

1 House BILL NO. 650
 2 INTRODUCED BY Sully Propola
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION
 5 53-118, R.C.M. 1947, TO PROVIDE FOR REGULATION OF MOTOR
 6 VEHICLE AND TRAILER DEALERS; DEFINING THE ACQUISITION AND
 7 USE OF DEALER LICENSE PLATES."
 8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 53-118, R.C.M. 1947, is amended to
 11 read as follows:

12 "53-118. Application for dealer's license. (1) Every
 13 person, firm, corporation, or association who, for
 14 commission or profit, engages in the business of buying,
 15 selling, exchanging or acting as a broker of new motor
 16 vehicles, used motor vehicles, trailers, (except trailers
 17 having an unladen weight of less than five hundred (500)
 18 pounds, semitrailers or special mobile equipment as defined
 19 in section 53-642 and qualifies under subparagraph (f) of
 20 this section, shall cause to be filed, by mail or otherwise,
 21 in the office of the registrar of motor vehicles, a verified
 22 application for licensing as a dealer on a blank to be
 23 furnished by the registrar of motor vehicles for that
 24 purpose, and containing the information therein required.
 25 The application and all of the information therein contained

1 shall be verified by the Montana highway patrol. Each
 2 application must be accompanied by the license fee
 3 hereinafter named. Dealer's license must be renewed and paid
 4 for annually, and an application for relicensing must be
 5 filed not later than January first of each year. To qualify
 6 for licensing and the issuance and use of "D," "UD," "DIR,"
 7 or "MCD" plates, as hereinafter provided, the applicant must
 8 furnish the following information and qualify under the
 9 following provisions:

- 10 ~~(a) The name under which the business is conducted;~~
- 11 ~~(b) Location of premises (street, address, city,~~
 12 ~~county and state) where records are kept, sales are made and~~
 13 ~~stock of motor vehicles displayed;~~
- 14 ~~(c) Name and address of all owners or persons having~~
 15 ~~an interest in the business, provided, however, that in the~~
 16 ~~case of a corporation, the names and addresses of the~~
 17 ~~president and secretary thereof will be sufficient;~~
- 18 ~~(d) Name and make of all vehicles handled, if factory~~
 19 ~~franchised or selling under a written agreement with a~~
 20 ~~manufacturer, importer or distributor;~~
- 21 ~~(e) Whether or not used vehicles are handled~~
 22 ~~exclusively;~~
- 23 ~~(f) A certificate to the effect that the applicant is~~
 24 ~~a bona fide dealer in motor vehicles, trailers, semitrailers~~
 25 ~~or special mobile equipment, and that the applicant is a~~

1 ~~dealer in new motor vehicles, is recognized by a~~
 2 ~~manufacturer, importer or distributor as a dealer in~~
 3 ~~particular makes of new motor vehicles.~~

4 ~~(g) Other information required by the registrar to~~
 5 ~~efficiently administer this law.~~

6 (a) To qualify as a new motor vehicle dealer and for
 7 the use of "D" plates, the applicant must:

8 (i) state the name under which the business is to be
 9 conducted and the location of the premises (street address,
 10 city, county, and state) where records are kept, sales are
 11 made, and stock of motor vehicles is displayed;

12 (ii) state the name and address of all owners or
 13 persons having an interest in the business, provided that in
 14 the case of a corporation, the names and addresses of the
 15 president and secretary thereof are sufficient;

16 (iii) state the name and make of all motor vehicles
 17 handled and the name and address of the manufacturer,
 18 importer, or distributor with whom the applicant has a
 19 written new motor vehicle franchise or sales agreement;

20 (iv) execute a certificate to the effect that the
 21 applicant has a permanent building for the display and sale
 22 of new motor vehicles at the location of the premises where
 23 sales are conducted;

24 (v) execute a certificate to the effect that the
 25 applicant has a bona fide service department for the repairs

1 service, and maintenance of motor vehicles; and

2 (vi) execute a certificate to the effect that the
 3 applicant is a bona fide dealer in new motor vehicles and
 4 that he is recognized by a manufacturer, importer, or
 5 distributor as a dealer in new motor vehicles.

6 (b) To qualify as a used motor vehicle dealer and for
 7 the use of "UD" plates, or as a trailer, semitrailer, or
 8 special mobile equipment dealer and for the use of "DTR"
 9 plates, or as a motorcycle dealer and for the use of "MCD"
 10 plates, the applicant must, in addition to the matters set
 11 forth in subsections (i), (iii), and (iv) of subsection
 12 (1)(a) above, provide:

13 (i) a statement that the applicant has a permanent
 14 building and lot for the display of motor vehicles and an
 15 illuminated sign indicating the firm name and headquarters
 16 as the principal place of business; and

17 (ii) a certificate to the effect that the applicant is
 18 a bona fide dealer in used motor vehicles, trailers,
 19 semitrailers, special mobile equipment, or motorcycles.

20 (c) In addition to the matters required in subsection
 21 (1)(b) above, an applicant for a used motor vehicle dealer
 22 license shall certify under oath that the applicant sold in
 23 excess of 18 used motor vehicles during the previous
 24 calendar year. In lieu of this requirement, a new applicant
 25 for a used motor vehicle dealer license, who has not made

1 application for a used motor vehicle dealer license for a
 2 period of 5 years immediately preceding the current
 3 application, shall pay, in addition to all sums required by
 4 this section and other provisions of law, the sum of \$500 to
 5 the registrar of motor vehicles.

6 (2) For the purposes of this section, a private
 7 residence, tent, or temporary building is not a sufficiently
 8 permanent place of business to qualify under the
 9 requirements set forth above. In addition to the information
 10 required above, the registrar may require such information
 11 as is necessary to efficiently administer this law.

12 (3) The applicant for a dealer's license shall also
 13 file with his application a good and sufficient bond in the
 14 sum of five thousand dollars (\$5,000), and the bond shall be
 15 conditioned that the applicant shall conduct his business in
 16 accordance with the requirements of the law. All bonds shall
 17 run to the state of Montana and shall be approved by the
 18 registrar of motor vehicles and filed in his office and
 19 shall be renewed annually.

20 ~~The registrar of motor vehicles shall not register or~~
 21 ~~license as a dealer any applicant for the sale of new motor~~
 22 ~~vehicles at retail unless such applicant owns, leases, or~~
 23 ~~rents a permanent building wherein he shall conduct his~~
 24 ~~business and who has a dealers' franchise from a~~
 25 ~~manufacturer of motor vehicles. A private residence, tent,~~

1 ~~or temporary building is not a sufficiently permanent place~~
 2 ~~of business within the meaning of this section. The~~
 3 ~~registrar of motor vehicles shall not register or license~~
 4 ~~any applicant as a dealer in used cars unless such applicant~~
 5 ~~furnishes sufficient evidence to the registrar that he has a~~
 6 ~~building or lot to provide display of merchandise, a sign~~
 7 ~~indicating the firm name and headquarters as the principal~~
 8 ~~place of business.~~

9 (4) Upon making such application, the applicant shall
 10 pay to the registrar of motor vehicles, in addition to the
 11 fees required of dealers under the provisions of section
 12 53-122, a fee of five dollars (\$5). Upon receipt of the
 13 application, fee and bond, as provided above, the registrar
 14 of motor vehicles shall examine the application, and may,
 15 prior to issuing a license, make individual investigation of
 16 the truth of the statements contained in the application. If
 17 the registrar of motor vehicles is satisfied that the
 18 applicant qualifies for the issuance of a dealer's license
 19 under the provisions of this act, he may thereupon issue the
 20 same.

21 (5) Every dealer licensed under this section shall
 22 keep a book or record of the purchase, sale or exchange or
 23 receipt for the purpose of sale, of any used vehicle, a
 24 description of such vehicles, together with the name and
 25 address of the seller, of the purchaser, and of the alleged

1 owner or other person from whom such vehicle was purchased
 2 or received, or to whom it was sold or delivered, as the
 3 case may be. Such description in the case of motor vehicles
 4 shall also include the engine number, if any, the maker's
 5 number, if any, chassis number, if any, and such other
 6 numbers or identification marks as may be thereon, and shall
 7 include a statement that a number has been obliterated,
 8 defaced or changed, if such is the fact. In the case of a
 9 trailer, semitrailer or special mobile equipment, the record
 10 shall include the manufacturer's number and such other
 11 numbers or identification marks as may be thereon. He shall
 12 also have in his possession a duly assigned certificate of
 13 title from the owner of said motor vehicle in accordance
 14 with the provisions of another section of this act, from the
 15 time when the motor vehicle is delivered to him until it has
 16 been disposed of by him.

