

SENATE FILE NO. SF0009

Vehicle dealers.

Sponsored by: Joint Transportation, Highways and Military
Affairs Interim Committee

A BILL

for

1 AN ACT relating to motor vehicles; providing for a
2 temporary recreational vehicle display and sales permit as
3 specified; providing permit application requirements;
4 providing for denial, suspension or revocation of permits;
5 providing definitions; requiring criminal background checks
6 for vehicle dealers, as specified; granting rulemaking
7 authority; and providing for an effective date.

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9 *Be It Enacted by the Legislature of the State of Wyoming:*

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11 **Section 1.** W.S. 31-16-127 is created to read:

12

13 **31-16-127. Temporary recreational vehicle display and**
14 **sales permit.**

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1 (a) No out of state recreational vehicle dealer shall
2 display, demonstrate, exchange or sell a recreational
3 vehicle, as defined in W.S. 31-16-101(a)(xxiii), in this
4 state without a permit as provided in subsection (b) of
5 this section.

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7 (b) The department shall issue a temporary
8 recreational vehicle display and sales permit to an out of
9 state recreational vehicle dealer not currently licensed in
10 Wyoming, subject to the following conditions:

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12 (i) The applicant shall submit an application
13 accompanied by an application fee of five hundred dollars
14 (\$500.00) to the department at least ninety (90) days prior
15 to the recreational vehicle display and sales event. The
16 application shall be on a form approved by the department
17 and shall include:

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19 (A) The legal name and residence address of
20 the applicant and the trade name, if any, under which the
21 applicant intends to conduct his business. If the applicant
22 is a partnership, the name and residence address of its
23 managing partner, whether a limited or general partner, and
24 the name under which the partnership business is to be

1 conducted. If the applicant is a corporation, the name of
2 the corporation and the name and address of its principal
3 officer. If the applicant is a limited liability company,
4 the name and address of the managing members;

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6 (B) Any other information the department
7 may reasonably require, including financial statements of
8 new applicants, past or present judicial, civil or
9 administrative dispositions of criminal, civil or
10 administrative actions relating to the conduct of the
11 business if currently licensed or a new applicant,
12 telephone numbers, sales and use tax numbers for the
13 business and declared business hours. Any new applicant for
14 a permit issued under this section shall submit to
15 fingerprinting and provide information necessary for a
16 state and national criminal history record background check
17 and release of information as provided in W.S.
18 7-19-106(k)(ii) and consent to the release of any criminal
19 history information to the department;

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21 (C) An additional fee of fifty dollars
22 (\$50.00) for two (2) temporary recreational vehicle demo
23 plates;

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1 (D) An additional fee of five dollars
2 (\$5.00) for ten (10) temporary permits for issuance to
3 purchasers of recreational vehicles at the event;

4
5 (E) Any additional fees required by state
6 and federal agencies for processing of criminal history
7 record information and fingerprint searches.

8
9 (ii) The applicant is a licensed recreational
10 vehicle dealer in a state that allows sales by out of state
11 recreational vehicle dealers on terms substantially equal
12 to those provided for in this section;

13
14 (iii) The recreational vehicle display and sales
15 event is in conjunction with a state, regional or national
16 recreational vehicle rally at which at least one hundred
17 fifty (150) owned units are preregistered to attend;

18
19 (iv) The application shall be accompanied by a
20 written statement from the owner or manager of the location
21 where the recreational vehicle display and sales event will
22 be conducted, describing the associated recreational
23 vehicle rally and the display and sales event;

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1 (v) The owner or manager of the location where
2 the recreational vehicle display and sales event will be
3 conducted shall notify all licensed Wyoming recreational
4 vehicle dealers when a temporary recreational vehicle
5 display and sales event is planned. Notice shall be
6 timely, but not less than six (6) months prior to the
7 event;

8
9 (vi) Wyoming licensed dealers shall have a first
10 right of refusal to display and sell recreational vehicles
11 at any event for which a permit is required under this
12 section;

13
14 (vii) Wyoming licensed recreational vehicle
15 dealers holding a current exclusive franchise or dealer
16 agreement with a recreational vehicle manufacturer shall
17 have the first right of refusal to be the sole
18 representative for that manufacturer, as provided in the
19 exclusive franchise or dealer agreement;

