

CHAPTER 43 .

USED CAR DEALERS.¹

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Sec. 43-1. State dealer's certificate.

A permit required under section 11-5 shall not be granted to any used car dealer unless he has a dealer's certificate issued pursuant to the provisions of the state Vehicle Code and unless he has otherwise complied with all requirements of state law. A permit issued to a used car dealer is good only as long as he has his certificate or other permit required by state law and shall be automatically revoked without notice should such certificate or permit be revoked or if at any time such used car dealer does not have such a permit or certificate. (Mun. Code, Sec. 3410)

Sec. 43-2. Undertaking--Required; amount; multiple claims.

A permit shall not be issued to any used car dealer until he files with the city clerk his undertaking approved by the city attorney in an amount not less than two thousand five hundred dollars conditioned that the used car dealer shall deliver a clear title to any used motor vehicle, parts, tires or accessories, to any person, entitled thereto within twenty-one days after final payment has been made, and that in case of any breach thereof any person injured thereby may recover from the principal and sureties upon such undertaking. The undertaking shall provide that it not void upon the first recovery, but may be sued and recovered from time to time by any person aggrieved, until the whole penalty is exhausted. (Mun. Code, Sec. 3410)

¹For state law as to motor vehicle dealers, see Veh. C., Sec. 11700 et seq. As to used car dealer's permit, see Sec. 11-15 of this Code.

Sec. 43-3. Same--Sureties.

Either a corporation complying with each and every provision of section 10-56 of the Code of Civil Procedure, or not less than two good and sufficient sureties, each of which complies with each and every provision of section 1057 of the Code of Civil Procedure, shall become surety on such undertaking. (Mun. Code, Sec. 3410)

Sec. 43-4. Same--To be kept in full force and effect.

A permit issued to a used car dealer is good only while the undertaking provided for in this chapter is in full force and effect. Such permit shall be automatically revoked without notice if at any time such undertaking is not in full force and effect. (Mun. Code, Sec. 3410)

Sec. 43-5. Same--Filing new undertaking.

If a new undertaking acceptable to the city council is filed before cancellation or expiration of the old one becomes effective, then the permit will continue in full force. (Mun. Code, Sec. 3410)

Sec. 43-6. Secondhand parts, tires, etc.

A used car dealer, while he holds a valid existing unrevoked used car dealer's permit, may sell, deal in or otherwise trade in secondhand motor vehicle parts, secondhand motor vehicle tires or any secondhand accessories of motor vehicles as the term motor vehicle is defined in the state Vehicle Code, without a secondhand dealer's license. (Mun. Code, Sec. 3410)

Sec. 43-7. New car dealers.

A new car dealer who is the authorized representative or agent of the manufacturer of new motor vehicles, who receives no motor vehicles as defined in the state Vehicle Code which has been registered or driven one hundred miles or more except as part payment on another motor vehicle, may obtain a used car dealer's permit permitting him to carry on the business of used car dealer at more than one location upon the payment of an additional fee of one dollar for each location other than the first location. One undertaking as described in this chapter is sufficient, regardless of the number of locations covered by such used car dealer's permit. (Mun. Code, Sec. 3410)

Sec. 43-8. Advertising--Vehicle to be on premises when advertised.

A used car dealer shall not advertise in any newspaper, or through any other medium, that he has for sale any motor vehicle which motor vehicle is not actually for sale at the premises at the time the advertisement is inserted in the newspaper or other medium. (Mun. Code, Sec. 3410)

Sec. 43-9. Same--License number of specific vehicles required.

Whenever any used car dealer in any advertising medium advertises any specified motor vehicle, he shall include in such advertising the current license number of such motor vehicle. (Mun. Code, Sec. 3410)

Sec. 43-10. Same--Withdrawal upon sale.

Within twenty-four hours after any motor vehicle has been sold, the used car dealer shall withdraw any advertisement from any newspaper or other medium in which such motor vehicle was advertised by him for sale. (Mun. Code, Sec. 3410)

Sec. 43-11. Records and books to be open for inspection.

The records and books of all car dealers shall be open at all times to the sheriff to determine whether or not the used car dealer has complied with all the provisions of this chapter. (Mun. Code, Sec. 3410)

Sec. 43-12. Place of business.

Every used car dealer shall have a fixed place of business. At such place of business he shall display prominently his name, his state certificate number and his city permit number. (Mun. Code, Sec. 3410)

Sec. 43-13. Buy-form--Defined.

The term, "buy-form" shall be the name of the form furnished by the sheriff to the permittee for the purpose of recording and furnishing by the permittee to the sheriff of the required information relative to purchases, pledges or consignments. (Mun. Code, Sec. 3410)

Sec. 43-14. Same--Required to be mailed to sheriff; contents generally.

Every permittee under this chapter shall at the close of each business day mail to the sheriff the buy-forms made out during that day. Such buy-forms shall contain a full, true and complete report of all goods, wares, merchandise or other things received on deposit, pledged or purchased, during that day, except household furniture, used tires, used batteries, which household furniture, used tires or used batteries were taken in part payment for new tires or new batteries, and except merchandise originally sold new by the permittee and subsequently taken as a trade-in on other merchandise sold by the same permittee, and shall also contain other information required by the sheriff which, considering the type of business of the permittee, may assist in the detection of stolen property. (Mun. Code, Sec. 3410)

Sec. 43-15. Same--Identification of seller or pledger.

Every permittee under this chapter shall enter upon the "buy-form" positive identification furnished by the seller, pledgemaker or consignee, such as driver's license number, work badge number, auto or truck license number, junk collector's business license number, in addition to the individual's true name and address. In lieu of the positive identification mentioned above, the permittee shall require the seller, pledgemaker or consignee to furnish a plain impression print of his right index finger, or next finger in the event of amputation, upon the face side of the original sheet of the "buy-form." (Mun. Code, Sec. 3410)

Sec. 43-16. Same--Records to be retained; inspection.

Every permittee shall preserve for a period of two years, a copy of the "buy-form" provided for that purpose, containing a carbon copy record thereon of the original writing made by the permittee, agent or employee, the original of which has been furnished to the sheriff. Every such record and property pledged, purchased or received by such permittee shall be produced for inspection to any peace officer. (Mun. Code, Sec. 3410)

Sec. 43-17. Identification of seller or pledger of property.

Every person who sells, pledges or consigns any property to any permittee in the course of business covered by such permit, except household furniture, used tires or used batteries, taken in part payment for new tires or new batteries, and except merchandise originally sold new by the permittee and subsequently taken as a trade-in on other merchandise sold by the same permittee, shall furnish true, positive identification to the permittee by which such person can be located by the sheriff. (Mun. Code, Sec. 3410)

(Mun. Code, Sec. 3410)