

WORKING DRAFT

SENATE FILE NO. _____

Recreational vehicle special sales.

Sponsored by: Joint Transportation, Highways and Military
Affairs Interim Committee

A BILL

for

1 AN ACT relating to motor vehicles; providing for a
2 temporary recreational vehicle display and sales permit as
3 specified; providing permit application requirements;
4 providing definitions; granting rulemaking authority; and
5 providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 31-16-127 is created to read:

10

11 **31-16-127. Temporary recreational vehicle display and**
12 **sales permit.**

13

14 (a) No out of state recreational vehicle dealer shall
15 display, demonstrate, exchange or sell a recreational

1 vehicle, as defined in W.S. 31-16-101(a)(xxiii), in this
2 state without a permit as provided in subsection (b) of
3 this section.

4

5 (b) The department shall issue a temporary
6 recreational vehicle display and sales permit to an out of
7 state recreational vehicle dealer not currently licensed in
8 Wyoming, subject to the following conditions:

9

10 (i) The applicant shall submit an application
11 accompanied by an application fee of five hundred dollars
12 (\$500.00) to the department at least ninety (90) days prior
13 to the recreational vehicle display and sales event. The
14 application shall be on a form approved by the department
15 and shall include:

16

17 (A) The legal name and residence address of
18 the applicant and the trade name, if any, under which the
19 applicant intends to conduct his business. If the applicant
20 is a partnership, the name and residence address of each
21 partner, whether a limited or general partner, and the name
22 under which the partnership business is to be conducted.
23 If the applicant is a corporation, the name of the
24 corporation and the name and address of each of its

1 principal officers and directors. If the applicant is a
2 limited liability company, the name and address of the
3 members and managers;

4
5 (B) Any other information the department
6 may reasonably require, including financial statements of
7 new applicants, past or present judicial, civil or
8 administrative dispositions of criminal, civil or
9 administrative actions relating to the conduct of the
10 business if currently licensed or a new applicant,
11 telephone numbers, sales and use tax numbers for the
12 business and declared business hours. Any new applicant for
13 a permit issued under this section shall submit to
14 fingerprinting and provide information necessary for a
15 state and national criminal history record background check
16 and release of information as provided in W.S.
17 7-19-106(k)(ii) and consent to the release of any criminal
18 history information to the department;

19
20 (C) An additional fee of fifty dollars
21 (\$50.00) for two (2) temporary recreational vehicle demo
22 plates;

23

1 (D) An additional fee of five dollars
2 (\$5.00) for ten (10) temporary permits for issuance to
3 purchasers of recreational vehicles at the event;

4

5 (E) Any additional fees required by state
6 and federal agencies for processing of criminal history
7 record information and fingerprint searches.

8

9 (ii) The applicant is a licensed recreational
10 vehicle dealer in a state that allws sales by out of state
11 recreational vehicle dealers on terms substantially equal
12 to those provided for in this section;

13

14 (iii) The recreational vehicle display and sales
15 event is in conjunction with a state, regional or national
16 recreational vehicle rally at which at least one hundred
17 fifty (150) owned units are preregistered to attend;

18

19 (iv) The application shall be accompanied by a
20 written statement from the owner or manager of the location
21 where the recreational vehicle display and sales event will
22 be conducted, describing the associated recreational
23 vehicle rally and the display and sales event;

24

1 (v) The owner or manager of the location where
2 the recreational vehicle display and sales event will be
3 conducted shall notify all licensed Wyoming recreational
4 vehicle dealers when a temporary recreational vehicle
5 display and sales permit is planned. Notice shall be
6 timely, but not less than six (6) months prior to the
7 event;

8

9 (vi) Wyoming licensed recreational vehicle
10 dealers holding a current exclusive franchise or dealer
11 agreement with a recreational vehicle manufacturer shall
12 have the first right of refusal to be the sole
13 representative for that manufacturer, as provided in the
14 exclusive franchise or dealer agreement;

15

16 (vii) A permit pursuant to this section shall be
17 valid for a period up to seven (7) consecutive days,
18 beginning on the first day of the scheduled event;

19

20 (viii) Not more than three (3) permits as
21 provided in this section shall be issued to any one (1) out
22 of state recreational vehicle dealer in one (1) calendar
23 year;

