

GENERAL INFORMATION—LICENSEES
VEHICLE INDUSTRY REGISTRATION PROCEDURES

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General Information—Licensees

2.000 Introduction

This chapter provides general information for most vehicle industry and occupational licensees.

Additional information and related forms may be found in the California Code of Regulations or by accessing the OCCUPATIONAL LICENSE section of the INDUSTRY tab on the DMV website, www.dmv.ca.gov.

2.005 License Required

It is unlawful for:

- any person to act as a dealer, distributor, manufacturer, remanufacturer, transporter, or any of its branches without having first obtained a license or temporary permit issued by the department.
 - Each business or its branch must make application to the department for a special license plate and submit proof of status as a bona fide dealer, distributor, manufacturer, remanufacturer, transporter, or any of its branches, as may be reasonably required by the department (CVC §11700).
- any lessor-retailer to make a retail sale of a vehicle subject to registration, without first having a vehicle dealer license, a lessor-retailer license, or a temporary permit issued by the department.
- any lessor-retailer with a suspended, revoked, invalidated, or expired license to make a retail sale of a vehicle subject to registration (CVC §11600).
- a person who, for compensation, acts as a registration service without first obtaining a registration service license or temporary permit issued by the department (CVC §11400).

Information on obtaining the required license for each of the licensees listed can be found by accessing the OCCUPATIONAL LICENSE section of the INDUSTRY tab on the DMV website, www.dmv.ca.gov.

2.010 Autbroker (CVC §166)

An “autbroker” or auto buying service is a dealer as defined in CVC §285, who engages in the business of brokering as defined below:

- *Brokering* is an arrangement under which a dealer, for a fee or other consideration, regardless of the form or time of payment, provides or offers to provide the service of arranging, negotiating, assisting, or effectuating the purchase of a new or used motor vehicle, not owned by the dealer, for another (CVC §232.5)
- A dealer may not engage in brokering a retail sales transaction without having an autbroker’s endorsement to their dealer’s license.
 - This endorsement subjects the dealer to all of the licensing, advertising, and other statutory and regulatory requirements and prohibitions applicable to a dealer.

2.010 Autobroker (CVC §166), *continued*

- An autobroker will be required by the department to maintain a log for each retail sale brokered by that dealer and deposit the purchase and deposit money into a trust account.

2.015 Dealer (CVC §285)

While there are exceptions defined in CVC §286, in general, a “vehicle dealer” is a person who, on a full time or part time basis:

- For commission, money or other thing of value, buys or offers for sale, a vehicle subject to registration, or a motorcycle, snowmobile, or all-terrain vehicle subject to identification, or a trailer subject to registration or identification.
- Is engaged wholly or in part, in the business of selling, buying, or taking in trade vehicles for the purpose of resale, selling, or offering for sale, consigned to be sold, or otherwise dealing in vehicles, whether or not such vehicles are owned by the person.

A dealer **cannot** advertise for sale, sell, or purchase for resale any new vehicle of a make for which the dealer does **not** hold a franchise (CVC §11713.1[f]).

- Vehicle dealers exclusively involved in the sale of vehicles between licensed dealers are **wholesale dealers**.
- Persons regularly employed by licensed dealers, and persons who sell cars which were purchased and used as personal vehicles are **not** considered dealers (CVC §286).
- A vehicle dealer who is authorized to do business as, and who has an established place of business in another state, is not subject to the licensing requirements in California if:
 - a place of business is not established in this state,
 - the business transacted in California is limited to the importation of vehicles for sale to, **or** the exportation of vehicles purchased from, persons licensed in California (CVC §11700.1).

Used vehicle dealers and **wholesale** only dealers must complete a dealer education program and pass the written exam, administered by the department, prior to completion of the application, and complete every two years a continuing education program of at least four hours (CVC §11704.5).

2.020 Dismantler (CVC §220)

A “dismantler” is any person:

- engaged in the business of buying, selling, or dealing in vehicles of a type required to be registered under this code, including non-repairable vehicles, for the purpose of dismantling the vehicles,
- who buys or sells the integral parts and component materials thereof, in whole or in part, or
- deals in used motor vehicle parts.

