

## CHAPTER 204-A

### DEALER PRACTICES FOR CERTAIN MOTOR VEHICLES

#### §1191. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1989, c. 51 (NEW).]

**1. Dealer.** "Dealer" means an individual, partnership, corporation, business trust or any other legal entity that is engaged in the business of selling or leasing, offering for sale or lease or negotiating the sale or lease of new motor vehicles, except auctioneers licensed by the Secretary of State. [PL 1989, c. 51 (NEW).]

**2. Motor vehicle.** "Motor vehicle" means any self-propelled vehicle designed primarily to transport not more than 14 individuals, except motorcycles, snowmobiles, all-terrain vehicles, customized vans and any vehicle operated exclusively on a rail or rails. This definition is intended to include motor trucks that have a gross weight of not more than 8,600 pounds as certified by the vehicle manufacturer or franchise representative pursuant to Title 29-A, section 2364, subsection 5. [PL 1999, c. 580, §1 (AMD); PL 1999, c. 580, §14 (AFF).]

#### SECTION HISTORY

PL 1989, c. 51 (NEW). PL 1995, c. 65, §A17 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1999, c. 580, §1 (AMD). PL 1999, c. 580, §14 (AFF).

#### §1192. Disclosure requirements

No dealer may sell or offer to sell any new motor vehicle unless the dealer affixes to the windshield or side window of the motor vehicle the following written disclosures: [PL 1989, c. 51 (NEW).]

**1. Manufacturer's suggested retail price.** The manufacturer's suggested retail price; [PL 1989, c. 51 (NEW).]

**2. Manufacturer's suggested price on options.** The retail delivered price suggested by the manufacturer for each accessory or item of optional equipment, physically attached to the motor vehicle at the time of its delivery to the dealer, which is not included in the price of the motor vehicle as stated pursuant to subsection 1; [PL 1989, c. 51 (NEW).]

**3. Transportation charges.** The amount, if any, charged to the dealer for transportation of the motor vehicle to the location at which it is delivered to the dealer; and [PL 1989, c. 51 (NEW).]

**4. Total amount.** The total of the amounts specified pursuant to subsections 1, 2 and 3. [PL 1989, c. 51 (NEW).]

#### SECTION HISTORY

PL 1989, c. 51 (NEW).

#### §1193. Violations

**1. Unfair trade practice.** Any violation of this chapter shall constitute prima facie evidence of a violation of Title 5, chapter 10, the Maine Unfair Trade Practices Act. [PL 1989, c. 51 (NEW).]

#### SECTION HISTORY

PL 1989, c. 51 (NEW).

**§1194. Dealer sale practices for new or used motor vehicles**

When selling new or used motor vehicles a dealer must adhere to the following sale practices. [PL 2001, c. 256, §2 (NEW).]

**1. Dealer revocation of sale.** If a dealer sells a new or used motor vehicle and allows the buyer to take possession of it, the dealer can not at a later date inform the buyer of that vehicle that the dealer is canceling the sale unless the dealer has disclosed at the time of the sale and at the time of cancellation that if financing can not be procured according to the terms agreed upon in the contract, the consumer shall receive:

- A. Reimbursement of the entire vehicle purchase price or, if a leased vehicle, the lease payments made to date, including any paid finance charges on the purchased or leased vehicle; [PL 2001, c. 256, §2 (NEW).]
- B. Reimbursement of all charges pertinent to the contract, including, but not limited to, sales tax, license and registration fees and similar government charges; and [PL 2001, c. 256, §2 (NEW).]
- C. The vehicle traded in or, if the vehicle is not available, the trade-in value of the vehicle established in the contract. [PL 2001, c. 256, §2 (NEW).]

This subsection does not apply to any sale canceled by the dealer due to material misrepresentation made by the buyer.

[PL 2001, c. 256, §2 (NEW).]

**SECTION HISTORY**

PL 2001, c. 256, §2 (NEW).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the First Regular and First Special Session of the 131st Maine Legislature and is current through November 1, 2023. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.