

# ARTICLE 6. AUTO DEALER SERVICES

## Rule 1. Definitions

### 75 IAC 6-1-1 Applicability

Authority: IC 9-32-3-1

Affected: IC 9-13-2; IC 9-32

Sec. 1. The definitions in this rule, IC 9-13, and IC 9-32 apply throughout this article. (*Secretary of State; 75 IAC 6-1-1; filed Aug 15, 2014, 9:57 a.m.: 20140910-IR-075130566FRA*)

### 75 IAC 6-1-2 "Certificate of origin" or "manufacturer's statement of origin" defined

Authority: IC 9-32-3-1

Affected: IC 9-13-2; IC 9-32

Sec. 2. "Certificate of origin" or "manufacturer's statement of origin" refers to the original ownership document for a motor vehicle issued by a manufacturer and provided to the initial purchaser of that motor vehicle so as to begin the chain of ownership of that motor vehicle. (*Secretary of State; 75 IAC 6-1-2; filed Aug 15, 2014, 9:57 a.m.: 20140910-IR-075130566FRA; filed Dec 14, 2017, 1:16 p.m.: 20180110-IR-075160435FRA*)

### 75 IAC 6-1-3 "Consignee" defined

Authority: IC 9-32-3-1

Affected: IC 9-13-2; IC 9-32

Sec. 3. "Consignee" means a dealer who receives a motor vehicle or watercraft for the purpose of offering the motor vehicle or watercraft for sale but title to which is held by another person. (*Secretary of State; 75 IAC 6-1-3; filed Aug 15, 2014, 9:57 a.m.: 20140910-IR-075130566FRA; filed Dec 14, 2017, 1:16 p.m.: 20180110-IR-075160435FRA*)

### 75 IAC 6-1-4 "Consignment sales" defined

Authority: IC 9-32-3-1

Affected: IC 9-13-2; IC 9-32

Sec. 4. "Consignment sales" refers to a sale in which the dealer sells or offers for sale, for compensation or not, a motor vehicle or watercraft that is not titled or assigned to the dealer. (*Secretary of State; 75 IAC 6-1-4; filed Aug 15, 2014, 9:57 a.m.: 20140910-IR-075130566FRA; filed Dec 14, 2017, 1:16 p.m.: 20180110-IR-075160435FRA*)

### 75 IAC 6-1-5 "Consignor" defined

Authority: IC 9-32-3-1

Affected: IC 9-13-2; IC 9-32

Sec. 5. "Consignor" means the titled or assigned owner of a motor vehicle or watercraft who consigns a motor vehicle or watercraft to a dealer. (*Secretary of State; 75 IAC 6-1-5; filed Aug 15, 2014, 9:57 a.m.: 20140910-IR-075130566FRA; filed Dec 14, 2017, 1:16 p.m.: 20180110-IR-075160435FRA*)

### 75 IAC 6-1-5.5 "Dealer designee license plate" defined

Authority: IC 9-32-3-1

Affected: IC 9-32-6.5-1

Sec. 5.5. "Dealer designee license plate" means the license plate issued to a dealer by the secretary of state under IC 9-32-6.5-1. (*Secretary of State; 75 IAC 6-1-5.5; filed Dec 14, 2017, 1:16 p.m.: 20180110-IR-075160435FRA*)

**75 IAC 6-1-6 "Designee" defined**

Authority: IC 9-32-3-1

Affected: IC 6-6-5; IC 9-13-2; IC 9-32-6.5

Sec. 6. "Designee" refers to a person to which a dealer has assigned use of a dealer designee license plate under IC 9-32-6.5. *(Secretary of State; 75 IAC 6-1-6; filed Aug 15, 2014, 9:57 a.m.: 20140910-IR-075130566FRA; filed Dec 14, 2017, 1:16 p.m.: 20180110-IR-075160435FRA)*

**75 IAC 6-1-7 "License year" defined**

Authority: IC 9-32-3-1

Affected: IC 9-13-2; IC 9-32-11-12.5

Sec. 7. "License year" refers to a twelve (12) month period commencing and ending in accordance with IC 9-32-11-12.5. *(Secretary of State; 75 IAC 6-1-7; filed Aug 15, 2014, 9:57 a.m.: 20140910-IR-075130566FRA; filed Dec 14, 2017, 1:16 p.m.: 20180110-IR-075160435FRA)*

**75 IAC 6-1-8 "Motor vehicle industry sponsored trade show" defined**

Authority: IC 9-32-3-1

Affected: IC 9-13-2; IC 9-32

Sec. 8. "Motor vehicle industry sponsored trade show" means the exhibition of motor vehicles by a motor vehicle trade association to provide the general public the opportunity to review and inspect motor vehicles at a single location. All trade association members must be invited to participate in the trade show. *(Secretary of State; 75 IAC 6-1-8; filed Aug 15, 2014, 9:57 a.m.: 20140910-IR-075130566FRA; filed Dec 14, 2017, 1:16 p.m.: 20180110-IR-075160435FRA)*

**75 IAC 6-1-9 "Motor vehicle trade association" defined**

Authority: IC 9-32-3-1

Affected: IC 9-13-2; IC 9-32

Sec. 9. "Motor vehicle trade association" refers to a:

(1) statewide association of licensed dealers with a membership greater than one hundred (100) dealers; or

(2) local association of licensed dealers with a membership of at least eighty percent (80%) of the dealers in the local area.