2.020 Dismantler (CVC §220), *continued*

This does not apply to the occasional and incidental dismantling of vehicles by dealers who have secured dealers plates from the department for the current year and whose principal business is buying and selling new and used vehicles, or by owners who desire to dismantle not more than three personal vehicles within any 12-month period. (CVC §§220 and 11500. et seq.)

2.025 Distributor (CVC §296)

A “Distributor” is any person, other than a manufacturer, who:

- sells or distributes new vehicles, off-highway vehicles, motorcycles, and trailers subject to registration or identification under the *Vehicle Code* to dealers in this state, and
- maintains representatives for the purpose of contacting dealers/prospective dealers in this state.

A Distributor must obtain a Letter of Appointment from a California licensed manufacturer for the product(s) being distributed.

2.030 Lessor-Retailer (CVC §373)

A “Lessor-retailer” is a lessor or renter who sells previously leased or rented vehicles to the public.

- This does not include sales:
 - to the lessee of the vehicle, *or*
 - to the person who, for a period of at least one year, has been designated by the lessee as the driver of the vehicle covered by a written lease agreement, *or*
 - to a buyer for agricultural, business, or commercial purposes, *or*
 - to a government, governmental agency, or instrumentality.
- A lessor-retailer must secure either a vehicle dealer or lessor-retailer license to conduct this activity (CVC §11600).

2.035 Manufacturer (CVC §672)

A “Manufacturer” is any person who:

- produces vehicles, subject to registration or identification, from raw materials or new basic component parts, *or*
- permanently alters new commercial vehicles, by converting the vehicles into housecars, for purposes of retail sales.

Permanently altered does **not** include the permanent attachment of a camper to a vehicle.

2.035 Manufacturer (CVC §672), *continued*

Manufacturer Branch (CVC §389)

An office maintained by a manufacturer for the sale of new vehicles to dealers, or for directing or supervising, in whole or in part, the manufacturer's representatives.

NOTE: Unless a manufacturer either grants franchises to franchisees in California, or issues vehicle warranties directly to franchisees or consumers in this state, the manufacturer must have an established place of business or a representative in California.

2.040 Registration Services (CVC §505.2)

- A “Registration Service” is any person engaged in the business of:
 - soliciting or receiving any application for the registration, renewal of registration, or transfer of registration or ownership of any vehicle of a type subject to registration under the *California Vehicle Code*, **or**
 - transmitting or presenting any of those documents to the department, when any compensation is solicited or received for the service.
- “Registration Service” includes, but is not limited to, a person who for compensation:
 - processes registration documents,
 - conducts lien sales, *or*
 - processes vehicle dismantling documents.
- **“Registration Service” does not include:**
 - A person performing registration service on a vehicle acquired by that person for his or her own personal use or for use in the regular course of that person's business.
 - A person who solicits applications for or sells, for compensation, nonresident permits for the operation of vehicles within this state.
 - An employee of one or more dealers or dismantlers, or a combination thereof, who performs registration services for vehicles acquired by, consigned to, or sold by the employing dealers or dismantlers.
 - A motor club, as defined in *Insurance Code* §12142.
 - A common carrier acting in the regular course of its business in transmitting applications.
- No person may act as a registration service, without a valid license or temporary permit issued by the department (CVC §11400).

IMPORTANT: All transactions submitted by a registration service to the department, except those submitted with the *Transmittal of Registration Applications* (FO 247), and **all** lien sale applications **must** include the registration service occupational license number on the face of the top document of each transaction. (CCR §450.32)

2.045 Remanufacturer (CVC §507.8)

A Remanufacturer is any person who, for commission, money, or other value produces a vehicle consisting of any used, reconditioned integral parts, including but not limited to frame, engine, transmission, axles, brakes, or suspension, which is subject to registration.

A remanufacturer is **not** a person who incidentally repairs, restores, or modifies an existing vehicle by replacing or adding parts or accessories.

Remanufactured Vehicle Dealer (CVC §11700)

Remanufacturers licensed as dealers.

- Sales of remanufactured vehicles are reported on the *Certificate of Remanufactured Vehicle* (REG 8), which are issued by the Occupational Licensing Unit at DMV headquarters.
 - Requests for the forms must be made in writing.
- The dealer must verbally notify the buyer that the vehicle was remanufactured (CVC §11713.7) and the statement: ***“THIS VEHICLE HAS BEEN REMANUFACTURED AND CONTAINS USED OR RECONDITIONED PARTS”*** must appear on:
 - The purchase order or conditional sales contract signed by the buyer.
 - Any advertisement pertaining to the remanufactured vehicle.
 - A remanufactured vehicle displayed for retail purposes or at the location where the vehicle is displayed.

