

## IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

### Division of Motor Vehicles

#### 39.02.02 – Rules Governing Vehicle and Vessel Dealer License Requirements – Motor Vehicles

##### **Who does this rule apply to?**

*Those in the business of selling, exchanging or soliciting the sale or display of five or more vehicles or vessels in any one calendar year.*

- Dealers of Vehicles or Vessels including off-highway vehicles;
- Salesperson License; and
- Off-premise Sales Activities.

##### **What is the purpose of this rule?**

*The rule establishes the requirements for issuing vehicle and vessel dealer licenses. Provides when an individual must be a licensed dealer to sell or exchange vehicles or vessels and outlines the process for a salesperson to be licensed.*

*This rule addresses off-premise sales activities and conditions that the dealership must meet for approval.*

##### **What is the legal authority for the agency to promulgate this rule?**

*This rule implements the following statutes passed by the Idaho Legislature:*

Motor Vehicles -

Dealers and Salesman Licensing:

- [49-1602, Idaho Code](#) – Administration – Power and Duties
- [49-1606, Idaho Code](#) – Classes of Licenses – Nonresident Licenses

##### **Who do I contact for more information on this rule?**

Idaho Transportation Department

Monday – Friday 8:00 am to 5:00 pm

P.O. Box 7129

Boise, ID 83707-1129

3311 West State Street

Phone: (208) 334-8000

[itd.idaho.gov](http://itd.idaho.gov)

# ***Table of Contents***

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## **39.02.02 – Rules Governing Vehicle and Vessel Dealer License Requirements – Motor Vehicles**

000. Legal Authority. ....	3
001. Scope. ....	3
002. -- 099. (Reserved).....	3
100. Dealer License Requirements. ....	3
101. Salesperson License. ....	3
102. -- 299. (Reserved).....	3
300. Request For Refund Of Dealer Or Salesperson Licensing Fees. ....	3
301. Refund Of Dealer Thirty Day Temporary Permits, License Plates, And Validation Sticker Fees. ....	3
302. -- 999. (Reserved).....	4

**39.02.02 – RULES GOVERNING VEHICLE AND VESSEL DEALER  
LICENSE REQUIREMENTS – MOTOR VEHICLES**

**000. LEGAL AUTHORITY.**

Sections 49-1602, and 49-1606(7), Idaho Code. (4-6-23)

**001. SCOPE.**

This rule clarifies the requirements for the issuance of dealer licenses and specifies other provisions for licenses and fees. (4-6-23)

**002. -- 099. (RESERVED)**

**100. DEALER LICENSE REQUIREMENTS.**

A dealer license is needed in the following situations: (4-6-23)

**01. Seller Not Titled Owner.** Selling or exchanging; or (4-6-23)

**02. Maximum Sales.** Selling, or exchanging, or soliciting the sale of five (5) or more vehicles or vessels in any one (1) calendar year even though titled in seller's name; or (4-6-23)

**03. Display for Sale.** Displaying for sale or exchange, five (5) or more vehicles or vessels at any one (1) time even though titled in the displayer's name; or (4-6-23)

**04. Displaying Vehicles or Vessels.** Displaying vehicles or vessels for sale, exchange or consign on property not legally controlled by the owner of the vehicle or vessel. (4-6-23)

**101. SALESPERSON LICENSE.**

Dealers will not allow a person to act as a salesperson in their behalf unless such person holds a valid salesperson license containing a current photograph of the salesperson, and the date of expiration of the salesperson's license. (4-6-23)

**01. Temporary Salesperson.** A new or transferring salesperson may act as a temporary salesperson for a sponsoring dealer for a period, not to exceed sixty (60) days, if the person submits an application with the appropriate fee. (4-6-23)

**02. Temporary Salesperson Sales Authorization.** A copy of the application must be carried by the temporary salesperson as authorization to act as a salesperson. (4-6-23)

**102. -- 299. (RESERVED)**

**300. REQUEST FOR REFUND OF DEALER OR SALESPERSON LICENSING FEES.**

The Department will only process requests for refunds of licensing fees if: (4-6-23)

**01. Application Denial.** The application is denied prior to the issuance of a temporary license. (4-6-23)

**02. Prior to License Issuance.** The applicant requests a refund prior to the issuance of a license. (4-6-23)

**03. Prior to Renewal Issuance.** The licensee pays a renewal license fee and then requests a refund prior to the issuance of the renewed license. (4-6-23)

**04. Over-Payment.** The applicant over-pays the fees needed. (4-6-23)

**301. REFUND OF DEALER THIRTY DAY TEMPORARY PERMITS, LICENSE PLATES, AND VALIDATION STICKER FEES.**

The Department will process requests for refunds if: (4-6-23)

**01. Unused Permits.** The thirty (30) day temporary permits are returned unused by a dealership that is going out of business. (4-6-23)

**02. Plates Not Ordered.** The dealer license plates have not been ordered through the plate manufacturer. (4-6-23)

**03. Validation Stickers Unused.** The dealer validation stickers have not been applied to the dealer's license plates. (4-6-23)

**302. -- 999. (RESERVED)**