*(Secretary of State; 75 IAC 6-1-9; filed Aug 15, 2014, 9:57 a.m.: 20140910-IR-075130566FRA)*

**75 IAC 6-1-10 "New or used motorcycle dealer" defined (Repealed)**

Sec. 10. *(Repealed by Secretary of State; filed Dec 14, 2017, 1:16 p.m.: 20180110-IR-075160435FRA)*

**75 IAC 6-1-11 "Primary business" defined (Repealed)**

Sec. 11. *(Repealed by Secretary of State; filed Dec 14, 2017, 1:16 p.m.: 20180110-IR-075160435FRA)*

**Rule 2. Licensing**

**75 IAC 6-2-1 Certificate of origin for converted vehicles**

Authority: IC 9-32-3-1

Affected: IC 9-17; IC 9-18.1; IC 9-32

Sec. 1. A dealer who converts any type of motor vehicle, on which a certificate of origin has already been issued, into another

type of motor vehicle on which the dealer issues a second certificate of origin must provide both the initial certificate of origin and the second certificate of origin upon transfer of the motor vehicle. (*Secretary of State; 75 IAC 6-2-1; filed Aug 15, 2014, 9:57 a.m.: 20140910-IR-075130566FRA; filed Dec 14, 2017, 1:16 p.m.: 20180110-IR-075160435FRA*)

#### **75 IAC 6-2-1.5 Initial license application**

Authority: IC 9-32-3-1

Affected: IC 9-32

Sec. 1.5. (a) In addition to the requirements in IC 9-32, a dealer applying to be licensed as dealer must submit with the application a copy of a valid photographic identification card issued by a government agency to each individual listed on the application as an owner, partner, or officer, including the person signing the application, if different.

(b) The name and address of the dealer as stated on all documents submitted with the application must match the name and address of the dealer as stated on the application. An exemption for this requirement may be given at the secretary of state's discretion so long as there are no concerns regarding the qualifications and eligibility of the applicant to receive the license or the ability of the applicant to conduct properly the business for which the application is submitted.

(c) A dealer applying to be licensed as an automotive mobility dealer must also include with its application proof that the dealer is accredited through the Quality Assurance Program of the National Mobility Equipment Dealers Association. (*Secretary of State; 75 IAC 6-2-1.5; filed Dec 14, 2017, 1:16 p.m.: 20180110-IR-075160435FRA*)

#### **75 IAC 6-2-2 Dealer license requirements**

Authority: IC 9-13-2-42; IC 9-32-3-1; IC 9-32-11-8

Affected: IC 9-13-2; IC 9-32

Sec. 2. (a) In addition to the requirements found in IC 9-32, dealers licensed or applying to be licensed as dealer-new or dealer-used shall meet the following requirements at the time of applying for the license and for the entire licensing period:

(1) No other dealer is licensed at or operating from the same address or established place of business at which the dealer is licensed or applying to be licensed. An exemption may be granted at the secretary's discretion if all dealers licensed and operating from the same address or established place of business have common, identical ownership and there is no more than one (1) of a particular license type at the same address or established place of business.

(2) The dealer's established place of business is located in Indiana and has an Indiana address that is not:

(A) an Indiana post office box address;

(B) a location that functions like a mailbox box facility; or

(C) a location that only provides ministerial services by a contract employee.

(3) The established place of business at which the dealer is licensed or applying to be licensed meets the following requirements:

(A) Does not house a secondary business unless that business is closely related to the sale of motor vehicles and this secondary business does not provide in excess of fifty percent (50%) of the dealer's gross income. An exemption may be granted at the secretary's discretion so long as there are no concerns regarding the qualifications and eligibility of the applicant to receive the license or the ability of the applicant to conduct properly the business for which the application is submitted.

(B) Is not at a retail complex location such as a strip office mall or garage unless the location and established place of business meet the following requirements:

(i) A separate exterior entrance is maintained.

(ii) A separate address is maintained.

(iii) The business location is not a part of or attached to a residential dwelling.

(iv) Local zoning requirements are met.

(v) A distinct impression of separate businesses is given to the general public, which may include distinguishable parking lot space properly marked for display of a minimum of ten (10) vehicles.

(vi) Vehicles within the dealer's inventory that are located in the dealer's display space must be clearly marked

with the name in which the dealer is licensed.

(vii) All other location and office requirements are met.

(C) Is accessible to the public.

(D) Has at least a space of one thousand three hundred (1,300) square feet and be able to accommodate the display of a minimum of ten (10) motor vehicles of the kind and type that the dealer is licensed to sell.

(E) Is well lit during hours of operation.

(F) Has sufficient space for customer parking. Customer parking areas must be adequately surfaced with asphalt, concrete, rock, or other substance that will not change with weather conditions.

(G) Has a conspicuous permanent sign identifying the dealer by the name in which the dealer is licensed or applying to be licensed and the dealership's hours of operation.

(H) Is open to the public for a minimum of:

(i) thirty (30) hours each week during normal business hours; or

(ii) twenty (20) hours each week with a telephone answering, paging, or mobile service offered an additional ten (10) hours each week, the number for which is identified on the business sign.

An exemption for this requirement may be given at the secretary of state's discretion so long as there are no concerns regarding the qualifications and eligibility of the applicant to receive the license or the ability of the applicant to conduct properly the business for which the application is submitted.

(I) Has a dealer office that is:

(i) at least one hundred (100) square feet in size;

(ii) equipped with office furniture such as a desk, chairs, and filing cabinets;

(iii) served with utilities such as:

(AA) electricity;

(BB) lighting;

(CC) heat;

(DD) operational plumbing; and

(EE) a business telephone; and

(iv) reflective of functional use and operation of the license.

An exemption for the requirements in items (i) through (iii) may be given at the secretary's discretion so long as there are no concerns regarding the qualifications and eligibility of the applicant to receive the license or the ability of the applicant to conduct properly the business for which the application is submitted.

(b) The dealer must provide photographs of the dealer's established place of business with the initial application for dealer license. These photographs must include, at a minimum, the:

(1) sales and storage lot;

(2) exterior advertising sign required by this section;

(3) display area; and

(4) interior and exterior of the dealer office.

Printed photographs must not be less than three (3) inches by five (5) inches in size. The photographs will be required to be updated if the dealer moves or if its physical facilities are substantially altered or modified. Digital photographs must be unaltered and verifiable. (*Secretary of State; 75 IAC 6-2-2; filed Aug 15, 2014, 9:57 a.m.: 20140910-IR-075130566FRA; filed Dec 14, 2017, 1:16 p.m.: 20180110-IR-075160435FRA*)

#### **75 IAC 6-2-2.2 Dealer license renewal**

Authority: IC 9-32-3-1; IC 9-32-11-8

Affected: IC 9-13-2; IC 9-32-11

Sec. 2.2. (a) Application for renewal of a dealer license must be on a form prescribed by the secretary and be accompanied by the following:

(1) The applicable fee.

