§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).

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