20
21 (viii) A permit pursuant to this section shall
22 be valid for a period up to seven (7) consecutive days,
23 beginning on the first day of the scheduled event;

24

1 (ix) Not more than three (3) permits as provided
2 in this section shall be issued to any one (1) out of state
3 recreational vehicle dealer in one (1) calendar year;

4
5 (x) The application shall be accompanied by a
6 cash or surety bond in the amount of fifty thousand dollars
7 (\$50,000.00) with a corporate surety duly licensed to do
8 business within this state. The bond shall:

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10 (A) Be approved as to form by the attorney
11 general;

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13 (B) Be conditioned that the applicant shall
14 not practice any fraud, make fraudulent misrepresentations,
15 or violate any federal or state law, rules or regulations
16 relating to the conduct of the business;

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18 (C) Guarantee the return of the temporary
19 recreational vehicle display and sales permit, recreational
20 vehicle demo plates, unused temporary permits and stubs of
21 temporary permits issued to purchasers;

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23 (D) Be forfeited to the department upon
24 substantial proof of violation;

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(E) Be returned by the department to the bond holder within thirty (30) days after the last day of the event if no sales were consummated in Wyoming, or one (1) year after the last date of any sales transacted at the event if all conditions and guarantees of the bond have been met.

(xi) The permit shall be prominently displayed at the sales event in the location where the permit holder conducts business;

(xii) Out of state dealers at a temporary recreational vehicle sales and display event, prior to consummation of a vehicle sale to a Wyoming resident, shall provide written notice to the buyer if there is no manufacturer authorized service facility in the state.

(c) For purposes of this section:

(i) "Out of state recreational vehicle dealer" means a dealer as defined in W.S. 31-16-101(a)(xviii) who is engaged in the business of selling or exchanging recreational vehicles and who is not licensed as a new

1 vehicle dealer or used vehicle dealer as provided in this
2 act;

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4 (ii) "Recreational vehicle display and sales
5 event" means any temporary private or public assembly of
6 recreational vehicles at which recreational vehicles are
7 displayed to the public for the purpose of sale or
8 exchange.

9
10 (d) The department shall adopt rules and regulations
11 to implement the provisions of this section.

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13 **Section 2.** W.S. 7-19-106(a) by creating a new
14 paragraph (xv), 7-19-201(a) by creating a new paragraph
15 (viii), 31-16-101(a)(xx), 31-16-103(c)(intro) and
16 31-16-104(a) by creating a new paragraph (viii) and (d) are
17 amended to read:

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19 **7-19-106. Access to, and dissemination of,**
20 **information.**

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22 (a) Criminal history record information shall be
23 disseminated by criminal justice agencies in this state,
24 whether directly or through any intermediary, only to:

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(xv) The department of transportation for purposes of dealer and wholesaler licensing and permitting under title 31, chapter 16.

7-19-201. State or national criminal history record information.

(a) The following persons shall be required to submit to fingerprinting in order to obtain state and national criminal history record information:

(viii) Persons applying for a dealer or Wyoming based manufacturer license under W.S. 31-16-103 or a special sales permit under W.S. 31-16-127.

31-16-101. Definitions.

(a) As used in this act:

(xx) "This act" means W.S. 31-16-101 through ~~31-16-126~~ 31-16-127;

1 31-16-103. Licenses; applications; issuance,
2 suspension and revocation; change in ownership; rulemaking.

3
4 (c) The department may deny, suspend, revoke or
5 refuse to renew a license or temporary permit issued under
6 this act if it finds the person, applicant, vehicle dealer,
7 salesperson, agent or Wyoming based manufacturer:

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9 31-16-104. Classes of licenses and permits;
10 expiration.

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12 (a) Licenses issued under this act shall be the
13 following classes:

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15 (viii) Temporary recreational vehicle display
16 and sales permit pursuant to W.S. 31-16-127.

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18 (d) Except for temporary vehicle dealer permits and
19 special recreational vehicle display and sales permits,
20 licenses issued under this act shall be valid for one (1)
21 year and shall expire at midnight preceding the anniversary
22 date.