17 [6] Upon the licensing of a dealer as a new motor
 18 vehicle dealer, used motor vehicle dealer, or trailer,
 19 semitrailer, or special mobile equipment dealer, or a dealer
 20 of the motorcycle-type vehicle, the registrar of motor
 21 vehicles shall assign to such dealer a distinctive serial
 22 license number as a dealer and furnish every qualified
 23 dealer in motor vehicles with not less than two (2) sets of
 24 number plates, and as many more as the fee the dealer pays
 25 entitles the dealer to, which number plates shall be similar

1 to number plates furnished to owners of motor vehicles but
 2 shall bear thereon, in addition to the serial number
 3 assigned such dealer, ~~the letter "D" if the dealer sells new~~
 4 ~~motor vehicles (including trucks and trailers) or new and~~
 5 ~~used motor vehicles (including trucks and trailers); the~~
 6 ~~letters "UD" if the dealer sells used motor vehicles~~
 7 ~~(including trucks and trailers) only; and the letters "DTR"~~
 8 ~~if the dealer sells trailers, semitrailers or special mobile~~
 9 ~~equipment (new or used) only; and the letters "MCD" if the~~
 10 ~~dealer sells vehicles of the motorcycle type. Only new motor~~
 11 ~~vehicle dealers' license plates bearing the letter "D" shall~~
 12 ~~be assigned if both new and used motor vehicles (including~~
 13 ~~trucks and trailers) are sold; and only one license fee~~
 14 ~~shall be required of any one dealer; the letter "D", if the~~
 15 dealer is authorized to sell new motor vehicles (including
 16 trucks and truck-trailers); the letters "UD" if the dealer
 17 is authorized to sell used motor vehicles (including used
 18 trucks and used truck-trailers); the letters "DTR" if the
 19 dealer is authorized to sell trailers, semitrailers, or
 20 special mobile equipment (new or used); and the letters
 21 "MCD" if the dealer is authorized to sell vehicles of the
 22 motorcycle type (new or used). With the exception of a
 23 dealer authorized to sell new motor vehicles (including
 24 trucks and truck-trailers) and to use the "D" plate, no
 25 dealer authorized to transact business under the provisions

1 ~~of this section may offer for sale or trade any vehicle~~
 2 ~~described in this section except such vehicles as are~~
 3 ~~authorized by the plates assigned to him. If an applicant~~
 4 ~~wishes to sell more than one type of vehicle, he shall make~~
 5 ~~application for each separate authorization. No dealer~~
 6 ~~plate assigned to a dealer may be used on any vehicle other~~
 7 ~~than the type described in this section. A dealer authorized~~
 8 ~~to sell new motor vehicles and assigned a "D" plate is~~
 9 ~~authorized to sell both new and used motor vehicles~~
 10 ~~(including trucks and truck trailers) and "D" plates may be~~
 11 ~~displayed on either new or used motor vehicles by a licensed~~
 12 ~~dealer in new vehicles. The registrar of motor vehicles~~
 13 shall cause to be placed on each set of license plates
 14 issued to a dealer, a serial number assigned to each dealer
 15 and the actual number of license plates issued to each
 16 dealer. The number of the dealer shall follow the prefix of
 17 the county, and the number of plates issued the dealer shall
 18 follow the prefix of the county and the number of the
 19 dealer, the dealer's number to be separated from the county
 20 prefix by a dash, and the number of plates issued to a
 21 dealer to be separated from the dealer's number by a dash,
 22 as follows: Dealer number 4 in Lewis and Clark County would
 23 be numbered 5-4, and if the dealer were issued three sets of
 24 plates, they would be numbered consecutively as follows,
 25 5-4-1, 5-4-2 and 5-4-3. Dealers properly licensed under this

1 section are authorized to use and display, dealer's license
 2 plates on any motor vehicle held for bona fide sale or used
 3 principally in the conduct of the dealer's business in
 4 selling or demonstrating motor vehicles. Dealer plates may
 5 be used and displayed only on motor vehicles that are
 6 principally situated in the county in which the dealer has
 7 his principal place of business. No dealer's license plate
 8 shall be used or displayed on vehicles normally used for
 9 hire, lease or rental or for purposes not incident to the
 10 business of a motor vehicle dealer. If it shall appear to
 11 the satisfaction of the registrar of motor vehicles, from
 12 information furnished to him by the sheriff or any other law
 13 enforcement officer, that any such dealer has been
 14 improperly licensed, has used the dealer's license in a
 15 ~~manner other than the one permitted above on a vehicle other~~
 16 ~~than one authorized by this section,~~ or is not qualified as
 17 a dealer under the requirements of this section, the
 18 registrar of motor vehicles may revoke such dealer's
 19 license. No person, firm, corporation or association shall,
 20 for commission or profit, engage in the business of buying,
 21 selling, exchanging or acting as a broker of new motor
 22 vehicles, trailers or semitrailers unless duly licensed in
 23 compliance with this section (except trailers having an
 24 unladen weight of less than five hundred (500) pounds).
 25 Any person violating the provisions of this section

LC 1406/01

1 shall be guilty of a misdemeanor and subject to a fine of
2 not less than two hundred fifty dollars (\$250) and not more
3 than five hundred dollars (\$500). For the purposes hereof,
4 every sale of a motor vehicle in violation of the provisions
5 of this section shall be deemed a separate offense."

-End-

STATE OF MONTANA

REQUEST NO. 439-77

FISCAL NOTE

Form BD-15

In compliance with a written request received February 8, 19 77, there is hereby submitted a Fiscal Note for House Bill 650 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

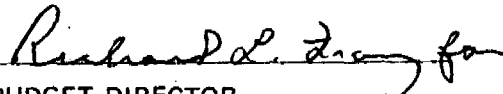
An act amending Section 53-118, R.C.M. 1947 (Application for a Dealer's License) to provide for regulation of motor vehicle and trailer dealers; defining the acquisition and use of dealer license plates.

FISCAL IMPACT:

None. This bill merely increases the requirements for obtaining motor vehicle and trailer dealers' license plates.

TECHNICAL NOTE:

Section (1)(c) - - no provision is made for a dealer that has not sold in excess of eighteen (18) used vehicles in the previous calendar year and intends to in the coming year, but has also applied for a used motor vehicle dealer license within a period of five (5) years.


BUDGET DIRECTOR
Office of Budget and Program Planning
Date: 2-16-77

Approved by Committee
on Highways & Transportation

HOUSE BILL NO. 650

INTRODUCED BY SCULLY, TROPILA

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 53-118, R.C.M. 1947, TO PROVIDE FOR REGULATION OF MOTOR VEHICLE AND TRAILER DEALERS; DEFINING THE ACQUISITION AND USE OF DEALER LICENSE PLATES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 53-118, R.C.M. 1947, is amended to read as follows:

"53-118. Application for dealer's license. (1) Every person, firm, corporation, or association who, for commission or profit, engages in the business of buying, selling, exchanging or acting as a broker of new motor vehicles, used motor vehicles, trailers, (except trailers having an unladen weight of less than five hundred (500) pounds, semitrailers or special mobile equipment as defined in section 53-642 and qualifies under subparagraph (f) of this section, shall cause to be filed, by mail or otherwise, in the office of the registrar of motor vehicles, a verified application for licensing as a dealer on a blank to be furnished by the registrar of motor vehicles for that purpose, and containing the information therein required. The application and all of the information therein contained

shall be verified by the Montana highway patrol. Each application must be accompanied by the license fee hereinafter named. Dealer's license must be renewed and paid for annually, and an application for relicensing must be filed not later than January first of each year. To qualify for licensing and the issuance and use of "D," "UD," "DIR," or "MCD" plates, as hereinafter provided, the applicant must furnish the following information and qualify under the following provisions:

- (a) ~~The name under which the business is conducted;~~
- (b) ~~Location of premises (street, address, city, county and state) where records are kept, sales are made and stock of motor vehicles displayed;~~
- (c) ~~Name and address of all owners or persons having an interest in the business; provided, however, that in the case of a corporation, the names and addresses of the president and secretary thereof will be sufficient;~~
- (d) ~~Name and make of all vehicles handled, if factory franchised or selling under a written agreement with a manufacturer, importer or distributor;~~
- (e) ~~Whether or not used vehicles are handled exclusively;~~
- (f) ~~A certificate to the effect that the applicant is a bona fide dealer in motor vehicles, trailers, semitrailers or special mobile equipment; and that the applicant is a~~

1 ~~dealer in new motor vehicles, is recognized by a~~
 2 ~~manufacturer, importer or distributor as a dealer in~~
 3 ~~particular makes of new motor vehicles.~~

4 ~~(g) Other information required by the registrar to~~
 5 ~~efficiently administer this law.~~

6 (a) To qualify as a new motor vehicle dealer and for
 7 the use of "D" plates, the applicant must:

8 (i) state the name under which the business is to be
 9 conducted and the location of the premises (street address,
 10 city, county, and state) where records are kept, sales are
 11 made, and stock of motor vehicles is displayed;

12 (ii) state the name and address of all owners or
 13 persons having an interest in the business, provided that in
 14 the case of a corporation, the names and addresses of the
 15 president and secretary thereof are sufficient;

16 (iii) state the name and make of all motor vehicles
 17 handled and the name and address of the manufacturer,
 18 importer, or distributor with whom the applicant has a
 19 written new motor vehicle franchise or sales agreement;

20 (iv) execute a certificate to the effect that the
 21 applicant has a permanent building for the display and sale
 22 of new motor vehicles at the location of the premises where
 23 sales are conducted;

24 (v) execute a certificate to the effect that the
 25 applicant has a bona fide service department for the repair,

1 service, and maintenance of motor vehicles; and

2 (vi) execute a certificate to the effect that the
 3 applicant is a bona fide dealer in new motor vehicles and
 4 that he is recognized by a manufacturer, importer, or
 5 distributor as a dealer in new motor vehicles.

6 (b) To qualify as a used motor vehicle dealer and for
 7 the use of "UQ" plates, or as a trailer, semitrailer, or
 8 special mobile equipment dealer and for the use of "DIR"
 9 plates, or as a motorcycle dealer and for the use of "MCD"
 10 plates, the applicant must, in addition to the matters set
 11 forth in subsections (i), (ii), and (iv) of subsection
 12 (1)(a) above, provide:

13 (i) a statement that the applicant has a permanent
 14 building and lot for the display of motor vehicles and an
 15 illuminated sign A PERMANENT SIGN READABLE AT A MINIMUM
 16 DISTANCE OF 150 FEET AND indicating the firm name and
 17 headquarters as the principal place of business; and

18 (ii) a certificate to the effect that the applicant is
 19 a bona fide dealer in used motor vehicles, trailers,
 20 semitrailers, special mobile equipment, or motorcycles.

