

CHAPTER 94

Original Senate File No. 189

MOTOR VEHICLE SALES LICENSE

AN ACT to amend W.S. 40-15-102(a) introductory paragraph and (b), 40-15-103(a) introductory paragraph and (i)(A) introductory paragraph and (I) and (ii)(A) and 40-15-107(b) relating to licenses; providing a motor vehicle dealer need not obtain a sales license from the secretary of state; providing such license shall be obtained from the department of revenue and taxation; transferring rulemaking authority to the department and providing for transfer of filings; and providing for an effective date.

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

Section 1. W.S. 40-15-102(a) introductory paragraph and (b), 40-15-103(a) introductory paragraph and (i)(A) introductory paragraph and (I) and (ii)(A) and 40-15-107(b) are amended to read:

40-15-102. License required; fee; information required.

(a) After January 1, 1980, all manufacturers and dealers as defined in W.S. 40-15-101 engaging in the business of the sale of new motor vehicles at wholesale or retail in this state shall first obtain a license from the department of revenue and taxation. The department of revenue and taxation shall issue a license to a qualified applicant upon payment of a fee of twenty-five dollars (\$25.00) and the submission of an application containing the following information:

(b) The license shall remain in effect until revoked, suspended or voluntarily terminated.

40-15-103. Suspension or revocation of license; penalties.

(a) Upon petition of the county attorney of the county in which the violation may have occurred the district court of that county may deny, suspend or revoke the license of any dealer or manufacturer, or in lieu thereof or in addition thereto, may assess civil penalties not to exceed one thousand dollars (\$1,000.00) per vehicle if the court finds that the licensee:

(i) In case of a new motor vehicle dealer:

(A) The licensee or any partner, officer, director or owner of ten percent (10%) or more of the assets of the firm or managing employee:

(I) Was the holder of a license issued pursuant to this act which was revoked for cause and never reissued by the department of revenue and taxation or which license was suspended for cause and the terms of the suspension have not been fulfilled;

(ii) In the case of a new motor vehicle manufacturer:

(A) Was or is the holder of a license issued pursuant to this chapter which was revoked for cause and never reissued by the department of revenue and taxation or which license was suspended for cause and the terms of the suspension have not been fulfilled;

40-15-107. Warranty service compensation; dealer's obligations.

(b) A copy of the delivery and preparation obligations of its new motor vehicle dealers and a schedule or statement of the compensation to be paid or credited to its new motor vehicle dealers for the work and services they shall be required to perform in connection with delivery and preparation obligations shall be filed with the department of revenue and taxation by every motor vehicle manufacturer and constitutes the licensed dealer's sole responsibility for delivery and preparation as between the dealer and the manufacturer.

Section 2. As of the effective date of this act, all rulemaking authority granted to the secretary of state under chapter 146, section 3, 1979 Wyoming session laws is transferred to the department of revenue and taxation. The secretary of state shall transfer all filings made pursuant to W.S. 40-15-101 through 40-15-109 to the department of revenue and taxation.

Section 3. This act is effective May 20, 1981.

Approved March 3, 1981.