

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

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**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.

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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 or 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 normal size door which is 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.

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 allows for the repair of two vehicles simultaneously;
  - d. Which is heated and reasonably free of debris, hazards and unrelated materials; and
  - e. 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 mechanic's tools including, but not limited to, the following:
    - 9 1/4" drive sockets (3/16" to 1/2")
    - 1 1/4" drive spinner handle
    - 8 3/8" drive sockets (3/8" to 3/4")
    - 1 3/8" drive wrench
    - 13 1/2" drive sockets (7/16" to 1 1/4")
    - 13 3/8" drive metric sockets ( 7 mm to 19 mm)
    - 1 1/2" drive wrench with 2", 5" and 10" extension
    - 1 13/16" spark plug socket with adapter
    - 1 1/2" drive ratchet
    - 1 set of 5-piece open end wrenches
    - 1 set of 5-piece combination wrenches
    - 10 screwdrivers (assorted sizes and blades)
    - 1 18-piece hex key set (Allen wrenches)
    - 1 6" pliers
    - 1 hack saw with blades
    - 1 wheel puller
  
7. Display the license and supplement license(s) issued:
  
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 during posted business hours and shall be available 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 records of sale or disposition of a vehicle, as required by Title 29-A § 956-1, (Notice of Sale, MVD-15) shall be forwarded to the Secretary of State, Bureau of Motor Vehicles, Dealer and Agent Services, immediately upon sale or disposition of the vehicle. “Immediately” shall mean the same day of sale or exchange;
  - c. The dealer shall fully complete the notice of sale so as to comply with Title 29-A § 956-1 , specifically: a description of the vehicle provided by the seller,
    - 1) seller’s information,
    - 2) purchaser’s information
    - 3) odometer information, and
    - 4) date of sale;
  - d. Notices of sale shall be forwarded to the Secretary of State, Bureau of Motor Vehicles, Dealer and Agent Services for all vehicle transactions when a vehicle is wholesaled, retailed, given, swapped, exchanged, junked, dismantled or otherwise disposed of;
  - e. 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 investigator's 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. Prior to approval of an application the applicant must submit a State Police (SBI) background report for all owners, including corporate owners and partners. The Secretary of State may require an SBI background report at the time of renewal for any dealership to be submitted with the renewal application.
  3. Pay the appropriate filing fees at the time of application;
  4. File proof of insurance and bond as required by Title 29-A § 1612 and § 901-4;
  5. Notify the Secretary of State of the sales tax number issued by the Maine Revenue Services;
  6. 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;
  7. Furnish copies of a lease, if the facilities are leased;
  8. 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;
  9. Furnish a copy of a plot plan for the premises;
  10. File a new application and fees whenever the ownership structure changes; and

11. New applicants must attend and complete the Dealer/Title Workshop conducted by the Vehicle Services Training Specialist within 4 months of licensure.

C. **Arbitration/mediation fees.** Title 10 § 1169-11 No dealer may receive renewal of the dealer's license and dealer plates until the dealer has submitted arbitration or mediation fees 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 and Agent Services;
3. The annual payment of the arbitration/mediation fees collected shall be on an instrument payable to the Treasurer of State separate of any instrument used to pay renewal fees, which shall be made payable to the Secretary of State;
4. 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 (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 and Agent Services 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. A temporary plate log shall be maintained by the dealer and available for inspection and inquiries during business hours by the Secretary of State, the Office of the Attorney General or law enforcement agencies.

**E. 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 Title 29-A § 1002. Dealer family plates are assigned to a dealer's immediate family for personal use only.

To obtain or retain business plate(s) a dealer must:

1. 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.
2. Sell 25 vehicles (excluding sales to dealerships under the same ownership), for each additional business plate in excess of the plates permitted under 29A section 903 (3). (See Appendix A.)
  - i. 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.

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. Notwithstanding, no more than five family plates may be issued per dealer license.
3. 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 only may be a spouse or child under the age of nineteen living with the dealer.
4. Have no more than one family plate per owner regardless of the number of dealerships owned or licenses held.
5. Use the plate on a vehicle that is in the dealer's active inventory and which is available for resale.
6. Not use the plate on a motor home.
7. Not allow the plate to be used by a family member for employment purposes.