21 (c) In addition to the matters required in subsection
 22 (1)(b) above, an applicant for a used motor vehicle dealer
 23 license shall certify under oath that the applicant sold in
 24 excess of 10 used motor vehicles during the previous
 25 calendar year. In lieu of this requirement, a new applicant

1 for a used motor vehicle dealer license, who has not made
 2 application for a used motor vehicle dealer license for a
 3 period of 5-years 1 YEAR immediately preceding the current
 4 application, shall pay, in addition to all sums required by
 5 this section and other provisions of law, the sum of \$500
 6 \$150 to the registrar of motor vehicles.

7 (D) THE PROVISIONS OF SUBSECTION (1)(C) ABOVE, DO NOT
 8 APPLY TO AN APPLICANT WHO IS LICENSED AS A MOTOR VEHICLE
 9 WRECKING FACILITY UNDER THE PROVISIONS OF TITLE 69, CHAPTER
 10 68, R.C.M. 1957.

11 (2) For the purposes of this section, a private
 12 residence, tent, or temporary building is not a sufficiently
 13 permanent place of business to qualify under the
 14 requirements set forth above. In addition to the information
 15 required above, the registrar may require such information
 16 as is necessary to efficiently administer this law.

17 (3) The applicant for a dealer's license shall also
 18 file with his application a good and sufficient bond in the
 19 sum of five thousand dollars (\$5,000), and the bond shall be
 20 conditioned that the applicant shall conduct his business in
 21 accordance with the requirements of the law. All bonds shall
 22 run to the state of Montana and shall be approved by the
 23 registrar of motor vehicles and filed in his office and
 24 shall be renewed annually.

25 ~~the registrar of motor vehicles shall not register or~~

1 ~~license as a dealer any applicant for the sale of new motor~~
 2 ~~vehicles at retail unless such applicant owns, leases or~~
 3 ~~rents a permanent building wherein he shall conduct his~~
 4 ~~business and who has a dealer's franchise from a~~
 5 ~~manufacturer of motor vehicles, a private residence, tent,~~
 6 ~~or temporary building is not a sufficiently permanent place~~
 7 ~~of business within the meaning of this section. The~~
 8 ~~registrar of motor vehicles shall not register or license~~
 9 ~~any applicant as a dealer in used cars unless such applicant~~
 10 ~~furnishes sufficient evidence to the registrar that he has a~~
 11 ~~building or lot to provide display of merchandise, a sign~~
 12 ~~indicating the firm name and headquarters as the principal~~
 13 ~~place of business.~~

14 (4) Upon making such application, the applicant shall
 15 pay to the registrar of motor vehicles, in addition to the
 16 fees required of dealers under the provisions of section
 17 53-122, a fee of five dollars (\$5). Upon receipt of the
 18 application, fee and bond, as provided above, the registrar
 19 of motor vehicles shall examine the application, and may,
 20 prior to issuing a license, make individual investigation of
 21 the truth of the statements contained in the application. If
 22 the registrar of motor vehicles is satisfied that the
 23 applicant qualifies for the issuance of a dealer's license
 24 under the provisions of this act, he may thereupon issue the
 25 same.

1 (5) Every dealer licensed under this section shall
 2 keep a book or record of the purchase, sale or exchange or
 3 receipt for the purpose of sale, of any used vehicle, a
 4 description of such vehicles, together with the name and
 5 address of the seller, of the purchaser, and of the alleged
 6 owner or other person from whom such vehicle was purchased
 7 or received, or to whom it was sold or delivered, as the
 8 case may be. Such description in the case of motor vehicles
 9 shall also include the engine number, if any, the maker's
 10 number, if any, chassis number, if any, and such other
 11 numbers or identification marks as may be thereon, and shall
 12 include a statement that a number has been obliterated,
 13 defaced or changed, if such is the fact. In the case of a
 14 trailer, semitrailer or special mobile equipment, the record
 15 shall include the manufacturer's number and such other
 16 numbers or identification marks as may be thereon. He shall
 17 also have in his possession a duly assigned certificate of
 18 title from the owner of said motor vehicle in accordance
 19 with the provisions of another section of this act, from the
 20 time when the motor vehicle is delivered to him until it has
 21 been disposed of by him.

22 (6) Upon the licensing of a dealer as a new motor
 23 vehicle dealer, used motor vehicle dealer, or trailer,
 24 semitrailer, or special mobile equipment dealer, or a dealer
 25 of the motorcycle-type vehicle, the registrar of motor

1 vehicles shall assign to such dealer a distinctive serial
 2 license number as a dealer and AFTER PAYMENT OF FEES furnish
 3 every qualified dealer in motor vehicles with not less than
 4 two (2) sets of number plates, and as many more as ~~the fee~~
 5 ~~the dealer pays entitles the dealer to, which~~ REQUIRED
 6 ACCORDING TO NEED, WHICH NEED SHALL BE JUSTIFIED BY THE
 7 DEALER WITH THE INITIAL APPLICATION FOR LICENSE AND EACH
 8 RENEWAL. ASSIGNED number plates shall be similar to number
 9 plates furnished to owners of motor vehicles but shall bear
 10 thereon, in addition to the serial number assigned such
 11 dealer, ~~the letter "B" if the dealer sells new motor~~
 12 ~~vehicles (including trucks and trailers) or new and used~~
 13 ~~motor vehicles (including trucks and trailers); the letters~~
 14 ~~"BD" if the dealer sells used motor vehicles (including~~
 15 ~~trucks and trailers) only; and the letters "BTR" if the~~
 16 ~~dealer sells trailers, semitrailers or special mobile~~
 17 ~~equipment (new or used) only; and the letters "MBD" if the~~
 18 ~~dealer sells vehicles of the motorcycle type; only new motor~~
 19 ~~vehicle dealers' license plates bearing the letter "B" shall~~
 20 ~~be assigned if both new and used motor vehicles (including~~
 21 ~~trucks and trailers) are sold; and only one license fee~~
 22 ~~shall be required of any one dealer.~~ the letter "D", if the
 23 dealer is authorized to sell new motor vehicles (including
 24 trucks and truck-trailers); the letters "UD" if the dealer
 25 is authorized to sell used motor vehicles (including used

1 trucks and used truck-trailers); the letters "DIR" if the
 2 dealer is authorized to sell trailers, semitrailers, or
 3 special mobile equipment (new or used); and the letters
 4 "MCO" if the dealer is authorized to sell vehicles of the
 5 motorcycle type (new or used). With the exception of a
 6 dealer authorized to sell new motor vehicles (including
 7 trucks and truck-trailers) and to use the "D" plate, no
 8 dealer authorized to transact business under the provisions
 9 of this section may offer for sale or trade any vehicle
 10 described in this section except such vehicles as are
 11 authorized by the plates assigned to him. If an applicant
 12 wishes to sell more than one type of vehicle, he shall make
 13 application for each separate authorization. No dealer
 14 plate assigned to a dealer may be used on any vehicle other
 15 than the type described in this section. A dealer authorized
 16 to sell new motor vehicles and assigned a "D" plate is
 17 authorized to sell both new and used motor vehicles
 18 (including trucks and truck-trailers), and "D" plates may be
 19 displayed on either new or used motor vehicles by a licensed
 20 dealer in new vehicles. The registrar of motor vehicles
 21 shall cause to be placed on each set of license plates
 22 issued to a dealer, a serial number assigned to each dealer
 23 and the actual number of license plates issued to each
 24 dealer. The number of the dealer shall follow the prefix of
 25 the county, and the number of plates issued the dealer shall

1 follow the prefix of the county and the number of the
 2 dealer, the dealer's number to be separated from the county
 3 prefix by a dash, and the number of plates issued to a
 4 dealer to be separated from the dealer's number by a dash,
 5 as follows: Dealer number 4 in Lewis and Clark County would
 6 be numbered 5-4, and if the dealer were issued three sets of
 7 plates, they would be numbered consecutively as follows,
 8 5-4-1, 5-4-2 and 5-4-3. Dealers properly licensed under this
 9 section are authorized to use and display, dealer's license
 10 plates on any motor vehicle held for bona fide sale or used
 11 principally in the conduct of the dealer's business in
 12 selling or demonstrating motor vehicles. ~~Dealer plates may~~
 13 ~~be used and displayed only on motor vehicles that are~~
 14 ~~principally situated in the county in which the dealer has~~
 15 ~~his principal place of business.~~ No dealer's license plate
 16 shall be used or displayed on vehicles normally used for
 17 hire, lease or rental or for purposes not incident to the
 18 business of a motor vehicle dealer. EACH DEALER IS
 19 ACCOUNTABLE FOR EACH PLATE ISSUED AND SHALL CERTIFY
 20 QUARTERLY TO THE REGISTRAR OF MOTOR VEHICLES THE DISPOSITION
 21 OF EACH DEALER PLATE ASSIGNED TO THE DEALER, INCLUDING THE
 22 NAME, ADDRESS, AND OCCUPATION OF THE PERSON PRIMARILY USING
 23 EACH PLATE. If it shall appear to the satisfaction of the
 24 registrar of motor vehicles, from information furnished to
 25 him by the sheriff or any other law enforcement officer,

1 that any such dealer has been improperly licensed, has used
 2 the dealer's license in ~~a manner other than the one~~
 3 ~~permitted above on a vehicle other than one authorized by~~
 4 ~~this section~~, IN A MANNER OTHER THAN THE ONE HEREIN
 5 AUTHORIZED or is not qualified as a dealer under the
 6 requirements of this section, the registrar of motor
 7 vehicles may revoke such dealer's license. No person, firm,
 8 corporation or association shall, for commission or profit,
 9 engage in the business of buying, selling, exchanging or
 10 acting as a broker of new motor vehicles, trailers or
 11 semitrailers unless duly licensed in compliance with this
 12 section (except trailers having an unladen weight of less
 13 than five hundred (500) pounds).