(2) Proof of current bond as required by IC 9-32-11-2(e).

(3) Proof of current liability insurance or current membership in a risk retention group under IC 9-32-11-14.

(4) Proof that the dealer is in good standing with the bureau of motor vehicles, department of state revenue, or the state police department if requested by the secretary.

(b) Licensed automotive mobility dealers must also include with their application proof that the dealer is accredited through the Quality Assurance Program of the National Mobility Equipment Dealers Association. (*Secretary of State; 75 IAC 6-2-2.2; filed Dec 14, 2017, 1:16 p.m.: 20180110-IR-075160435FRA*)

#### **75 IAC 6-2-3 Issuance of off-site sales licenses; general conditions and minimum requirements**

Authority: IC 9-32-3-1

Affected: IC 9-13-2; IC 9-32; IC 24-4-6

Sec. 3. (a) An off-site license may be issued to a licensed dealer for the purpose of conducting a motor vehicle event at a location other than the applicant's established place of business.

(b) The temporary location must:

(1) be in a well-defined location such as a building, tent, or open parking area that is separate and distinct from other business locations;

(2) set up to include an appropriate area for the closing of a sale if a sale is closed at the off-site location; and

(3) meet all local ordinances and zoning requirements.

(c) The application must:

(1) contain the exact street address of the proposed event location along with a brief description of the location;

(2) include the address of the applicant's established place of business;

(3) contain the applicant's dealer license number;

(4) include the name, address, and telephone number of the:

(A) owner if sole proprietorship;

(B) partners if partnership; or

(C) officers if corporation;

(5) include the name and telephone number for a contact person if different from the people listed in subdivision (4) to clarify information on the application if needed; and

(6) contain the dates of the proposed event.

(d) Off-site motor vehicle sales, under this section, may not be conducted on Sunday pursuant to IC 24-4-6.

(e) Motor vehicle industry sponsored trade shows are exempted from the provisions of this section, but the sponsor must notify the secretary of state, in writing, of the scheduling of a show and its participants at least thirty (30) days prior to a show. (*Secretary of State; 75 IAC 6-2-3; filed Aug 15, 2014, 9:57 a.m.: 20140910-IR-075130566FRA; filed Dec 14, 2017, 1:16 p.m.: 20180110-IR-075160435FRA*)

#### **75 IAC 6-2-3.1 Vehicles classified as classic, collector, or antique**

Authority: IC 9-32-3-1

Affected: IC 9-32-11-11; IC 9-32-11-11.5; IC 9-32-11-18

Sec. 3.1. (a) For purposes of IC 9-32-11-11, IC 9-32-11-11.5, and IC 9-32-11-18, to be considered a "collector motor vehicle" the motor vehicle must be:

(1) at least twenty-five (25) years old;

(2) owned, operated, restored, maintained, or used as a collector's item, a leisure pursuit, or an investment; and

(3) not used primarily for transportation.

(b) For purposes of IC 9-32-11-11, IC 9-32-11-11.5, and IC 9-32-11-18, to be considered an "antique motor vehicle" the motor vehicle must be at least twenty-five (25) years old.

(c) For purposes of IC 9-32-11-11, IC 9-32-11-11.5, and IC 9-32-11-18, a motor vehicle is considered a "classic motor vehicle" if the motor vehicle would be considered a collector motor vehicle or an antique motor vehicle as defined in this section. (*Secretary of State; 75 IAC 6-2-3.1; filed Dec 14, 2017, 1:16 p.m.: 20180110-IR-075160435FRA*)

#### **75 IAC 6-2-4 Manufacturer license requirements**

Authority: IC 9-32-3-1; IC 9-32-11-8

Affected: IC 9-13-2; IC 9-32

Sec. 4. (a) If a manufacturer or converter manufacturer is engaging in, or intends to engage in, direct sales to the general public, its established place of business must meet the same requirements as those for dealers holding dealer-new and dealer-used licenses as set out in section 2 of this rule.

(b) In addition to meeting the requirements set out in section 2 of this rule, a manufacturer or converter manufacturer described in subsection (a), photographs of the manufacturer's or converter manufacturer's location and established place of business must be provided with the initial application for a manufacturer or converter manufacturer license. These photographs must include, at a minimum, the:

- (1) interior and exterior of the established place of business;
- (2) sign required by this section; and
- (3) office.

Printed photographs must not be less than three (3) inches by five (5) inches in size. The photographs will be required to be updated if the manufacturer or converter manufacturer moves or if its physical facilities are substantially altered or modified. Digital photographs must be unaltered and verifiable.

(c) Unless conflicting with the provisions of this section all rules that the secretary of state finds applicable governing dealers shall apply to manufacturers.

(d) A manufacturer or distributor licensed under IC 9-32 whose only business activity in Indiana is distributing its motor vehicles directly or through distributors to dealers licensed under IC 9-32 is not required to meet the requirements set out in section 2 of this rule. (*Secretary of State; 75 IAC 6-2-4; filed Aug 15, 2014, 9:57 a.m.: 20140910-IR-075130566FRA; filed Dec 14, 2017, 1:16 p.m.: 20180110-IR-075160435FRA*)

#### **75 IAC 6-2-5 Transfer dealer license requirements**

Authority: IC 9-32-3-1; IC 9-32-11-8

Affected: IC 9-13; IC 9-32

Sec. 5. (a) In addition to the requirements in IC 9-32 and IC 9-13, the location and established place of business at which a transfer dealer is licensed or applying to be licensed must meet the following requirements:

- (1) Is located in Indiana and has an Indiana address that is not:
  - (A) an Indiana post office box address;
  - (B) a location that functions like a mailbox box facility; or
  - (C) a location that only provides ministerial services by a contract employee.
- (2) Is accessible by the public.
- (3) Has a conspicuous permanent sign identifying the transfer dealer by the name in which the transfer dealer is licensed or applying to be licensed.
- (4) Contains an office that meets the following requirements:
  - (A) Is at least one hundred (100) square feet in size.
  - (B) Is equipped with office furniture such as a desk, chairs, and filing cabinets.
  - (C) Is served with utilities including:
    - (i) electricity;
    - (ii) lighting;
    - (iii) heat;
    - (iv) operational plumbing; and
    - (v) a business telephone.
  - (D) Is reflective of functional use and operation of the license.

