

ENROLLED ACT NO. 55, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

AN ACT relating to motor vehicles; authorizing a motor vehicle manufacturer without dealerships within the state to sell motor vehicles directly to consumers; conforming provisions; and providing for an effective date.

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

**Section 1.** W.S. 31-16-101(a)(xiii) and by creating a new paragraph (xxxi), 31-16-102, 31-16-103(a) by creating a new paragraph (viii), (b)(intro), (c)(intro) and (f), 31-16-104(a) by creating a new paragraph (ix), 31-16-108(j), 31-16-112(a), 31-16-125 by creating a new subsection (k) and 31-16-126(c)(intro) are amended to read:

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

(a) As used in this act:

(xiii) "Manufacturer" means a person engaged in the business of constructing or assembling vehicles which are subject to registration in this state and, except where otherwise provided, "manufacturer" means a distributor, a factory branch, distributor branch or other representative thereof, but excludes any person whose principal business is wholesale and retail financing. The term includes direct sale manufacturers;

(xxxi) A "direct sale manufacturer" means a person licensed under W.S. 31-16-104(a)(ix) who is engaged in the business of manufacturing, constructing or assembling new and unused vehicles and who sells and services, at a facility physically located in the state, vehicles of that manufacturer's line make to the general public. A direct sale manufacturer shall not include an affiliate or wholly owned subsidiary of a manufacturer's

ENROLLED ACT NO. 55, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

line make that is presently sold or has previously been sold in this state through a new vehicle dealer.

**31-16-102. Unlicensed vehicle dealers and manufacturers prohibited.**

No person shall hold himself out as being in the business of a retail seller of vehicles, or act as a retail vehicle dealer, direct sale manufacturer or Wyoming based manufacturer without a valid license issued by the department under this act. No person shall act as a vehicle dealer of a new vehicle without a valid license as a new vehicle dealer for new vehicles of the same line make issued by the department under this act. No person other than a licensed vehicle dealer shall display a vehicle for sale unless the title is in the name of the displayer. No person shall solicit sales of vehicles without a vehicle dealer's license, unless the title is in the name of the person soliciting sales.

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

(a) An applicant for a license required under this act shall, before commencing business and annually thereafter submit an application to the department in a form prescribed by the department containing the following:

(viii) For a direct sale manufacturer's license, a description of the location of each established place of business in this state, the number of manufacturer license plates requested, a statement of the need for the plates including, but not limited to, the number of employees, annual sales, and such other information as required by the department.

ENROLLED ACT NO. 55, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

(b) Pending determination by the department that the applicant has met the requirements under this act, it may issue a temporary license to any applicant. A temporary license shall not exceed a period of ninety (90) days while the department is completing its investigation and determination of all facts relative to the qualifications of the applicant for the license. The temporary license terminates when the applicant's license has been issued or refused. When the department determines the applicant has complied with all licensing requirements, the department shall issue a license or renewal to an applicant upon submission of a complete application to the department indicating the applicant is qualified and will operate from a principal place of business if a dealer or a direct sale manufacturer or from an established place of business if a Wyoming based manufacturer, and upon filing of a bond and payment of a license fee of twenty-five dollars (\$25.00) for dealers selling fewer than twelve (12) vehicles in any twelve (12) consecutive month period and one hundred dollars (\$100.00) for dealers selling twelve (12) or more vehicles in any twelve (12) consecutive month period as follows:

(c) The department may deny, suspend, revoke or refuse to renew a license or temporary permit issued under this act if it finds the person, applicant, vehicle dealer, salesperson, agent, direct sale manufacturer or Wyoming based manufacturer:

(f) Sixty (60) days after transfer of ownership of a dealership or the business of a Wyoming based manufacturer or direct sale manufacturer, except as a result of transfer of shares of stock in a corporate dealership or Wyoming based manufacturer duly incorporated in Wyoming, the dealer

ENROLLED ACT NO. 55, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

license, Wyoming based manufacturer license, demo plates, full use plates, manufacturer plates and temporary permits are void and shall immediately be delivered to the department. The new owner shall apply for a new dealer license, demo plates, full use plates, manufacturer plates and temporary permits immediately upon transfer of ownership. Upon transfer of ownership or termination of business the former dealer, direct sale manufacturer or Wyoming based manufacturer shall notify the department and, if not a transfer of ownership, immediately deliver the dealer license, direct sale manufacturer license, Wyoming based manufacturer license, demo plates, full use plates, manufacturer plates and temporary permits to the department.

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

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

(ix) Direct sale manufacturer's license which permits the licensee to sell new and unused vehicles or new and used vehicles of the same line make to the general public. A direct sale manufacturer's license shall be granted only to a person who seeks to sell or exchange vehicles of that manufacturer's line make that no other new vehicle dealer in the state sells or exchanges.

**31-16-108. Unlawful acts.**

(j) No motor vehicle manufacturer or distributor licensed under this act, directly or indirectly, shall offer to sell or sell new motor vehicles to a consumer except through a new vehicle dealer who holds a valid sales

ENROLLED ACT NO. 55, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

and service agreement, franchise, or contract granted by the manufacturer, distributor or wholesaler for the sale of its motor vehicles. This subsection shall not apply to a licensed direct sale manufacturer, sales to affiliates of the manufacturer, distributor or wholesaler, sales to the federal government, charitable organizations or sales to employees of the manufacturer, distributor or wholesaler.

**31-16-112. Penalty.**

(a) Any person, Wyoming based manufacturer, direct sale manufacturer, vehicle dealer, salesperson or agent who violates this act or any rule or regulation promulgated under this act is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00), imprisonment for not more than six (6) months, or both.

**31-16-125. Demo, full use, and manufacturer license plates.**

(k) Licensed direct sale manufacturers may apply to the department for one (1) or more manufacturer license plates. After presentation of a current direct sale manufacturer license and payment of fees, the department shall assign to the direct sale manufacturer the number of license plates approved by the department for use in the usual and customary conduct of the manufacturer's business including, demonstrating, testing, transporting or selling a vehicle.

**31-16-126. Use of demo, full use plates; temporary permits.**

ENROLLED ACT NO. 55, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

(c) A vehicle dealer may not use a demo, full use or manufacturer license plate on any vehicle type the dealer is not licensed to sell, as indicated on the dealer's application for a dealer license. No demo, full use, direct sale manufacturer or Wyoming based manufacturer license plate shall be used upon any vehicle rented, or leased by a dealer, direct sale manufacturer or Wyoming based manufacturer or upon a wrecker or delivery truck used by a dealer, direct sale manufacturer or Wyoming based manufacturer, except that a demo, full use or Wyoming based manufacturer license plate may be used on a vehicle lawfully being repossessed by a dealer, direct sale manufacturer or Wyoming based manufacturer. A demo, full use or manufacturer license plate for trailers may be used on a trailer being used by a dealer or Wyoming based manufacturer to transport a boat if the boat:

ORIGINAL SENATE  
FILE NO. SF0057

ENGROSSED

ENROLLED ACT NO. 55, SENATE

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING  
2017 GENERAL SESSION

**Section 2.** This act is effective July 1, 2017.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk