

FILED JAN 17 '08

SENATE FILE 33
BY LUNDBY

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the licensure of used motor vehicle dealers
2 and making penalties applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 33
TRANSPORTATION

1 Section 1. Section 322.2, subsection 7, Code 2001, is
2 amended to read as follows:

3 7. "Engaged in the business" means doing any of the
4 following acts for the purpose of the sale of motor vehicles
5 at retail: acquiring, selling, exchanging, holding, offering,
6 displaying, brokering, accepting on consignment, conducting a
7 retail auction, or acting as an agent for the purpose of doing
8 any of those acts. A person selling at retail more than six
9 motor vehicles during a twelve-month period may be presumed to
10 be engaged in the business. However, a person who during a
11 twelve-month period sells at retail, or offers for sale at
12 retail from the same property, address, or telephone number,
13 three or more used motor vehicles, or allows three or more
14 used motor vehicles to be offered for sale at retail on the
15 person's property, unless the property is leased to a licensed
16 used motor vehicle dealer, may be presumed to be engaged in
17 the business.

18 EXPLANATION

19 This bill requires a person, who during a 12-month period
20 sells at retail, or offers for sale at retail from the same
21 property, address, or telephone number, three or more used
22 motor vehicles, or allows three or more used motor vehicles to
23 be offered for sale on the person's property, unless the
24 property is leased to a licensed used motor vehicle dealer, to
25 be licensed as a used motor vehicle dealer and regulated under
26 Code chapter 322. Currently, a person who sells at retail
27 more than six motor vehicles during a 12-month period is
28 required to be licensed as a motor vehicle dealer.

29 A person who violates the new requirement may be enjoined
30 from a continuing violation under Code section 322.11 and is
31 guilty of a simple misdemeanor punishable by a fine of not
32 less than \$250 or more than \$1,500 or by imprisonment not to
33 exceed 30 days under Code section 322.14.

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