

## HOUSE BILL NO. HB0014

Internet-based vehicle manufacturers and sellers.

Sponsored by: Representative(s) Illoway

A BILL

for

1 AN ACT relating to the sale of vehicles by internet-based  
2 companies; specifying the principal place of business for  
3 internet-based companies selling vehicles; specifying the  
4 established place of business for specified manufacturers;  
5 requiring web site information for manufacturing and  
6 dealership licenses; providing for new licenses when web  
7 site addresses are changed; providing definitions; and  
8 providing for an effective date.

9

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

11

12 **Section 1.** W.S. 31-16-101(a)(xiv) by creating a new  
13 subparagraph (C), (xxii) and by creating a new paragraph  
14 (xxxii), 31-16-103(a)(ii) and (b)(iii) and 31-16-106 are  
15 amended to read:

16

17 **31-16-101. Definitions.**

1

2 (a) As used in this act:

3

4 (xiv) "Principal place of business" means:

5

6 (C) For any dealers selling fewer than  
7 twelve (12) vehicles in any twelve (12) consecutive month  
8 period and which dealers sell vehicles using only internet-  
9 based web sites with no physical places of business where  
10 vehicles are displayed for sale nor any physical locations  
11 where vehicle sales are solicited, "principal place of  
12 business" means an internet-based web site which is  
13 accessible at all times during every month that the dealer  
14 is offering vehicles for sale and at which web site any  
15 person may contact the dealer and receive a response  
16 communication no later than four (4) days after contacting  
17 the dealer. An automatically generated communication shall  
18 not qualify as a response communication for purposes of  
19 this subparagraph. A published landline or cellular  
20 telephone number where the dealer can be contacted at  
21 declared business hours and the address where the dealer  
22 keeps and maintains the books, records and files necessary  
23 to conduct the business and as required by W.S.  
24 31-11-107(a) and (b) shall be displayed on all viewable

1 pages of the web site required by this subparagraph. The  
2 web site required by this subparagraph shall clearly  
3 identify the nature of the dealer's business.

4  
5 (xxii) "Established place of business" means  
6 each place actually occupied either continuously or at  
7 regular periods by a manufacturer where the manufacturer's  
8 books and records are kept and a large share of the  
9 manufacturer's business is conducted. If the manufacturer  
10 conducts all sales of vehicles using an internet-based web  
11 site and maintains no physical location for displaying  
12 vehicles for sale nor for soliciting the sale of vehicles,  
13 the location of vehicle sales and sales solicitations shall  
14 not be considered when determining the manufacturer's  
15 established place of business;

16  
17 (xxxi) "Internet" means as defined in W.S.  
18 9-2-1035(a)(iii).

19  
20 **31-16-103. Licenses; applications; issuance,**  
21 **suspension and revocation; change in ownership; rulemaking.**

22  
23 (a) An applicant for a license required under this  
24 act shall, before commencing business and annually

1 thereafter submit an application to the department in a  
2 form prescribed by the department containing the following:

3

4 (ii) A complete description, including the  
5 address and web site address if applicable, of the  
6 principal place of business and any other place of business  
7 for activities requiring a license under this act operated  
8 and maintained by the applicant in conjunction with the  
9 principal place of business in each county in this state;

10

11 (b) Pending determination by the department that the  
12 applicant has met the requirements under this act, it may  
13 issue a temporary license to any applicant. A temporary  
14 license shall not exceed a period of ninety (90) days while  
15 the department is completing its investigation and  
16 determination of all facts relative to the qualifications  
17 of the applicant for the license. The temporary license  
18 terminates when the applicant's license has been issued or  
19 refused. When the department determines the applicant has  
20 complied with all licensing requirements, the department  
21 shall issue a license or renewal to an applicant upon  
22 submission of a complete application to the department  
23 indicating the applicant is qualified and will operate from  
24 a principal place of business if a dealer or from an

1 established place of business if a Wyoming based  
2 manufacturer, and upon filing of a bond and payment of a  
3 license fee of twenty-five dollars (\$25.00) for dealers  
4 selling fewer than twelve (12) vehicles in any twelve (12)  
5 consecutive month period and one hundred dollars (\$100.00)  
6 for dealers selling twelve (12) or more vehicles in any  
7 twelve (12) consecutive month period as follows:

8

9 (iii) Any additional place of business to be  
10 licensed under this act has sufficient facilities such that  
11 it could qualify as a principal place of business and,  
12 unless its principal place of business is a web site  
13 pursuant to W.S. 31-16-101(a)(xiv)(C), is located in the  
14 same county in which the principal place of business is  
15 located;

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17 **31-16-106. Required principal place of business.**

18

19 The department shall not issue a dealer's license to any  
20 applicant without a principal place of business. If the  
21 dealer changes the site or location of his principal place  
22 of business, including changing his web site address if he  
23 maintains a principal place of business under W.S.  
24 31-16-101(a)(xiv)(C), he shall immediately notify the

1 department. A new license shall be granted if the new  
2 location meets all the requirements of a principal place of  
3 business. If a dealer ceases to have a principal place of  
4 business he shall immediately surrender his license to the  
5 department until the dealer obtains a principal place of  
6 business. The dealer's license shall be reissued without  
7 charge if a principal place of business is established.  
8 Nothing in this act shall be construed to prevent a dealer  
9 from conducting the business for which he is licensed at  
10 one (1) or more licensed supplemental lots or locations not  
11 contiguous but operated and maintained in conjunction with  
12 the dealer's principal place of business.

13

14 **Section 2.** This act is effective July 1, 2011.

15

16

(END)