An exemption for the requirements in clauses (A) through (C) may be given at the secretary's discretion so long as there are no concerns regarding the qualifications and eligibility of the applicant to receive the license or the ability of the applicant

to conduct properly the business for which the application is submitted.

(5) Has customer parking.

(6) Has adequate space to accommodate the display of vehicles of the kind and type that the transfer dealer is licensed to sell. An exemption for this requirement may be given at the secretary's discretion so long as there are no concerns regarding the qualifications and eligibility of the applicant to receive the license or the ability of the applicant to conduct properly the business for which the application is submitted.

(7) Is not at a retail complex location such as a strip office mall or garage, unless the location and established place of business meet the following requirements:

(A) A separate exterior entrance is maintained.

(B) A separate address is maintained.

(C) The business location is not part of or attached to a residential dwelling.

(D) Local zoning requirements are met.

(E) A distinct impression of separate businesses is given to the general public.

(F) Vehicles within the transfer dealer's inventory that are located in the transfer dealer's display space must be clearly marked with the name in which the transfer dealer is licensed.

(8) No other dealer is licensed at or operating from the same address or established place of business at which the transfer dealer is licensed or applying to be licensed.

(b) The transfer dealer must provide photographs of the transfer dealer's established place of business with the initial application for a transfer dealer license. These photographs must include, at a minimum, the:

(1) interior and exterior of the established place of business;

(2) advertising sign required by this section; and

(3) office.

Printed photographs must not be less than three (3) inches by five (5) inches in size. The photographs must be updated if the transfer dealer moves or if its physical facilities are substantially altered or modified. Digital photographs must be unaltered and verifiable.

(c) A person applying to be licensed as a transfer dealer shall submit with the initial application for a transfer dealer license a statement delineating the type and extent of the person's business.

(d) Unless conflicting with the provisions of this section, all rules that the secretary of state finds applicable governing dealers shall apply to transfer dealers. (*Secretary of State; 75 IAC 6-2-5; filed Aug 15, 2014, 9:57 a.m.: 20140910-IR-075130566FRA; filed Dec 14, 2017, 1:16 p.m.: 20180110-IR-075160435FRA*)

#### **75 IAC 6-2-6 Wholesale dealer license requirements (Repealed)**

*Sec. 6. (Repealed by Secretary of State; filed Dec 14, 2017, 1:16 p.m.: 20180110-IR-075160435FRA)*

#### **75 IAC 6-2-7 Automobile auction license requirements**

Authority: IC 9-32-3-1; IC 9-32-11-8

Affected: IC 9-13; IC 9-32

Sec. 7. (a) In addition to the requirements in IC 9-32 and IC 9-13, the location and established place of business at which an automobile auction is licensed or applying to be licensed must meet the following requirements:

(1) Is located in Indiana and has an Indiana address that is not:

(A) an Indiana post office box address;

(B) a location that functions like a mailbox box facility; or

(C) a location that only provides ministerial services by a contract employee.

(2) Is accessible by the public.

(3) Has a conspicuous permanent sign identifying the automobile auction by the name in which the automobile auction is licensed or applying to be licensed.

(4) Contains an office that meets the following requirements:

- (A) At least one hundred (100) square feet in size.
- (B) Equipped with office furniture such as a desk, chairs, and filing cabinets.
- (C) Served with utilities including:
  - (i) electricity;
  - (ii) lighting;
  - (iii) heat;
  - (iv) operational plumbing; and
  - (v) a business telephone.
- (D) Reflective of functional use and operation of the license.

An exemption for the requirements in clauses (A) through (C) may be given at the secretary's discretion so long as there are no concerns regarding the qualifications and eligibility of the applicant to receive the license or the ability of the applicant to conduct properly the business for which the application is submitted.

- (5) Has customer parking.
- (6) Has adequate space to accommodate the display of a minimum of ten (10) vehicles of the kind and type that the automobile auction is licensed to sell.
- (b) The automobile auction must provide photographs of the automobile auction's established place of business with the initial application for an automobile auction license. These photographs must include, at a minimum, the:
  - (1) interior and exterior of the established place of business;
  - (2) advertising sign required by this section; and
  - (3) office.

Printed photographs must not be less than three (3) inches by five (5) inches in size. The photographs must be updated if the automobile auction moves or if its physical facilities are substantially altered or modified. Digital photographs must be unaltered and verifiable.

(c) Unless conflicting with the provisions of this section, all rules that the secretary of state finds applicable governing dealers shall apply to automobile auctions. (*Secretary of State; 75 IAC 6-2-7; filed Aug 15, 2014, 9:57 a.m.: 20140910-IR-075130566FRA; filed Dec 14, 2017, 1:16 p.m.: 20180110-IR-075160435FRA*)

#### **75 IAC 6-2-7.5 Automotive mobility license requirements**

Authority: IC 9-32-3-1

Affected: IC 9-13; IC 9-32

Sec. 7.5. (a) In addition to the requirements in IC 9-32 and IC 9-13, the location and established place of business at which an automotive mobility dealer is licensed or applying to be licensed must meet the following requirements:

- (1) Is located in Indiana and has an Indiana address that is not:
  - (A) an Indiana post office box address;
  - (B) a location that functions like a mailbox box facility; or
  - (C) a location that only provides ministerial services by a contract employee.
- (2) Is accessible by the public.
- (3) Has a conspicuous permanent sign identifying the automotive mobility dealer by the name in which the automotive mobility dealer is licensed or applying to be licensed and the dealer's hours of operation.
- (4) Contains an office that meets the following requirements:
  - (A) Is at least one hundred (100) square feet in size.
  - (B) Is equipped with office furniture such as a desk, chairs, and filing cabinets.
  - (C) Is served with utilities including:
    - (i) electricity;
    - (ii) lighting;
    - (iii) heat;
    - (iv) operational plumbing; and
    - (v) a business telephone.



