

Effective December 12, 2007

Wyoming Department of Transportation
Vehicle Dealers

CHAPTER 5

Section 1. Authority and Purpose.

The Wyoming Department of Transportation (the department) promulgates these rules of practice and procedure by authority of W.S. 31-16-103(j) to provide a uniform and understandable interpretation of the undefined portion of Wyoming statutes dealing with dealers and manufacturers, including W.S. 31-16-101 through W.S. 31-16-127 and W.S. 31-11-107.

Section 2. Principal Place of Business.

(a) The principal place of business shall be a site upon which a building is located. A building is defined as a roofed and walled structure built for permanent use and shall not be a residence or part of a residence. Mobile homes that are blocked or on a permanent foundation and skirted, with the hitch removed—and not used as a residence—may be approved as a principal place of business upon request to the department. Structures such as camp trailers, motor homes, pickup box campers, and garages attached to a residence shall not constitute a building for a principal place of business.

(b) All retail sales shall be initiated at the principal place of business for which the dealer is licensed unless the sale is initiated at an authorized organized vehicle show as defined in W.S. 31-16-103(g)(ii).

(i) A vehicle dealer may deliver a vehicle to an individual, complete sales documents, and consummate the sale upon delivery of the vehicle, **however**;

(ii) A new vehicle dealer shall not sell, deliver, or complete sales documents at a licensed vehicle dealer's principal place of business that lacks a valid sales and service agreement for the make and type of new vehicle being sold.

(iii) A new or used vehicle dealer shall not sell, deliver, or complete sales documents at another licensed vehicle dealer's principal place of business other than his own.

(c) The principal place of business shall be occupied either during the declared business hours or continuously by the dealer or the dealer's employees, unless written notification is provided to the department stating that the dealer will not be occupying the principal place of business during the declared business hours or continuously.

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(d) The declared business hours shall be reasonable hours when prospective customers may enter the principal place of business and contact the dealer or the dealer's sales staff and when the department or any peace officer may enter the principal place of business and inspect the dealer's records as defined in W.S. 31-11-107. The declared business hours shall be indicated on the license application prescribed by the department. The declared business hours shall be conspicuously displayed at the principal place of business to inform any person interested in contacting the dealer.

(e) All dealers shall provide proof of a qualified principal place of business for all locations by submitting the following items to the department along with their completed application, surety bond, and application fee:

(i) The address of the principal place of business and additional locations within the same county.

(ii) A color photograph of the lot(s), building(s), sign(s), and space to display vehicles. The sign indicating the nature of the business shall be permanently attached to the building or land and clearly visible from the highway.

(iii) Documents as described in the following:

(A) A copy of a lease, rental, or use agreement for all property included in the dealer's principal place of business, if not owned by the dealer.

(B) A copy of the dealer's title to all property included in the principal place of business if the property is owned by the dealer.

(iv) Written proof from the applicable zoning office that the principal place of business, sign, and space for display comply with applicable zoning ordinances and that the business is in an area zoned for vehicle sales.

(v) For a corporation, limited liability company, or limited partnership, proof of current good standing with the Wyoming Secretary of State and a list of all corporate officers, or members and managers.

(f) The space to display vehicles shall not be part of any parking lot or space dedicated for any other business or purpose than that of the licensed vehicle dealer. The space to display vehicles shall not be part of any roadway as defined by W.S. 31-5-102(xl). Any space dedicated to display vehicles shall be described or identified in the lease or rental agreement.

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(g) No more than one licensed dealer shall occupy a principal place of business, parking lot, or space to display vehicles at the same time.

Section 3. New Vehicle and Used Vehicle Dealer License.

(a) A new vehicle dealer license may be converted into a used vehicle dealer license, and vice-versa, by applying to the Wyoming Department of Transportation and surrendering the original license. No additional fee will be required for the conversion.

(b) If a dealer is renewing as licensed under W.S. 31-16-103(b), the 12 vehicles sold shall be 12 different vehicles. The 12 retail vehicle sales shall have been initiated in Wyoming at the dealer's principal place of business or at an organized vehicle show as defined in W.S. 31-16-103.

(c) The dealer or manufacturer shall provide written notification immediately to the department when any change(s) to the status of the business occur(s.) Changes requiring notification include, but are not limited to, changes in ownership, changes in the business name, changes in the location addresses of the principal and additional place(s) of business for a dealer, changes in location addresses of the established place of business for a manufacturer, any changes regarding the declared business hours, or changes to any information provided on the dealer or manufacturer application.

Section 4. Vehicle Dealer Bonds.

(a) A new bond shall be posted with the annual application renewal; no bond continuation certificates shall be accepted.

(b) A finding by the department that the dealer or manufacturer practiced fraud; made any fraudulent representation; or violated any statute, rule, or regulation relating to the conduct of the business for which the dealer or manufacturer license is issued may result in forfeiture of the full amount of the surety bond.

Section 5. Motor Vehicle Dealer Title Reassignment Form.