14 Any person violating the provisions of this section
 15 shall be guilty of a misdemeanor and subject to a fine of
 16 not less than two hundred fifty dollars (\$250) and not more
 17 than five hundred dollars (\$500). For the purposes hereof,
 18 every sale of a motor vehicle in violation of the provisions
 19 of this section shall be deemed a separate offense.*

-End-

HOUSE BILL NO. 650

INTRODUCED BY SCULLY, TROPILA

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 53-115, R.C.M. 1947, TO PROVIDE FOR REGULATION OF MOTOR VEHICLE AND TRAILER DEALERS; DEFINING THE ACQUISITION AND USE OF DEALER LICENSE PLATES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 53-118, R.C.M. 1947, is amended to read as follows:

"53-118. Application for dealer's license. (1) Every person, firm, corporation, or association who, for commission or profit, engages in the business of buying, selling, exchanging or acting as a broker of new motor vehicles, used motor vehicles, trailers, (except trailers having an unladen weight of less than five hundred (500) pounds, semitrailers or special mobile equipment as defined in section 53-642 and qualifies under subparagraph (f) of this section, shall cause to be filed, by mail or otherwise, in the office of the registrar of motor vehicles, a verified application for licensing as a dealer on a blank to be furnished by the registrar of motor vehicles for that purpose, and containing the information therein required. The application and all of the information therein contained

shall be verified by the Montana highway patrol. Each application must be accompanied by the license fee hereinafter named. Dealer's license must be renewed and paid for annually, and an application for relicensing must be filed not later than January first of each year. To qualify for licensing and the issuance and use of "D," "UD," "DTR," or "MCD" plates, as hereinafter provided, the applicant must furnish the following information and qualify under the following provisions:

~~(a) The name under which the business is conducted;~~

~~(b) Location of premises (street, address, city, county and state) where records are kept, sales are made and stock of motor vehicles displayed;~~

~~(c) Name and address of all owners or persons having an interest in the business, provided, however, that in the case of a corporation, the names and addresses of the president and secretary thereof will be sufficient;~~

~~(d) Name and make of all vehicles handled, if factory franchised or selling under a written agreement with a manufacturer, importer or distributor;~~

~~(e) Whether or not used vehicles are handled exclusively;~~

~~(f) A certificate to the effect that the applicant is a bona-fide dealer in motor vehicles, trailers, semitrailers or special mobile equipment, and that the applicant if a~~

THIRD READING

1 ~~dealer in new motor vehicles, is recognized by a~~
 2 ~~manufacturer, importer or distributor as a dealer in~~
 3 ~~particular makes of new motor vehicles.~~

4 ~~(g) Other information required by the registrar to~~
 5 ~~efficiently administer this law.~~

6 (a) To qualify as a new motor vehicle dealer and for
 7 the use of "D" plates, the applicant must:

8 (i) state the name under which the business is to be
 9 conducted and the location of the premises (street address,
 10 city, county, and state) where records are kept, sales are
 11 made, and stock of motor vehicles is displayed;

12 (ii) state the name and address of all owners or
 13 persons having an interest in the business, provided that in
 14 the case of a corporation, the names and addresses of the
 15 president and secretary thereof are sufficient;

16 (iii) state the name and make of all motor vehicles
 17 handled and the name and address of the manufacturer,
 18 importer, or distributor with whom the applicant has a
 19 written new motor vehicle franchise or sales agreement;

20 (iv) execute a certificate to the effect that the
 21 applicant has a permanent building for the display and sale
 22 of new motor vehicles at the location of the premises where
 23 sales are conducted;

24 (v) execute a certificate to the effect that the
 25 applicant has a bona fide service department for the repair,

1 service, and maintenance of motor vehicles; and

2 (vi) execute a certificate to the effect that the
 3 applicant is a bona fide dealer in new motor vehicles and
 4 that he is recognized by a manufacturer, importer, or
 5 distributor as a dealer in new motor vehicles.

6 (b) To qualify as a used motor vehicle dealer and for
 7 the use of "UD" plates, or as a trailer, semitrailer, or
 8 special mobile equipment dealer and for the use of "DIR"
 9 plates, or as a motorcycle dealer and for the use of "MCD"
 10 plates, the applicant must, in addition to the matters set
 11 forth in subsections (i), (ii), and (iv) of subsection
 12 (1)(a) above, provide:

13 (i) a statement that the applicant has a permanent
 14 building and lot for the display of motor vehicles and an
 15 illuminated sign A PERMANENT SIGN READABLE AT A MINIMUM
 16 DISTANCE OF 150 FEET AND indicating the firm name and
 17 headquarters as the principal place of business; and

18 (ii) a certificate to the effect that the applicant is
 19 a bona fide dealer in used motor vehicles, trailers,
 20 semitrailers, special mobile equipment, or motorcycles.

21 (c) In addition to the matters required in subsection
 22 (1)(b) above, an applicant for a used motor vehicle dealer
 23 license shall certify under oath that the applicant sold in
 24 excess of 10 used motor vehicles during the previous
 25 calendar year. In lieu of this requirement, a new applicant

1 for a used motor vehicle dealer license, who has not made
 2 application for a used motor vehicle dealer license for a
 3 period of 5 years 1 YEAR immediately preceding the current
 4 application, shall pay, in addition to all sums required by
 5 this section and other provisions of law, the sum of \$500
 6 \$150 to the registrar of motor vehicles.

7 (D) THE PROVISIONS OF SUBSECTION (1)(C) ABOVE, DO NOT
 8 APPLY TO AN APPLICANT WHO IS LICENSED AS A MOTOR VEHICLE
 9 WRECKING FACILITY UNDER THE PROVISIONS OF TITLE 69, CHAPTER
 10 68, R.C.M., 1947.

11 (2) For the purposes of this section, a private
 12 residence, tent, or temporary building is not a sufficiently
 13 permanent place of business to qualify under the
 14 requirements set forth above. In addition to the information
 15 required above, the registrar may require such information
 16 as is necessary to efficiently administer this law.

17 (3) The applicant for a dealer's license shall also
 18 file with his application a good and sufficient bond in the
 19 sum of five thousand dollars (\$5,000), and the bond shall be
 20 conditioned that the applicant shall conduct his business in
 21 accordance with the requirements of the law. All bonds shall
 22 run to the state of Montana and shall be approved by the
 23 registrar of motor vehicles and filed in his office and
 24 shall be renewed annually.

25 The registrar of motor vehicles shall not register or

1 license as a dealer any applicant for the sale of new motor
 2 vehicles at retail unless such applicant owns, leases or
 3 rents a permanent building wherein he shall conduct his
 4 business and who has a dealer's franchise from a
 5 manufacturer of motor vehicles. A private residence, tent,
 6 or temporary building is not a sufficiently permanent place
 7 of business within the meaning of this section. The
 8 registrar of motor vehicles shall not register or license
 9 any applicant as a dealer in used cars unless such applicant
 10 furnishes sufficient evidence to the registrar that he has a
 11 building or lot to provide display of merchandise, a sign
 12 indicating the firm name and headquarters as the principal
 13 place of business.

14 (4) Upon making such application, the applicant shall
 15 pay to the registrar of motor vehicles, in addition to the
 16 fees required of dealers under the provisions of section
 17 53-122, a fee of five dollars (\$5). Upon receipt of the
 18 application, fee and bond, as provided above, the registrar
 19 of motor vehicles shall examine the application, and may,
 20 prior to issuing a license, make individual investigation of
 21 the truth of the statements contained in the application. If
 22 the registrar of motor vehicles is satisfied that the
 23 applicant qualifies for the issuance of a dealer's license
 24 under the provisions of this act, he may thereupon issue the
 25 same.

1 (5) Every dealer licensed under this section shall
 2 keep a book or record of the purchase, sale or exchange or
 3 receipt for the purpose of sale, of any used vehicle, a
 4 description of such vehicles, together with the name and
 5 address of the seller, of the purchaser, and of the alleged
 6 owner or other person from whom such vehicle was purchased
 7 or received, or to whom it was sold or delivered, as the
 8 case may be. Such description in the case of motor vehicles
 9 shall also include the engine number, if any, the maker's
 10 number, if any, chassis number, if any, and such other
 11 numbers or identification marks as may be thereon, and shall
 12 include a statement that a number has been obliterated,
 13 defaced or changed, if such is the fact. In the case of a
 14 trailer, semitrailer or special mobile equipment, the record
 15 shall include the manufacturer's number and such other
 16 numbers or identification marks as may be thereon. He shall
 17 also have in his possession a duly assigned certificate of
 18 title from the owner of said motor vehicle in accordance
 19 with the provisions of another section of this act, from the
 20 time when the motor vehicle is delivered to him until it has
 21 been disposed of by him.