(D) Is reflective of functional use and operation of the license.

An exemption for the requirements in clauses (A) through (C) may be given at the secretary's discretion so long as there are no concerns regarding the qualifications and eligibility of the applicant to receive the license or the ability of the applicant to conduct properly the business for which the application is submitted.

(5) Is well-lit during hours of operation.

(6) Has sufficient customer parking that is adequately surfaced with asphalt, concrete, rock, or other substance that will not change with the weather conditions. An exemption for this requirement may be given at the secretary's discretion so long as there are no concerns regarding the qualifications and eligibility of the applicant to receive the license or the ability of the applicant to conduct properly the business for which the application is submitted.

(7) Has adequate space to accommodate the display of a minimum of ten (10) vehicles of the kind and type that the automotive mobility dealer is licensed to sell. An exemption for this requirement may be given at the secretary's discretion so long as there are no concerns regarding the qualifications and eligibility of the applicant to receive the license or the ability of the applicant to conduct properly the business for which the application is submitted.

(b) The automotive mobility dealer must provide the following with the initial application for an automotive mobility license:

(1) Proof that the automotive mobility dealer is accredited through the Quality Assurance Program of the National Mobility Equipment Dealers Association.

(2) Photographs of the automotive mobility dealer's established place of business with the initial application for automotive mobility dealer license. These photographs must include, at a minimum, the:

(A) interior and exterior of the established place of business;

(B) advertising sign required by this section; and

(C) office.

Printed photographs must not be less than three (3) inches by five (5) inches in size. The photographs must be updated if the automotive mobility dealer moves or if its physical facilities are substantially altered or modified. Digital photographs must be unaltered and verifiable.

(c) Unless conflicting with the provisions of this section, all rules that the secretary of state finds applicable governing dealers shall apply to automotive mobility dealers. (*Secretary of State; 75 IAC 6-2-7.5; filed Dec 14, 2017, 1:16 p.m.: 20180110-IR-075160435FRA*)

### **75 IAC 6-2-8 Consignment sales**

Authority: IC 9-32-3-1

Affected: IC 9-32

Sec. 8. (a) A consignor who consigns a motor vehicle or watercraft to a consignee to be offered for sale and sold by the consignee on behalf of the consignor to a third party purchaser must provide the consignee with:

(1) the title to the motor vehicle or watercraft;

(2) a duly executed consignment agreement between the consignor and the consignee; and

(3) the consignment sale form prescribed by the secretary.

(b) The consignor must be identified to the buyer by the consignee.

(c) A consignment agreement for consignment sales must contain, but is not limited to, the following information:

(1) The name and current address of the watercraft or motor vehicle's titled owner and person having possession of the title.

(2) The name and current address of any party holding a lien on the motor vehicle or watercraft.

(3) The name and current address of the party to which the motor vehicle or watercraft was consigned for sale.

(4) A description of the motor vehicle or watercraft, including make, model, color, and manufacturer's vehicle identification number or hull identification number.

(5) A statement showing that the consignor has appointed the consignee as an agent for the purpose of offering the motor vehicle or watercraft for sale.

(6) Any sales conditions that must be met by the consignee.

A consignment agreement must be completed for each motor vehicle or watercraft offered for sale on the consignment sales lot regardless of whether or not the consignor has provided a title. A copy of the consignment agreement must be maintained

continuously for a period of three (3) years.

(d) Consignment arrangements do not apply to a licensed dealer's inventory.

(e) The motor vehicle or watercraft must be registered by the consignor and insured by the consignor for the purpose of demonstration of the vehicle. The consignee is not eligible for interim plates.

(f) A consignment sale must take place at the consignee's established place of business.

(g) A motor vehicle being offered for sale by a consignee must be clearly marked as a consigned motor vehicle in a manner that makes the consigned motor vehicle easily distinguishable from the consignor's inventory. (*Secretary of State; 75 IAC 6-2-8; filed Aug 15, 2014, 9:57 a.m.: 20140910-IR-075130566FRA; filed Dec 14, 2017, 1:16 p.m.: 20180110-IR-075160435FRA*)

#### **75 IAC 6-2-9 Denial, suspension, or revocation of dealer license; hearing (Repealed)**

Sec. 9. (*Repealed by Secretary of State; filed Dec 14, 2017, 1:16 p.m.: 20180110-IR-075160435FRA*)

#### **75 IAC 6-2-10 Operation without a license; cease and desist order**

Authority: IC 9-32-3-1

Affected: IC 9-32

Sec. 10. A person engaged in the activities as identified in IC 9-32 must be properly licensed to carry out those activities and functions. Failure to obtain a license or engaging in activities that require a license while a license issued under IC 9-32 is suspended or revoked by the secretary of state shall be cause for an order to cease and desist all activities to be issued by the secretary of state. The secretary of state shall notify the state police department of an order issued to cease and desist activities. (*Secretary of State; 75 IAC 6-2-10; filed Aug 15, 2014, 9:57 a.m.: 20140910-IR-075130566FRA; filed Dec 14, 2017, 1:16 p.m.: 20180110-IR-075160435FRA*)

#### **75 IAC 6-2-11 Dealer licensing fees; procedure for handling (Repealed)**

Sec. 11. (*Repealed by Secretary of State; filed Dec 14, 2017, 1:16 p.m.: 20180110-IR-075160435FRA*)

### **Rule 3. Plates**

#### **75 IAC 6-3-1 Classification of dealer plates**

Authority: IC 9-32-3-1

Affected: IC 9-13-2; IC 9-32

Sec. 1. (a) In addition to the license plates authorized by IC 9-32, the secretary of state authorizes the following classifications of dealer license plates:

(1) Transfer dealer.