**F. 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.

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 one year from the date of issuance and may be renewed annually.
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 contact Motor Carrier Services, Fuel Decal Section at 624-9000 Extension 52137 or you may obtain a USDOT number online:  
<http://www.fmcsa.dot.gov/>  
  
There is no fee for the DOT number.
  - c. Check with the states which 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 permittee from any other requirements, i.e. commercial inspection, fuel decals, Uniform Carrier Registry, DOT number, etc..

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**II. REQUIREMENTS FOR MOTORCYCLE AND MOTOR DRIVEN CYCLE DEALERS (INCLUDING MOPED DEALERS), LIGHT TRAILER, TRAILER AND SEMI-TRAILER DEALERS, MOBILE HOME DEALERS AND EQUIPMENT DEALERS**

- A. **Established place of business or annex.** The established place of business and any annex location of a motorcycle dealer, motor driven cycle dealer, moped dealer, light trailer, trailer or semi-trailer dealer, mobile home dealer 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 normal size door which is 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.

Motorcycle dealers selling only mopeds, motor driven cycles, including motor scooters, are exempt from the office requirements.

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, motor driven cycle dealers, moped 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.
  
5. Have a repair facility which is:
  - a. For motorcycles, motor driven cycles and mopeds 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 and light trailers, mobile homes 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 mechanic's tools including, but not limited to, the following:
    - 9 1/4" drive sockets (3/16" to 1/2")
    - 1 1/4" drive spinner handle
    - 8 3/8" drive sockets (3/8" to 3/4")
    - 1 3/8" drive wrench
    - 13 1/2" drive sockets (7/16" to 1 1/4")
    - 13 3/8" drive metric sockets ( 7 mm to 19 mm)
    - 1 1/2" drive wrench with 2", 5" and 10" extension
    - 1 13/16" spark plug socket with adapter
    - 1 1/2" drive ratchet
    - 1 set of 5-piece open end wrenches
    - 1 set of 5-piece combination wrenches
    - 10 screwdrivers (assorted sizes and blades)
    - 1 18-piece hex key set (Allen wrenches)
    - 1 6" pliers
    - 1 hack saw with blades

7. Display the license and supplement license(s) issued:
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 during posted business hours and shall be available 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 records of sale or disposition of a vehicle (Notice of Sale, MVD-15), as required by Title 29-A § 956-1, shall be forwarded to the Secretary of State, Bureau of Motor Vehicles, Dealer and Agent Services immediately upon sale or disposition of the vehicle. "Immediately" shall mean the same day of sale or exchange;
  - c. The dealer shall fully complete the notice of sale so as to comply with Title 29-A § 956-1, specifically: a description of the vehicle, from whom the vehicle was purchased, seller's information, purchaser's information, legal owner, odometer information and date of sale;
  - d. Notices of sale shall be forwarded to the Secretary of State, Bureau of Motor Vehicles, Dealer and Agent Services for all vehicle transactions when a vehicle is wholesaled, retailed, swapped, given, exchanged, junked, dismantled or otherwise disposed of;
  - e. Records shall be kept in accordance with Title 29-A § 956-5 on all full time personnel; and



- f. 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, a investigator's 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. Prior to approval of an application the applicant must submit a State Police (SBI) background report for all owners, including corporate owners and partners. The Secretary of State may require an SBI background report at the time of renewal for any dealership to be submitted with the renewal application.
  3. Pay the appropriate filing fees at the time of application;
  4. File proof of insurance and bond as required by Title 29-A;
  5. Notify the Secretary of State of the sales tax number issued by the Maine Revenue Services;
  6. 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;
  7. Furnish copies of a lease, if the facilities are leased;
  8. 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;

9. Furnish a copy of a plot plan for the premises;
10. File a new application and fees whenever the ownership structure changes; and
11. New applicants must attend and complete the Dealer/Title Workshop conducted by the Vehicle Services Training Specialist within 4 months of licensure.

