

810-5-12-.03 Application for Off-Site Sales Event

(1) Off-Site Sales Event License

(a) A licensed motor vehicle dealer must electronically apply for an off-site sales event license, as defined in §40-12-395, Code of Ala 1975, at least ten (10) calendar days prior to conducting the off-site sale. Dealers may not participate in more than 3 off-site sales events per license year. The following information must be included on the application:

1. Off-site sales event location address.
2. Beginning and ending dates of the off-site sales event.
*Note: The duration of the event cannot exceed 10 consecutive days.

(b) Pursuant to § 40-12-395, Code of Ala. 1975, a twenty-five dollar application fee is required to be paid by the applicant.

(c) Upon reviewal of the application, the department will either approve and issue an off-site sales event license and provide notification to applicant of the issuance or notify the applicant of additional information required.

(2) Facilitator License

(a) In accordance with §40-12-390, Code of Ala. 1975, a facilitator is any person, or his or her designee, who facilitates an off-site sale licensed under § 40-12-395, Code of Ala.1975. The term may include the owner of the property where the off-site sale is being conducted.

(b) A facilitator of an off-site sale must electronically apply for a master off-site sales license, as defined in §40-12-395, Code of Ala 1975, at least ten (10) calendar days prior to conducting the off-site sale. Each motor vehicle dealer participating in the off-site sale must obtain an off-site license required in section (1) and provide the license to the facilitator prior to the facilitator making the application. If the dealer and facilitator are the same entity, only the master off-site sales event license is required. The following information must be included on the application:

1. Legal name of business, trade name, or DBA (if applicable).
2. Mailing and physical address(es) of business.
3. Off-site sales event location address.
4. Each participating dealer and their off-site sale license number.

5. Beginning and ending dates of off-site sales event.

*Note: The duration of the event cannot exceed 10 consecutive days.

(c) Pursuant to § 40-12-395, Code of Ala. 1975, a twenty-five dollar application fee is required to be paid by the applicant.

(d) Upon review of the application, the department will either approve and issue an off-site sales event license and provide notification to applicant of the issuance or notify the applicant of additional information required or if the application is refused.

(f) The facilitator must display a temporary sign at the location where the off-site sale is conducted identifying the name of the facilitator, as stated on the license, conducting the sale and the name of the motor vehicle dealers who are participating in the sale.

(3) A facilitator or motor vehicle dealer who willfully fails to obtain an off-site license or failure of a facilitator to disclose participating motor vehicle dealers is subject to the penalty provisions provided in §§ 40-12-392 and 40-12-395, Code of Ala. 1975.

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Authority: §§ 40-2A-7(a)(5), 40-12-392, and 40-12-395, Code of Ala. 1975.

History: **New rule:** Filed July 20, 2020; effective September 14, 2020.