22 (6) Upon the licensing of a dealer as a new motor
 23 vehicle dealer, used motor vehicle dealer, or trailer,
 24 semitrailer, or special mobile equipment dealer, or a dealer
 25 of the motorcycle-type vehicle, the registrar of motor

1 vehicles shall assign to such dealer a distinctive serial
 2 license number as a dealer and AFTER PAYMENT OF FEES furnish
 3 every qualified dealer in motor vehicles with not less than
 4 two (2) sets of number plates, and as many more as ~~the fee~~
 5 ~~the dealer pays entitles the dealer to, which~~ REQUIRED
 6 ACCORDING TO NEED, WHICH NEED SHALL BE JUSTIFIED BY THE
 7 DEALER WITH THE INITIAL APPLICATION FOR LICENSE AND EACH
 8 RENEWAL, ASSIGNED number plates shall be similar to number
 9 plates furnished to owners of motor vehicles but shall bear
 10 thereon, in addition to the serial number assigned such
 11 dealer, the ~~letter "B" if the dealer sells new motor~~
 12 ~~vehicles (including trucks and trailers) or new and used~~
 13 ~~motor vehicles (including trucks and trailers); the letters~~
 14 ~~"UB" if the dealer sells used motor vehicles (including~~
 15 ~~trucks and trailers) only; and the letters "BTR" if the~~
 16 ~~dealer sells trailers, semitrailers or special mobile~~
 17 ~~equipment (new or used) only; and the letters "MGB" if the~~
 18 ~~dealer sells vehicles of the motorcycle type. Only new motor~~
 19 ~~vehicle dealers' license plates bearing the letter "B" shall~~
 20 ~~be assigned if both new and used motor vehicles (including~~
 21 ~~trucks and trailers) are sold, and only one license fee~~
 22 ~~shall be required of any one dealer, the letter "D", if the~~
 23 dealer is authorized to sell new motor vehicles (including
 24 trucks and truck trailers); the letters "UD" if the dealer
 25 is authorized to sell used motor vehicles (including used

1 trucks and used truck-trailers); the letters "OTR" if the
 2 dealer is authorized to sell trailers, semitrailers, or
 3 special mobile equipment (new or used); and the letters
 4 "MCO" if the dealer is authorized to sell vehicles of the
 5 motorcycle type (new or used). With the exception of a
 6 dealer authorized to sell new motor vehicles (including
 7 trucks and truck-trailers) and to use the "D" plate, no
 8 dealer authorized to transact business under the provisions
 9 of this section may offer for sale or trade any vehicle
 10 described in this section except such vehicles as are
 11 authorized by the plates assigned to him. If an applicant
 12 wishes to sell more than one type of vehicle, he shall make
 13 application for each separate authorization. No dealer
 14 plate assigned to a dealer may be used on any vehicle other
 15 than the type described in this section. A dealer authorized
 16 to sell new motor vehicles and assigned a "D" plate is
 17 authorized to sell both new and used motor vehicles
 18 (including trucks and truck-trailers), and "D" plates may be
 19 displayed on either new or used motor vehicles by a licensed
 20 dealer in new vehicles. The registrar of motor vehicles
 21 shall cause to be placed on each set of license plates
 22 issued to a dealer, a serial number assigned to each dealer
 23 and the actual number of license plates issued to each
 24 dealer. The number of the dealer shall follow the prefix of
 25 the county, and the number of plates issued the dealer shall

1 follow the prefix of the county and the number of the
 2 dealer, the dealer's number to be separated from the county
 3 prefix by a dash, and the number of plates issued to a
 4 dealer to be separated from the dealer's number by a dash,
 5 as follows: Dealer number 4 in Lewis and Clark County would
 6 be numbered 5-4, and if the dealer were issued three sets of
 7 plates, they would be numbered consecutively as follows,
 8 5-4-1, 5-4-2 and 5-4-3. Dealers properly licensed under this
 9 section are authorized to use and display, dealer's license
 10 plates on any motor vehicle held for bona fide sale or used
 11 principally in the conduct of the dealer's business in
 12 selling or demonstrating motor vehicles. ~~Dealer plates may~~
 13 ~~be used and displayed only on motor vehicles that are~~
 14 ~~principally situated in the county in which the dealer has~~
 15 ~~his principal place of business.~~ No dealer's license plate
 16 shall be used or displayed on vehicles normally used for
 17 hire, lease or rental or for purposes not incident to the
 18 business of a motor vehicle dealer. EACH DEALER IS
 19 ACCOUNTABLE FOR EACH PLATE ISSUED AND SHALL CERTIFY
 20 QUARTERLY TO THE REGISTRAR OF MOTOR VEHICLES THE DISPOSITION
 21 OF EACH DEALER PLATE ASSIGNED TO THE DEALER, INCLUDING THE
 22 NAME, ADDRESS, AND OCCUPATION OF THE PERSON PRIMARILY USING
 23 EACH PLATE. If it shall appear to the satisfaction of the
 24 registrar of motor vehicles, from information furnished to
 25 him by the sheriff or any other law enforcement officer,

1 that any such dealer has been improperly licensed, has used
2 the dealer's license in ~~a manner other than the one~~
3 ~~permitted above on a vehicle other than one authorized by~~
4 ~~this section, IN A MANNER OTHER THAN THE ONE HEREIN~~
5 AUTHORIZED or is not qualified as a dealer under the
6 requirements of this section, the registrar of motor
7 vehicles may revoke such dealer's license. No person, firm,
8 corporation or association shall, for commission or profit,
9 engage in the business of buying, selling, exchanging or
10 acting as a broker of new motor vehicles, trailers or
11 semitrailers unless duly licensed in compliance with this
12 section (except trailers having an unladen weight of less
13 than five hundred (500) pounds).

14 Any person violating the provisions of this section
15 shall be guilty of a misdemeanor and subject to a fine of
16 not less than two hundred fifty dollars (\$250) and not more
17 than five hundred dollars (\$500). For the purposes hereof,
18 every sale of a motor vehicle in violation of the provisions
19 of this section shall be deemed a separate offense.*

--End--

March 18, 1977

STANDING COMMITTEE REPORT
Senate Committee on Highways & Transportation

That House Bill No. 650 be amended as follows:

1. Amend page 4, section 1, line 11.

Following: "(i)"

Strike: ", "

Insert: "and"

Following: "(ii)"

Strike: ", and (iv)"

2. Amend page 4, section 1, line 12.

Following: "provide"

Strike: ":",

3. Amend page 4, section 1, lines 13 through 17.

Following: line 12

Strike: subsection (i) in its entirety

4. Amend page 4, section 1, line 18.

Strike: "(ii)"

5. Amend page 4, section 1, lines 23 through line 1 on page 5.

Following: "license"

Strike: "shall certify under oath that the applicant sold in excess of 10 12 used motor vehicles during the previous calendar year. In lieu of this requirement, a new applicant for a used motor vehicle dealer license,"

6. Amend page 5, section 1, line 6.

Strike: "\$150"

Insert: "\$300"

7. Amend page 5, section 1, lines 11 through 16.

Following: line 10

Strike: subsection (2) in its entirety

Renumber: subsequent subsections

HOUSE BILL NO. 650

INTRODUCED BY SCULLY, TROPILA

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 53-118, R.C.M. 1947, TO PROVIDE FOR REGULATION OF MOTOR VEHICLE AND TRAILER DEALERS; DEFINING THE ACQUISITION AND USE OF DEALER LICENSE PLATES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 53-118, R.C.M. 1947, is amended to read as follows:

"53-118. Application for dealer's license. (1) Every person, firm, corporation, or association who, for commission or profit, engages in the business of buying, selling, exchanging or acting as a broker of new motor vehicles, used motor vehicles, trailers, (except trailers having an unladen weight of less than five hundred (500) pounds, semitrailers or special mobile equipment as defined in section 53-642 and qualifies under subparagraph (f) of this section, shall cause to be filed, by mail or otherwise, in the office of the registrar of motor vehicles, a verified application for licensing as a dealer on a blank to be furnished by the registrar of motor vehicles for that purpose, and containing the information therein required. The application and all of the information therein contained

shall be verified by the Montana highway patrol. Each application must be accompanied by the license fee hereinafter named. Dealer's license must be renewed and paid for annually, and an application for relicensing must be filed not later than January first of each year. To qualify for licensing and the issuance and use of "D," "UD," "DTR," or "MCO" plates, as hereinafter provided, the applicant must furnish the following information and qualify under the following provisions:

(a) ~~The name under which the business is conducted;~~
 (b) ~~Location of premises (street, address, city, county and state) where records are kept, sales are made and stock of motor vehicles displayed;~~
 (c) ~~Name and address of all owners or persons having an interest in the business; provided, however, that in the case of a corporation, the names and addresses of the president and secretary thereof will be sufficient;~~
 (d) ~~Name and make of all vehicles handled, if factory franchised or selling under a written agreement with a manufacturer, importer or distributor;~~
 (e) ~~Whether or not used vehicles are handled exclusively;~~
 (f) ~~A certificate to the effect that the applicant is a bona fide dealer in motor vehicles, trailers, semitrailers or special mobile equipment; and that the applicant if a~~

1 dealer in new motor vehicles, is recognized by a
 2 manufacturer, importer or distributor as a dealer in
 3 particular makes of new motor vehicles.

4 ~~(g) Other information required by the registrar to~~
 5 ~~efficiently administer this law~~

6 (a) To qualify as a new motor vehicle dealer and for
 7 the use of "D" plates, the applicant must:

8 (i) state the name under which the business is to be
 9 conducted and the location of the premises (street address,
 10 city, county, and state) where records are kept, sales are
 11 made, and stock of motor vehicles is displayed;

12 (ii) state the name and address of all owners or
 13 persons having an interest in the business, provided that in
 14 the case of a corporation, the names and addresses of the
 15 president and secretary thereof are sufficient;

16 (iii) state the name and make of all motor vehicles
 17 handled and the name and address of the manufacturer,
 18 importer, or distributor with whom the applicant has a
 19 written new motor vehicle franchise or sales agreement;

20 (iv) execute a certificate to the effect that the
 21 applicant has a permanent building for the display and sale
 22 of new motor vehicles at the location of the premises where
 23 sales are conducted;

24 (v) execute a certificate to the effect that the
 25 applicant has a bona fide service department for the repair,

1 ~~service, and maintenance of motor vehicles; and~~
 2 ~~(vi) execute a certificate to the effect that the~~
 3 ~~applicant is a bona fide dealer in new motor vehicles and~~
 4 ~~that he is recognized by a manufacturer, importer, or~~
 5 ~~distributor as a dealer in new motor vehicles.~~

6 (b) To qualify as a used motor vehicle dealer and for
 7 the use of "UD" plates, or as a trailer, semitrailer, or
 8 special mobile equipment dealer and for the use of "DIR"
 9 plates, or as a motorcycle dealer and for the use of "MCD"
 10 plates, the applicant must, in addition to the matters set
 11 forth in subsections (i) AND (ii) end (iv) of subsection
 12 (1)(a) above, provide:

13 ~~(i) a statement that the applicant has a permanent~~
 14 ~~building and lot for the display of motor vehicles and an~~
 15 ~~illuminated sign A PERMANENT SIGN READABLE AT A MINIMUM~~
 16 ~~DISTANCE OF 150 FEET AND indicating the firm name and~~
 17 ~~headquarters as the principal place of business; and~~

18 (ii) a certificate to the effect that the applicant is
 19 a bona fide dealer in used motor vehicles, trailers,
 20 semitrailers, special mobile equipment, or motorcycles.