(2) Dealer promotional.

(b) The following dealers properly licensed under IC 9-32 are eligible to apply for dealer-new or dealer-used plates:

(1) Mobile home or manufactured home dealers.

(2) Recreational vehicle dealers.

(3) Trailer dealers.

(c) Automobile auctions are eligible for dealer-used plates. (*Secretary of State; 75 IAC 6-3-1; filed Aug 15, 2014, 9:57 a.m.: 20140910-IR-075130566FRA; filed Dec 14, 2017, 1:16 p.m.: 20180110-IR-075160435FRA*)

#### **75 IAC 6-3-2 Dealer license plates; restrictions on use**

Authority: IC 9-32-3-1

Affected: IC 9-13-2; IC 9-32

Sec. 2. (a) This section applies to the following dealer license plate types:

- (1) Dealer-new.
- (2) Dealer-used.
- (3) Motorcycle.

(4) Motorcycle with a motor driven cycle decal.

(b) In addition to the restrictions established by IC 9-32, the following restrictions apply:

- (1) Dealer license plates shall only be affixed upon motor vehicles in the dealer's inventory.
- (2) Dealer license plates shall not be used on motor vehicles required to be registered or on motor vehicles for which dealers charge and receive compensation from individuals other than their employees.
- (3) Dealer license plates may not be used on motor vehicles leased or rented to or by the dealer.
- (4) Dealer license plates may be used for up to ten (10) days within the state of Indiana on motor vehicles that are hauling a load provided the movement is for demonstration purposes to effect a sale of the demonstrated motor vehicle if the dealer has notified and been granted approval by the state police department.
- (5) Dealer license plates may be used by a prospective buyer or service customer on a motor vehicle in the dealer's inventory unattended by any agent or representative of the dealer for a period not to exceed ten (10) days.
- (6) Following the sale and delivery of a motor vehicle from the dealer's inventory, the dealer license plate shall not be used on that motor vehicle.
- (7) The dealer and a representative of the dealer may, at the dealer's discretion, use the dealer license plates issued to the dealer for personal use on motor vehicles in the dealer's inventory.
- (8) Dealer license plates may not be used to circumvent the registration of motor vehicles as required by law or the payment of sales tax or motor vehicle excise taxes on those vehicles.
- (9) A motor vehicle bearing a dealer license plate, except when the motor vehicle is being transported to the dealer's established place of business from a manufacturer, must have attached to the motor vehicle:
  - (A) in the case of a new motor vehicle, a monroney sticker; or
  - (B) in the case of a used motor vehicle, a Federal Trade Commission buyer's guide sticker.
- (10) Motorcycle dealer license plates may not be used on any other type of motor vehicle other than a motorcycle with the exception of a motor driven cycle. A motorcycle dealer license plate being used on a motor driven cycle must be accompanied by the appropriate motor driven cycle decal.

*(Secretary of State; 75 IAC 6-3-2; filed Aug 15, 2014, 9:57 a.m.: 20140910-IR-075130566FRA; filed Dec 14, 2017, 1:16 p.m.: 20180110-IR-075160435FRA)*

### **75 IAC 6-3-3 Manufacturer license plates; restrictions on use**

Authority: IC 9-32-3-1

Affected: IC 9-13-2; IC 9-32-6; IC 9-32-11

Sec. 3. (a) Persons that are properly licensed under IC 9-32 as a:

- (1) manufacturer;
- (2) converter manufacturer; or
- (3) distributor;

and have an established place of business in Indiana shall be eligible to apply for manufacturer license plates.

(b) In addition to the restrictions established by IC 9-32-6, manufacturer license plates are subject to the following restrictions:

- (1) Manufacturer license plates under this section shall only be affixed upon motor vehicles in the manufacturer's, converter manufacturer's, or distributor's inventory.
- (2) Manufacturer license plates under this section shall not be used on motor vehicles required to be registered or upon any motor vehicle for which the manufacturer, converter manufacturer, or distributor received compensation from individuals other than the manufacturer's employees.
- (3) The manufacturer, converter manufacturer, or distributor and the representative of the manufacturer or distributor designated by the manufacturer or distributor, may use the manufacturer license plates issued to the manufacturer, converter

manufacturer, or distributor for personal use on motor vehicles in the manufacturer's, converter manufacturer's, or distributor's inventory. A representative, for purposes of this subdivision, must be in a bona fide employment arrangement and certified under IC 9-32-11.

(4) Manufacturer license plates may not be used to circumvent the registration of individual motor vehicles as required by law or the payment of sales tax or motor vehicle excise taxes on those motor vehicles.

*(Secretary of State; 75 IAC 6-3-3; filed Aug 15, 2014, 9:57 a.m.: 20140910-IR-075130566FRA; filed Dec 14, 2017, 1:16 p.m.: 20180110-IR-075160435FRA)*

#### **75 IAC 6-3-4 Transfer dealer license plates; restrictions on use**

Authority: IC 9-32-3-1

Affected: IC 9-13-2; IC 9-32

Sec. 4. (a) Transfer dealer license plates may be issued to a person properly licensed as a transfer dealer under IC 9-32.

(b) Transfer dealer license plates may be placed on motor vehicles owned by the transfer dealer for a period not to exceed ten (10) days for the purpose of:

(1) acquisition of motor vehicles; or

(2) demonstration of the motor vehicle to a potential customer.

(c) Transfer dealer license plates may be placed on motor vehicles not owned by the transfer dealer but are in the dealer's rightful possession for a period not to exceed ten (10) days for the purpose of performing mechanical, body, or maintenance work on the motor vehicles.

