**29 DEPARTMENT OF SECRETARY OF STATE**

**250 BUREAU OF MOTOR VEHICLES**

**Chapter 103: RULES FOR VEHICLE DEALERS, AUCTIONS, TRANSPORTERS, RECYCLERS, MOBILE CRUSHERS, AND LOANERS**

**SUMMARY**: This rule establishes the requirements for licensing and for receipt of registration plates for vehicle dealers, persons in the business of conducting vehicle auctions, vehicle recyclers, mobile crushers, and holders of loaner and transporter plates. The rule sets forth required facilities, equipment, records and hours and describe required application procedures. The rule also establishes requirements for annexes and for secondary locations.

**Definitions**: Unless otherwise defined, terms have the same meaning as in Title 29-A.

**I. REQUIREMENTS FOR NEW CAR DEALERS AND USED CAR DEALERS**

A. **Established place of business or annex**. The established place of business and any annex locations of a new car dealer or used car dealer shall:

1. Be located in a permanent, enclosed building(s) which:

a. Is in good repair;

b. Is free of obstruction;

c. Has a source of heat:

d. Is owned or leased by the dealer;

e. Is used exclusively by the dealer for the purpose of displaying, repairing, buying, and selling vehicles and other vehicle related items.

2. Have a display area that meets the following requirements:

a. The display area shall be located at the established place of business and annex location;

b. The display area shall contain not less than 5,000 square feet used exclusively for the display of vehicles offered for sale;

c. Any outside surface of the display area shall be paved, graded gravel, crushed rock, or a mowed grassy surface and shall be kept plowed in winter to allow an all weather and all season display of vehicles offered for sale;

d. Ground space occupied by gas pumps or junk vehicles, and the normal drive approach to the repair area and customer parking shall not be included when determining the 5,000 square feet of display area;

e. The display area shall be free of debris, hazards and unrelated materials;

f. The location, degree of slope and grade of the display area shall be such that the display of vehicles does not constitute a hazard; and

g. Additional or separate lots are allowed, but their location must be reported to the Secretary of State and cannot be used in part or whole to obtain the required 5,000 square feet. See regulations on secondary locations.

3. Have an office which:

a. Is located at the established place of business or annex location;

b. Is not less than 64 square feet in size, is used exclusively for dealership and related business, and is free of unrelated materials and debris;

c. Is heated during business hours;

d. Is entered through a door which is properly labelled and readily accessible to the public;

e. Contains at least one desk, 2 chairs, and a metal or wooden filing cabinet manufactured for that purpose. The filing cabinet is not required if the desk is equipped with drawers suitable in size and design for storing and filing business records. Books and records may be kept at the primary location when applying for an annex;

f. Is completely enclosed by floor to ceiling construction. (Tar paper, sheathing paper, or cardboard are not allowed as construction material.); and

g. Is separate from any living quarters.

4. Have reasonable business hours which:

a. Are a minimum of 30 hours per week consisting of at least five 6 hour days;

b. Shall be posted and clearly visible on the exterior or through a window of the building identified as the established place of business or annex; and

c. Shall be between 6:00 a.m. and 9:00 p.m.

d. A dealer may be exempted from maintaining regular business hours for up to two weeks with written notification to Dealer Licensing.

1. A sign shall be conspicuously posted that informs consumers of the date the dealer will return to posted business hours.

5. Have a repair facility:

a. Which is located within the building or buildings identified as the established place of business or annex, and is used exclusively by the dealership;

b. Which contains not less than 400 square feet of workable floor space which is free of benches and permanently mounted equipment;

c. Which is heated and reasonably free of debris, hazards and unrelated materials; and

d. Which has a hard surface, non-dirt floor.

e. Notwithstanding section 1(A)(1)(e), a dealer may lease their repair facility to a licensed inspection mechanic. The dealer shall file a copy of the lease with the Bureau. The dealer must display a sign of at least 2 ft. by 3 ft. stating that any repair work done on site for the dealership will be performed by the technician leasing space. The sign shall include the technician’s address and telephone number.

6. Be equipped during posted business hours with the following tools and equipment:

a. One vehicle jack or car lift in working order;

b. An air compressor in working order; and

c. At least one set of general mechanic’s tools sufficient to make warranty repairs and any specialty tools necessary to perform repairs.

7. Display the license and supplement license(s) issued in a public space visible to the general public.

8. Have a sign which meets the following requirements (unless a municipality has established ordinances regulating signs contrary to these rules, whereupon the Secretary of State, upon notification by the dealer of such ordinances, may grant an exception to these rules to the dealer affected):

a. The sign shall be permanently mounted, displayed at the established place of business or annex, and shall not be less than 12 square feet in surface size;

b. The sign shall be visible from the entrance to the lot and the letters of the sign shall be readable from a distance of 200 feet; and

c. The sign shall contain the trade or business name of the dealer and related business only.

9. Contain records as follows:

a. Records shall be maintained at the office of the established place of business and shall be available during posted business hours for inspection by agents of the Secretary of State or of the Office of the Attorney General or duly authorized members of law enforcement agencies during those business hours. If a dealer has no business hours between 8:00 a.m. and 5:00 p.m., the dealer shall make the records available for inspection during these hours upon reasonable demand and advance notice of the Secretary of State, the Office of the Attorney General or law enforcement agencies;

b. The Dealer shall fully complete and maintain a record of the purchase or sale of a vehicle so as to comply with 29-A M.R.S. §956(1)(A). The record of the purchase or sale of the vehicle shall contain a description of the vehicle, including make, model, model year, body type, vehicle identification number, color, and whether the vehicle is new or used. The dealer shall also maintain a record of the seller’s information, purchaser’s information, legal owner, odometer information, and date of sale;

c. Records shall be kept for a minimum of five years in accordance with the federal *Truth in Mileage Act of 1986* and rules promulgated thereunder.

B. **Application**. In addition to filling out the basic application, an applicant for dealer registration and plates shall:

1. Answer, on a form prescribed by the Secretary of State, basic questions relative to the ownership and facilities of the established place of business or annex and shall swear before a notary as to the truthfulness of the answers;

2. Submit to an investigation as follows:

a. Upon receipt of an application for dealer registration, the Secretary of State shall conduct an investigation into the ownership and facilities established place of business or annex location of new car dealers and used car dealers; and

b. Prior to approval of an application for dealer registration and plates, an inspection report shall be submitted to the Secretary of State affirming that the dealership conforms to all applicable laws, rules and regulations. Periodic inspections of the premises and facilities will be conducted thereafter to ensure continued compliance with applicable laws, rules and regulations.

c. Applicants shall submit to State Bureau of Identification background check upon initial and renewal application. The Bureau of Motor Vehicles will request and receive the background check from the State Bureau of Identification. A fee for the background check will be assessed at time of initial and renewal application pursuant to Title 25 MRSA Sec. 1541(1).

d. State criminal history record information shall be used for the purpose of screening dealer applicants in order to determine whether issuance of a dealer license is granted or maintained.

3. Dealers shall provide current contact information to include primary or secondary telephone and mailing address, and an e-mail address if available as frequent statutory updates are disseminated via e-mail;

4. Dealers shall make notification of changes to any of the contact information within 30 days, in writing or other means approved by the Secretary of State, of the old and new contact information.