21 ~~(c) in addition to the matters required in subsection~~
 22 ~~(1)(b) above, an applicant for a used motor vehicle dealer~~
 23 ~~license shall certify under oath that the applicant sold in~~
 24 ~~excess of 10 12 used motor vehicles during the previous~~
 25 ~~calendar year; in lieu of this requirement, a new applicant~~

1 ~~for a used motor vehicle dealer license, who has not made~~
 2 ~~application for a used motor vehicle dealer license for a~~
 3 ~~period of 5 years 1 YEAR immediately preceding the current~~
 4 ~~application, shall pay, in addition to all sums required by~~
 5 ~~this section and other provisions of law, the sum of \$500~~
 6 ~~\$150 \$300 to the registrar of motor vehicles.~~

7 (C) TO QUALIFY FOR A USED MOTOR VEHICLE DEALER LICENSE
 8 A PERSON MUST SUBMIT AN ANNUAL APPLICATION FOR THAT LICENSE
 9 AND COMPLY WITH THE PROVISIONS OF THIS SUBSECTION IN
 10 ADDITION TO FULFILLING THE REQUIREMENTS OF SUBSECTION (1)(B)
 11 ABOVE. A NEW APPLICANT FOR A USED MOTOR VEHICLE DEALER
 12 LICENSE SHALL PAY \$300 TO THE REGISTRAR OF MOTOR VEHICLES IN
 13 ADDITION TO ANY OTHER SUMS REQUIRED BY THIS SECTION OR OTHER
 14 PROVISIONS OF THE LAW. AN APPLICANT FOR A RENEWAL OF A USED
 15 MOTOR VEHICLE DEALER LICENSE SHALL CERTIFY UNDER OATH THAT
 16 HE HAS SOLD MORE THAN FIVE USED MOTOR VEHICLES DURING THE
 17 PRECEDING CALENDAR YEAR OR PAY AN ADDITIONAL \$300 BEFORE HE
 18 MAY BE LICENSED.

19 (D) THE PROVISIONS OF SUBSECTION (1)(C) ABOVE, DO NOT
 20 APPLY TO AN APPLICANT WHO IS LICENSED AS A MOTOR VEHICLE
 21 WRECKING FACILITY UNDER THE PROVISIONS OF TITLE 69, CHAPTER
 22 68, R.C.M., 1947.

23 (2) ~~For the purposes of this section, a private~~
 24 ~~residence, tent, or temporary building is not a sufficiently~~
 25 ~~permanent place of business to qualify under the~~

1 ~~requirements set forth above, in addition to the information~~
 2 ~~required above, the registrar may require such information~~
 3 ~~as is necessary to efficiently administer this law.~~

4 (2) The applicant for a dealer's license shall also
 5 file with his application a good and sufficient bond in the
 6 sum of five thousand dollars (\$5,000), and the bond shall be
 7 conditioned that the applicant shall conduct his business in
 8 accordance with the requirements of the law. All bonds shall
 9 run to the state of Montana and shall be approved by the
 10 registrar of motor vehicles and filed in his office and
 11 shall be renewed annually.

12 ~~The registrar of motor vehicles shall not register or~~
 13 ~~license as a dealer any applicant for the sale of new motor~~
 14 ~~vehicles at retail unless such applicant owns, leases, or~~
 15 ~~rents a permanent building wherein he shall conduct his~~
 16 ~~business and who has a dealer's franchise from a~~
 17 ~~manufacturer of motor vehicles. A private residence, tent,~~
 18 ~~or temporary building is not a sufficiently permanent place~~
 19 ~~of business within the meaning of this section. The~~
 20 ~~registrar of motor vehicles shall not register or license~~
 21 ~~any applicant as a dealer in used cars unless such applicant~~
 22 ~~furnishes sufficient evidence to the registrar that he has a~~
 23 ~~building or lot to provide display of merchandise, a sign~~
 24 ~~indicating the firm name and headquarters as the principal~~
 25 ~~place of business.~~

1 ~~41(3)~~ Upon making such application, the applicant
 2 shall pay to the registrar of motor vehicles, in addition to
 3 the fees required of dealers under the provisions of section
 4 53-122, a fee of five dollars (\$5). Upon receipt of the
 5 application, fee and bond, as provided above, the registrar
 6 of motor vehicles shall examine the application, and may,
 7 prior to issuing a license, make individual investigation of
 8 the truth of the statements contained in the application. If
 9 the registrar of motor vehicles is satisfied that the
 10 applicant qualifies for the issuance of a dealer's license
 11 under the provisions of this act, he may thereupon issue the
 12 same.

13 ~~42(4)~~ Every dealer licensed under this section shall
 14 keep a book or record of the purchase, sale or exchange or
 15 receipt for the purpose of sale, of any used vehicle, a
 16 description of such vehicles, together with the name and
 17 address of the seller, of the purchaser, and of the alleged
 18 owner or other person from whom such vehicle was purchased
 19 or received, or to whom it was sold or delivered, as the
 20 case may be. Such description in the case of motor vehicles
 21 shall also include the engine number, if any, the maker's
 22 number, if any, chassis number, if any, and such other
 23 numbers or identification marks as may be thereon, and shall
 24 include a statement that a number has been obliterated,
 25 defaced or changed, if such is the fact. In the case of a

1 trailer, semitrailer or special mobile equipment, the record
 2 shall include the manufacturer's number and such other
 3 numbers or identification marks as may be thereon. He shall
 4 also have in his possession a duly assigned certificate of
 5 title from the owner of said motor vehicle in accordance
 6 with the provisions of another section of this act, from the
 7 time when the motor vehicle is delivered to him until it has
 8 been disposed of by him.

9 ~~43(5)~~ Upon the licensing of a dealer as a new motor
 10 vehicle dealer, used motor vehicle dealer, or trailer,
 11 semitrailer, or special mobile equipment dealer, or a dealer
 12 of the motorcycle-type vehicle, the registrar of motor
 13 vehicles shall assign to such dealer a distinctive serial
 14 license number as a dealer and AFTER PAYMENT OF FEES furnish
 15 every qualified dealer in motor vehicles with not less than
 16 two (2) sets of number plates, and as many more as ~~the~~ fee
 17 ~~the dealer pays entitles the dealer to~~ which REQUIRED
 18 ACCORDING TO NEED, WHICH NEED SHALL BE JUSTIFIED BY THE
 19 DEALER WITH THE INITIAL APPLICATION FOR LICENSE AND EACH
 20 RENEWAL. ASSIGNED number plates shall be similar to number
 21 plates furnished to owners of motor vehicles but shall bear
 22 thereon, in addition to the serial number assigned such
 23 dealer, ~~the letter "D" if the dealer sells new motor~~
 24 ~~vehicles (including trucks and trailers) or new and used~~
 25 ~~motor vehicles (including trucks and trailers), the letters~~

1 ~~"DB" if the dealer sells used motor vehicles (including~~
 2 ~~trucks and trailers) only, and the letters "DIR" if the~~
 3 ~~dealer sells trailers, semitrailers or special mobile~~
 4 ~~equipment (new or used) only, and the letters "MCB" if the~~
 5 ~~dealer sells vehicles of the motorcycle type. Only new motor~~
 6 ~~vehicle dealers' license plates bearing the letter "D" shall~~
 7 ~~be assigned if both new and used motor vehicles (including~~
 8 ~~trucks and trailers) are sold, and only one license fee~~
 9 ~~shall be required of any one dealer. the letter "D", if the~~
 10 ~~dealer is authorized to sell new motor vehicles (including~~
 11 ~~trucks and truck-trailers); the letters "UD" if the dealer~~
 12 ~~is authorized to sell used motor vehicles (including used~~
 13 ~~trucks and used truck-trailers); the letters "DIR" if the~~
 14 ~~dealer is authorized to sell trailers, semitrailers, or~~
 15 ~~special mobile equipment (new or used); and the letters~~
 16 ~~"MCQ" if the dealer is authorized to sell vehicles of the~~
 17 ~~motorcycle type (new or used). With the exception of a~~
 18 ~~dealer authorized to sell new motor vehicles (including~~
 19 ~~trucks and truck-trailers) and to use the "D" plate, no~~
 20 ~~dealer authorized to transact business under the provisions~~
 21 ~~of this section may offer for sale or trade any vehicle~~
 22 ~~described in this section except such vehicles as are~~
 23 ~~authorized by the plates assigned to him. If an applicant~~
 24 ~~wishes to sell more than one type of vehicle, he shall make~~
 25 ~~application for each separate authorization. No dealer~~

