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October 21, 2013

TO: Mac + Jesse; Mayor Spelman, & Council

Here are some materials that I think will be helpful at the Public hearing regarding Bill Brown's application for Design Review, Conditional Use Permit & Variance Application at 400 N. Norris Ave.

Please distribute a copy to each Council member, the mayor and Mr. Bill Brown and yourselves. I will have additional copies for any other interested persons.

I humbly and respectfully ~~request~~ ^{submit} that a ~~moratorium~~ moratorium be ordered by the City Council on all business activity on the site - and order for removal of the vehicles displayed there along with the "Brown's Park and Sell" sign.

I also suggest that you consult with the Office of the Attorney General, if you need help with this.

Please pay particular attention to the note under item 2 of the meeting agenda:

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"... Further information may substantially change the application, requiring process to begin again."

Thank you

Wes Jeffs

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Idaho Transportation Department

FACT SHEET

Becoming an Idaho Dealership

PURPOSE:

A dealer license is required when any person sells five or more vehicles/vessels (that are required to be titled) per calendar year. This fact sheet provides basic information to help you determine if the activities you are involved in require an Idaho dealer license. Information is also provided on how to secure a license.

ACTIVITIES THAT REQUIRE A DEALER LICENSE:

- Soliciting the sale, exchange, or consignment of a vehicle/vessel not titled in the name of the person making the solicitation.
- Selling, displaying for sale, exchanging, or consigning a vehicle/vessel not titled in the displayer's name.
- Selling, displaying for sale, exchanging, or consigning five or more vehicles/vessels in any one calendar year even though the vehicles/vessels are titled in the seller's name.
- Engaging in the business of selling, exchanging, or consigning vehicles/vessels, or engaging in any other acts customarily associated with the business of selling or exchanging vehicles/vessels.
- Displaying vehicles/vessels for sale, exchange, or consignment on property not legally controlled by the owner of the vehicle/vessels.

ACTIVITIES THAT DO NOT REQUIRE A DEALER LICENSE:

- Selling less than five vehicles/vessels (titled in your name) in a calendar year.
- Insurance companies, financial institutions, or public utility companies disposing of any vehicle/vessel incidental to primary business activities.
- Manufacturing or selling specialty vehicles (fire trucks, fire engines, urban transit buses, ambulances, street sweepers, and hazardous material response vehicles).

SPECIFIC REQUIREMENTS TO OBTAIN A DEALER LICENSE:

- **Education Requirements:** At least one active owner from a prospective used only and, effective July 1, 2013, wholesale dealership must attend an 8-hour pre-licensing class and pass a closed-book written examination prior to applying. The owner of a used-vehicle-only and wholesale dealership **renewing** a license must complete at least four hours of annual education that is recognized by the department before a license can be issued. The owners or members of a corporation, limited liability corporation, or limited liability partnership who are not active in a dealership may designate a corporate substitute (a manager or employee) to attend class. If that designated individual leaves the dealership, another manager or employee must be assigned as a corporate substitute and complete the dealership's annual education requirements. Note: An individual serving as a corporate substitute must be a licensed Idaho salesperson. Franchised dealers are exempt. Contact Idaho State Independent Automobile Dealer's Association at 208-463-7709 or 800-950-8227.
- **Dealership name:** Prior to applying as a dealer or obtaining a dealer bond, you should call the Dealer Team at (208) 334-8681 to make sure that the proposed name of the dealership is not deceptively similar to an existing dealership's name. According to Section 53-504, Idaho Code, any dealership name which has a D.B.A. (doing business as) must be filed as an assumed name with the Secretary of State's office. If the dealership is owned by a corporation, limited-liability company, or a limited-liability partnership, you must submit verification from the Secretary of State at (208) 334-2300.
- **Vehicle dealer performance bond required:** Idaho Code requires all vehicle/vessel dealers to file a performance bond with the department. The bond shall be in the amount of \$20,000 for all dealers **except** motorcycle, all-terrain vehicle, utility type vehicle, truck campers, and snow machine dealers, who shall have a \$10,000 bond. All bonds must be issued by a corporate surety licensed to do business within the state of Idaho. A bond may also be posted in the form of cash or a certificate of deposit, which remains on deposit until five years after the dealership has gone out of business. The bond must remain in effect for the full licensing period or until the license becomes invalid. The bond must reflect the exact ownership, D.B.A.s, and dealership location that is listed on the application for dealer license.
- **ICAR Fund:** In addition to maintaining a vehicle dealer performance bond, effective July 1, 2013, all vehicle dealers will be required to pay \$300 toward the Idaho Consumer Asset Recovery Fund (ICAR) as a condition for initial license issuance or license renewal (Idaho Code 49-1608B, C, D, E, and F). Beginning July 1, 2014, dealers who have operated for at least three consecutive years without any claims against their vehicle dealer performance bond or judgments paid against them through the ICAR fund, have the option to operate without a bond. The ICAR fund's fees are subject to annual evaluation; the fee may be suspended upon reaching a maximum threshold.
- **Building and zoning required:** An enclosed commercial structure built to meet applicable building codes. Such structure shall be located in an area zoned by local authorities for the type of business in which the dealer is licensed. A letter of zoning approval or a zoning official's signature on the dealer application must be submitted. Zoning approval is also required for off-site sales, changes of location, and supplemental lots.
- **Application for Idaho Vehicle Dealer License (retail or wholesale):** The application for dealer's license must be completed in **FULL**. All owners/corporate officers must be listed. A **personal history** for each owner, partner, corporate officer, or director must be completed,

but inactive corporate officers are not required to obtain identification cards. The name of the dealership and location must be accurate and match the information on the bond that is submitted with the application. All owners, partners, officers, or directors must sign the application in the appropriate area and their signatures must be notarized. Please allow 30 days for processing.

