

OFFSITE SALES LAW

I.C. 9-32-11-10 Vehicle sales made away from dealer's place of business and without offsite sales license; trade shows

Sec. 10. This section does not apply to sales made at a motor vehicle industry sponsored trade show. A dealer may not sell or offer to sell a vehicle at a location away from the dealer's established place of business without obtaining an offsite sales license under section 11 of this chapter. *(As added by P.L.2-1991, SEC.11; amended by SEA537 - 2013, eff. 7/1/2013.)*

I.C. 9-32-11-11 Issuance of offsite sales licenses

Sec. 11. (a) Except as provided in subsections (b) through (g), the secretary shall issue an offsite sales license to a dealer licensed under this chapter who submits an application for the license not later than ten (10) business days or two (2) calendar weeks before the offsite sale date. License applications under this section shall be made public upon the request of any person.

(b) The secretary may not issue an offsite sales license to a dealer who does not have an established place of business within Indiana.

(c) This subsection does not apply to:

- (1) new manufactured housing dealers;
- (2) recreational vehicle dealers;
- (3) a rental company that is a dealer conducting a sale at a site within twenty (20) miles of any of its company owned affiliates;
- (4) off-road vehicle dealers; or
- (5) dealers of vehicles classified as classic, collector, or antique under rules adopted under section 18(a)(2)(B) of this chapter.

The secretary may not issue an offsite sales license to a licensed dealer proposing to conduct a sale outside a radius of twenty (20) miles from the established place of business of the licensed dealer.

(d) A vehicle display is not considered an offsite sale if it is conducted by a new vehicle franchised dealer in an open area where no sales personnel and no sales material are present.

(e) The secretary may not issue an offsite sales license to a licensed dealer proposing to conduct

the offsite sale for more than ten (10) calendar days.

(f) As used in this subsection, "executive" has the meaning set forth in IC 36-1-2-5. The secretary may not issue an offsite sales license to a licensed dealer if the dealer does not have certification that the offsite sale would be in compliance with local zoning ordinances or other local ordinances. Authorization under this subsection may be obtained only from the following:

(1) If the offsite sale would be located within the corporate boundaries of a city or town, the executive of the city or town.

(2) If the offsite sale would be located outside the corporate boundaries of a city or town:

(A) except as provided in clause (B), the executive of the county; or

(B) if the city or town exercises zoning jurisdiction under IC 36-7-4-205(b) over the area where the offsite sale would be located, the executive of the city or town.

(g) The secretary may not issue an offsite sales license to a licensed dealer who has held more than three (3) nonconsecutive offsite sales in the year ending on the date of the offsite sale for which the license application is being submitted.

(h) Section 2(c) of this chapter does not apply to the application or issuance of an offsite sales license under this section. *(As added by P.L.2-1991, SEC.11. Amended by P.L.99-1997, SEC.1; P.L.98-1997, SEC.3; P.L.268-2003, SEC.27; P.L.63-2006, SEC.1; P.L.184-2007, SEC.23; SEA537-2013, eff. 7/1/2013.)*

OFFSITE SALES REGULATIONS

75 IAC 2-2-4 Issuance of off-site sales licenses; general conditions and minimum requirements

Authority: IC 9-23-0.7-1

Affected: IC 9-13-2; IC 9-23; IC 24-4-6

Sec. 4. (a) An off-site license may be issued to a licensed dealer, manufacturer, automobile auctioneer, or transfer dealer for the purpose of

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conducting a vehicle event at a location other than the applicant's established place of business.

(b) The temporary location must:

(1) be in a well defined location such as a building, tent, or open parking area which is separate and distinct from other business locations;

(2) set up to include an appropriate area for the closing of a sale if a sale is closed at the off-site location; and

(3) meet all local ordinances and zoning requirements.

(c) The application must:

(1) be received at least sixty (60) days prior to the event;

(2) contain the exact address of the proposed event location along with a brief description of the location;

(3) include the applicant's established place of business;

(4) contain the applicant's dealer license number;

(5) contain the applicant's retail merchant's certificate number;

(6) include name, address, and telephone number of:

(A) the owner if sole proprietorship;

(B) the partners if partnership; or

(C) the officers if corporation;

and

(7) contain the dates of the proposed event.

(d) The commissioner may approve the application and issue a license or deny the application within forty-five (45) days of the receipt of the application.

(e) Vehicle sales may not be conducted on Sunday under this rule pursuant to IC 24-4-6.

(f) Motor vehicle industry sponsored trade shows are exempted from the provisions of this rule, but the sponsor must notify the commissioner, in writing, of the scheduling of a show and its participants at least thirty (30) days prior to a show.

(Secretary of State; 75 IAC 2-2-4; filed Jan 5, 1994, 5:00 p.m.; 17 IR 974; readopted filed Jul 30, 2001, 10:26 a.m.; 24 IR 4229; readopted filed Nov 21, 2007,

10:47 a.m.: 20071219-IR-075070701RFA) NOTE: Under P.L.184-2007, SECTION 66, 140 IAC 3.5-2-5 was renumbered by the Publisher as 75 IAC 2-2-4, effective July 1, 2007.)