1 plate assigned to a dealer may be used on any vehicle other
 2 than the type described in this section. A dealer authorized
 3 to sell new motor vehicles and assigned a "D" plate is
 4 authorized to sell both new and used motor vehicles
 5 (including trucks and truck-trailers), and "D" plates may be
 6 displayed on either new or used motor vehicles by a licensed
 7 dealer in new vehicles. The registrar of motor vehicles
 8 shall cause to be placed on each set of license plates
 9 issued to a dealer, a serial number assigned to each dealer
 10 and the actual number of license plates issued to each
 11 dealer. The number of the dealer shall follow the prefix of
 12 the county, and the number of plates issued the dealer shall
 13 follow the prefix of the county and the number of the
 14 dealer, the dealer's number to be separated from the county
 15 prefix by a dash, and the number of plates issued to a
 16 dealer to be separated from the dealer's number by a dash,
 17 as follows: Dealer number 4 in Lewis and Clark County would
 18 be numbered 5-4, and if the dealer were issued three sets of
 19 plates, they would be numbered consecutively as follows,
 20 5-4-1, 5-4-2 and 5-4-3. Dealers properly licensed under this
 21 section are authorized to use and display, dealer's license
 22 plates on any motor vehicle held for bona fide sale or used
 23 principally in the conduct of the dealer's business in
 24 selling or demonstrating motor vehicles. ~~Dealer plates may~~
 25 ~~be used and displayed only on motor vehicles that are~~

1 ~~principally situated in the county in which the dealer has~~
 2 ~~his principal place of business.~~ No dealer's license plate
 3 shall be used or displayed on vehicles normally used for
 4 hire, lease or rental or for purposes not incident to the
 5 business of a motor vehicle dealer. EACH DEALER IS
 6 ACCOUNTABLE FOR EACH PLATE ISSUED AND SHALL CERTIFY
 7 QUARTERLY TO THE REGISTRAR OF MOTOR VEHICLES THE DISPOSITION
 8 OF EACH DEALER PLATE ASSIGNED TO THE DEALER, INCLUDING THE
 9 NAME, ADDRESS, AND OCCUPATION OF THE PERSON PRIMARILY USING
 10 EACH PLATE. If it shall appear to the satisfaction of the
 11 registrar of motor vehicles, from information furnished to
 12 him by the sheriff or any other law enforcement officer,
 13 that any such dealer has been improperly licensed, has used
 14 the dealer's license ~~in a manner other than the one~~
 15 ~~permitted above~~ on a vehicle other than one authorized by
 16 ~~this section~~ IN A MANNER OTHER THAN THE ONE HEREIN
 17 AUTHORIZED or is not qualified as a dealer under the
 18 requirements of this section, the registrar of motor
 19 vehicles may revoke such dealer's license. No person, firm,
 20 corporation or association shall, for commission or profit,
 21 engage in the business of buying, selling, exchanging or
 22 acting as a broker of new motor vehicles, trailers or
 23 semitrailers unless duly licensed in compliance with this
 24 section (except trailers having an unladen weight of less
 25 than five hundred (500) pounds).

1 Any person violating the provisions of this section
 2 shall be guilty of a misdemeanor and subject to a fine of
 3 not less than two hundred fifty dollars (\$250) and not more
 4 than five hundred dollars (\$500). For the purposes hereof,
 5 every sale of a motor vehicle in violation of the provisions
 6 of this section shall be deemed a separate offense."

-End-

HOUSE BILL NO. 650

INTRODUCED BY SCULLY, TROPILA

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 53-118, R.C.M. 1947, TO PROVIDE FOR REGULATION OF MOTOR VEHICLE AND TRAILER DEALERS; DEFINING THE ACQUISITION AND USE OF DEALER LICENSE PLATES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 53-118, R.C.M. 1947, is amended to read as follows:

"53-118. Application for dealer's license. (1) Every person, firm, corporation, or association who, for commission or profit, engages in the business of buying, selling, exchanging or acting as a broker of new motor vehicles, used motor vehicles, trailers, (except trailers having an unladen weight of less than five hundred (500) pounds), semitrailers or special mobile equipment as defined in section 53-642 and qualifies under subparagraph (f) of this section, shall cause to be filed, by mail or otherwise, in the office of the registrar of motor vehicles, a verified application for licensing as a dealer on a blank to be furnished by the registrar of motor vehicles for that purpose, and containing the information therein required. The application and all of the information therein contained

shall be verified by the Montana highway patrol. Each application must be accompanied by the license fee hereinafter named. Dealer's license must be renewed and paid for annually, and an application for relicensing must be filed not later than January first of each year. To qualify for licensing and the issuance and use of "D," "UD," "DTR," or "MCD" plates, as hereinafter provided, the applicant must furnish the following information and qualify under the following provisions:

~~(a) The name under which the business is conducted;~~

~~(b) Location of premises (street, address, city, county and state) where records are kept, sales are made and stock of motor vehicles displayed;~~

~~(c) Name and address of all owners or persons having an interest in the business; provided, however, that in the case of a corporation, the names and addresses of the president and secretary thereof will be sufficient;~~

~~(d) Name and make of all vehicles handled, if factory franchised or selling under a written agreement with a manufacturer, importer or distributor;~~

~~(e) Whether or not used vehicles are handled exclusively;~~

~~(f) A certificate to the effect that the applicant is a bona fide dealer in motor vehicles, trailers, semitrailers or special mobile equipment; and that the applicant, if a~~

1 dealer in new motor vehicles is recognized by a
 2 manufacturer, importer or distributor as a dealer in
 3 particular makes of new motor vehicles.

4 ~~(n) Other information required by the registrar to~~
 5 ~~efficiently administer this law.~~

6 (a) To qualify as a new motor vehicle dealer and for
 7 the use of "D" plates, the applicant must:

8 (i) state the name under which the business is to be
 9 conducted and the location of the premises (street address,
 10 city, county, and state) where records are kept, sales are
 11 made, and stock of motor vehicles is displayed;

12 (ii) state the name and address of all owners or
 13 persons having an interest in the business, provided that in
 14 the case of a corporation, the names and addresses of the
 15 president and secretary thereof are sufficient;

16 (iii) state the name and make of all motor vehicles
 17 handled and the name and address of the manufacturer,
 18 importer, or distributor with whom the applicant has a
 19 written new motor vehicle franchise or sales agreement;

20 (iv) execute a certificate to the effect that the
 21 applicant has a permanent building for the display and sale
 22 of new motor vehicles at the location of the premises where
 23 sales are conducted;

24 (v) execute a certificate to the effect that the
 25 applicant has a bona fide service department for the repair,

1 service, and maintenance of motor vehicles; and

2 (vi) execute a certificate to the effect that the
 3 applicant is a bona fide dealer in new motor vehicles, and
 4 that he is recognized by a manufacturer, importer, or
 5 distributor as a dealer in new motor vehicles.

6 (b) To qualify as a used motor vehicle dealer and for
 7 the use of "UD" plates, or as a trailer, semitrailer, or
 8 special mobile equipment dealer and for the use of "DTR"
 9 plates, or as a motorcycle dealer and for the use of "MCD"
 10 plates, the applicant must, in addition to the matters set
 11 forth in subsections (i), AND (ii), and (iv) of subsection
 12 (1)(a) above, provide:

13 ~~(i) a statement that the applicant has a permanent~~
 14 ~~building and OR lot for the display of motor vehicles and an~~
 15 ~~illuminated sign a sign readable at a minimum distance of~~
 16 ~~150 feet and indicating the firm name and headquarters as~~
 17 ~~the principal place of business; and~~

18 (I) A STATEMENT THAT THE APPLICANT HAS A PERMANENT
 19 BUILDING AND OR LOT AND A PERMANENT SIGN READABLE AT A
 20 MINIMUM DISTANCE OF 150 FEET AND INDICATING THE FIRM NAME
 21 AND HEADQUARTERS AS THE PRINCIPAL PLACE OF BUSINESS; AND

22 ~~(ii) (I) a certificate to the effect that the applicant~~
 23 ~~is a bona fide dealer in used motor vehicles, trailers,~~
 24 ~~semitrailers, special mobile equipment, or motorcycles.~~

25 ~~(c) In addition to the matters required in subsection~~

1 ~~(((b)) above an applicant for a used motor vehicle dealer~~
 2 ~~license shall certify under oath that the applicant sold in~~
 3 ~~excess of 10 12 used motor vehicles during the previous~~
 4 ~~calendar year in lieu of this requirement, a new applicant~~
 5 ~~for a used motor vehicle dealer license SHALL CERTIFY UNDER~~
 6 ~~OATH THAT THE APPLICANT SOLD IN EXCESS OF 12 USED MOTOR~~
 7 ~~VEHICLES DURING THE PREVIOUS CALENDAR YEAR. IN LIEU OF THIS~~
 8 ~~REQUIREMENT, A NEW APPLICANT FOR A USED MOTOR VEHICLE DEALER~~
 9 ~~LICENSE, who has not made application for a used motor~~
 10 ~~vehicle dealer license for a period of 5 years 1 YEAR~~
 11 ~~immediately preceding the current application, shall pay in~~
 12 ~~addition to all sums required by this section and other~~
 13 ~~provisions of law the sum of \$500 \$150 \$300 to the~~
 14 ~~registrar of motor vehicles.~~

15 (C) TO QUALIFY FOR A USED MOTOR VEHICLE DEALER LICENSE
 16 A PERSON MUST SUBMIT AN ANNUAL APPLICATION FOR THAT LICENSE
 17 AND COMPLY WITH THE PROVISIONS OF THIS SUBSECTION IN
 18 ADDITION TO FULFILLING THE REQUIREMENTS OF SUBSECTION (1)(B)
 19 ABOVE. A NEW APPLICANT FOR A USED MOTOR VEHICLE DEALER
 20 LICENSE SHALL PAY \$300 TO THE REGISTRAR OF MOTOR VEHICLES IN
 21 ADDITION TO ANY OTHER SUMS REQUIRED BY THIS SECTION OR OTHER
 22 PROVISIONS OF THE LAW. AN APPLICANT FOR A RENEWAL OF A USED
 23 MOTOR VEHICLE DEALER LICENSE SHALL CERTIFY UNDER OATH THAT
 24 HE HAS SOLD MORE THAN FIVE USED MOTOR VEHICLES DURING THE
 25 PRECEDING CALENDAR YEAR OR PAY AN ADDITIONAL \$300 BEFORE HE

1 MAY BE LICENSED.
 2 (D) THE PROVISIONS OF SUBSECTION (1)(C) ABOVE, DO NOT
 3 APPLY TO AN APPLICANT WHO IS LICENSED AS A MOTOR VEHICLE
 4 RECKING FACILITY UNDER THE PROVISIONS OF TITLE 69, CHAPTER
 5 68, R.C.M. 1947.

