

4501:1-3-08

Place of business required for used motor vehicle dealers.

(A) A used motor vehicle dealer shall have an established place of business that meets all of the following requirements:

(1) Has a designated display lot or display area that: ~~of no less than three thousand five hundred square feet, not including driveways or office, with adequate ground cover of a hard surface to prevent the collection of dust, mud, water, or other unsightly conditions;~~

(a) Is at least three thousand five hundred square feet, not including driveways or office, with adequate ground cover of a hard surface to prevent the collection of dust, mud, water, or other unsightly conditions; or,

(b) For those dealers whose retail sales inventory is limited at all times to ten vehicles or less, the display area has sufficient space for all vehicles offered for retail sale. The display area must have adequate ground cover of a hard surface to prevent the collection of dust, mud, water, or other unsightly conditions;

(2) ~~Is~~ Except as set forth in paragraph (E) of this rule, is separated with a ~~permanent physical~~ barrier, as defined in this rule, from any residence and from any other business or service facility that is not primarily related to assisting or furthering the selling, displaying, offering for sale, or dealing in used motor vehicles;

(3) ~~Has~~ Includes a permanent usable structure on the display lot that is identifiable as a motor vehicle dealership to the public that includes an easily accessible office of ~~no less than~~ at least one hundred eighty square feet that shall not be used as a storage or other utility area. The office shall include, at minimum, a desk, three chairs, and a filing cabinet, or similar furnishings to create an environment conducive to transacting business, consummating sales, and facilitating the secure storage of records, all of which shall be kept in a neat and orderly fashion at all times; ~~electric lighting; and heating that is of a permanent nature and that is~~ electrical lighting and service, plumbing, heating and ventilation that meets all applicable building codes, and provides a secure and safe ~~for a~~ retail office environment. Upon written request of the dealer, the registrar shall consider, and may approve, reasonable variances to these requirements, subject to board concurrence;

(4) Has a business telephone in service at all times that shall be answered and identified exclusively for the dealership's business. The business telephone number shall be legible and posted in a conspicuous place in public view. A motor vehicle dealer shall notify the registrar in writing of any change in the

business telephone number;

- (5) Is open during the posted business hours. The business hours shall be legible and posted in a conspicuous place near the entrance of the office. A motor vehicle dealer shall notify the registrar in writing of any change in the posted business hours;
- (6) Is staffed by a sole proprietor, partner, president of a corporation, member of a limited liability company, trustee of a business trust, or an equivalent natural person affiliated with some other kind of legally constituted business organization or a licensed motor vehicle salesperson under sections 4517.09, 4517.14, and 4517.20 of the Revised Code if the employee engages in the business and could reasonably assist any retail customer.
- (B) No motor vehicle dealer, its agent, or its representative shall alter the physical conditions of the established place of business so that it is not in compliance with the requirements of Chapter 4517. of the Revised Code.
- (C) The requirements for an established place of business for a used motor vehicle dealership shall be construed that any customer may, without an appointment, visit the establishment and view its motor vehicle inventory.
- (D) A ~~permanent physical~~ barrier is a fixture or feature of the property that distinguishes a display lot from other businesses, comprised of metal, brick, stone, concrete, wood, or heavy support cable, landscaping, curbing, or other comparable feature that creates a distinct space for a display lot. that is of sufficient composition that it will not significantly deteriorate over time, and cannot be moved or removed. It shall be of sufficient strength and durability to stop, or at minimum, inhibit normal vehicular and pedestrian traffic. It shall clearly delineate a separation between a residence or an unrelated business and the ~~beginning of the~~ dealership's established place of business. ~~If such~~Such separation ~~is required, it~~ shall be properly maintained during the entire period for which a used motor vehicle dealer's license is held.
- (E) A dealer may make a written request to the registrar for an exception to the barrier requirements as follows:
- (1) The dealer shall present a plan to clearly identify, distinguish, and segregate through signage or other measures, any vehicles the dealer is offering for sale from any other vehicles that may be present at any time on the premises;
- (2) The registrar shall review the plan and recommend that the board approve the plan as submitted, approve the plan with modifications, or disapprove the

plan.

(3) If the board determines that there is no reasonable health or safety threat to customers, neighbors, or neighboring businesses; and that the dealer acted in good faith in buying or leasing a property that would allow for a barrier and has made reasonable effort to try to establish a barrier but that restrictions imposed by local zoning ordinances or by the lessor that prohibit the establishment of a barrier, the board in its discretion may approve the plan, approve the plan with modifications, or disapprove the plan.

~~(E)~~(F) In the event that a used motor vehicle dealer's license is sought by an applicant that surrenders a new motor vehicle dealer's license, and specific circumstances prevent the location previously used for operation of the new motor vehicle dealership from meeting all of the requirements of section 4517.03 of the Revised Code and this rule, the board may exercise discretion to grant a used motor vehicle dealer's license at said location despite the defect.