(d) A transfer dealer license plate may not be placed on any motor vehicle, even a motor vehicle in the inventory of the transfer dealer, for the personal use of a transfer dealer or the transfer dealer's employees. *(Secretary of State; 75 IAC 6-3-4; filed Aug 15, 2014, 9:57 a.m.: 20140910-IR-075130566FRA; filed Dec 14, 2017, 1:16 p.m.: 20180110-IR-075160435FRA)*

#### **75 IAC 6-3-5 Wholesale dealer plates; restrictions on use (Repealed)**

Sec. 5. *(Repealed by Secretary of State; filed Dec 14, 2017, 1:16 p.m.: 20180110-IR-075160435FRA)*

#### **75 IAC 6-3-6 Research and development license plates; restrictions on use**

Authority: IC 9-32-3-1; IC 9-32-6-3

Affected: IC 9-13-2; IC 9-32

Sec. 6. (a) Research and development license plates may be issued to a manufacturer of a vehicle subcomponent system who is properly licensed under IC 9-32.

(b) Research and development license plates may be placed on motor vehicles in the manufacturer's inventory for:

(1) the purpose of testing a motor vehicle's subcomponent system;

(2) the purpose of studying a motor vehicle's subcomponent system; or

(3) transporting a motor vehicle to a testing facility.

(c) Application for research and development license plates must include the following:

(1) The manufacturer license number.

(2) An explanation of the use for the research and development plate.

(3) Proof of manufacturing a vehicle subcomponent system.

(d) Research and development license plates under this section shall not be used on motor vehicles required to be registered or upon any motor vehicle for which the manufacturer received compensation from individuals other than the manufacturer's employees.

(e) Research and development license plates may not be used to circumvent the registration of motor vehicles as required by law or the payment of sales tax or motor vehicle excise taxes on those motor vehicles. *(Secretary of State; 75 IAC 6-3-6; filed Aug 15, 2014, 9:57 a.m.: 20140910-IR-075130566FRA; filed Dec 14, 2017, 1:16 p.m.: 20180110-IR-075160435FRA)*

**75 IAC 6-3-7 Number of license plates issued**

Authority: IC 9-32-3-1

Affected: IC 9-32

Sec. 7. (a) The secretary of state retains the discretion to determine or limit the number of dealer license plates issued to a dealer or manufacturer.

(b) The secretary of state may take the following formula into consideration when issuing dealer license plates to a dealer:  
STEP ONE: Determine the total number of motor vehicles (both retail and wholesale) sold, or projected sold, by the applicant in a license year.

STEP TWO: Determine the number of licensed months the applicant was in business during the license year.

STEP THREE: Divide the number in STEP ONE by the number in STEP TWO.

For example, a total annual sales of one hundred twenty (120) motor vehicles divided by twelve (12) months equals ten (10) license plates.

(c) The secretary of state may take the following into consideration when issuing manufacturer license plates to a manufacturer:

- (1) The type of motor vehicle the manufacturer constructs or assembles.
- (2) How many motor vehicles the manufacturer produced in the previous twelve (12) months or calendar year.
- (3) The manufacturer's intended primary use of the license plates.
- (4) The nature of the manufacturer's business.

*(Secretary of State; 75 IAC 6-3-7; filed Aug 15, 2014, 9:57 a.m.: 20140910-IR-075130566FRA; filed Dec 14, 2017, 1:16 p.m.: 20180110-IR-075160435FRA)*

**75 IAC 6-3-8 Interim license plates; restrictions on use**

Authority: IC 9-32-3-1

Affected: IC 9-32-4

Sec. 8. (a) The secretary of state retains the discretion to determine the number of interim license plates available to a properly licensed dealer for issuance based upon factors including, but not limited to, the:

- (1) number of motor vehicles sold by the dealer; or
- (2) dealer's projected sales.
- (b) Requirements for the use of interim license plates shall be as follows:
  - (1) Only one (1) interim license plate may be issued by a dealer to the purchaser of a motor vehicle. No additional interim license plates may be issued for the motor vehicle for any reason.
  - (2) Interim license plates may not be utilized on the following motor vehicles:
    - (A) A motor vehicle owned by or in the inventory of a licensed dealer.
    - (B) Motor vehicles sold on consignment by a dealer.
  - (3) The dealer must provide ownership documents, including title or title affidavit, as prescribed in IC 9-32-4, to the purchaser at the time the interim license plate is issued.
  - (4) Interim license plates may not be utilized on motor vehicles sold to dealers at automobile auctions.
  - (5) Interim license plates may not be utilized on salvage vehicles.
- (c) All dealers utilizing interim license plates must maintain a log recording the issuance of each license plate as follows:
  - (1) The interim license plate log shall include, at a minimum, the following:
    - (A) The interim license plate number by number sequence.
    - (B) The name and address of the party to whom the interim license plate was issued.
    - (C) The make, model, and year of the motor vehicle to which the plate is to be affixed.
    - (D) The manufacturer's vehicle identification number.
    - (E) The date of issuance of the interim license plate.
    - (F) Comments in a comments section as necessary.
  - (2) The interim license plate log shall be maintained continuously for a period of three (3) years.

(3) If permitted by the secretary, the dealer may maintain the interim license plate log electronically in a form approved by the secretary.

*(Secretary of State; 75 IAC 6-3-8; filed Aug 15, 2014, 9:57 a.m.: 20140910-IR-075130566FRA; filed Dec 14, 2017, 1:16 p.m.: 20180110-IR-075160435FRA)*

#### **75 IAC 6-3-9 Dealer promotional plates**

Authority: IC 9-32-3-1; IC 9-32-6-2

Affected: IC 9-32

Sec. 9. (a) Dealer promotional license plates may be issued to manufacturers, watercraft dealers, and dealers licensed as dealer-new or dealer-used.

(b) A request for promotional license plates must be on a form prescribed by the secretary. The design or image the dealer wishes to appear on the promotional license plates must be included with the request.

(c) The secretary must approve the design of the dealer's promotional license plates. Following the secretary's approval of the dealer's promotional license plate design, the dealer shall be solely responsible for satisfying the requirements of the license plate vendor, as chosen by the secretary of state, to prepare the dealer's license plate design for production and fulfillment by the vendor.

