



# **DEALER** DIGEST

## **DEALER GUIDE**

**July 1, 2020**

**Legislative Changes**

**Manufactured Home Dealers**

**Dealer Plate Changes**

**License Applications and  
Renewals Advisory Board**

**Offsite Sale Permits**

**Enforcement**

**Definitions**

**Dealer Owner Disclosure and  
Background Checks**



# Manufactured Home Dealers

## **Sales threshold**

*Ind. Code 9-32-18.3; 9-32-26.6*

A license will now be required if a person sells, offers to sell, or advertises for sale three (3) or more manufactured homes in a 12 month period.

## **Franchise submission**

*Ind. Code 9-32-11-5*

Manufactured home dealers are not required to submit a copy of their franchise agreement(s) to our office.

# Dealer Plate Changes

## 1. Display requirement

*Ind. Code 9-32-6-7(d)*

While in use, dealer plates must be displayed as follows:

- On the rear of the motor vehicle.
- With all text, numbers, and stickers fully visible and not obstructed or obscured by any part of the motor vehicle or other foreign materials, such as a plate frame or cover.
- Securely fastened in a horizontal position at a height of at least twelve (12) inches from the ground, measuring from the bottom of the license plate

## 2. Storage

*Ind. Code. 9-32-6-7(c)*

When not in use, dealer plates must be displayed at your established place of business (i.e. your licensed location).



# License Applications and Renewals

*Ind. Code 9-32-11-2*

License applications and renewals no longer need to be completed by a dealer owner or manager.

This task may be delegated to a trusted employee or professional (e.g. accountant, attorney, etc.).



## Offsite Sale Permits

*Ind. Code 9-32-11-11*

Transfer dealers and automotive salvage recyclers are not eligible for offsite sale permits.

# Enforcement

## **On-site audits**

Ind. Code 9-32-16-5(b)

If an examiner wants access to a dealer's established place of business, the examiner must provide the dealer with notice at least three (3) days in advance.

The notice requirement does not apply to:

- Requests for electronic records
- Visits/audits conducted as part of an investigation under Ind. Code 9-32-16-14

## **Record requests**

Ind. Code. 9-32-6-14;

Records must be provided in the manner our office requests.

## **Hearing requests**

Ind. Code 9-32-16-2

If a dealer requests administrative review of an agency order, a scheduling order will be issued within fifteen (15) days of the request being received.

# Definitions

## **Courtesy delivery**

*Ind. Code 9-32-6-11(l)*

This term has been modified to specify that the new motor vehicle in question must be transported directly from the manufacturer to the new motor vehicle dealer delivering the vehicle to the purchaser.

## **Dealer**

*Ind. Code 9-32-2-9.6*

This term is now only used as an umbrella term to refer to all licensees.

## **New motor vehicle dealer**

*Ind. Code 9-32-18.3*

This term was already in use in some of the manufacturer/dealer franchise statutes. This term has now been given a statutory definition and is how franchise dealers will be referred to in statute.

## **Transfer dealer**

*Ind. Code 9-32-2-25*

This term has been modified to mean “a person that is not engaged in the business of selling motor vehicles but, as a result of the person’s primary business, has cause to sell, offer to sell, or advertise for sale at least twelve (12) motor vehicles during a twelve (12) month period.

## **Used motor vehicle**

*Ind. Code 9-32-2-26.5*

As the term “new motor vehicle” already existed, a definition for used motor vehicles has also been added.

## **Used motor vehicle dealer**

*Ind. Code 9-32-26.6*

This term has been added to refer to independent motor vehicle dealers.

# Dealer Owner Disclosure and Background Checks

*Ind. Code 9-32-16-11*

A dealer must disclose to the secretary the following:

- (A) Each dealer owner.
- (B) For a dealer owner that is a business entity, the following:
  - (i) If a corporation, each officer, director, and shareholder designated in writing by the board of directors.
  - (ii) If a limited liability company, each member of the company designated in writing by all members.
  - (iii) If a partnership, each partner.
  - (iv) If a sole proprietorship.

These are also the individuals that must pass a background check before a license can be issued.





# DEALER DIGEST

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