

FRIDLEY CITY CODE
CHAPTER 19. USED MOTOR VEHICLES
(Ref. 525, 999)

19.01. DEFINITIONS

The following definitions shall apply in the interpretation and application of this Chapter and the following words and terms wherever they occur in this Chapter are defined as follows: (Ref. 525)

1. Dealer in Used Motor Vehicles.

Any person engaged in the business of selling, exchanging or otherwise disposing of, displaying, advertising or offering for sale, used or secondhand motor vehicles as a principal business or occupation, or as an adjunct or incident to any other business or profession.

2. Motor Vehicle.

Any new or used automobile, truck, motorcycle or other similar vehicle propelled by a motor.

19.02. LICENSE

No person shall engage in business as a dealer in used motor vehicles in the City without first obtaining a license as provided herein.

19.03. APPLICATION

The application for a license shall be made in writing, signed and verified by the applicant on forms provided by the City. The application shall state the name, age and residence of the applicant; if a partnership, the names of all partners, and shall be verified by one of them; and if a corporation, the names of all the officers thereof and certified by an authorized officer; and if additional licenses are applied for, for more than one place of business, the addresses of such additional places of business shall also be stated. The application shall state the business and residence addresses of the applicant for a period of five (5) years prior to the date thereof, whether the applicant is the sole owner of the business to be conducted, and shall state that no other persons than those named in the application have any interest in the management and control of such business.

19.04. FEE

The annual license fee and expiration date shall be as provided in Chapter 11 of this Code. The fee schedule for licensees who file a joint application as a Motor Vehicle Body Repair Business are listed as "Joint Applications" under Chapter 18. (Ref. 999)

19.05. SEPARATE LICENSES

Each licensee shall have an established place of business and each license shall authorize business at only the designated premises. If a licensee has more than one place of business, a separate license is required for each.

19.06. TRANSFER

Licenses issued under this Chapter may not be transferred from person to person, but may be transferred from place to place with the consent of the City Council.

19.07. JOINT LICENSE APPLICATION AS A MOTOR VEHICLE BODY REPAIR BUSINESS

Applicants who also engage in the business of motor vehicle body repair, as is defined in Chapter 18, Section 18.02.02, may file a joint application where the requirements of Chapter 18 and Chapter 19 are submitted and reviewed together shall be made with the City Clerk on forms furnished by the City. (Ref. 999)

19.08.SALES SLIP

Each licensee shall at the time of any sale give to the purchaser of a motor vehicle a plainly written statement signed by the licensee, their salesperson or agent, showing the licensee's name and address; the name of the person making the sale; the date of the sale; the license number, if available; the serial number of such motor vehicle; the purchase price, whether in cash or on terms; and if on terms, the total time price, including insurance, if any; and if such price includes the cost of insurance, the type and coverage afforded by such insurance, together with the cost of each item of insurance. No sale shall be deemed to have been completed until the foregoing statement in writing shall have been delivered to the purchaser.

19.09. REGISTRATION

The registration or title card or bill of sale for any motor vehicle sold shall be forwarded by the dealer to the Secretary of the State of Minnesota not later than five (5) days after the date of the sale. No dealer shall receive and refuse to return to the owner any registration or title card for the purpose of compelling the owner of such card to purchase a motor vehicle from the dealer unless such dealer is ready, willing and able to comply with the terms of the contract or agreement for sale of the motor vehicle.

19.10. ADVERTISING

No dealer, or salesperson or employee of such dealer, shall advertise any motor vehicle as being sold by the owner thereof at the owner's home or residence, if such motor vehicle is actually owned or consigned to by the licensee and sold as part of his or her business. No licensee shall use any advertising which is not accurate in all its material particulars, or which misrepresents merchandise, including its use, grade, quality, origin, preparation, credit terms, values, policies, or services; and no licensees shall use advertising or selling methods which tend to or actually deceive or mislead the public.

19.11. MORTGAGES OR LIENS

If any licensee shall knowingly sell a motor vehicle which is subject to a mortgage, lien or payment, the licensee shall furnish in writing to the purchaser definitely stating the amount of such mortgage, lien or payments, and the name and address of the holder or owner of such a mortgage, lien or other indebtedness.

19.12. SALES ON CREDIT

Each licensee who sells a used motor vehicle directly or indirectly on credit shall disclose to the person purchasing such motor vehicle all charges payable directly or indirectly by the person to whom the credit is extended including:

1. Interest, time price differential, and any amount payable under a system of additional charges.
2. Service charges.
3. Loan fee, finder's fee, commission, rebate or similar charges.
4. Identification or credit report fees.
5. Premiums or other charges for life, accident, health or other insurance, including commissions or rebates.

19.13. STORAGE

No licensee shall use any public street in the City for storage of motor vehicles.

19.14. BLANK CONTRACTS

No licensee shall obtain the signature of a purchaser to any blank contract, bill of sale, or other writing or memorandum relating to the sale of motor vehicles.

19.15. CERTIFICATION

1. No licensee or agent of such licensee shall sell a used motor vehicle intended for use upon the public highways without first certifying in writing that said used motor vehicle complies with the requirements of Minnesota Statutes, Section 169, and that it is in condition and repair to render, under normal use, satisfactory and adequate service upon the highway at the time of delivery.
2. The failure of the licensee or the licensee's agent to deliver to the purchaser the certification required by this Chapter and the delivery of such certification knowing the same to be false or misleading shall constitute a violation of this Section.

19.16. SPEEDOMETER TAMPERING

No licensee or agent of such licensee shall fraudulently change, set back, or disconnect, or fail to connect or cause the failure to connect any speedometer of any used motor vehicle for the purpose of effecting the sale of such used motor vehicle. Provided, however, it shall not be unlawful for a licensee or a licensee's agent to offer a used motor vehicle for sale with the speedometer regarding thereon turned back to zero. (Ref. Minnesota Statutes, Section 325E.14)

19.17. PREVIOUS OWNER

It shall be unlawful for any licensee or agent of such licensee to refuse to furnish, upon request of a prospective purchaser, the name of the previous owner of any used motor vehicle offered for sale.

19.18. APPLICABILITY

The provisions of this Chapter shall apply to all sales whether or not the motor vehicle sold or advertised for sale is owned by the licensee, or whether such licensee is acting as an agent or consignee for the owner.

19.19. TITLE

The licensee or an agent thereof, shall sell only used motor vehicles to which the licensee has registered title; and it shall be unlawful for any licensee, or agent, thereof, to jump or transfer title of any motor vehicle from any seller to licensee or agent thereof, directly to any purchaser of the licensee or agent thereof.

19.20. REVOCATION

In addition to revocation as provided by Chapter 11 of this Code, the City Council may revoke any license issued under this Chapter, upon adequate notice and a hearing, if the hearing is requested, before the Council on the following grounds:

1. Any violation of this Chapter;
2. Revocation of a used or second hand motor vehicle license by the State of Minnesota;
3. Failure of continued occupancy of an established place of business;
4. Material misstatement or misrepresentation in application for license or renewal thereof.

19.21. PENALTIES

Any violation of this Chapter is a misdemeanor and is subject to all penalties provided for such violations under the provisions of Chapter 901 of this Code.