

# **SECTION VII**

## **GLOSSARY OF TERMS**

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**Dealer or Motor Vehicle Dealer** refers to any person who sells or attempts to affect the sale of any motor vehicle in a calendar year.

**Dealer License** refers to a license issued to individuals authorizing them to sell motor vehicles.

**Distributor** refers to any person who sells or distributes new motor vehicles to motor vehicle dealers or who maintains distributor representatives within the state.

**Distributor Branch** refers to a branch office maintained by a distributor who sells or distributes new motor vehicles to motor vehicle dealers.

**Distributor Representative** refers to a representative employed by a distributor branch or distributor.

**Fair Market Value** refers to the total purchase price of a vehicle less the trade-in value.

**Franchise** refers to an oral or written arrangement for a definite or indefinite period in which a manufacturer, distributor, or wholesaler grants to a motor vehicle dealer a license to use a trade name, service mark, or related characteristic, and in which there is a community of interest in the marketing of motor vehicles or services related thereto at wholesale, retail, leasing or otherwise.

**Franchisee** refers to a motor vehicle dealer to whom a franchise is offered or granted.

**Franchiser** refers to a manufacturer, distributor, or wholesaler who grants a franchise to a motor vehicle dealer.

**Fraud** refers to a misrepresentation in any manner whether intentionally false or due to gross negligence of a material fact; a promise or representation not made honestly and in good faith; and intentional failure to disclose a material fact.

**Gross Weight** refers to the weight of a vehicle plus the weight of any load thereon.

**Manufacturer** refers to any person engaged in the business of manufacturing or assembling new and unused motor vehicles.

**Moped** refers to every cycle with pedals to permit propulsion by human power and with a motor of not more than 50 cubic centimeters which produces not more than two (2) brake horsepower and which is not capable of propelling the vehicle at a speed in excess of 30 miles per hour on level ground. If an internal combustion engine is used, the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.

**Motorcycle** refers to a motorized cycle having no more than two (2) permanent functional wheels in contact with the ground or with a detachable side car or trailer and having a saddle for the use of the rider.

**Motor Home** refers to a vehicular unit designed to provide temporary living quarters built into an integral part of or permanently attached to a self-propelled motor vehicle chassis or van which contains permanently installed independent life support systems other than low voltage meeting the American National Standards Institute (ANSI) A 119.2 Standard for Recreational Vehicles and provides at least four of the following facilities: cooking with on-board power source separate from the vehicle engine; a portable water supply system including a faucet, sink, and water tank with an exterior service connection; separate 110-125-volt electric power supply.

**Motor Vehicle** refers to any motor-driven vehicle required to be registered and every vehicle which is self-propelled, except mopeds, and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

**New Motor Vehicle** refers to a motor vehicle which has not been previously sold to any person except a distributor or wholesaler or motor vehicle dealer for resale.

**Non-Resident** refers to any person who is not a resident of this state.

**Odometer** refers to an instrument for measuring and recording the actual distance a vehicle travels while in operation; not any instrument designed to be reset by the operator.

**Odometer Disclosure Statement** refers to a statement certified by the owner of the motor vehicle to the transferee or the DMV indicating the odometer reading of the vehicle.

**Odometer Reading** refers to the actual cumulative distance traveled that is shown on the odometer.

**Owner** refers to a person who holds the legal title of a vehicle.

**Permanently Installed** refers to built into or attached as an integral part of a chassis or van and designed not to be removed except for repair or replacement. A system which is readily removable or held in place by clamps or tie downs is not permanently installed.

**Person** refers to a natural person, corporation, partnership, trust or other entity, and in the case of an entity, it shall include any other entity in which it has a majority interest or effectively controls as well as the individual officers, directors, and other persons in active control or the activities of any such entity.

**Sale** refers to the issuance, transfer, agreement for transfer, exchange, pledge, hypothecation or mortgage in any form whether by transfer in trust or otherwise of any motor vehicle or interest therein or of any franchise related thereto; any option, subscription or other contract, or solicitation, looking to a sale, or offer or attempt to sell in any form whether spoken or written. A gift or delivery of any motor vehicle or franchise with respect thereto with, or as a bonus on account of the sale of anything shall be deemed a sale of such motor vehicle or franchise.

**Semi Trailer** refers to every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so

constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

**Three-Wheel Vehicle (Trike)** refers to every motor vehicle having no more than three (3) permanent functional wheels in contact with the ground and having a seat or saddle for the use of the operator, but excluding a tractor.

**Total Purchase Price** refers to the price of a motor vehicle, motorcycle, boat, motor or airplane that was agreed upon by the buyer and the seller. This price allows for a trade-in value.

**Trailer** refers to every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

**Travel Trailer** refers "Travel trailer" means every vehicle (except motor homes) designed without motor power towed by a motor vehicle and not measuring more than 8ft. wide or 35ft. long in travel mode, designed to provide temporary living quarters for recreational, camping, and travel use and designed not to require permanent on-site utilities.

**Truck** refers to every motor vehicle designed, used, or maintained primarily for the transportation of property.

**Truck Tractor** refers to every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

**Used Motor Vehicle** refers to a vehicle that was previously titled to another owner one or more times.

**Vehicle** refers to every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

**Wholesaler or Motor Vehicle Wholesaler** refers to any person who sells or attempts to sell used vehicles exclusively to motor vehicle dealers or other wholesalers.

**Wholesale License** refers to a license issued to individuals authorizing them to sell motor vehicles to dealers or other wholesalers.

# NOTES