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**IDAPA 39
TITLE 02
CHAPTER 03**

39.02.03 - RULES GOVERNING VEHICLE DEALER'S PRINCIPAL PLACE OF BUSINESS

000. LEGAL AUTHORITY.

This rule is adopted under the authority of Section 49-201(1), Idaho Code and the Vehicle Dealer Act, Chapter 16, Title 49, Idaho Code. (12-26-90)

001. TITLE AND SCOPE.

This rule clarifies terms used in the definition of "principal place of business" and provisions regarding these terms. (12-26-90)

002. -- 009. (RESERVED).

010. DEFINITIONS.

01. Vehicle Dealer File System. Books and files, necessary to conduct the business of a vehicle dealership. In accordance with the Vehicle Dealer Act, records shall be kept in a file cabinet or desk drawer in such order that they can be readily inspected by Department Investigator. The files shall contain but are not limited to: (12-26-90)

- a. Sales invoices for current and two (2) preceding years; (12-26-90)
- b. Copies of purchase orders for vehicles purchased for current and two (2) preceding years; (12-26-90)
- c. Title application forms kept in numerical order; (12-26-90)
- d. Written records of vehicles bearing new or used dealers' number plates and their use by a manufacturer, vehicle dealer, or full-time licensed salespersons; (12-26-90)
- e. Written records for loaner plates; (12-26-90)
- f. A valid bond in the amount required by Section 49-1608, Idaho Code; (12-26-90)
- g. Copies of Wholesale Dealer Forms records showing, all transactions, as applicable; (12-26-90)
- h. Odometer disclosure records for non-exempt vehicles; and (12-26-90)
- i. Consignment agreements, as specified in Section 49-1636, Idaho Code. (7-2-92)

02. Vehicle Dealer Sign Requirements. An exterior sign permanently affixed to the land or building, with clearly visible letters, visible to major avenue of traffic meeting local building or zoning codes with the trade name of the dealership clearly visible is required. Wholesale dealer signs may be painted on the window of the office next to the entrance door of sufficient size to be easily read by prospective customers. A suggested retail sign size is twenty-four (24) square feet, with a minimum of two (2) inch letters. (12-26-90)

03. Telephone. A "hard-mount" wire line phone answered during business hours or all other reasonable times, in the name of the licensed dealer. The telephone may be answered in person, by an answering machine, or at a remote location in person, or by machine via call forwarding. All mobile telephones, including cellular, IMTS, trunking, or any telephone interconnect systems are specifically excluded. The telephone must be listed with the local telephone company in the name of the dealership. (7-2-92)

011. -- 099. (RESERVED).

100. GENERAL PROVISIONS.

01. File System Inspection. A vehicle dealer shall submit all books, records and files for immediate inspection for cause or complaint and upon reasonable written notice for random compliance review by a peace officer or authorized agent of the Department. (12-26-90)

02. Title Fee Disclosure. A dealer may reflect the payment of a state-required title fee as specified by Section 49-202(2)(b), Idaho Code, however: (7-2-92)

a. The fee must be clearly identified as a "TITLE FEE"; (7-2-92)

b. The fee must be shown as the exact amount required by law; (7-2-92)

c. Any documentation fees charged must be clearly listed separately from other fees and identified to the customer as dealer document preparation fees that are subject to sales tax as part of the purchase price of the vehicle. (7-2-92)

03. Vehicle Dealer License Suspension. Any dealer not meeting the requirements of the Vehicle Dealer Act shall be subject to suspension of an existing dealer license or refusal by the Department to issue a new dealer license. (7-2-92)

a. The Department's agent shall give written notice of deficiencies to the dealer or applicant. (12-26-90)

b. At its discretion the Department may give the licensed dealership a reasonable amount of time to comply. (12-26-90)

c. Upon compliance, the license shall be reinstated or issued. (12-26-90)

101. -- 299. (RESERVED).

300. PENALTIES.

A dealer violating this rule shall be subject to license suspension for a period not to exceed six (6) months. (12-26-90)

301. -- 999. (RESERVED).

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