B. A person who is not a recycler may not purchase a catalytic converter that has been removed from a motor vehicle.

A person who violates this paragraph commits a Class E crime. [PL 2021, c. 660, §4 (NEW).]

C. A person who is not a recycler may sell a catalytic converter only if the catalytic converter has been properly marked in accordance with subsection 1 or 14 or section 952, subsection 1-B, paragraph C.

A person who violates this paragraph commits a Class E crime. [PL 2021, c. 660, §4 (NEW).]
[PL 2023, c. 634, §22 (AMD).]

6. Purchase or sale by recyclers. The following provisions govern the purchase, sale or acquisition by a recycler of a catalytic converter that has been removed from a motor vehicle.

A. A recycler may not purchase, sell or acquire a catalytic converter unless it has been engraved or marked in accordance with subsection 1 or 14 or section 952, subsection 1-B, paragraph C.

A person who violates this paragraph commits a Class D crime. [PL 2021, c. 660, §4 (NEW).]

B. A recycler may not sell a catalytic converter to a person other than a recycler.

A person who violates this paragraph commits a Class E crime. [PL 2021, c. 660, §4 (NEW).]

C. A recycler may not purchase or acquire a catalytic converter unless the recycler, within 10 days of the purchase or acquisition, submits a report of the transaction to a property and recovery tracking system administered by a regional law enforcement support organization designated by the Secretary of State that includes:

(1) The name and address of the recycler who purchased or acquired the catalytic converter;

(2) The date and time of the purchase or acquisition;

(3) The name, address, date of birth, telephone number and unique identifying number from a valid form of identification of the person who conveyed the catalytic converter to the recycler;

(4) The vehicle identification number or recycler's license number and stock number from a stock number system used by the recycler marked on the catalytic converter at the time of the purchase or acquisition; and

(5) The purchase price, if any, of the catalytic converter.

A person who violates this paragraph commits a Class E crime. [PL 2021, c. 660, §4 (NEW).] [PL 2021, c. 660, §4 (NEW).]

7. Records of purchases made by recyclers. This subsection governs the record-keeping requirements for a recycler that purchases a catalytic converter that has been removed from a motor vehicle.

A. Except as provided in paragraph C, a recycler shall maintain an accurate and legible record of each catalytic converter purchase transaction.

A person who violates this paragraph commits a Class E crime. [PL 2021, c. 660, §4 (NEW).]

B. A recycler shall provide payment to a seller only in the form of a credit card, as defined in Title 9-A, section 1-301, subsection 16, a debit card, as defined in Title 10, section 1271, subsection 3, or a check. If payment is made by check, the recycler shall maintain a record of the payee, check number and name of the financial institution upon which the check is drawn.

A person who violates this paragraph commits a Class E crime. [PL 2021, c. 660, §4 (NEW).]

C. A recycler is not required to maintain individual records for a series of catalytic converter purchase transactions made pursuant to a written contract or bill of sale. [PL 2021, c. 660, §4 (NEW).]

D. The record of each catalytic converter purchase transaction required under paragraph A must be on a form prescribed by the Commissioner of Public Safety and contain the following information:

(1) The name and address of the seller. The recycler shall require the seller to provide proof of identification with a driver's license, military identification card, passport or other form of government-issued photographic identification. The recycler shall photocopy the form of photographic identification presented and record the distinct identifying number of that photographic identification. If the proof of identification contains a photograph that is faded, out of date or otherwise indiscernible, the recycler shall photograph the seller. A recycler shall keep these proof of identification records in a secure, nonpublic location and, unless otherwise permitted by law, may not publish, reproduce, distribute or disclose these records for any other purpose than that described in paragraph E, subparagraph (2). Information required under this subparagraph may be maintained for repeat sellers in a relational database that allows the recycler to record the information one time and relate future purchase records to that information;

(2) The date of the catalytic converter purchase transaction;

(3) A general description of the catalytic converter purchased, which must be made in accordance with the custom of the trade;

(4) The weight, quantity or volume of the catalytic converters purchased, which must be recorded in accordance with the custom of the trade;

(5) The consideration paid;

(6) A signed statement that the seller is the owner or is otherwise authorized to sell the catalytic converter on a form provided by the buyer that conspicuously bears the warning that making a false statement is a Class D crime under Title 17-A, section 453; and

(7) The make, model number and state of issue of the license plate of the vehicle being used to deliver the catalytic converter.