5. Pay the appropriate filing fees at the time of application;

6. File proof of automobile liability insurance as prescribed in 29-A M.R.S. §1612, and surety bond as required by 29-A M.R.S. §901(4).

a. The surety bond shall be for the use and benefit of the Secretary of State, and for any person who may suffer a financial loss because the licensee failed to comply with the requirements of 29-A M.R.S. chapter 7 or chapter 9 related to the buying and selling of vehicles, or any provisions of this rule or of Chapter 104, Rules of the Department of Secretary of State.

The surety bond shall be for at least the minimum amount prescribed in §901(4) and shall be applied against the total amount of claims during the license period.

The surety bond shall become payable upon order of a court of competent jurisdiction; or an administrative ruling by the Bureau of Consumer Credit Protection or the Secretary of State.

The form of the surety bond is prescribed in Appendix B.

7. Notify the Secretary of State of the sales tax number issued by the Maine Revenue Services by submitting a reseller’s certificate at initial application and upon each renewal;

8. Furnish copies of properly recorded partnership papers, authority to operate under an assumed name, if applicable, proof of incorporation in the State of Maine, or proof of authority for a foreign corporation to conduct business in the State of Maine;

9. Furnish copies of a lease, if the facilities are leased;

10. Furnish copies of compliance with applicable building codes, zoning codes and other land use regulatory ordinances in the Maine municipality where the established place of business or annex is operated;

11. Furnish a copy of a plot plan for the premises;

12. File a new application and fees whenever the ownership structure changes; and

13. New applicants must attend and complete the Dealer/Title Workshop conducted by the Bureau of Motor Vehicles prior to licensure.

C. **Arbitration/mediation Fees**. No dealer may receive renewal of the dealer’s license and dealer plates until the dealer has submitted arbitration or mediation fees imposed by 10 M.R.S. §1169(11) as follows:

1. Arbitration/mediation fees must be collected from the date of issuance of the current license through to the first day of the expiration month of the current license for any motor vehicle retail sale except commercial vehicles with a gross vehicle weight of 8,500 pounds or more;

2. Arbitration/mediation fees must be submitted in one annual payment at the time of renewal to the Secretary of State, Bureau of Motor Vehicles, Dealer Licensing;

3. Dealerships which change ownership must transfer arbitration/mediation fees collected to their successors for submission by the new owners as part of the new owner’s annual payment; or alternatively the prior owner must pay all arbitration/mediation fees due prior to the transfer. If there are no successors, the dealer must submit fees collected through the final day of business to the Secretary of State within 10 days of the final day of business.

D. **Temporary Plates May Be Issued to a Dealer**

1. To be placed on a vehicle purchased by a customer for a period of 14 days. If the customer is a non-resident member of the Armed Services a temporary plate may be issued for a period of 20 days;
2. The 14 or 20 day temporary plate expiration date calculation begins on the date of sale;
3. No temporary plate shall be renewed or extended except by authority of the Secretary of State, Bureau of Motor Vehicles, Dealer Licensing Section;
4. The dealer license type and number shall be identified on the lower right hand corner of each temporary plate issued;
5. The temporary plate must be attached to the rear plate bracket.
6. **Dealer Plate Use/Requirements**

Dealer business plates are assigned to a vehicle dealer for the conduct of the dealer’s business including vehicles assigned to the owner or staff in accordance with 29-A M.R.S. §1002. Dealer family plates are assigned to a dealer’s immediate family for personal use only.

* 1. To obtain or retain business plate(s) a dealer must:
  2. Maintain a log that indicates the staff or area (e.g. shop) that has been assigned plates giving the employees’ names and the plate number(s) and suffix(es) for the plates. The log will be in a manner prescribed by the Secretary of State.
  3. Sell 25 vehicles (excluding sales to dealerships under the same ownership), for each additional business plate in excess of the plates permitted under 29-A M.R.S.§903(3). (See Appendix A.)
  4. Newly licensed dealers may obtain plates, under the same formula, except that the number of plates to which a dealer is entitled will be based on estimates for the first year.
  5. To obtain or retain a dealer family plate a dealer must:
     + 1. Have been in business for at least one year.
       2. Have at least 20% ownership in the business; or the minimum ownership required by the franchise agreement, whichever is less. No more than five family plates may be issued per dealer license.
       3. No more than five family plates may be issued per dealer license.
       4. Submit an application providing the name(s), date(s) of birth and relationship(s) to the owner of the primary driver(s). A primary driver may only be a spouse or child under the age of nineteen living with the dealer.
       5. Have no more than one family plate per owner regardless of the number of dealerships owned or licenses held.
       6. Use the plate on a vehicle that is in the dealer’s active inventory and that is available for resale.

1. **10,000 lb. Laden Permit Issued to Dealers**

The 10,000 lb. laden permit allows a dealer to carry a load on a vehicle or combination of vehicles while using their dealer plates, if the load is in conjunction with the sale or purchase of a motor vehicle, trailer or equipment by the dealership. This permit shall only be used to haul items for which the dealership is licensed to sell. The hauling unit must have a new car dealer plate or used car dealer plate attached to it.

1. The permit can not be photocopied.
2. The original permit must be carried in the hauling unit during transport.
3. The operation of the vehicle or combination of vehicles and load must be in conjunction with the sale or purchase of a motor vehicle, vehicle or equipment. The bill of sale, invoice or other proof of purchase must be carried in the hauling unit with the permit.
4. The load may consist of one automobile, truck or truck-tractor or; it may consist of multiple trailers or equipment that the dealer is licensed to sell.
5. The annual fee is $200.00 per permit. A dealer may purchase more than 1 permit.
6. The permit expires 90 days from the date of issuance and may be renewed.
7. If traveling out of state:

a. If the hauling unit and load weighs 10,000 pounds or more and if traveling out of state the dealer must have a USDOT number.

b. The dealer should obtain a USDOT number by contacting Motor Carrier Services, Fuel Decal Section at 624-9000 Extension 52137 or online at:

<http://www.fmcsa.dot.gov/>

There is no fee for the DOT number.

c. Check with the states that will be traveled through to be certain that those states do not require the truck to be registered in the International Registration Plan (IRP).

d. If the hauling unit and load weighs over 26,001 pounds the truck may need a fuel decal. Contact Motor Carrier Services, Fuel Decal Section to obtain the information regarding the International Fuel Tax Agreement (IFTA).

This permit does not exempt the permitee from any other requirements, i.e. CDL License, commercial inspection, fuel decals, Uniform Carrier Registry, DOT number, etc.

**II. REQUIREMENTS FOR MOTORCYCLE DEALERS, LIGHT TRAILER, HEAVY TRAILER DEALERS, AND EQUIPMENT DEALERS**

A. **Established Place of Business or Annex**. The established place of business and any annex location of a motorcycle dealer, light trailer, heavy trailer or equipment dealer shall:

1. Be located in a permanent, enclosed building(s) which:

a. Is in good repair;

b. Is free of obstructions or material not related to the display, repair or sale of vehicles or other vehicle related items;

c. Has a source of heat;

d. Is owned or leased by the dealer;

e. Contains a solid wall separating the established place of business from any other unrelated business in the building;

f. Has an entrance used exclusively to gain access to the established place of business.