**C. Arbitration/mediation fees.** Title 10 § 1169-11 For motorcycle and motor driven cycle dealers (including moped dealers) only: no dealer may receive renewal of the dealer's license and dealer plates until the dealer has submitted arbitration or mediation fees 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. The annual payment of the arbitration/mediation fees collected shall be on an instrument payable to Treasurer of State separate of any instrument used to pay renewal fees, which shall be made payable to the Secretary of State;
4. 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 (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 and Agent Services 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. A temporary plate log shall be maintained by the dealer and available for inspection and inquiries during business hours by the Secretary of State, the Office of the Attorney General or law enforcement agencies.

**E. 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 AND MOBILE CRUSHERS**

A. **Established place of business.** The established place of business of a recycler or scrap processor shall:

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

Mobile crushers are exempt from this requirement.

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.

Mobile crushers are exempt from this requirement.

3. Have a suitable office which:
  - a. Is adequate for business being conducted;
  - b. Contains records of the business; and
  - c. Is reasonably free of debris, hazards and unrelated materials.
4. Have business hours which are posted and clearly visible to the public;

Mobile crushers are exempt from this requirement.

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

Mobile crushers are exempt from this requirement.

7. Maintain records as follows:
  - a. Records shall be maintained at the established place of business during posted business hours 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. Dealers 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;
  - b. All records shall be kept for a minimum of 5 years in accordance with Title 29-A § 956-1;

**B. Application.** In addition to filling out the basic application, an applicant for a recycler, mobile crusher or scrap processor 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 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 or scrap processor 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;

Mobile crushers are exempt from an inspection of the premises and facilities.

- b. Prior to approval of an application the applicant must submit a State Police (SBI) background report for all owners, including corporate owners and partners. The Secretary of State may require an SBI background report at the time of renewal for any dealership to be submitted with the renewal application.
3. Prior to approval of an application for a recycler or scrap processor license, an investigator's report shall be submitted to the Secretary of State affirming that the dealership entity conforms to all applicable laws, rules and regulations;

Mobile crushers are exempt from this requirement.

4. 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 Title 29-A § 951 is exempt from the recycler license fee;

a. 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 recycler is exempt from the mobile crusher fee;

5. Notify the Secretary of State of the sales tax number as issued by the Maine Revenue Services;
6. 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;

a. Mobile crushers based out-of-state must have a registered agent in the State of Maine and provide that agent's name, address and telephone number with the application;

7. 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;

Mobile crushers are exempt from this requirement.

8. Furnish proof of compliance with 30-A M.R.S.A., subchapter I, Section 3753;

Mobile crushers are exempt from this requirement.

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

Mobile crushers are exempt from this requirement.

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

11. New applicants must attend and complete the Dealer/Title Workshop conducted by the Vehicle Services Training Specialist within 4 months of licensure.

**C. Permit Requirement.** Mobile crushers must apply for a permit prior to conducting business within the State of Maine. 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 and Agent Services Section at least 48 hours each time prior to conducting business. The permit must be carried with the mobile crusher operator.

#### IV. 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;

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- 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 normal size door which is 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 during posted business hours 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. 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 record of sale or disposition of a vehicle (Notice of Sale, MVD-15) shall be forwarded to the Secretary of State, Bureau of Motor Vehicles, Dealer and Agent Services immediately upon sale or disposition of the vehicle. "Immediately" shall mean the same day of sale or exchange;
      - c. Notices of sale shall be forwarded to the Secretary of State, Bureau of Motor Vehicles, Dealer and Agent Services for all vehicle transactions when a vehicle is wholesaled, retailed, swapped, given, exchanged, junked, dismantled or otherwise disposed of; and
      - d. 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 investigator's report shall be submitted to the Secretary of State affirming that the business conforms to all applicable laws, rules and regulations.
      - c. Prior to approval of an application the applicant must submit a State Police (SBI) background report for all owners, including corporate owners and partners. The Secretary of State may require an SBI

background report at the time of renewal for any dealership to be submitted with the renewal application.

