

CHAPTER 198  
HB 553-FN – FINAL VERSION

11Mar2015... 0479h  
05/14/2015 1697s

2015 SESSION

15-0643  
03/06

HOUSE BILL            ***553-FN***

AN ACT                relative to dealer registration privileges by a dealership management company  
and proof of ownership of a vehicle at the time of sale.

SPONSORS:            Rep. Packard, Rock 5; Rep. T. Walsh, Merr 24; Rep. Cooney, Graf 8; Sen. Hosmer,  
Dist 7; Sen. Stiles, Dist 24

COMMITTEE:          Transportation

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ANALYSIS

This bill allows dealer management company employees to operate vehicles issued dealer plates and allows the director of the division of motor vehicles to approve additional forms of proof of ownership of a vehicle.

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Explanation:          Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struck through~~].  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Fifteen*

AN ACT                   relative to dealer registration privileges by a dealership management company  
and proof of ownership of a vehicle at the time of sale.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1           198:1 Certificate of Origin. Amend RSA 261:13 to read as follows:

2           261:13 Certificate of Origin. When a new vehicle is delivered in this state by the manufacturer  
3 to ~~[his]~~ **its** agent or ~~[his]~~ franchised dealer, the manufacturer shall execute and deliver to ~~[his]~~ **the**  
4 agent or ~~[his]~~ franchised dealer a certificate of origin in the form prescribed by the director, and no  
5 person shall bring into this state any new vehicle unless he **or she** has in his **or her** possession the  
6 certificate of origin as prescribed by the director. The certificate of origin shall contain the vehicle  
7 identification number of the motor vehicle, the name of the manufacturer, model year, year of  
8 manufacture, number of cylinders, a general description of the body, if any, and the type of model.  
9 When a new vehicle is sold in this state, the manufacturer, ~~[his]~~ agent, or ~~[his]~~ franchised dealer  
10 shall execute and deliver to the purchaser, in case of an absolute sale, assignment of the certificate of  
11 origin, **or an acceptable form proving assignment approved by the director**, or, if other than  
12 absolute sale, assignment of the certificate of origin subject to contract, signed or executed by the  
13 manufacturer, ~~[his]~~ agent, or ~~[his]~~ dealer, with the genuine names and business or residence  
14 addresses of both stated thereon, and certified to have been executed with full knowledge of the  
15 contents and with the consent of both purchaser and seller. No manufacturer, distributor, or  
16 manufacturer's authorized agent shall issue any duplicate, supplemental, or replacement certificate  
17 of origin unless the legend "duplicate" is placed on said certificate and the director is notified in  
18 writing of the circumstances under which said certificate was issued. A dealer registered under the  
19 provisions of RSA 261 who makes a courtesy delivery shall prepare the title application and  
20 supporting documents, but said delivery shall not be construed as a sale by the New Hampshire  
21 dealer.

22           198:2 Resale by a Dealer. Amend RSA 261:15 to read as follows:

23           261:15 Resale by a Dealer. If a dealer buys a vehicle and holds it for resale and procures the  
24 certificate of title from the owner or the lienholder within 10 days after delivery ~~[to him]~~ of the  
25 vehicle, ~~[he]~~ **the dealer** need not send the certificate to the department but, upon transferring the  
26 vehicle to another person other than by the creation of a security interest, shall promptly execute the  
27 assignment and warranty of title by a dealer, **or if a franchised vehicle dealer an acceptable**

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1 *form proving assignment approved by the director, or if the title is held by a finance source*  
2 *show a copy of the title pending the original, and execute an acceptable form approved by*  
3 *the director proving assignment*, showing the names and addresses of the transferee and of any  
4 lienholder holding a security interest created or reserved at the time of the resale and the date of  
5 ~~his~~ *the* security agreement, in the spaces provided therefor on the certificate or as the director  
6 prescribes, and mail or deliver the certificate to the department with the transferee's application for  
7 a new certificate.

8 198:3 Use of Dealer Registration. Amend RSA 261:111, III to read as follows:

9 III. The dealer's employees who are employed full-time in the retail motor vehicle business  
10 may be issued a dealer plate on motor vehicles owned by the dealer, at the dealer's discretion, for  
11 personal use outside of normal business hours ***and no person other than such employees shall***  
12 ***operate such motor vehicles***. For purposes of this paragraph, ~~only~~ the dealer's employees ***shall***  
13 ***include employees of a dealership management company solely engaged in the day-to-day***  
14 ***business operations of the dealership*** ~~[and no other person shall operate such motor vehicles]~~.  
15 Personal use shall require that the motor vehicle be in saleable condition, with all legally required  
16 window stickers as appropriate, in view to the general public.

17 198:4 Effective Date. This act shall take effect 60 days after its passage.

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19 Approved: July 6, 2015

20 Effective Date: September 4, 2015