24

1 (ix) The application shall be accompanied by a
2 cash or surety bond in the amount of fifty thousand dollars
3 (\$50,000.00) with a corporate surety duly licensed to do
4 business within this state. The bond shall:

5

6 (A) Be approved as to form by the attorney
7 general;

8

9 (B) Be conditioned that the applicant shall
10 not practice any fraud, fraudulent misrepresentations, or
11 violate any federal or state law, rules or regulations
12 relating to the conduct of the business;

13

14 (C) Guarantee the return of the temporary
15 recreational vehicle display and sales permit, recreational
16 vehicle demo plates, unused temporary permits and stubs of
17 temporary permits issued to purchasers;

18

19 (D) Be forfeited to the department upon
20 substantial proof of violation;

21

22 (E) Be returned by the department to the
23 bond holder within thirty (30) days after the last day of
24 the event if no sales were consummated in Wyoming or one

1 (1) year after the last date of any sales transacted at the
2 event if all conditions and guarantees of the bond have
3 been met;

4

5 (x) The permit shall be prominently displayed at
6 the sales event in the location where the permit holder
7 conducts business;

8

9 (xi) Out of state dealers at a temporary
10 recreational vehicle sales and display event, prior to
11 consummation of a vehicle sale to a Wyoming resident, shall
12 provide written notice to the buyer if there is no
13 manufacturer authorized service facility in the state.

14

15 (c) For purposes of this section:

16

17 (i) "Out of state recreational vehicle dealer"
18 means a dealer as defined in W.S. 31-16-101(a)(xviii) who
19 is engaged in the business of selling or exchanging
20 recreational vehicles and who is not licensed as a new
21 vehicle dealer or used vehicle dealer as provided in this
22 act;

23

1 (ii) "Recreational vehicle display and sales
2 event" means any temporary private or public assembly of
3 recreational vehicles at which recreational vehicles are
4 displayed to the public for the purpose of sale or
5 exchange.

6
7 (d) The department shall adopt rules and regulations
8 to implement the provisions of this section.

9
10 **Section 2.** W.S. 7-19-201(a) by creating a new
11 paragraph (vi), 31-16-101(a)(xx), 31-16-103(c) and
12 31-16-104(a)(vii), by creating a new paragraph (viii) and
13 (d) are amended to read:

14
15 **7-19-106. Access to, and dissemination of,**
16 **information.**

17
18 (a) Criminal history record information shall be
19 disseminated by criminal justice agencies in this state,
20 whether directly or through any intermediary, only to:

21
22 (xv) The department of transportation for
23 purposes of dealer and wholesaler licensing and permitting
24 under title 31, chapter 16.

1

2 **7-19-201. State or national criminal history record**
3 **information.**

4

5 (a) The following persons shall be required to submit
6 to fingerprinting in order to obtain state and national
7 criminal history record information:

8

9 (vi) Persons applying for a dealer or wholesaler
10 license under W.S. 31-16-103 or a special sales permit
11 under W.S. 31-16-127.

12

13 **31-16-101. Definitions.**

14

15 (a) As used in this act:

16

17 (xx) "This act" means W.S. 31-16-101 through
18 ~~31-16-126~~ 31-16-127;

19

20 **31-16-103. Licenses; applications; issuance,**
21 **suspension and revocation; change in ownership; rulemaking.**

22

23 (c) The department may deny, suspend, revoke or
24 refuse to renew a license or temporary permit issued under

1 this act if it finds the person, applicant, vehicle dealer,
2 salesperson, agent or Wyoming based manufacturer:

3

4 **31-16-104. Classes of licenses and permits;**
5 **expiration.**

6

7 (a) Licenses issued under this act shall be the
8 following classes:

9

10 (viii) Temporary recreational vehicle display
11 and sales permit pursuant to W.S. 31-16-127.

12

13 (d) Except for temporary vehicle dealer permits and
14 special recreational vehicle display and sales permits,
15 licenses issued under this act shall be valid for one (1)
16 year and shall expire at midnight preceding the anniversary
17 date.

18

19 **Section 3.** This act is effective July 1, 2007.

20

21

(END)