

Section 15-302

Annotated Code of Maryland

(1999 Replacement Volume and 2001 Supplement)

BY adding toArticle - TransportationSection 27-101(v)Annotated Code of Maryland(1999 Replacement Volume and 2001 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Transportation

15-101.

(b) (1) "Dealer" means, except as provided in paragraph (3) of this subsection, a dealer in vehicles of a type required to be registered under Title 13 of this article.

(2) (I) "Dealer" includes:

[(i)] 1. A person who is in the business of buying, selling, or exchanging vehicles, including a person who during any 12-month period offers to sell [five] THREE or more of these vehicles, the ownership of which was acquired for resale purposes; and

[(ii)] 2. For the purposes of §§ 15-301 through 15-315, inclusive, of this title, any person who sells vehicles, whether or not that person acquired the vehicles for personal or business use, if the vehicles are displayed at a fixed location used principally for the purpose of selling vehicles on a regular basis.

(II) 1. FOR THE PURPOSES OF SUBPARAGRAPH (I)1 OF THIS PARAGRAPH, A PERSON WHO OFFERS TO SELL THREE OR MORE VEHICLES DURING ANY 12-MONTH PERIOD IS PRESUMED TO HAVE ACQUIRED THE VEHICLES FOR RESALE PURPOSES.

2. THE VEHICLE OWNER HAS THE BURDEN OF REBUTTING THE PRESUMPTION ESTABLISHED UNDER SUB-SUBPARAGRAPH 1 OF THIS SUBPARAGRAPH BY A PREPONDERANCE OF THE EVIDENCE.

(3) "Dealer" does not include:

(i) A public official who sells or disposes of vehicles in the performance of his official duties;

(ii) An insurance company, finance company, bank, or other lending institution licensed or otherwise authorized to do business in this State that, to save it from loss; sells or disposes of vehicles under a contractual right and in the regular course of its business;