

Bill No. CS for SB 2682

Barcode 160190

1 conduct the business of a motor vehicle dealer. Each license
2 issued to a franchise motor vehicle dealer expires annually on
3 December 31 unless revoked or suspended prior to that date.
4 Each license issued to an independent or wholesale dealer or
5 auction expires annually on April 30 unless revoked or
6 suspended prior to that date. Not less than 60 days prior to
7 the license expiration date, the department shall deliver or
8 mail to each licensee the necessary renewal forms. Each
9 independent dealer shall certify that the dealer ~~principal~~
10 (owner, partner, officer ~~of the corporation~~, or director of
11 the licensee, or a full-time employee of the licensee who
12 holds a responsible management-level position) has completed 8
13 hours of continuing education prior to filing the renewal
14 forms with the department. Such certification shall be filed
15 once every 2 years commencing with the 2006 renewal period.
16 The continuing education shall include at least 2 hours of
17 legal or legislative issues, 1 hour of department issues, and
18 5 hours of relevant motor vehicle industry topics. Continuing
19 education shall be provided by dealer schools licensed under
20 paragraph (b) either in a classroom setting or by
21 correspondence. Such schools shall provide certificates of
22 completion to the department and the customer which shall be
23 filed with the license renewal form, and such schools may
24 charge a fee for providing continuing education. Any licensee
25 who does not file his or her application and fees and any
26 other requisite documents, as required by law, with the
27 department at least 30 days prior to the license expiration
28 date shall cease to engage in business as a motor vehicle
29 dealer on the license expiration date. A renewal filed with
30 the department within 45 days after the expiration date shall
31 be accompanied by a delinquent fee of \$100. Thereafter, a new

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1 application is required, accompanied by the initial license
2 fee. A license certificate duly issued by the department may
3 be modified by endorsement to show a change in the name of the
4 licensee, provided, as shown by affidavit of the licensee, the
5 majority ownership interest of the licensee has not changed or
6 the name of the person appearing as franchisee on the sales
7 and service agreement has not changed. Modification of a
8 license certificate to show any name change as herein provided
9 shall not require initial licensure or reissuance of dealer
10 tags; however, any dealer obtaining a name change shall
11 transact all business in and be properly identified by that
12 name. All documents relative to licensure shall reflect the
13 new name. In the case of a franchise dealer, the name change
14 shall be approved by the manufacturer, distributor, or
15 importer. A licensee applying for a name change endorsement
16 shall pay a fee of \$25 which fee shall apply to the change in
17 the name of a main location and all additional locations
18 licensed under the provisions of subsection (5). Each initial
19 license application received by the department shall be
20 accompanied by verification that, within the preceding 6
21 months, the applicant, or one or more of his or her designated
22 employees, has attended a training and information seminar
23 conducted by a licensed motor vehicle dealer training school.
24 Any applicant for a new franchised motor vehicle dealer
25 license who has held a valid franchised motor vehicle dealer
26 license continuously for the past 2 years and who remains in
27 good standing with the department is exempt from the
28 prelicensing training requirement. Such seminar shall include,
29 but is not limited to, statutory dealer requirements, which
30 requirements include required bookkeeping and recordkeeping
31 procedures, requirements for the collection of sales and use

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1 taxes, and such other information that in the opinion of the
2 department will promote good business practices. No seminar
3 may exceed 8 hours in length.

4 (b) Each initial license application received by the
5 department for licensure under subparagraph (1)(c)2. must be
6 accompanied by verification that, within the preceding 6
7 months, the applicant (owner, partner, officer ~~of the~~
8 ~~corporation~~, or director of the applicant, or a full-time
9 employee of the applicant who holds a responsible
10 management-level position) has successfully completed training
11 conducted by a licensed motor vehicle dealer training school.
12 Such training must include training in titling and
13 registration of motor vehicles, laws relating to unfair and
14 deceptive trade practices, laws relating to financing with
15 regard to buy-here, pay-here operations, and such other
16 information that in the opinion of the department will promote
17 good business practices. Successful completion of this
18 training shall be determined by examination administered at
19 the end of the course and attendance of no less than 90
20 percent of the total hours required by such school. Any
21 applicant who had held a valid motor vehicle dealer's license
22 within the past 2 years and who remains in good standing with
23 the department is exempt from the requirements of this
24 paragraph. ~~In the case of nonresident applicants, the~~
25 ~~requirement to attend such training shall be placed on any~~
26 ~~employee of the licensee who holds a responsible~~
27 ~~management-level position and who is employed full-time at the~~
28 ~~motor vehicle dealership.~~ The department shall have the
29 authority to adopt any rule necessary for establishing the
30 training curriculum; length of training, which shall not
31 exceed 8 hours for required department topics and shall not

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1 exceed an additional 24 hours for topics related to other
 2 regulatory agencies' instructor qualifications; and any other
 3 requirements under this section. The curriculum for other
 4 subjects shall be approved by any and all other regulatory
 5 agencies having jurisdiction over specific subject matters;
 6 however, the overall administration of the licensing of these
 7 dealer schools and their instructors shall remain with the
 8 department. Such schools are authorized to charge a fee.
 9 This privatized method for training applicants for dealer
 10 licensing pursuant to subparagraph (1)(c)2. is a pilot program
 11 that shall be evaluated by the department after it has been in
 12 operation for a period of 2 years.

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14

15 ===== T I T L E A M E N D M E N T =====

16 And the title is amended as follows:

17 On page 1, line 6, after the first semicolon,

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19 insert:

20 allows certain persons associated with the
 21 motor vehicle dealership to be certified as
 22 having completed the required training courses;

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