

IC 9-31-4

Chapter 4. Boat Dealers

IC 9-31-4-1

Classification of dealers

Sec. 1. Dealers are classified for the purposes of this chapter and IC 9-29-15 into two (2) categories as follows:

- (1) Class A dealers have more than one (1) business location for the sale of boats.
- (2) Class B dealers have only one (1) business location for the sale of boats.

As added by P.L.71-1991, SEC.11.

IC 9-31-4-2

Necessity for licensure

Sec. 2. A person must be licensed under this chapter before the person may engage in the business of selling boats.

As added by P.L.71-1991, SEC.11.

IC 9-31-4-3

Application for license; conditions

Sec. 3. (a) An application for a license must meet all the following conditions:

- (1) Be accompanied by the fee under IC 9-29-15-7.
- (2) Be on a form prescribed by the secretary of state.
- (3) Contain any information that the secretary of state reasonably needs to enable the secretary of state to determine fully the qualifications and eligibility of the applicant to receive the license, the location of each of the applicant's places of business in Indiana, and the ability of the applicant to conduct properly the business for which the application is submitted.

(b) An application for a license as a dealer must show whether the applicant proposes to sell new or used boats or both.

As added by P.L.71-1991, SEC.11. Amended by P.L.106-2008, SEC.41.

IC 9-31-4-4

License; specification of business location; display

Sec. 4. A license issued to a dealer must specify the location of each place of business and shall be conspicuously displayed at each business location. If a business name or location is changed, the holder shall notify the secretary of state within ten (10) days and remit the fee specified under IC 9-29-15-8. The secretary of state shall endorse that change on the license if it is determined that the change is not subject to other provisions of this chapter.

As added by P.L.71-1991, SEC.11. Amended by P.L.106-2008, SEC.42.

IC 9-31-4-5

Term of license; fees

Sec. 5. A license issued under this chapter is valid for one (1) year after the date the license is issued. All license fees shall be paid at the annual rate under IC 9-29-15-7.

As added by P.L.71-1991, SEC.11. Amended by P.L.106-2008, SEC.43.

IC 9-31-4-6

Denial, suspension, or revocation of license

Sec. 6. (a) A license may be denied, suspended, or revoked for any of the following:

- (1) A material misrepresentation in the application for a license or other information filed with the secretary of state.
- (2) A lack of fitness under the standards set forth in this chapter or a rule adopted by the secretary of state under this chapter.
- (3) A willful failure to comply with this chapter or any rule adopted by the secretary of state under this chapter.
- (4) A willful violation of a federal or state law relating to the sale, distribution, financing, or insuring of boats.

(b) The procedures set forth in IC 9-22-4 governing the denial, suspension, or revocation of a license issued under IC 9-22-4 also apply to the denial, suspension, or revocation of a license issued under this chapter. If the secretary of state denies, suspends, or revokes a license issued or sought under this chapter, the affected person may file an action in the circuit court of the Indiana county in which the person's principal place of business is located seeking a judicial determination as to whether the action is proper. The secretary of state's action does not take effect until thirty (30) days after the secretary of state's determination has been made and a notice is served upon the affected person. The filing of an action as described in this section within the thirty (30) day period is an automatic stay of the secretary of state's determination.

(c) Revocation or suspension of a license of a dealer may be limited to one (1) or more locations, one (1) or more defined areas, or certain aspects of the business.

As added by P.L.71-1991, SEC.11. Amended by P.L.106-2008, SEC.44.

IC 9-31-4-7

Evidence of insurance

Sec. 7. (a) A person licensed under this chapter shall furnish evidence that the person currently has liability insurance covering the person's place of business. The policy must have limits of not less than the following:

- (1) One hundred thousand dollars (\$100,000) for bodily injury to one (1) person.
- (2) Three hundred thousand dollars (\$300,000) per accident.
- (3) Fifty thousand dollars (\$50,000) for property damage.

(b) The minimum amounts must be maintained during the time the license is valid.

As added by P.L.71-1991, SEC.11.

IC 9-31-4-8

Powers and duties of secretary of state

Sec. 8. In carrying out the duties imposed on the secretary of state under this chapter, the secretary of state may do the following:

- (1) Investigate and evaluate the qualifications of applicants for a license.
- (2) Issue, deny, suspend, and revoke licenses.
- (3) Investigate and conduct hearings on violations of this chapter.
- (4) Issue orders and determinations.
- (5) Sue and be sued in the name of the secretary of state or the state.

As added by P.L.71-1991, SEC.11. Amended by P.L.1-1992, SEC.66; P.L.106-2008, SEC.45.

IC 9-31-4-9

Use of revenues; compensation and expenses

Sec. 9. The secretary of state shall use all revenues accruing to the secretary of state under this chapter to enforce this chapter and Indiana boat registration laws. All necessary expenses incurred and all compensation paid by the secretary of state for administering this chapter shall be paid out of the revenue received under this chapter and from any supplemental appropriations.

As added by P.L.71-1991, SEC.11. Amended by P.L.106-2008, SEC.46.