A person who violates this paragraph commits a Class E crime. [PL 2021, c. 660, §4 (NEW).]

E. A recycler shall maintain records under this subsection, which must be:

(1) Retained for a period of 5 years; and

(2) Made available to any law enforcement officer of the State or of any municipality or county.

A person who violates this paragraph commits a Class E crime. [PL 2021, c. 660, §4 (NEW).]
[PL 2021, c. 660, §4 (NEW).]

8. Final disposal and deconstruction. This subsection governs the final disposal or deconstruction of a catalytic converter.

A. A person other than a recycler may not finally dispose of or deconstruct a catalytic converter that has been removed from a motor vehicle or remove the contents of a catalytic converter that has been removed from a motor vehicle.

A person who violates this paragraph commits a Class E crime. [PL 2021, c. 660, §4 (NEW).]

B. A recycler may not finally dispose of or deconstruct a catalytic converter that has been removed from a motor vehicle or remove the contents of a catalytic converter that has been removed from a motor vehicle unless:

(1) The recycler has complied with the requirements of subsection 6, paragraph C; and

(2) The catalytic converter has been engraved or marked in accordance with subsection 1 or 14 or section 952, subsection 1-B, paragraph C.

A person who violates this paragraph commits a Class E crime. [PL 2021, c. 660, §4 (NEW).]

For the purposes of this section, "final disposal" or "finally dispose of" means the disposal or deconstruction of a catalytic converter in a manner that ensures the catalytic converter will not be sold or reused as a catalytic converter following the disposal or deconstruction.
[PL 2021, c. 660, §4 (NEW).]

9. Transportation. The following provisions govern the transportation of a catalytic converter that has been removed from a motor vehicle.

A. A person may not transport a catalytic converter that has been removed from a motor vehicle that the person has reason to know has not been engraved or marked in accordance with subsection 1 or 14 or section 952, subsection 1-B, paragraph C.

A person who violates this paragraph commits a Class E crime. [PL 2021, c. 660, §4 (NEW).]

B. A recycler may not transport a catalytic converter that has been removed from a motor vehicle if the recycler has reason to know that the catalytic converter is not properly identified on a manifest required under this paragraph.

(1) For any catalytic converter that is not engraved or marked with a vehicle identification number and is being transported by a recycler, the recycler shall possess a manifest that includes the relevant stock number, the name of the recycler that marked the catalytic converter with the stock number from a stock number system used by the recycler, the vehicle identification number of the motor vehicle from which the catalytic converter was removed and the license number of the recycler transporting the catalytic converter.

(2) For any catalytic converter marked for final disposal under subsection 4 and being transported by a recycler, the recycler shall possess a manifest that includes the name of the recycler that marked the catalytic converter, the license number of the recycler transporting the catalytic converter, the total number of catalytic converters being transported for final disposal and the name and address of the person receiving the catalytic converters marked for final disposal.

A person who violates this paragraph commits a Class E crime. [PL 2021, c. 660, §4 (NEW).]
[PL 2021, c. 660, §4 (NEW).]

10. Misrepresentation. A person may not mark a catalytic converter with a vehicle identification number that the person has reason to know is not the vehicle identification number of the motor vehicle from which the catalytic converter was removed.

A person who violates this subsection commits a Class E crime.
[PL 2021, c. 660, §4 (NEW).]

11. Unlawful possession. A person may not knowingly possess a catalytic converter that has been removed from a motor vehicle unless:

A. The catalytic converter has been properly marked in accordance with subsection 1 or 14 or section 952, subsection 1-B, paragraph C; or [PL 2021, c. 660, §4 (NEW).]

B. The person has requested a new identification number and is awaiting a determination from the Secretary of State under subsection 14. [PL 2021, c. 660, §4 (NEW).]

A person who violates this subsection commits a Class D crime.
[PL 2021, c. 660, §4 (NEW).]

12. Defacing of markings. A person may not deface or remove from a catalytic converter the markings required under subsection 1 or 14 or section 952, subsection 1-B, paragraph C.

A person who violates this subsection commits a Class D crime.
[PL 2021, c. 660, §4 (NEW).]

13. Aggravated possession or defacing of markings. A person who violates subsection 11 or 12 and at the time of the violation has a prior conviction for violating subsection 11 or 12 that is less than 5 years old commits a Class C crime.
[PL 2021, c. 660, §4 (NEW).]