(d) Promotional license plates are subject to the same use restrictions as dealer license plates.

(e) Promotional license plates issued to a dealer will be included when calculating the total number of dealer license plates that have been issued to a dealer and making a determination under section 7 of this rule as to whether a dealer may be issued additional dealer license plates. *(Secretary of State; 75 IAC 6-3-9; filed Dec 14, 2017, 1:16 p.m.: 20180110-IR-075160435FRA)*

#### **75 IAC 6-3-10 Dealer license plate prohibitions**

Authority: IC 9-32-3-1

Affected: IC 9-31; IC 9-32

Sec. 10. A dealer license plate or decal of any type or classification may not be loaned, leased, sold, transferred, copied, altered, or reproduced. *(Secretary of State; 75 IAC 6-3-10; filed Dec 14, 2017, 1:16 p.m.: 20180110-IR-075160435FRA)*

#### **75 IAC 6-3-11 Dealer designee license plate application**

Authority: IC 9-32-3-1

Affected: IC 9-32-6; IC 9-32-6.5

Sec. 11. (a) The following dealer types may apply for a dealer designee license plate:

- (1) New motor vehicle dealer.
- (2) Used motor vehicle dealer.
- (3) Watercraft dealer.
- (4) Manufacturer.

(b) A dealer shall specify the number of dealer designee license plates requested in an application for dealer designee license plates; however, the secretary of state retains the discretion to determine or limit the number of dealer designee license plates issued to a dealer. *(Secretary of State; 75 IAC 6-3-11; filed Dec 14, 2017, 1:16 p.m.: 20180110-IR-075160435FRA)*

#### **75 IAC 6-3-12 Dealer designee license plate assignment**

Authority: IC 9-32-3-1

Affected: IC 9-32

Sec. 12. (a) Assignments of dealer designee license plates are subject to the following restrictions:

- (1) A dealer designee license plate may only be assigned to a designee by a dealer with a valid license under IC 9-32.
- (2) A dealer designee license plate cannot be assigned to a designee for more than one hundred eighty (180) days. At the

secretary's discretion, a ninety (90) day extension may be granted upon written request.

(3) A dealer designee license plate may not be used to circumvent the registration of a motor vehicle or watercraft as required by law or the payment of sales tax or motor vehicle excise taxes on that motor vehicle or watercraft. Continued assignment of a dealer designee license plate to the same person may be considered an effort to circumvent the registration of a motor vehicle or watercraft.

(4) Assignment of a dealer designee license plate is subject to the approval of the secretary of state. The secretary may revoke or withdraw approval and terminate a dealer designee license plate assignment if:

(A) the assigning dealer's license under IC 9-32 is revoked or suspended; or

(B) it is determined that the assignment or use of the dealer designee license plate by the designee is not in accordance with state or federal law.

(b) A dealer designee license plate may only be used on a motor vehicle or watercraft if:

(1) the dealer designee license plate has been properly assigned under section 13 of this rule to a designee by the dealer to which the dealer designee license plate was issued by the secretary of state under IC 9-32-6.5-1; and

(2) the motor vehicle or watercraft on which the dealer designee license plate is displayed is a motor vehicle or watercraft from the assigning dealer's inventory of which the assigning dealer has granted the designee use.

(c) A dealer may receive not more than ten (10) dealer designee plates. A request for additional dealer designee license plates may be made in a manner prescribed by the secretary. The issuance of additional dealer designee license plates is subject to approval of the secretary.

(d) A dealer designee license plate may not be assigned to another dealer.

(e) A dealer shall notify the secretary of state in a manner prescribed by the secretary of state within ten (10) business days when an assignment has been terminated earlier than the date reflected on the assignment form.

(f) Proof of financial responsibility in the amounts required by law covering the vehicle to which the dealer designee license plate is affixed must be carried in the vehicle at all times. (*Secretary of State; 75 IAC 6-3-12; filed Dec 14, 2017, 1:16 p.m.: 20180110-IR-075160435FRA*)

#### **75 IAC 6-3-13 Dealer designee license plate assignment form**

Authority: IC 9-32-3-1

Affected: IC 9-32-6; IC 9-32-6.5

Sec. 13. (a) In addition to the information required by IC 9-32-6.5-1(c), the assignment form must contain the following:

(1) Telephone number of the person to which the dealer designee license plate is assigned.

(2) The following information about the dealer:

(A) Name.

(B) Dealer number.

(C) Address.

(D) Telephone number.

(3) A statement certifying:

(A) that financial responsibility in the amounts required by law are in effect with respect to the vehicle; and

(B) the vehicle to which the dealer designee license plate is affixed is currently held in the inventory of the dealer.

(4) The following information with respect to the vehicle on which the dealer designee license plate is affixed:

(A) Vehicle make.

(B) Vehicle model.

(C) Vehicle year.

(D) Vehicle color.

(E) Vehicle identification number.

(5) The dealer designee license plate number.

(6) The dates for which the dealer designee license plate is assigned to the person.

(b) The assignment form must be maintained by the dealer at the dealer's established place of business for a period of two (2) years. Following the two (2) year period, records may be moved offsite but must be maintained for a period of five (5) years.

(c) A copy of the assignment form must be kept in the vehicle on which the dealer designee license plate is affixed at all times during the period of assignment. (*Secretary of State; 75 IAC 6-3-13; filed Dec 14, 2017, 1:16 p.m.: 20180110-IR-075160435FRA*)

## **Rule 4. Requests for Records or Information**

### **75 IAC 6-4-1 Forms of identification**

Authority: IC 9-32-3-1; IC 9-32-3-11

Affected: IC 9-32-3

Sec. 1. The division may, in its discretion, for purposes of IC 9-32-3-7 and IC 9-32-3-8 and generally for the purpose of ascertaining the correct identity of the person making the request for records or information, accept a form of identification other than those identified in IC 9-32-3-13. (*Secretary of State; 75 IAC 6-4-1; filed Dec 14, 2017, 1:16 p.m.: 20180110-IR-075160435FRA*)

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