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**IDAPA 39
TITLE 02
CHAPTER 02**

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

000. LEGAL AUTHORITY.

This rule is adopted under the authority of Sections 49-1602, and 49-1606(7), Idaho Code. (9-14-92)

001. TITLE AND SCOPE.

01. Title. This rule shall be known as IDAPA 39.02.02, "Rules Governing Vehicle and Vessel Dealer License Requirements - Motor Vehicles." (3-30-01)

02. Scope. This rule clarifies the requirements for the issuance of dealer licenses, clarifies allowable locations for "supplemental lot" and "temporary supplemental lot" licenses, and specifies provisions for refunds of dealer and salesman licensing fees, dealer thirty-day (30) temporary permits, dealer license plates, and dealer validation sticker fees. (3-30-01)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations for this chapter. (3-30-01)

003. ADMINISTRATIVE APPEALS.

This chapter does not provide for administrative appeals. (3-30-01)

004. INCORPORATION BY REFERENCE.

There are no documents that have been incorporated by reference into this rule. (3-30-01)

005. -- 099. (RESERVED).

100. DEALER LICENSE REQUIREMENTS.

A dealer license is required in the following situations: (12-26-90)

01. Seller Not Titled Owner. Selling or exchanging; or (12-26-90)

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 (3-30-01)

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 (3-30-01)

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. (3-30-01)

101. SALESPERSON LICENSE.

Dealers shall 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. (9-14-92)

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 has: (9-14-92)

a. Made application to the Department; and (9-14-92)

b. Paid the required fees; and (9-14-92)

c. Has retained a copy of the completed application. (9-14-92)

02. Temporary Salesperson Sales Authorization. A copy of the application must be carried by the temporary salesperson as authorization to act as a salesperson. (9-14-92)

102. -- 199. (RESERVED).

200. OFF-PREMISE SALES ACTIVITIES.

The Department shall not issue a "supplemental lot" or "temporary supplemental lot" license, unless the proposed sale or display activity is located within the same or adjacent county as the dealership's principal place of business location or unless the dealership satisfies the requirements of Section 49-121(1), Idaho Code. Display of vehicle(s) or vessel(s) for sale or exchange at a location other than the location specified on the license issued to the dealer is a violation of this rule and the Dealer and Salesman Licensing Act. (3-30-01)

201. -- 299. (RESERVED).

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

The fees established for dealer and salesperson licenses are based on the costs to set up the files and to issue the necessary documents to begin operation of the enterprise. Therefore, the Department will only process requests for refunds of licensing fees if: (9-14-92)

01. Application Denial. The application is denied prior to the issuance of a temporary license. (9-14-92)

02. Prior to License Issuance. The applicant requests a refund prior to the issuance of a license. (9-14-92)

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. (9-14-92)

04. Over-Payment. The applicant over-pays the fees required. (9-14-92)

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

The Department will process requests for refunds if: (9-14-92)

01. Unused Permits. The thirty (30) day temporary permits are returned unused by a dealership that is going out of business. (9-14-92)

02. Plates Not Ordered. The dealer license plates have not been ordered through the plate manufacturer. (9-14-92)

03. Validation Stickers Unused. The dealer validation stickers have not been applied to the dealer's license plates. (9-14-92)

302. -- 399. (RESERVED).

400. PENALTIES.

01. License Suspension. Any person who violates this rule is subject to a license suspension or the non-issuance of a license for a period of not less than thirty (30) days and no more than six (6) months. (9-14-92)

02. Hearing Requests. Prior to a license suspension or the non-issuance of a license, persons may request a hearing as provided for by Section 49-1618, Idaho Code. (9-14-92)

03. Unlicensed Person. Any unlicensed person who violates this rule is subject to penalty under Chapter 16, Title 49, Idaho Code. (12-26-90)

401. -- 999. (RESERVED).

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