2. Have a display area which meets the following requirements:

a. The display area shall be located at the established place of business or annex;

b. The display area shall be large enough to permit the display of at least 2 of the largest units of the type of vehicle the applicant will be licensed to sell;

c. Any outside surface of the display area shall be paved, graded gravel, crushed rock, or a mowed grassy surface and shall be kept plowed in winter to allow an all weather and all season display of vehicles offered for sale; (Those dealers who are in compliance with IIA-4F (seasonal hours) will be exempt from all season display area standards);

d. Ground space occupied by gas pumps or junk vehicles, and the normal drive approach to the customer parking and repair area shall not be included when determining the size of the display area;

e. The display area shall be free of debris, hazards and unrelated materials;

f. The location, degree of slope and grade of the display area shall be such that the display of vehicles does not constitute a hazard; and

g. Additional or separate lots are allowed, but their location must be reported to the Secretary of State and cannot be used in part or whole to obtain the required area for display purposes. See regulations on secondary locations.

3. Have an office which:

a. Is located at the established place of business or annex;

b. Is not less than 64 square feet in size, is used exclusively for dealership and related business, and is free of unrelated materials and debris;

c. Is heated during business hours;

d. Is entered through a door which is properly labelled and readily accessible to the public;

e. Contains at least one desk, 2 chairs, and a metal or wooden filing cabinet manufactured for that purpose. The filing cabinet is not required if the desk is equipped with drawers suitable in size and design for storing and filing business records. Books and records may be kept at the primary location when applying for an annex;

f. Is completely enclosed by floor to ceiling construction. (Tar paper, sheathing paper, or cardboard are not allowed as construction material.); and

g. Is separate from any living quarters.

4. Have reasonable business hours which:

a. Are a minimum of 30 hours per week consisting of at least five 6-hour days;

b. Shall be posted and clearly visible on the exterior or through a window of the building identified as the established place of business or annex;

c. Shall be between 6:00 a.m. and 9:00 p.m.;

d. For motorcycle dealers and light trailer dealers selling only boat trailers the hours shall be maintained at the minimum required during the period from March 1st through October 31st of each year;

e. For light trailer dealers selling only snowmobile trailers the hours shall be maintained at the minimum required during the period from November 1st of each year through March 31st of the following year; and

f. Any dealer operating a business under the seasonal guidelines shall notify the Secretary of State when the dealership is closed in the off season.

g. A dealer may be exempted from maintaining regular business hours for up to two weeks with written notification to Dealer Licensing.

1. A sign shall be conspicuously posted that informs consumers of the date the dealer will return to posted business hours.

5. Have a repair facility which is:

a. For motorcycles located within the building or buildings identified as the established place of business or annex, and is used exclusively by the dealership;

b. For trailer, light trailers, and equipment, located within, or in an area outside, the building or buildings identified as the established place of business or annex;

c. Large enough to permit the simultaneous repair of at least two units of the type of vehicle the applicant will be licensed to sell;

d. Heated if within the building or buildings identified as the established place of business or annex; and

e. Reasonably free of debris, hazards and unrelated materials.

f. Which has a hard surface, non-dirt floor.

6. Be equipped during posted business hours with the following tools and equipment:

a. One vehicle jack or car lift in working order;

b. An air compressor in working order; and

c. At least one set of general mechanic’s sufficient to make warranty repairs and any specialty tools necessary to perform repairs.

7. Display the license and supplement license(s) issued in a space visible to the general public.

8. Have a sign which meets the following requirements (unless a municipality has established ordinances regulating signs contrary to these rules, whereupon the Secretary of State, upon notification by the dealer of such ordinances, may grant an exception to these rules to the dealer affected);

a. The sign shall be permanently mounted, displayed at the established place of business or annex, and shall not be less than 12 square feet in surface size;

b. The sign shall be visible from the entrance to the lot and the letters of the sign shall be readable from a distance of 200 feet; and

c. The sign shall contain the trade or business name of the dealer and related business only.

9. Contain records as follows:

a. Records shall be maintained at the office of the established place of business and shall be available for inspection during posted business hours by agents of the Secretary of State or of the Office of the Attorney General or duly authorized members of law enforcement agencies during those business hours. If a dealer has no business hours between 8:00 a.m. and 5:00 p.m., the dealer shall make the records available for inspection during these hours upon reasonable demand and advance notice of the Secretary of State, the Office of the Attorney General or law enforcement agencies;

b. The Dealer shall fully complete and maintain a record of the purchase or sale of a vehicle so as to comply with 29-A M.R.S. §956(1-A). The record of the purchase or sale of the vehicle shall contain a description of the vehicle, including make, model, model year, body type, vehicle identification number, color, and whether the vehicle is new or used. The dealer shall also maintain a record of the seller’s information, purchaser’s information, legal owner, odometer information, and date of sale;

c. Records shall be kept in accordance with 29-A M.R.S. §956(5) on all full-time personnel; and

d. Records shall be kept for a minimum of five years, and motorcycle, motor driven cycle and moped dealers shall comply with the federal *Truth in Mileage Act of 1986* and rules promulgated thereunder.

B. **Application**. In addition to filling out the basic application, an applicant for dealer registration and plates shall:

1. Answer, on a form prescribed by the Secretary of State, basic questions relative to the ownership and facilities of the established place of business or annex and shall swear before a notary as to the truthfulness of the answers;

2. Submit to an investigation as follows:

a. Upon receipt of an application for dealer registration, the Secretary of State shall conduct an investigation into the ownership and facilities of the established place of business or annex of motorcycle dealers, motor driven cycle dealers, moped dealers, light trailer dealers, trailer and semi-trailer dealers, mobile home dealers and equipment dealers; and

b. Prior to approval of an application for dealer registration and plates, inspection report shall be submitted to the Secretary of State affirming that the dealership conforms to all applicable laws, rules and regulations. Periodic inspections of the premises and facilities will be conducted thereafter to ensure continued compliance with applicable laws, rules and regulations;

c. Applicants shall submit to State Bureau of Identification background check upon initial and renewal application. The Bureau of Motor Vehicles will request and receive the background check from the State Bureau of Identification. A fee for the background check will be assessed at time of initial and renewal application pursuant to Title 25 MRSA Sec. 1541(1).

d. State criminal history record information shall be used for the purpose of screening dealer applicants in order to determine whether issuance of a dealer license is granted or maintained.

3. Dealers shall provide current contact information to include primary or secondary telephone and mailing address, and an e-mail address if available as frequent statutory updates are disseminated via e-mail;

4. Dealers shall make notification of changes to any of the contact information within 30 days, in writing or other means approved by the Secretary of state, of the old and new contact information.

5. Pay the appropriate filing fees at the time of application;

6. File proof of automobile liability insurance as prescribed in 29-A M.R.S. §1612, and surety bond as required by 29-AM.R.S. §901(4).

a. The surety bond shall be for the use and benefit of the Secretary of State, and for any person who may suffer a financial loss because the licensee failed to comply with the requirements of 29-A M.R.S. chapter 7 or chapter 9 related to the buying and selling of vehicles, or any provisions of this rule or of Chapter 104, Rules of the Department of Secretary of State.

The surety bond shall be for at least the minimum amount prescribed in §901(4) and shall be applied against the total amount of claims during the license period.

The surety bond shall become payable upon order of a court of competent jurisdiction; or an administrative ruling by the Bureau of Consumer Credit Protection or the Secretary of State.

The form of the surety bond is prescribed in Appendix B.

7. Notify the Secretary of State of the sales tax number issued by the Maine Revenue Services by submitting a reseller’s certificate at initial application and upon each renewal;

8. Furnish copies of properly recorded partnership papers, authority to operate under an assumed name, if applicable, proof of incorporation in the State of Maine, or proof of authority for a foreign corporation to conduct business in the State of Maine;

9. Furnish copies of a lease, if the facilities are leased;

10. Furnish copies of compliance with applicable building codes, zoning codes and other land use regulatory ordinances in the Maine municipality where the established place of business or annex is operated;

11. Furnish a copy of a plot plan for the premises;

12. File a new application and fees whenever the ownership structure changes; and

13. New applicants must attend and complete the Dealer/Title Workshop conducted by the Bureau of Motor Vehicles prior to licensure.

