



TECHNICAL ADVISORY

DIVISION OF MOTORIST SERVICES

DATE: 8/29/2013	Technical Advisory DE13-003
SUBJECT: Important Notice to all Licensed Recreational Vehicle Manufacturers and Recreational Vehicle Dealers regarding Off Premise Sales	

Overview: Section 320.3203, Florida Statutes, was added in 2007 providing the requirements for approval by recreational vehicle manufacturers for establishment of recreational vehicle dealers and off premises sales by recreational vehicles dealers.

Details: Pursuant to section 320.3203(5), Florida Statutes, recreational vehicle manufacturers can approve their authorized recreational vehicle dealers for off premises sales under the following three scenarios:

A dealer may sell outside of its designated area of sales responsibility if the dealer obtains an offsite/supplemental license pursuant to section 320.771(7), Florida Statutes, and meets any one of the following conditions:

(a) For sales of the same line-make within another dealer’s designated area of sales responsibility, the dealer must obtain in advance of the off-premise sale a written agreement signed by the dealer, the manufacturer of the recreational vehicles to be sold at the off-premise sale, and the dealer in whose designated area of sales responsibility the off-premise sale will occur which:

1. Designates the line-make of the recreational vehicles to be sold;
2. Sets forth the time period for the off-premise sale; and
3. Affirmatively authorizes the sale of the same line-make of the recreational vehicles.

(b) The off-premise sale is not located within any dealer’s designated area of sales responsibility and is in conjunction with a public vehicle show.

(c) The off-premise sale is in conjunction with a public vehicle show in which more than 35 dealers are participating and the show is predominantly funded by manufacturers. For the purposes of this subsection, the term “public vehicle show” means an event sponsored by an organization approved under s. 501(c)(6) of the Internal Revenue Code which has the purpose of promoting the welfare of the recreational vehicle industry and is located at a site that:

1. Will be used to display and sell recreational vehicles;
2. Is not used for off-premise sales for more than 10 days in a calendar year; and
3. Is not the location set forth on any dealer’s license as its place of business.

The Dealer License Section receives the letters of approval for the off premise sales from the recreational vehicle manufacturers and forwards them to the regional office responsible for the dealership.

Department's Procedures for Regional Offices to process a request for an off premise sales:

Recreational vehicle dealers must complete form HSMV 84200, application for an off premises sales and submit to the regional office responsible for their dealership. This form can also be accessed at: <http://www.flhsmv.gov/dmv/forms/BFO/84200.pdf>. Dealers must also submit other required documents listed below depending on the nature of off premise sales.

When an Off Premise Sales is:

A. WITHIN THE DEALER'S AREA OF RESPONSIBILITY:

A notarized affidavit, signed by the dealer applying for the off-premises license, stating that the sale will be held in the dealer's designated sales area.

B. Dealers selling new RVs will not be allowed to sell outside their area of sales responsibility unless they provide one of the following:

1. OUTSIDE AREA OF SALES RESPONSIBILITY:

A written agreement signed by the dealer, the manufacturer of the new RV's that will be sold at the off-premises sales site, and the dealer in whose designated area of sales responsibility the off-premises sale will occur in. The agreement must:

- a. Identify the RV line-make to be sold.
- b. List the dates of the off-premises sale; and
- c. Affirmatively authorize the sale of the same RV line make.

2. OPEN AREA OF SALES RESPONSIBILITY:

A notarized affidavit stating that the sale is not in any other dealer's area of sales responsibility and is in conjunction with a public vehicle show. "Public vehicle show" means an event sponsored by an organization approved under s.501.(c)(6) of the Internal Revenue Code which has the purpose of promoting the welfare of the RV Industry and is located at a site that:

- a. Will be used to display and sell recreational vehicles;
- b. Is not used for off-premises sales for more than 10 days in a calendar year; and
- c. Is not the location set forth on any dealer's license as its place of business.

C. USED UNITS:

A notarized affidavit stating the dealer will use the off-premises sale for used RVs only.

D. MORE THAN 35 DEALERS IN A PUBLIC VEHICLE SHOW:

A notarized affidavit stating the off-premises sale is in conjunction with a public vehicle show in which more than 35 dealers are participating and the show is predominantly funded by manufacturers. "Public vehicle show" means an event sponsored by an organization approved under s.501.(c)(6) of the Internal Revenue Code which has the purpose of promoting the welfare of the RV Industry and is located at a site that:

- a. Will be used to display and sell recreational vehicles;
- b. Is not used for off-premises sales for more than 10 days in a calendar year; and
- c. Is not the location set forth on any dealer's license as its place of business.

Conclusion:

The Department requests the assistance of recreational vehicle manufacturers to approve their authorized recreational vehicle dealers for off premise sales to be in compliance with section 319.3203, Florida Statutes, so that issues arising out of off premises sales can be avoided.