3. Pay the appropriate filing fees at the time of application;
  4. File proof of the bond as required by Title 29-A § 901-4;
  5. Notify the Secretary of State of the sales tax number as issued by the Maine Revenue Services;
  6. 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;
  7. Furnish copies of a lease if the facilities are leased;
  8. 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;
  9. Furnish a copy of a plot plan for the premises;
  10. Obtain a temporary permit for all off-premise auctions;
  11. File a new application and fees whenever the ownership structure changes; and
  12. New applicants must attend and complete the Dealer/Title Workshop conducted by the Vehicle Services Training Specialist within 4 months of licensure.
- C. **Exemption.** This rule does not apply to vehicle auctioneers who are licensed and bonded pursuant to Title 32, Chapter 5-A, and who are conducting a vehicle auction incidental to the liquidation of a business or an estate.

## V. REQUIREMENT FOR DEALER AND AUCTION SECONDARY LOCATIONS

- A. **Secondary Locations.** A secondary location of a vehicle dealer or auction must be within one mile of the established place of business and 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 on the premises;
  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 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;
    - 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 trailer dealers, mobile home dealers, equipment dealers and auctions;
    - b. Prior to approval of an application for a secondary location license, an investigator's 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;
  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 Vehicle Services Training Specialist within 4 months of licensure.

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**VI. 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 normal size door which is 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;
  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 investigator’s 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.
    - d. Prior to approval of an application the applicant must submit a State Police (SBI) background report for all owners, including corporate owners and partners. The Secretary of State may require an SBI background report at the time of renewal for any dealership to be submitted with the renewal application.
  3. Pay the appropriate filing fee at the time of application if the facilities are subject to investigation.
  4. File proof of insurance as required by Title 29-A
  5. 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;
  6. Furnish copies of a lease if the facilities are leased; and
  7. 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.

## VII. 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 normal size door which is 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:
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 Title 29-A § 1003-4.

**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 investigator’s 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. Prior to approval of an application the applicant must submit a State Police (SBI) background report for all owners, including corporate owners and partners. The Secretary of State may require an SBI background report at the time of renewal for any dealership to be submitted with the renewal application.
3. Pay the appropriate filing fee at the time of application if the facilities are subject to investigation;
  4. File proof of insurance as required by Title 29-A § 1612;
  5. 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;
  6. Furnish copies of a lease if the facilities are leased; and
  7. 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.

### **VIII. DEALER LICENSE SUSPENSION OR REVOCATION**

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

1. If a licensee violates any Maine law or any rule relating to a vehicle dealer, auction, transporter, recycler, mobile crusher or loaner license, the Secretary of State may suspend the license(s) pursuant to Title 29-A MRSA § 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 Title 29-A MRSA § 903-1 A, F, G or H may result in an indefinite license revocation . The licensee may petition for restoration after one year.

### **IX. 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 Title 29-A MRSA § 2484 and § 2485, Title 5 MRSA § 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 and Agent Services, 29 State House Station, Augusta, Maine 04333.

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

1	1 to 7
2	8 to 12
3	13 to 18
4	19 to 25
5	50
6	75
7	100
8	125
9	150
10	175
11	200
12	225
13	250
14	275
15	300
16	325
17	350
18	375
19	400
20	425
21	450
22	475
23	500
24	525
25	550
26	575
27	600
28	625
29	650
30	675
31	700
32	725
33	750
34	775
35	800
36	825
37	850
38	875
39	900
40	925
41	950
42	975
43	1000
44	1025
45	1050
46	1075

**Business PlatesSales**

51	1200
52	1225
53	1250
54	1275
55	1300
56	1325
57	1350
58	1375
59	1400
60	1425
61	1450
62	1475
63	1500
64	1525
65	1550
66	1575
67	1600
68	1625
69	1650
70	1675
71	1700
72	1725
73	1750
74	1775
75	1800
76	1825
77	1850
78	1875
79	1900
80	1925
81	1950
82	1975
83	2000
84	2025
85	2050
86	2075
87	2100
88	2125
89	2150
90	2175
91	2200
92	2225
93	2250
94	2275
95	2300
96	2325

47	1100	97	2350
48	1125	98	2375
49	1150	99	2400
50	1175	100	2425

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.

STATUTORY AUTHORITY: 29 MRSA Sections 51, 362 and 2353(2B); 29-A MRSA Section 153

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

EFFECTIVE DATE (2008 AMENDMENTS):

January 1, 2009 – filing 2008-453