C. **Arbitration/mediation Fees**. For motorcycle dealers, no dealer may receive renewal of the dealer’s license and dealer plates until the dealer has submitted arbitration or mediation fees imposed by 10 M.R.S. §1169(11) as follows:

1. Arbitration/mediation fees must be collected from the date of issuance of the current license through to the first day of the expiration month of the current license for any motor vehicle retail sale except commercial vehicles with a gross vehicle weight of 8,500 pounds or more;

2. Arbitration/mediation fees must be submitted in one annual payment at the time of renewal to Secretary of State, Bureau of Motor Vehicles, Dealer and Agent Services;

3. Dealerships that change ownership must transfer arbitration/mediation fees collected to their successors for submission by the new owners as part of the new owner’s annual payment. If there are no successors, the dealer must submit fees collected through the final day of business to the Secretary of State within 10 days of the final day of business;

D. **Temporary Plates May Be Issued to a Dealer**

1. To be placed on a vehicle purchased by a customer for a period of 14 days. If the customer is a non-resident member of the Armed Services a temporary plate may be issued for a period of 20 days;
2. The 14 or 20 day temporary plate expiration date calculation begins on the date of sale;
3. No temporary plate shall be renewed or extended except by authority of the Secretary of State, Bureau of Motor Vehicles, Dealer Licensing Section;
4. The dealer license type and number shall be identified on the lower right hand corner of each temporary plate issued;
5. The temporary plate must be attached to the rear plate bracket;
   1. **Dealer Plate Use/Requirements**

The dealer plate/family plate requirements shall be the same as for new and used car dealers in Section I., subsection E.

F. **10,000 lb. Laden Permit Issued to Dealers**

The 10,000 laden permit requirements shall be the same as for new and used car dealers in Section I, subsection F.

**III. REQUIREMENTS OF RECYCLERS**

A. **Established Place of Business**. The established place of business of a recycler shall:

1. Be a permanent location within the State which is easily accessible and open to the public at all reasonable times:

* 1. Is owned or leased by the applicant. If leased, a witnessed or notarized copy of the lease is required to be filed with the application;

2. Have facilities which:

a. Are adequate for the storage and display of vehicles being handled; and

b. Facilities and display areas must be reasonably free of debris, hazards and unrelated materials.

3. Have a suitable office which:

a. Is adequate for business being conducted;

b. Contains records of the business; and

c. Is heated and reasonably free of debris, hazards and unrelated materials.

d. Is separate from any living quarters. Active licenses prior to this date shall be grandfathered and exempt from this requirement.

4. Have business hours which are posted and clearly visible to the public;

a. Are a minimum of 30 hours per week consisting of at least five 6-hour days;

b. Shall be between 6:00 a.m. and 9:00 p.m.;

5. Display the license and supplement license(s) in a public space visible to the general public;

6. Have an exterior sign which meets the following requirements (unless a municipality has established ordinances regulating signs contrary to these rules, whereupon the Secretary of State, upon notification by the dealer of such ordinances, may grant an exception to these rules to the dealer affected):

a. The sign shall be permanently mounted, displayed at the established place of business and shall not be less than 12 square feet in surface size;

b. The sign shall be visible from the entrance to the lot and the letters of the sign shall be readable from a distance of 200 feet; and

c. The sign shall contain the trade or business name of the dealer and related businesses only.

7. Maintain records as follows:

a. Records shall be maintained at the established place of business and shall be available for inspection during posted business hours by agents of the Secretary of State or the Office of the Attorney General or duly authorized members of law enforcement agencies. Recyclers which do not have business hours between 8:00 a.m. and 5:00 p.m. shall make records available upon reasonable demand and advance notice by the Secretary of State, the Office of the Attorney General or law enforcement agencies;

b. All records shall be kept for a minimum of 5 years in accordance with 29-A M.R.S. §956(1).

c. Records shall be maintained on a form prescribed by the Secretary of State.

d. Recyclers shall provide proof of NMVTIS reporting registration to the Secretary of State upon initial application for recycler license.

B. **Application**. In addition to filling out the basic application, an applicant for a recyclerlicense shall:

1. Answer, on a form prescribed by the Secretary of State, basic questions relative to the ownership and facilities of the established place of business and shall swear before a notary as to the truthfulness of the answers;

2. Submit to an investigation as follows:

a. Upon receipt of an application for a recycler license, the Secretary of State shall conduct an investigation into the ownership and facilities of the established place of business. Periodic inspections of the premises and facilities will be conducted thereafter to ensure continued compliance with all applicable laws, rules and regulations;

b. Applicants shall submit to State Bureau of Identification background check upon initial and renewal application. The Bureau of Motor Vehicles will request and receive the background check from the State Bureau of Identification. A fee for the background check will be assessed at time of initial and renewal application pursuant to Title 25 MRSA Sec. 1541(1).

c. State criminal history record information shall be used for the purpose of screening dealer applicants in order to determine whether issuance of a dealer license is granted or maintained.

3. Recyclers shall provide current contact information to include primary or secondary telephone and mailing address, and an e-mail address if available as frequent statutory updates are disseminated via e-mail;

4. Recyclers shall make notification of changes to any of the contact information within 30 days, in writing or other means approved by the Secretary of State, of the old and new contact information.

5. Prior to approval of an application for a recycler license, an inspection report shall be submitted to the Secretary of State affirming that the dealership entity conforms to all applicable laws, rules and regulations;

6. Pay the appropriate filing fee at the time of application in addition to the license fee. Any business licensed by the Secretary of State as a new car, used car or equipment dealer pursuant to 29-A M.R.S. §951 is exempt from the recycler license fee;

7. Notify the Secretary of State of the sales tax number as issued by the Maine Revenue Services by submitting a reseller’s certificate at initial application and upon each renewal;

8. Furnish copies of properly recorded partnership papers, authority to operate under an assumed name, if applicable, proof of incorporation in the State of Maine, or proof of authority for a foreign corporation to conduct business in the State of Maine;

9. Furnish proof of compliance with applicable building codes, zoning codes and other land use regulatory ordinances in the Maine municipality where the established place of business is operated;

10. Furnish proof of compliance with 30-A M.R.S. §3753;

11. Furnish a copy of a plot plan for the premises;

1. File a new application and fees whenever the ownership structure changes; and
2. New applicants must attend and complete the Dealer/Title Workshop conducted by the Bureau of Motor Vehicles prior to licensure.

**IV. REQUIREMENTS FOR MOBILE CRUSHERS**

A. **License Requirements.**

1. A mobile crusher must be licensed as a recycler if they engage in any activity that meets the definition of a recycler under 29-A M.R.S., Section 1101.