- **Seller Permit Number:** A copy of the seller's permit number issued in the name of the dealership by the Idaho Tax Commission must be submitted with any retail dealer application. The Idaho Tax Commission can be reached by phone at (208) 334-7660 or (800) 972-7660.
- **Employer Identification Number:** Submit EIN issued by Federal Government. (see www.irs.gov/businesses/small)
- **Liability Insurance** (effective 7-1-06): Submit liability insurance certificate. Minimum coverage amount is \$25,000 bodily injury to one person, \$50,000 bodily injury to two persons, and \$15,000 property damage or destruction. The certificate needs to be issued with "any auto" or it needs to state that it complies with Idaho Code 49-1608A.
- **Dealership Location Inspection:** After the application is approved, the Motor Vehicle Investigator for your district will be contacted by the Dealer Licensing Team and the investigator will call you for an appointment to inspect your dealership location. The Investigator will verify the location, display area, office, sign, and give instructions on how to complete documents for titling purposes.
- **Franchises:** If your dealership will be selling NEW vehicles/vessels, a letter of franchise approval from the manufacturer is required for each type of new vehicles/vessels sold.
- **Personal History and Salesmen Application:** If you will be hiring salesmen, an application (ITD-3171) must be completed for each person hired. The NCR copy or photocopy of this form will serve as a 30-day temporary license for the salesman but is not valid until submitted to ITD with fees. All owners must complete this form.

PRINCIPAL PLACE OF BUSINESS REQUIREMENTS:

- **Place of Business:** This is the location where the dealer and his salesmen conduct the dealer's business. Other locations belonging to the same dealership and operating under the same name are called "supplemental lots." Supplemental lots must be located in the same or an adjacent county of the principal location.
- **Declared hours:** Dealers must declare the business hours that the principal place of business will be open and staffed by a licensed salesperson. Retail dealers are required to be open to the public a minimum of 20 hours per week; wholesale dealers are required to have their licensed business office open 4 hours per week. A portion of these hours must be within traditional business hours (M-F 8-5).
- **Dealership Sign:** An exterior sign must be permanently affixed to the land or building, have letters that are clearly visible and readable from the main road, and meet local zoning requirements. The recommended size for an exterior sign is at least 24 square feet (3' x 8', 4' x 6', etc.) with 4-inch-square minimum lettering. The sign should include the trade name of the dealership, street address, and dealer number. For a wholesale dealer, and for ease of reading by prospective customers, the sign may be painted on the office window next to the entrance door.
- **Dealership office:** Must be a clearly defined area including a locking office to keep books; a desk; filing cabinet; and a phone for the business. The telephone number must be listed in the general directory. The telephone must be answered in the name of the dealership and may be forwarded to another location or an answering machine.
- **Display area:** The display area must be large enough to display five or more vehicles/vessels of the type the retail dealer is licensed to sell. The "improved display area" should be adjacent to the dealership office, owned or leased by the dealer, and separated from other business property by visual boundaries or signing. If two separate dealerships are located adjacent to one another, there shall be a physical divider made to separate the display areas. (Ropes, chains, barriers, etc., shall meet the definition of physical dividers.) This requirement is not for a wholesale-only dealership.
- **Restrictions of dealership use:** The principal place of business must be devoted mainly to the business for which the vehicle dealer is licensed. In addition, the office cannot be a room or rooms in a hotel, rooming house, apartment building, or a part of any single- or multiple-unit dwelling house unless the entire ground floor is principally occupied for commercial purposes and the office of the dealership is located on the ground floor.

FEES:

Initial Dealer's License	\$190.00	
ICAR Fee	\$300.00	(Effective July 1, 2013)
Renewal Dealer's License	\$175.00	
Owner/Officer's ID	\$0.00	(Additional \$10 when the picture is taken)
Salesman ID Cards	\$26.00	(Additional \$10 when the picture is taken)
Dealer Plates	\$20.00	(includes \$2 mailing fee \$3.00 ISP Fee)
Temporary 30-day registrations (out-of-	\$180.00	(books of 20 each)

not "Broad-Based"

state residents only)		
Supplemental Lot License (each dealer location)	\$44.00	
Temporary Supplemental Lots License (Off-site)	\$44.00	(\$88 for 2 or more dealers)
License Reprints	\$18.00	

This fact sheet has been provided by:
Idaho Transportation Department, Division of Motor Vehicles
PO Box 7129, Boise, ID 83707-1129

For additional DMV information, contact Vehicle Services via e-mail at:
DMV-Dealers@itd.idaho.gov
Division of Motor Vehicles / Vehicle Services Section

Vehicle Titles: (208)
334-8663

**Vehicle Registrations (Special
Plates): (208) 334-8649**

Dealer Licensing: (208)
334-8681

Idaho Transportation Department
3311 W. State Street - P.O. Box 7129
Boise, ID 83707-1129