6 ~~(2) For the purposes of this section, a private~~
 7 ~~residence, tent or temporary building is not a sufficiently~~
 8 ~~permanent place of business to qualify under the~~
 9 ~~requirements set forth above in addition to the information~~
 10 ~~required above, the registrar may require such information~~
 11 ~~as is necessary to efficiently administer this law.~~

12 (3)(2) The applicant for a dealer's license shall also
 13 file with his application a good and sufficient bond in the
 14 sum of five thousand dollars (\$5,000), and the bond shall be
 15 conditioned that the applicant shall conduct his business in
 16 accordance with the requirements of the law. All bonds shall
 17 run to the state of Montana and shall be approved by the
 18 registrar of motor vehicles and filed in his office and
 19 shall be renewed annually.

20 ~~The registrar of motor vehicles shall not register or~~
 21 ~~license as a dealer any applicant for the sale of new motor~~
 22 ~~vehicles at retail unless such applicant owns, leases or~~
 23 ~~rents a permanent building wherein he shall conduct his~~
 24 ~~business and who has a dealers' franchise from a~~
 25 ~~manufacturer of motor vehicles. A private residence, tent~~

~~1 or temporary building is not a sufficiently permanent place
2 of business within the meaning of this section. The
3 registrar of motor vehicles shall not register or license
4 any applicant as a dealer in used cars unless such applicant
5 furnishes sufficient evidence to the registrar that he has a
6 building or lot to provide display of merchandise, a sign
7 indicating the firm name and headquarters as the principal
8 place of business.~~

9 ~~(4)~~ Upon making such application, the applicant
10 shall pay to the registrar of motor vehicles, in addition to
11 the fees required of dealers under the provisions of section
12 53-122, a fee of five dollars (\$5). Upon receipt of the
13 application, fee and bond, as provided above, the registrar
14 of motor vehicles shall examine the application, and may,
15 prior to issuing a license, make individual investigation of
16 the truth of the statements contained in the application. If
17 the registrar of motor vehicles is satisfied that the
18 applicant qualifies for the issuance of a dealer's license
19 under the provisions of this act, he may thereupon issue the
20 same.

21 ~~(5)~~ Every dealer licensed under this section shall
22 keep a book or record of the purchase, sale or exchange or
23 receipt for the purpose of sale, of any used vehicle, a
24 description of such vehicles, together with the name and
25 address of the seller, of the purchaser, and of the alleged

1 owner or other person from whom such vehicle was purchased
2 or received, or to whom it was sold or delivered, as the
3 case may be. Such description in the case of motor vehicles
4 shall also include the engine number, if any, the maker's
5 number, if any, chassis number, if any, and such other
6 numbers or identification marks as may be thereon, and shall
7 include a statement that a number has been obliterated,
8 defaced or changed, if such is the fact. In the case of a
9 trailer, semitrailer or special mobile equipment, the record
10 shall include the manufacturer's number and such other
11 numbers or identification marks as may be thereon. He shall
12 also have in his possession a duly assigned certificate of
13 title from the owner of said motor vehicle in accordance
14 with the provisions of another section of this act, from the
15 time when the motor vehicle is delivered to him until it has
16 been disposed of by him.

17 ~~(6)~~ Upon the licensing of a dealer as a new motor
18 vehicle dealer, used motor vehicle dealer, or trailer,
19 semitrailer, or special mobile equipment dealer, or a dealer
20 of the motorcycle-type vehicle, the registrar of motor
21 vehicles shall assign to such dealer a distinctive serial
22 license number as a dealer and AFTER PAYMENT OF FEES furnish
23 every qualified dealer in motor vehicles with not less than
24 two (2) sets of number plates, and as many more as ~~the fee~~
25 ~~the dealer pays entitles the dealer to, which~~ REQUIRED

1 ~~ACCORDING TO NEED, WHICH NEED SHALL BE JUSTIFIED BY THE~~
 2 ~~DEALER WITH THE INITIAL APPLICATION FOR LICENSE AND EACH~~
 3 ~~RENEWAL, ASSIGNED~~ number plates shall be similar to number
 4 plates furnished to owners of motor vehicles but shall bear
 5 thereon, in addition to the serial number assigned such
 6 dealer, the letter "B" if the dealer sells new motor
 7 vehicles (including trucks and trailers) or new and used
 8 motor vehicles (including trucks and trailers); the letters
 9 "UB" if the dealer sells used motor vehicles (including
 10 trucks and trailers) only; and the letters "BFR" if the
 11 dealer sells trailers, semitrailers or special mobile
 12 equipment (new or used) only; and the letters "CB" if the
 13 dealer sells vehicles of the motorcycle type. Only new motor
 14 vehicle dealers' license plates bearing the letter "B" shall
 15 be assigned if both new and used motor vehicles (including
 16 trucks and trailers) are sold, and only one license fee
 17 shall be required of any one dealer. the letter "U", if the
 18 dealer is authorized to sell new motor vehicles (including
 19 trucks and truck-trailers); the letters "UB" if the dealer
 20 is authorized to sell used motor vehicles (including used
 21 trucks and used truck-trailers); the letters "BFR" if the
 22 dealer is authorized to sell trailers, semitrailers, or
 23 special mobile equipment (new or used); and the letters
 24 "UCB" if the dealer is authorized to sell vehicles of the
 25 motorcycle type (new or used), with the exception of a

1 dealer authorized to sell new motor vehicles (including
 2 trucks and truck-trailers) and to use the "D" plate, no
 3 dealer authorized to transact business under the provisions
 4 of this section may offer for sale or trade any vehicle
 5 described in this section except such vehicles as are
 6 authorized by the plates assigned to him. If an applicant
 7 wishes to sell more than one type of vehicle, he shall make
 8 application for each separate authorization. No dealer
 9 plate assigned to a dealer may be used on any vehicle other
 10 than the type described in this section. A dealer authorized
 11 to sell new motor vehicles and assigned a "D" plate is
 12 authorized to sell both new and used motor vehicles
 13 (including trucks and truck-trailers), and "D" plates may be
 14 displayed on either new or used motor vehicles by a licensed
 15 dealer in new vehicles. The registrar of motor vehicles
 16 shall cause to be placed on each set of license plates
 17 issued to a dealer, a serial number assigned to each dealer
 18 and the actual number of license plates issued to each
 19 dealer. The number of the dealer shall follow the prefix of
 20 the county, and the number of plates issued the dealer shall
 21 follow the prefix of the county and the number of the
 22 dealer, the dealer's number to be separated from the county
 23 prefix by a dash, and the number of plates issued to a
 24 dealer to be separated from the dealer's number by a dash,
 25 as follows: Dealer number 4 in Lewis and Clark County would

1 be numbered 5-4, and if the dealer were issued three sets of
 2 plates, they would be numbered consecutively as follows,
 3 5-4-1, 5-4-2 and 5-4-3. Dealers properly licensed under this
 4 section are authorized to use and display, dealer's license
 5 plates on any motor vehicle held for bona fide sale or used
 6 principally in the conduct of the dealer's business in
 7 selling or demonstrating motor vehicles. ~~Dealer plates may~~
 8 ~~be used and displayed only on motor vehicles that are~~
 9 ~~principally situated in the county in which the dealer has~~
 10 ~~his principal place of business.~~ No dealer's license plate
 11 shall be used or displayed on vehicles normally used for
 12 hire, lease or rental or for purposes not incident to the
 13 business of a motor vehicle dealer. EACH DEALER IS
 14 ACCOUNTABLE FOR EACH PLATE ISSUED AND SHALL CERTIFY
 15 QUARTERLY TO THE REGISTRAR OF MOTOR VEHICLES THE DISPOSITION
 16 OF EACH DEALER PLATE ASSIGNED TO THE DEALER, INCLUDING THE
 17 NAME, ADDRESS, AND OCCUPATION OF THE PERSON PRIMARILY USING
 18 EACH PLATE. If it shall appear to the satisfaction of the
 19 registrar of motor vehicles, from information furnished to
 20 him by the sheriff or any other law enforcement officer,
 21 that any such dealer has been improperly licensed, has used
 22 the dealer's license in ~~a manner other than the one~~
 23 ~~permitted above on a vehicle other than one authorized by~~
 24 ~~this section~~ IN A MANNER OTHER THAN THE ONE HEREIN
 25 AUTHORIZED or is not qualified as a dealer under the

1 requirements of this section, the registrar of motor
 2 vehicles may revoke such dealer's license. No person, firm,
 3 corporation or association shall, for commission or profit,
 4 engage in the business of buying, selling, exchanging, or
 5 acting as a broker of new motor vehicles, trailers or
 6 semitrailers unless duly licensed in compliance with this
 7 section (except trailers having an unladen weight of less
 8 than five hundred (500) pounds).

9 Any person violating the provisions of this section
 10 shall be guilty of a misdemeanor and subject to a fine of
 11 not less than two hundred fifty dollars (\$250) and not more
 12 than five hundred dollars (\$500). For the purposes hereof,
 13 every sale of a motor vehicle in violation of the provisions
 14 of this section shall be deemed a separate offense."

-End-