

# OFF-ROAD VEHICLE DEALER LICENSE REQUIREMENT

## DEFINITION OF DEALER:

### 9-13-2-42 "Dealer"

Sec. 42. (a) "Dealer" means, except as otherwise provided in this section, a person who sells to the general public, including a person who sells directly by the Internet or other computer network, at least twelve (12) vehicles each year for delivery in Indiana The term includes a person who sells off-road vehicles. A dealer must have an established place of business that meets the minimum standards prescribed by the bureau under rules adopted under IC 4-22-2.

(b) The term does not include the following:

- (1) A receiver, trustee, or other person appointed by or acting under the judgment or order of a court.
- (2) A public officer while performing official duties.
- (3) A person who is a dealer solely because of activities as a transfer dealer.
- (4) An automotive mobility dealer.

(c) "Dealer", for purposes of IC 9-31, means a person that sells to the general public for delivery in Indiana at least six (6):

- (1) boats; or
- (2) trailers:
  - (A) designed and used exclusively for the transportation of watercraft; and
  - (B) sold in general association with the sale of watercraft;

per year. (As added by P.L.2-1991, SEC.1. Amended by P.L.71-1991, SEC.4; P.L.66-1992, SEC.2; P.L.74-2001, SEC.1; P.L.219-2005, SEC.1; P.L.41-2006, SEC.1; P.L.107-2008, SEC.6; P.L.131-2008, SEC.34; P.L.147-2009, SEC.3.)

## NEW LAW:

**P.L. 107-2008 (SEA 339), Sec. 20 [Effective July 1, 2008]** SECTION 20. (a) Notwithstanding IC 9-13-2-42, as amended by this act, a person who engages in the business of selling at least twelve (12) off-road vehicles to the general public each year for delivery in Indiana whose business name begins with the letters A through L, inclusive, is not required to apply for a dealer's license under IC 9-23-2 with the bureau of motor vehicles until the month in 2009 required by IC 9-23-2-8.

(b) This SECTION expires December 21, 2009.

**P.L. 107-2008 (SEA 339), Sec. 21 [Effective July 1, 2008]** SECTION 21. IC 9-23-0.5-1 IS REPEALED. **The repeal of this law effectively requires off-road dealers to be licensed. [See repealed law below.]**

*IC 9-23-0.5-1. "Motor vehicle" or "vehicle" does not include off-road vehicle. - For purposes of this article, "motor vehicle" or "vehicle" does not include an off-road vehicle. [P.L. 219-2005. § 13.]*

## APPLICATION DEADLINES:

Pursuant to a letter mailed by the Secretary of State (SOS) Dealer Services and Public Law 107-2008 (SEA 339) below are the initial off-road dealer license application deadlines:

1. Off-road vehicle dealers whose business name begins with M through Z, inclusive, will be required to apply for a dealer's license beginning July 1, 2008.

- Business names beginning with letters M through O must register by July 31, 2008.
- Business names P through R must register by August 31;
- S through T by September 30; and
- U through Z by October 31.

2. Business names beginning with letters A through L are not required to apply for a dealer's license until 2009.

- Business names beginning with letters A through B must register by February 28, 2009.
- Business names C through D must register by March 31;
- E through G by April 30;
- H through I by May 31; and
- J through L by June 30.

*Note: A license issued under IC 9-23-2-8 and the aforementioned law is valid for one (1) year.*

## HOW TO REPORT UNLICENSED DEALERS:

Off-road vehicle dealers are required to be licensed if they sell 12 or more vehicles in one year. The State is not going to be aware of all eligible dealers and their business locations.

To report qualifying unlicensed off-road vehicle dealers in your area, you can do the following:

- Call the SOS Dealer Services Division at: (317) 234-7190;
- Email the SOS Dealer Services Division at: [Dealers@sos.in.gov](mailto:Dealers@sos.in.gov) ; or
- File a written complaint (recommended) with the SOS Dealer Services Division by going to their website ([www.in.gov/sos/dealer/](http://www.in.gov/sos/dealer/)) , click on "Forms" then click on "Dealer Complaint - State Form 53607".