B**. Permit Requirements.**

1. Mobile crushers based inside or outside the State of Maine that do not hold a Maine recycler license may crush vehicles at licensed recycler facilities only. Mobile crushers that are not licensed recyclers must obtain a permit to crush vehicles at a licensed Maine recycler location. The permit will be issued at no fee and must contain the date(s) and location(s) of the activity. A permit application must be submitted to the Dealer Section at least five business days in advance of conducting business. The permit must be carried with the mobile crusher operator.
2. A Maine based mobile crusher that holds a recycler license may crush vehicles at an unlicensed location. The recycler must file for a permit for each unlicensed location. The permit will be issued at no fee and must contain the date(s) and location(s) of the activity. A permit application must be submitted to the Dealer Section at least five business days in advance of conducting business. The permit must be carried with the mobile crusher operator. The mobile crusher is responsible for complying with 29-A M.R.S., Section 667 while conducting crushing operations at locations that are not licensed recyclers.
3. Permits shall be valid for 30 days.
4. A mobile crusher shall provide current contact information to the Dealer Section, including primary or secondary telephone, e-mail address, and mailing address.
5. The mobile crusher is required to make notification of changes to any of the contact information within 30 days, in writing or by other means approved by the Secretary of State, of the old and new contact information.

C. **Records.**  Mobile crushers shall maintain records as follows:

1. Records shall be maintained at the licensed recycler facility and shall be available for inspection by agents of the Secretary of State or the Office of the Attorney General or duly authorized members of law enforcement agencies. Recyclers or mobile crushers which do not have business hours between 8:00 a.m. and 5:00 p.m. shall make records available upon reasonable demand and advance notice by the Secretary of State, the Office of the Attorney General or law enforcement agencies;

1. All records shall be kept for a minimum of 5 years in accordance with 29-A M.R.S. §1110(1).
2. Mobile crushers must maintain an operator log for each location in accordance with 29-A M.R.S., Section 1110. The log must be in a manner prescribed by the Secretary of State.
3. The operator of a mobile crusher shall make the operator’s records available in this State during normal business hours.

**V. REQUIREMENTS FOR VEHICLE AUCTIONS**

A. **Established Place of Business or Annex**. The established place of business or annex of persons in the business of conducting vehicle auctions shall:

1. Be located in a permanent, enclosed building(s) which:

a. Is in good repair;

b. Is free of obstructions or material not related to a vehicle auction;

c. Has a heat source;

d. Is owned or leased by the vehicle auction;

e. Is used exclusively for the purpose of vehicle auctions and preparing vehicles for auction;

f. Contains a solid wall separating the established place of business or annex from any other unrelated business in the building; and

g. Has an entrance used exclusively to gain access to the established place of business or annex.

2. Persons in the business of conducting vehicle auctions by sealed bids or outside live auctions shall have a display area which meets the following requirements:

a. The display area shall be located at the established place of business or annex;

b. Any outside surface of the display area shall be paved, graded gravel, crushed rock or a mowed surface and shall be kept plowed in winter to allow an all weather and all season display of vehicles being offered for bid;

c. The display area shall be free from debris, hazards and unrelated materials;

d. The location, degree of slope and the grade of the display area shall be such that the display of vehicles does not constitute a hazard; and

e. Additional or separate lots are allowed, but their locations shall be reported to the Secretary of State.

3. Persons in the business of conducting live indoor vehicle auctions shall have a viewing and bidding facility which:

a. Is located within the building(s) identified as the established place of business or annex;

b. Is heated during normal business hours;

c. Is reasonably free of debris, hazards and unrelated materials; and

d. Contains viewing and bidding lanes sufficient to allow a view of the vehicles being auctioned from all directions and to allow the safe entry and exit of vehicles into and out of the lane.

4. Have an office which:

a. Is located at the established place of business or annex;

b. Is not less than 64 square feet in size, is used exclusively for auction or related business and is free of unrelated materials;

c. Is heated during business hours;

d. Is entered through a door which is properly labelled and readily accessible to the public;

e. Contains at least one desk, two chairs and a metal or wooden filing cabinet manufactured for that purpose. The filing cabinet is not required if the desk is equipped with drawers suitable in size and design for storing and filing business records. Books and records may be kept at the primary location when applying for an annex;

f. Is completely enclosed by floor to ceiling construction. (Tar paper, sheathing paper or cardboard are not allowed as construction material.);

g. Is separated from any living quarters.

5. Have reasonable business hours which:

a. Shall be posted and clearly visible on the exterior or through a window of the building identified as the established place of business or annex.

6. Display the license and supplement license(s) issued;

7. Have a sign which meets the following requirements (unless a municipality has established ordinances regulating signs contrary to these rules, whereupon the Secretary of State, upon notification by the applicant of such ordinances, may grant an exception to these rules to the person affected):

a. The sign shall be permanently mounted, displayed at the established place of business or annex and shall not be less than 12 square feet in surface size;

b. The sign shall be visible from the entrance to the lot and the letters of the sign shall be readable from a distance of 200 feet; and

c. The sign shall contain the trade or business name of the auction and related businesses only.

8. Contain records as follows:

a. Records shall be maintained at the office of the established place of business and shall be available for inspection during posted business hours by agents of the Secretary of State or the Office of the Attorney General or duly authorized members of law enforcement agencies. If an auction does not have business hours between 8:00 a.m. and 5:00 p.m., the auction shall make records available upon reasonable demand and advance notice by the Secretary of State, the Office of the Attorney General and law enforcement agencies;

b. The auction licensee shall fully complete and maintain a record of the purchase or sale of a vehicle so as to comply with 29-A M.R.S. §956(1)(A). The record of the purchase or sale of the vehicle shall contain a description of the vehicle, including make, model, model year, body type, vehicle identification number, color, and whether the vehicle is new or used. The dealer shall also maintain a record of the seller’s information, purchaser’s information, legal owner, odometer information, and date of sale;

c. All records shall be kept for a minimum of 5 years in accordance with the federal *Truth in Mileage Act of 1986* and rules promulgated thereunder.

B. **Application**. In addition to filling out the basic application, an applicant for a vehicle auction license shall:

1. Answer, on a form prescribed by the Secretary of State, basic questions relative to the ownership and facilities of the established place of business or annex and shall swear before a notary as to the truthfulness of the answers;

2. Submit to an investigation as follows:

a. Upon receipt of an application for a vehicle auction license, the Secretary of State shall conduct an investigation into the ownership and facilities of the established place of business or annex of the auction; and

b. Prior to approval of an application for a vehicle auction license, an inspection report shall be submitted to the Secretary of State affirming that the business conforms to all applicable laws, rules and regulations.

c. Applicants shall submit to State Bureau of Identification background check upon initial and renewal application. The Bureau of Motor Vehicles will request and receive the background check from the State Bureau of Identification. A fee for the background check will be assessed at time of initial and renewal application pursuant to Title 25 MRSA Sec. 1541(1).

d. State criminal history record information shall be used for the purpose of screening dealer applicants in order to determine whether issuance of a dealer license is granted or maintained.

3. Auction License holders shall provide current contact information to include primary or secondary telephone and mailing address, and an e-mail address if available as frequent statutory updates are disseminated via e-mail;

4. Auction License holders shall make notification of changes to any of the contact information within 30 days, in writing or other means approved by the Secretary of State, of the old and new contact information.

5. Pay the appropriate filing fees at the time of application;

6. File proof of surety bond as required by 29-AM.R.S. §901(4).

a. The surety bond shall be for the use and benefit of the Secretary of State, and for any person who may suffer a financial loss because the licensee failed to comply with the requirements of 29-A M.R.S. chapter 7 or chapter 9 related to the buying and selling of vehicles, or any provisions of this rule or of Chapter 104, Rules of the Department of Secretary of State.

The surety bond shall be for at least the minimum amount prescribed in §901(4) and shall be applied against the total amount of claims during the license period.

