



SECRETARY OF STATE
STATE OF INDIANA
AUTO DEALER SERVICES
DIVISION

CONNIE LAWSON
SECRETARY OF STATE

MELISSA REYNOLDS
Division Director

POLICY

Electronic Participation in Motor Vehicle Sales Advisory Board Meetings

General

The Motor Vehicle Sales Advisory Board (“MVAB”) was created by act of the Indiana General Assembly that is codified at Indiana Code § 9-32-10-1. The purpose of the MVAB, as set forth in Indiana law, is to advise the Secretary and to suggest rules, including the contents of forms; methods and procedures for investigation and evaluation of dealer license applicants; criteria upon which to issue, deny, suspend, or revoke dealer licenses; and procedures for investigation into and conduct of hearings on unfair practices. *See* Ind. Code § 9-32-10-8. By statute, the MVAB consists of the Secretary and eleven (11) members appointed by the Governor. *See* Ind. Code § 9-32-10-2. The Secretary serves as the chair of the MVAB, and the MVAB must elect a vice chair and secretary. The MVAB must meet at least one (1) time per calendar year, and additional meetings are permitted at the call of the Secretary or the written request of any three (3) members. *See* Ind. Code § 9-32-10-6.

Indiana law authorizes a member to participate in a public meeting by electronic communication if the governing body adopts a policy related to participation in the governing body’s meetings by electronic communication and certain conditions are met. *See* Ind. Code § 5-14-1.5-3.6.

Relevant Law

Ind. Code § 9-32-10-1 *et seq.*
Ind. Code § 5-14-1.5-1 *et seq.*
Ind. Code § 5-14-1.5-3.6

Policy Statement

It shall be the policy of the Secretary of State and the MVAB to permit a member of the MVAB who is not able to be physically present at a meeting of the MVAB to participate in the meeting by electronic communication, subject to the following requirements:

1. A member wishing to participate in a meeting of the MVAB by electronic means must submit a written request to the MVAB chair and the Secretary of State in advance of the meeting at which the member is unable to physically attend.
2. The means of electronic communication must permit the member, all members physically present at the meeting location, and all members of the public physically present at the meeting location to simultaneously communicate with each other during the meeting.



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3. No fewer than the greater of two (2) members or one-third (1/3) of the members must be physically present at the meeting location.
4. All votes of the MVAB taken during a meeting at which a member is participating by electronic means must be taken by roll call vote.
5. Each member of the MVAB must physically attend at least one (1) meeting annually.
6. A member who participates in a meeting by electronic communication is considered to be present at the meeting, shall be counted for purposes of establishing a quorum, and may vote at the meeting.

Revision History

1. June 30, 2015: Adopted by MVAB.