14. State-issued identification number. If a person is in possession of a catalytic converter that has been removed from a motor vehicle and the person has determined that the vehicle identification number of the motor vehicle from which the catalytic converter is removed cannot be identified or that the catalytic converter is too damaged to mark in a manner that is permanent and legible, the person shall, as soon as possible, submit a request for the Secretary of State to assign an identification number to the catalytic converter. A person submitting a request for the Secretary of State to assign an identification number to a catalytic converter must provide appropriate documentation of that person's

ownership of the catalytic converter and any other appropriate information required by the Secretary of State by rule.

Upon receipt of a request that fulfills the requirements of this subsection, the Secretary of State shall assign a temporary request identification number and issue documentation to the requestor that certifies the person has complied with this subsection for a temporary period of up to 30 days. The person shall keep the documentation with the catalytic converter about which the request was made at all times. Prior to the expiration of the temporary request certification, the Secretary of State shall make a determination as to whether the requestor is the lawful owner of the catalytic converter and, if the Secretary of State determines the person is the lawful owner, shall issue an identification number to the catalytic converter. Upon issuing an identification number the Secretary of State shall mark or label the catalytic converter or record the identification number in a manner specified by the Secretary of State. The Secretary of State may not require the requestor to transport the catalytic converter in order for the Secretary of State to mark the catalytic converter.

No later than January 1, 2023 the Secretary of State shall adopt rules necessary to implement this subsection. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. Rules adopted by the Secretary of State under this subsection must include but are not limited to:

A. The manner by which a person may submit a request under this subsection; [PL 2021, c. 660, §4 (NEW).]

B. A list of the appropriate forms of documentation sufficient to prove ownership of a catalytic converter under this subsection; [PL 2021, c. 660, §4 (NEW).]

C. Any other information or documentation the Secretary of State determines appropriate for a requestor to provide under this subsection; and [PL 2021, c. 660, §4 (NEW).]

D. The manner in which the Secretary of State must mark, label or record a new identification number issued to a catalytic converter under this subsection. [PL 2021, c. 660, §4 (NEW).]
[PL 2021, c. 660, §4 (NEW).]

15. Seizure and forfeiture. Any catalytic converter possessed in violation of this section is contraband and is subject to forfeiture to the State in accordance with this subsection.

A. Whenever a law enforcement officer seizes a catalytic converter for violation of this section, the law enforcement officer shall within a reasonable time frame file a libel with a judge that includes the following:

(1) A description sufficient to identify the catalytic converter;

(2) A description sufficient to identify the location from which the catalytic converter was seized;

(3) The identity, if available, of the person in possession of the catalytic converter at the time of seizure;

(4) A statement of the violation that caused the seizure; and

(5) A request for a decree of forfeiture of the catalytic converter. [PL 2021, c. 660, §4 (NEW).]

B. Upon receipt of a libel filed under this subsection the judge shall fix a time and place for a hearing and shall issue notice to all relevant parties to appear at the time and place indicated in the notice and to show cause for why the catalytic converter should not be declared forfeited. The judge shall provide a true and attested copy of the libel to the person from whom the catalytic converter was seized and to the lawful owner of the catalytic converter, if different from the person from whom the catalytic converter was seized and if that person can be reasonably located and identified.

At least 10 days prior to the hearing, the judge shall also ensure that notice is posted in at least 2 public and conspicuous places determined by the judge to be adequate to provide notice to any additional interested parties. [PL 2021, c. 660, §4 (NEW).]

C. In lieu of forfeiture proceedings, a catalytic converter seized under this subsection may be transferred in writing to the State by the owner. If ownership of the catalytic converter is transferred to the State, a receipt for the catalytic converter must be given to the former owner by the law enforcement officer who seized the catalytic converter. [PL 2021, c. 660, §4 (NEW).]

D. The Secretary of State shall mark a catalytic converter forfeited to the State under this subsection in a manner determined appropriate by the Secretary of State. After marking a catalytic converter forfeited under this subsection, the Secretary of State may dispose of the catalytic converter in a manner considered appropriate by the Secretary of State, including, but not limited to, selling the catalytic converter to a recycler. Any proceeds from the sale of a catalytic converter under this subsection must be placed in the Motor Vehicle Services Fund established under section 159. [PL 2021, c. 660, §4 (NEW).]

[PL 2021, c. 660, §4 (NEW).]

SECTION HISTORY

PL 2021, c. 660, §4 (NEW). PL 2023, c. 634, §22 (AMD).

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