The surety bond shall become payable upon order of a court of competent jurisdiction; or an administrative ruling by the Bureau of Consumer Credit Protection or the Secretary of State.

The form of the surety bond is prescribed in Appendix B.

7. Notify the Secretary of State of the sales tax number as issued by the Maine Revenue Services by submitting a reseller’s certificate at initial application and upon each renewal;

8. Furnish copies of properly recorded partnership papers, authority to operate under an assumed name, if applicable, proof of incorporation in the State of Maine or proof of authority for a foreign corporation to conduct business in the State of Maine;

9. Furnish copies of a lease if the facilities are leased;

10. Furnish proof of compliance with applicable building codes, zoning codes and other land use regulatory ordinances in the Maine municipality where the established place of business or annex is operated;

11. Furnish a copy of a plot plan for the premises;

12. Obtain a temporary permit for all off-premise auctions;

13. File a new application and fees whenever the ownership structure changes; and

14. New applicants must attend and complete the Dealer/Title Workshop conducted by the Bureau of Motor Vehicles within 4 months of licensure.

C. **Exemption**. This rule does not apply to vehicle auctioneers who are licensed and bonded pursuant to 32 M.R.S. Chapter 5-A, and who are conducting a vehicle auction incidental to the liquidation of a business or an estate.

D. **Transit Plates**. An auction licensee may purchase unassigned transit plates from the Bureau of Motor Vehicles. Transit plates may be issued to licensed dealers for the purpose of removing a vehicle from the auction location. The auction licensee shall maintain records of all transit plates issued for a period of six months.

**VI. REQUIREMENT FOR DEALER AND AUCTION SECONDARY LOCATIONS**

A. **Secondary Locations**. A secondary location of a vehicle dealer or auction shall:

1. Have a display area which meets the following requirements:

a. The display area shall be an established commercial location;

b. The display area shall be large enough to permit the display of at least 2 of the largest units of the type of vehicles the applicant will be licensed to sell;

c. Any outside surface of the display area shall be paved, graded gravel, crushed rock or a mowed grassy surface and shall be kept plowed in winter to allow an all weather and all season display of vehicles being offered for sale;

d. Ground space occupied by gas pumps, junk vehicles and the normal drive approach to the customer parking or repair areas shall not be included when determining the size of the display area;

e. The display area shall be free from debris, hazards and unrelated materials;

f. The location, degree of slope and the grade of the display area shall be such that the display of vehicles does not constitute a hazard; and

g. Any office at the secondary location shall conform to all rules and regulations set for an office in the rules and regulations of the established place of business, except the records may be maintained exclusively at the established place of business.

2. Display a copy of the secondary location license issued at the secondary location if there is an office; if not, it shall be displayed at the primary location;

3. Have a sign which meets the following requirements (unless a municipality has established ordinances regulating signs contrary to these rules, whereupon the Secretary of State, upon notification by the dealer or auction of such ordinances, may grant an exception to these rules to the dealer affected):

a. The sign shall be permanently mounted, displayed at the secondary location and shall not be less that 12 square feet in surface size;

b. The sign shall be visible from the entrance to the lot and the letters of the sign shall be readable from a distance of 200 feet;

c. The sign shall contain the trade or business name of the dealer and related businesses only; and

d. The sign shall make reference to the established place of business.

4. Business hours must be posted and clearly visible.

B. **Application**. In addition to filling out the basic application an applicant for a dealership or auction secondary location license shall:

1. Answer, on a form prescribed by the Secretary of State, basic questions relative to the ownership and facilities of the established place of business and secondary location, and shall swear before a notary as to the truthfulness of the answers;

2. Submit to an investigation as follows:

a. Upon receipt of an application for a secondary location, the Secretary of State shall conduct an investigation into the ownership and facilities of the established place of business and secondary location of new car dealers, used car dealers, motorcycle dealers, light trailer and heavy trailer dealers, equipment dealers and auctions;

b. Prior to approval of an application for a secondary location license, an inspection report shall be submitted to the Secretary of State affirming that both the established place of business and secondary location conform to all applicable laws, rules and regulations. Periodic inspections of said premises and facilities will be conducted thereafter to ensure continued compliance with all applicable laws, rules and regulations.

3. Notify the Secretary of State of the sales tax number as issued by the Maine Revenue Services by submitting a reseller’s certificate at initial application and upon each renewal;

4. Furnish copies of properly recorded authority to operate under an assumed name, if applicable;

5. Furnish copies of a lease if the facilities are leased;

6. Furnish proof of compliance with applicable building codes, zoning codes and other land use regulatory ordinances in the Maine municipality where the secondary location is operated;

7. Furnish a copy of a plot plan for the premises;

8. File a new application and fees whenever the ownership structure changes; and

9. New applicants must attend and complete the Dealer/Title Workshop conducted by the Bureau of Motor Vehicles prior to licensure.

**VII. REQUIREMENTS FOR HOLDERS OF TRANSPORTER PLATES**

A. **Business or Annex Location**. Any business or annex location of a holder of transporter plates shall:

1. Be located in a permanent, enclosed building which is in good repair and which is owned or leased by the applicant;

2. Not be required to have a display area;

3. Have an office which:

a. Is located at the business or annex location and is free of debris and unrelated materials;

b. Is heated during business hours;

c. Is entered through a door which is properly labelled and readily accessible to the public;

d. Is separate from any living quarters.

4. Have reasonable business hours which:

a. Shall be posted and clearly visible on the exterior or through a window of the building identified as the business location or annex;

5. Not be required to have a repair facility

6. Not be required to have tools or equipment;

7. Display the license and supplement license(s) issued in a public space visible to the general public;

8. Have a sign which meets the following requirements (unless a municipality has established ordinances regulating signs contrary to these rules, whereupon the Secretary of State, upon notification by the dealer of such ordinances, may grant an exception to these rules to the licensee affected):

a. The sign shall be permanently mounted;

b. The sign shall contain the trade or business name of the transporter and related business only;

c. The sign shall display the name of the transporter in letters at least 4 inches high;

d. The sign shall be visible from the entrance to the business or annex location; and

e. The sign shall be displayed at the business location and any annex or secondary location used by the licensee.

B. **Application**. In addition to filling out the basic application, an applicant for transporter registration and plates shall:

1. Answer, on a form prescribed by the Secretary of State, basic questions relative to the ownership and facilities of the business location or annex and shall swear before a notary as to the truthfulness of the answers;

2. Except as provided in subparagraph “c” below, submit to an investigation as follows:

a. Upon receipt of an application for a transporter license, the Secretary of State shall conduct an investigation into the ownership and facilities of the business or annex location of transporters;

b. Prior to approval of an application for transporter registration and plates, an inspection report shall be submitted to the Secretary of State affirming that the licensee meets all applicable laws, rules and regulations. Periodic inspections of the premises and facilities will be conducted thereafter to ensure continued compliance with all applicable laws, rules and regulations;

c. An investigation shall be waived for transporters engaged in the business of banking or renting vehicles.

d. Applicants shall submit to State Bureau of Identification background check upon initial and renewal application. The Bureau of Motor Vehicles will request and receive the background check from the State Bureau of Identification. A fee for the background check will be assessed at time of initial and renewal application pursuant to Title 25 MRSA Sec. 1541(1).

e. State criminal history record information shall be used for the purpose of screening dealer applicants in order to determine whether issuance of a dealer license is granted or maintained.