(a) When vehicles are held in a dealer's inventory for resale, the dealer, in lieu of titling, may reassign the vehicle by completing a Motor Vehicle Dealer Reassignment Form. The dealer may effect a reassignment of the dealer's interest and warranty on vehicles held for sale and operated for demonstration purposes only.

(b) Motor Vehicle Dealer Reassignment Forms may be purchased from the department or Wyoming ports of entry.

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Section 6. Secure Power of Attorney Form.

(a) Dealers shall use the Secure Power of Attorney Form to disclose the odometer reading when the certificate of title is physically held by a lien holder or has been lost or destroyed and is not available for endorsement upon transfer and odometer disclosure.

(b) Secure Power of Attorney Forms may be purchased from the department or Wyoming ports of entry.

Section 7. Temporary License Permits.

(a) Requests by licensed dealers for temporary license permits shall be made to the Licensing Section, Wyoming Department of Transportation, 5300 Bishop Blvd., Cheyenne, Wyoming 82009-3340 or to Wyoming ports of entry.

(b) The fee for temporary license permits shall be determined by the department, and remittance shall accompany the order. No permits shall be issued until payment is received.

(c) Vehicle dealers shall issue a temporary permit for all retail vehicle sales. When issuing a temporary license permit, all dealers shall advise the permit holder to carry or be able to produce a copy of the dealer's invoice of sale on the vehicle to which the temporary license permit is displayed. This permit serves as evidence of actual purchase of the vehicle.

(d) Dealers shall issue temporary license permits in the same name(s) that appear(s) on the new title for the vehicle sold. Dealers shall not issue subsequent permits on the same vehicle in the same owner's name. Lost or stolen permits shall be reported to the department immediately. Upon department approval, a dealer may issue a duplicate permit in extenuating circumstances.

(e) The dealer shall keep a sequential record in numerical order of every temporary license permit issued. The record shall be readily accessible at the dealer's principal place of business in a separate, permanent file. The dealer shall detach the stub portion of the temporary license permit when the permit is issued and forward the stubs daily to the Licensing and Titling Section, Wyoming Department of Transportation. If a temporary license permit is filled out incorrectly or the sale of the vehicle is rescinded, or if for some other reason the permit is unusable, the dealer shall void and retain the dealer copy of the permit, returning the stub and the window portion of the permit to the Wyoming Department of Transportation Licensing and Titling Section immediately, accompanied with an explanation why the temporary permit was voided.

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(f) The required information on the permits shall be typed or printed using permanent ink. The expiration date shown in the middle of the permit shall be completed in permanent ink with large, legible numbers not less than 1-inch high and 1-inch wide, with 2 digits each for the month, day, and year. The expiration date on the temporary registration shall be clearly legible from a distance of at least 30 feet when displayed on the vehicle.

(g) The temporary license permit shall be displayed on the rear of the vehicle, either in the rear window or the license plate bracket, and in all situations in a place where the printed information on the permit and the expiration date can be easily seen.

(i) Temporary license permits shall not be placed in rear windows with less than 70 percent light transparency.

(ii) If a permit holder is used, it shall not cover any of the printed information on the permit, including, but not limited to, the expiration date.

(iii) If a license plate frame is used with a permit holder, it shall not cover any printed information or expiration date on the permit.

(iv) Temporary license permits shall be protected from exposure to weather and road conditions that might render the information on the permit illegible.

(h) Temporary license permits sold to a dealership shall not be loaned or exchanged with other dealerships or be used on vehicles not sold from the issuing dealer's inventory.

(i) The department may refuse to issue additional permits if a dealer violates any statute, rule, or regulation related to the conduct of the dealer's business, or if the dealer fails to account for all temporary license permits the dealer purchased.

Section 8. **Demo, Full Use, and Manufacturer License Plates.**

(a) All dealers and Wyoming-based manufacturers shall provide proof of liability insurance, as required by W.S. 31-4-103, to the county treasurer in each county where the dealer or Wyoming-based manufacturer purchases demo, full use, or manufacturer license plates.

(b) Demo plates may be used on vehicles operated to or from an auto auction provided:

(i) The demo plate displayed shall be registered to the Wyoming-licensed dealer transporting the vehicle to, or from, an auto auction.

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(ii) Each vehicle displaying a demo plate shall be included in the dealer's inventory before a demo plate can be displayed.

(iii) A demo plate shall not be displayed on a vehicle being operated by a dealership employee after normal business hours. Normal business hours are the declared business hours defined in Section 2(d) of these rules and regulations.

(c) Demo plates may be operated by a prospective customer after normal business hours provided this demonstration does not exceed 7 calendar days and meets all the other requirements of W.S. 31-16-126.

(d) Full use plates may be used on vehicles operated to or from an auto auction provided:

(i) The full use plate shall be registered to the Wyoming-licensed dealer transporting the vehicle to, or from, an auto auction.

(ii) Each vehicle displaying a full use plate shall be included in the dealer's inventory before a full use plate can be displayed.

(e) Upon showing a substantial increase in the dealer's business or for other good cause shown, a dealer may request to purchase additional demo license plates. A dealer shall make the request by forwarding a written explanation of why the additional demo plates are required to the Licensing and Titling Section of the department. Upon approving the written request, the department may authorize the dealer to purchase a number of demo plates in addition to the number authorized by W.S. 31-16-125(b). The fee for the additional requested demo plate(s) shall be as prescribed by W.S. 31-3-102.