3. Transporter License holders shall provide current contact information to include primary or secondary telephone and mailing address, and an e-mail address if available as frequent statutory updates are disseminated via e-mail;

4. Transporter License holders shall make notification of changes to any of the contact information within 30 days, in writing or other means approved by the Secretary of State, of the old and new contact information.

5. Pay the appropriate filing fee at the time of application if the facilities are subject to investigation.

6. File proof of insurance as required by 29-A M.R.S. §1612.

7. Furnish copies of properly recorded partnership papers, authority to operate under an assumed name, if applicable, proof of incorporation in the State of Maine or proof of authority for a foreign corporation to conduct business in the State of Maine;

8. Furnish copies of a lease if the facilities are leased; and

9. Furnish proof of compliance with applicable building codes, zoning codes and other land use regulatory ordinances in the Maine municipality where the business or annex location is operated.

**VIII. REQUIREMENTS FOR HOLDERS OF LOANER PLATES**

A. **Established Place of Business or Annex Location**. The established place of business or annex of a holder of loaner plates shall:

1. Be located in a permanent, enclosed building which:

a. Is in good repair;

b. Is free of obstructions or material not related to the business;

c. Has a source of heat;

d. Is owned or leased by the applicant;

e. Contains a solid wall separating the established place of business from any other unrelated business in the building; and

f. Has an entrance used exclusively to gain access to the established place of business.

2. Not be required to have a display area unless the applicant is licensed as a dealer;

3. Have an office which:

a. Is located at the established place of business or annex;

b. Is heated during business hours;

c. Is entered through a door which is properly labelled and readily accessible to the public;

d. Contains at least one desk and a metal or wooden filing cabinet manufactured for that purpose. The filing cabinet is not required if the desk is equipped with drawers suitable in size and design for storing and filing business records. Books and records may be kept at the primary location when applying for an annex;

e. Is completely enclosed by floor to ceiling construction. (Tar paper, sheathing paper or cardboard are not allowed as a finished surface);

f. Is separate from any living quarters;

g. Is reasonably free of debris and unrelated materials.

4. Have reasonable business hours which:

a. Shall be posted and clearly visible on the exterior or through a window of the building identified as the established place of business or annex.

5. Have a repair facility:

a. Located within the building or buildings identified as the established place of business or annex;

b. Which is heated and reasonably free of debris, hazards and unrelated materials; and

c. Which is equipped with the necessary tools of the business operated.

d. Which has a hard surface, non-dirt floor.

6. Display the license and supplement license(s) issued in a public place visible to the general public:

7. Have a sign which meets the following requirements (unless a municipality has established ordinances regulating signs contrary to these rules, whereupon the Secretary of State, upon notification by the dealer of such an ordinance, may grant an exception to these rules to the licensee affected);

a. The sign shall be permanently mounted;

b. The sign shall be displayed at the established place of business and at the annex or secondary location used by the licensee;

c. The sign shall contain the trade or business name of the licensee and related business only; and

d. The sign shall be visible from the entrance to the lot.

8. Maintain records as required by 29-A M.R.S. §1003(4). Records shall be kept for a minimum of five years.

B. **Application**. In addition to the basic application, an applicant for loaner registration and plates shall:

1. Answer, on a form prescribed by the Secretary of State, basic questions relative to the ownership and facilities of the established place of business or annex and shall swear before a notary as to the truthfulness of the answers.

2. Except as provided in subparagraph “c” below, submit to an investigation as follows:

a. Upon receipt of an application for loaner registration, the Secretary of State shall conduct an investigation into the ownership and facilities of the established place of business or annex of loaners;

b. Prior to approval of an application for loaner registration and plates, an inspection report shall be submitted to the Secretary of State affirming that the business conforms to all applicable laws, rules and regulations. Periodic inspections of the premises and facilities will be conducted thereafter to ensure continued compliance with all applicable laws, rules and regulations;

c. An investigation shall be waived for loaner applicants who are already licensed as dealers.

d. Applicants shall submit to State Bureau of Identification background check upon initial and renewal application. The Bureau of Motor Vehicles will request and receive the background check from the State Bureau of Identification. A fee for the background check will be assessed at time of initial and renewal application pursuant to Title 25 MRSA Sec. 1541(1).

e. State criminal history record information shall be used for the purpose of screening dealer applicants in order to determine whether issuance of a dealer license is granted or maintained.

3. Loaner Plate License holders shall provide current contact information to include primary or secondary telephone and mailing address, and an e-mail address if available as frequent statutory updates are disseminated via e-mail;

4. Loaner Plate License holders shall make notification of changes to any of the contact information within 30 days, in writing or other means approved by the Secretary of State, of the old and new contact information.

5. Pay the appropriate filing fee at the time of application if the facilities are subject to investigation;

6. File proof of insurance as required by 29-A M.R.S. §1612;

7. Furnish copies of properly recorded partnership papers, authority to operate under an assumed name, if applicable, proof of incorporation in the State of Maine, or proof of authority for a foreign corporation to conduct business in the State of Maine;

1. Furnish copies of a lease if the facilities are leased; and
2. Furnish proof of compliance with applicable building codes, zoning codes and other land use regulatory ordinances in the Maine municipality where the established place of business or annex is operated.

**IX. DEALER LICENSE SUSPENSION OR REVOCATION**

For the purposes of this subsection the “licensee” means the holder of a vehicle dealer, motorcycle, auction, transporter, recycler, and/or loaner license.

1. If a licensee violates any Maine law or any rule relating to a vehicle dealer, motorcycle, auction, transporter, recycler, or loaner license, the Secretary of State may suspend the license(s) pursuant to 29-A M.R.S. §903(1).

2. The suspension shall be for a period of up to six months for the first offense. A second violation may result in a suspension of up to one year or an indefinite revocation.

3. A licensee revoked indefinitely may petition for restoration after one year.

4. A violation committed within the past five (5) years constitutes a prior violation.

5. A Bureau of Motor Vehicle Detective may warn a licensee for minor violations of statute or rule relating to vehicle dealer, auction, transporter, recycler, mobile crusher or loaner laws and rules. Repeated warnings may result in suspension or revocation.

6. A report or conviction for violation of 29-A M.R.S. §903(1)(A), (F), (G), or (H) may result in an indefinite license revocation. The licensee may petition for restoration after one year.

1. **RIGHTS TO AN ADMINISTRATIVE HEARING**

A licensee may request a hearing, in writing, within 10 days from the effective date of the suspension or revocation. The hearing, if requested, will be held according to the applicable laws and rules pursuant to 29-A M.R.S. §§ 2484 and 2485, 5 M.R.S. §§ 9051 to 9064, which includes the right to subpoena witnesses. The hearing request must be sent to Secretary of State, Bureau of Motor Vehicles, Dealer Licensing, 29 State House Station, Augusta, Maine 04333.

**Appendix A. Dealer Plates by Sales Chart**

**Sales Business Plates Sales Business Plates Sales Business Plates**

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **4 to 12** | **2** |  |  | **775 to 799** | 35 |  |  | **1600 to 1624** | 68 |
| 13 to 18 | 3 |  |  | 800 to 824 | 36 |  |  | 1625 to 1649 | 69 |
| 19 to 25 | 4 |  |  | 825 to 849 | 37 |  |  | 1650 to 1674 | 70 |
| 26 to 50 | 5 |  |  | 850 to 874 | 38 |  |  | 1675 to 1699 | 71 |
| 51 to 75 | 6 |  |  | 875 to 899 | 39 |  |  | 1700 to 1724 | 72 |
| 76 to 100 | 7 |  |  | 900 to 924 | 40 |  |  | 1725 to 1749 | 73 |
| 101 to 124 | 8 |  |  | 925 to 949 | 41 |  |  | 1750 to 1774 | 74 |
| 125 to 149 | 9 |  |  | 950 to 974 | 42 |  |  | 1775 to 1799 | 75 |
| 150 to 174 | 10 |  |  | 975 to 999 | 43 |  |  | 1800 to 1824 | 76 |
| 175 to 199 | 11 |  |  | 1000 to 1024 | 44 |  |  | 1825 to 1849 | 77 |
| 200 to 224 | 12 |  |  | 1025 to 1049 | 45 |  |  | 1850 to 1874 | 78 |
| 225 to 249 | 13 |  |  | 1050 to 1074 | 46 |  |  | 1875 to 1899 | 79 |
| 250 to 274 | 14 |  |  | 1075 to1099 | 47 |  |  | 1900 to 1924 | 80 |
| 275 to 299 | 15 |  |  | 1100 to 1124 | 48 |  |  | 1925 to 1949 | 81 |
| 300 to 324 | 16 |  |  | 1125 to 1149 | 49 |  |  | 1950 to 1974 | 82 |
| 325 to 349 | 17 |  |  | 1150 to 1174 | 50 |  |  | 1975 to 1979 | 83 |
| 350 to 374 | 18 |  |  | 1175 to 1199 | 51 |  |  | 2000 to 2024 | 84 |
| 375 to 399 | 19 |  |  | 1200 to 1224 | 52 |  |  | 2025 to 2049 | 85 |
| 400 to 424 | 20 |  |  | 1225 to 1249 | 53 |  |  | 2050 to 2074 | 86 |
| 425 to 449 | 21 |  |  | 1250 to 1274 | 54 |  |  | 2075 to 2099 | 87 |
| 450 to 474 | 22 |  |  | 1275 to 1299 | 55 |  |  | 2100 to 2124 | 88 |
| 475 to 499 | 23 |  |  | 1300 to 1324 | 56 |  |  | 2125 to 2149 | 89 |
| 500 to 524 | 24 |  |  | 1325 to 1349 | 57 |  |  | 2150 to 2174 | 90 |
| 525 to 549 | 25 |  |  | 1350 to 1374 | 58 |  |  | 2175 to 2200 | 91 |
| 550 to 574 | 26 |  |  | 1375 to 1399 | 59 |  |  | 2200 to 2224 | 92 |
| 575 to 599 | 27 |  |  | 1400 to 1424 | 60 |  |  | 2225 to 2249 | 93 |
| 600 to 624 | 28 |  |  | 1425 to 1449 | 61 |  |  | 2250 to 2274 | 94 |
| 625 to 649 | 29 |  |  | 1450 to 1474 | 62 |  |  | 2275 to 2299 | 95 |
| 650 to 674 | 30 |  |  | 1475 to 1499 | 63 |  |  | 2300 to 2324 | 96 |
| 675 to 699 | 31 |  |  | 1500 to 1524 | 64 |  |  | 2325 to 2349 | 97 |
| 700 to 724 | 32 |  |  | 1525 to 1549 | 65 |  |  | 2350 to 2374 | 98 |
| 725 to 749 | 33 |  |  | 1550 to 1574 | 66 |  |  | 2375 to 2399 | 99 |
| 750 to 774 | 34 |  |  | 1575 to 1599 | 67 |  |  | 2400 or more | 100 |

This chart is a guideline. A dealer may request additional plates based on operational need. The Bureau may require additional information, and may consider such issues as the number of secondary locations and annexes, or the number of salespeople and support staff.

**New Bond Below**

**Appendix B**

**SURETY BOND FOR MOTOR VEHICLE DEALER**

KNOW ALL MEN BY THESE PRESENTS: **Bond#** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

That we, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, State of Maine,

**(Legal Name of Dealership) (City/ town)**

as Principal, and\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, a Corporation organized and existing under the

**(Name of Bonding Company)**

laws of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_and authorized to do business in the State of Maine, as Surety, are

**(State of Jurisdiction)**

held and firmly bound unto the Secretary of State, State of Maine, in the penal sum of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_dollars ($\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_), lawful money of the United States of America, for which payment well and truly be made, we and each of us, bind ourselves, our heirs, executors, administrators, personal representatives and assigns, jointly and severally, firmly by these presents.

**Signed, sealed, and dated this \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_\_\_\_\_\_\_.**

Whereas the above bounden principal has or is about to make application to the Secretary of State, Bureau of Motor Vehicles, for a license authorizing said Principal to engage in the business of a motor vehicle dealer in accordance with Title 29A M.R.S.A., and all the rules promulgated thereunder by the Secretary of State, and if so licensed, said Principal is required to furnish a Surety Bond pursuant to 29A M. R. S. A. §901, SUB- §4. Now, therefore, all conditions of this Obligation is such that if the said Principal shall faithfully observe the provisions of Title 29-A M. R. S. A., and all the rules promulgated thereunder relating to the business of a motor vehicle dealer, then this Obligation shall be null and void, otherwise to remain in full force and effect.

This bond shall be for the use and benefit of the Secretary of State, State of Maine, and for any person, firm or operation who may suffer loss because the Principal fails to comply with the above-mentioned laws and Rules.

**Two types of Bonds are accepted by the Secretary of State, State of Maine from the principal and Surety.**

This bond shall run concurrently with the period of the motor vehicle dealer’s license granted to the Principal and shall **terminate** at **11:59 p. m**. on the **last** **day** of the period of such license. If a continuation certificate is provided reflecting an expiration date, said bond will be valid up to that date. It will be continued in full force only if another continuation certificate is executed by the Surety and received by the Secretary of State, State of Maine.

The surety bond shall be concurrent with the period of the license granted to the Principal, and **shall remain in full force and effect for any renewal thereof**, and shall remain in full force until cancelled and provide the total liability of the surety herein. The total amount of the surety shall apply to each license year. This bond will be continuous bond and remain in effect until cancelled.

The surety may cancel this bond at any time by giving thirty (30) days written notice by registered or certified mail to the Secretary of State, State of Maine, Motor Vehicle Division.

Principal and Surety agree to be bound by the laws of the State of Maine as to the interpretation of this Instrument.

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Principal)

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Witness)

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Surety Company)

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Attorney-in-fact: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Witness)

MVD-390 Rev 06/2018

STATUTORY AUTHORITY: 29 M.R.S.A. §§ 51, 362 and 2353(2B); 29-A M.R.S.A. §153; 10 M.R.S. §1169(11)

EFFECTIVE DATE:

May 7, 1979

AMENDED:

November 30, 1987

April 18, 1989

April 2, 1990

EFFECTIVE DATE (ELECTRONIC CONVERSION):

May 4, 1996

AMENDED:

October 31, 1998

NON-SUBSTANTIVE CORRECTIONS:

December 1, 1998 - superfluous “of the” in §I(B)(1)(a);formatting in §III(A)(3).

December 19, 2000 - converted to MS Word, formatting, spelling, minor corrections

AMENDED:

December 16, 2000

January 1, 2009 – filing 2008-453

September 14, 2009 – filing 2009-449

July 20, 2010 – filing 2010-309

August 29, 2012 – filing 2012-237

March 31, 2014 – filing 2014-052

July 4, 2020 – filing 2020-156