(f) A dealer requesting to display demo license plates for any purpose other than prescribed by W.S. 31-16-126 may do so for good cause shown. A dealer shall forward a written request to the Wyoming Department of Transportation Licensing and Titling Section for authorization for this type of display. The written request shall include:

(i) The make(s), model(s), year(s), and vehicle identification number(s) of the vehicle(s) that will display the demo license plates, along with the number of vehicles requiring demo plates;

(ii) The nature of the event requiring the use of demo plates;

(iii) The date(s) and time(s) of day the dealer will display the demo plate(s) authorized by the department for this purpose.

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(g) The dealer shall return any additional authorized demo license plates upon completing the special event for which the plates are requested. The department shall not refund the license fee.

(h) The department may require any additional information it deems necessary from a dealer for any request under this section.

(i) A licensed dealer who sells fewer than 12 vehicles per year is entitled to purchase one demo plate and no full use plates.

(j) A licensed dealer who sells 12 or more vehicles per year and is allowed demo plates by W.S. 31-16-125(b) shall be authorized to purchase a number of full use plates not to exceed 50 percent of the allotted demo plate number.

(k) Lost or stolen demo, full use, and manufacturer license plates shall be reported to the respective county sheriff, county treasurer, and the department immediately.

Section 9. **Right to Hearing, Notice to Show Cause.**

(a) The department may issue a "Notice To Show Cause" to a dealer or manufacturer why an administrative or punitive action should not be taken against a dealer or manufacturer for violating any rule, regulation, statute, or any other order relating to the conduct of a dealer or manufacturer's business. The dealer or manufacturer shall have 10 days to respond in writing to the department from the date of the "Notice To Show Cause." If the dealer or manufacturer fails to respond, the department shall presume the dealer or manufacturer does not want to respond and shall take appropriate action.

(b) Upon notice from the department that a dealer or manufacturer license shall be revoked or suspended, or if the department refuses to issue or renew a license, the dealer or manufacturer shall be entitled to a contested case hearing. The department shall grant a hearing if it receives a written request within 30 days of the date the notice was sent to the dealer or manufacturer. If the department does not receive a written request from the dealer or manufacturer within the 30-day period, the dealer or manufacturer waives the right to a hearing, and the action indicated in the department's letter to the dealer or manufacturer shall be enforced.

(c) A request for a hearing or response to a "Notice To Show Cause" shall be sent to the following address:

Wyoming Department of Transportation
Motor Vehicle Licensing and Titling
5300 Bishop Blvd.

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Cheyenne, Wyoming 82009-3340

Section 10. **Criminal History Background Requirements.**

(a) All persons applying for a dealer or a Wyoming-based manufacturer license under W.S. 31-16-103 or a special sales permit under W.S. 31-16-127 shall submit to fingerprinting to obtain state and national criminal history record information.

(i) A current license holder applying for a renewal license or any other license under this section shall not be required to submit to a criminal history background check if the license is renewed or other license is issued within one year from the current license's expiration.

(ii) All persons applying for a special sales permit under W. S. 31-16-127 shall be required to submit to a criminal history background check each year that they apply for a special sales permit.

(b) For each person applying, 2 fingerprint cards shall be submitted to the Division of Criminal Investigation (DCI) through the Wyoming Department of Transportation: one orange state applicant card with the completed, signed, and notarized waiver form and one blue Federal Bureau of Investigation (FBI) applicant fingerprint card.

(c) Fingerprinting shall be done by a local law enforcement agency or by DCI. A fee may be charged for this service pursuant to statute.

(d) All information requested on the fingerprint cards, front and back, shall be completed. The information shall be typed or legibly printed in **black**. No highlighter shall be used on the fingerprint cards.

(e) The fees for processing the state check (the orange card) and the FBI check (blue card) shall be submitted as indicated in the background instructions and on the application form.

(i) A certified check or money order is required before processing and shall be made payable to the *Office of the Attorney General – DCI*.

(ii) Applicants shall return the fingerprint cards at same time as their application and any other required forms for a dealer or a Wyoming-based manufacturer license or a special sales permit.

(iii) DCI shall reject and return fingerprint cards to the contributor if any information is incomplete or illegible. Applicants shall be required to submit new

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fingerprint cards along with new payment of the fees if they choose to continue the application process.

(f) The Wyoming Department of Transportation Compliance and Investigation Section shall lawfully retain any criminal history background information it receives from DCI pursuant to rules, regulations, or statutes for collecting and retaining such information concerning applicants for dealer or Wyoming-based manufacturer licenses or special sales permits.

(g) Applicants may make formal requests, in writing, for a copy of their criminal history record.

(h) The criminal history background check may take a minimum of 30 days for the results to return from DCI. W.S. 31-16-103(b) notwithstanding, no license or permit shall be issued until the department has reviewed the results of the criminal history background check and verified the information on the application or any other document.