2.050 Renter (CVC §508)

A “Renter” is a person engaged in the business of renting, leasing, or bailing vehicles at a fixed rate or price for a term not exceeding four months.

NOTE: A renter is **not** a dealer (CVC §286j).

2.055 Salesperson (CVC §675, 11800)

A "vehicle salesperson" is any person selling vehicles or contracts regarding vehicles or supervising the sale of vehicles or contracts for a dealer.

2.060 Transporter (CVC §645)

A “Transporter” is any person engaged in the business of moving any owned or lawfully possessed vehicle by lawful methods over the highways for the purpose of delivery of such vehicles to dealers, sales agents of a manufacturer, purchasers, or to a new location as requested by the owner.

- A transporter does **not** include a person engaged in the business of operating a tow car.

2.060 Transporter (CVC §645), *continued*

- No person may act as a transporter without a valid license or temporary permit issued by the department (CVC §11701).
- To transport an over-width or over-length vehicle, the transporter must obtain a permit from Department of Housing and Community Development (HCD).

2.065 Van Converter

A “Van Converter” is a firm that converts new vehicles into another body type, such as a housecar or ambulance.

- A van converter that buys new, unregistered vans from a franchised new vehicle dealer and converts them into another body type **must** have a dealer license.
- A firm that merely makes the conversion **for** a dealer and does **not** buy or sell the vehicle **is not** required to be licensed as a dealer.
 - The vehicle may be moved only by permit or on the plates of the contracting dealer.

2.070 Vehicle Verifier

A “vehicle verifier” is any person who verifies vehicle identification information and documentation against a physical inspection of vehicle (CVC §§675.5, 675.6, and 11300, et seq.).

- A vehicle verifier must obtain a special permit before performing verifier duties.
- For additional information on obtaining a Vehicle Verifier License, visit the DMV website: www.dmv.ca.gov.

2.075 Vessel Agent (CVC §§9858 and 9858.1)

Vessel agents are appointed, but **not** licensed, by the department and assigned a unique vessel agent number which is entered on the registration document.

- They may accept registration and/or transfer applications for undocumented vessels and issue permanent vessel numbers and temporary certificates of number.
- Vessel agent appointment information may be found on the DMV website.

2.080 Wholesale Dealer (CVC §285)

“Wholesale Dealers” are vehicle dealers who are exclusively involved in the sales of vehicles between licensed dealers.

Wholesale dealers **must** maintain a business office, but are **not** required to post their wall license, have a display area, or a business sign.

2.085 Vehicles Not Requiring an Occupational License

Sales of the following **do not** require an Occupational License:

- Special Construction Equipment incidentally operated on public streets (CVC §565)
- Special Mobile Equipment (CVC §575)
- Forklifts primarily designed for loading and not operated on the highways
- Golf carts (CVC §345)
- Motorized Quadricycle and Tricycle (CVC §407)
- Motorized Scooters (CVC §407.5)
- Motorized Bicycles & Mopeds if the dealer sells no other products requiring licensure (CVC §406)
- Portable Dollies or Tow Dollies (CVC §§617 & 4014)
- Aircraft refueling vehicles
- Manufactured homes (CVC §387)
- Camper with one axle
- Dune Buggies & Sand Rails

2.090 Sales by Dealer/Dismantler

Some dealers are also licensed as dismantlers. The two businesses must be completely separate from each other.

A Report of Sale-Used Vehicle (REG 51) must be completed for any vehicle sold from the dealer's inventory.

2.095 Consignments (CVC §266)

Consignment is defined as: "...an arrangement under which a dealer agrees to accept possession of a vehicle of a type required to be registered under the *California Vehicle Code* from an owner of record for the purpose of selling the vehicle and to pay the owner of record or the owner's designee from the proceeds of the sale."

- Consignment **does not** include wholesale vehicle sales at a licensed auto auction.
- "Owner" does not include any person licensed as a dealer, manufacturer, manufacturer branch, distributor, or distributor branch.

Consignment Agreements Required (CVC §11729)

Dealers must execute a consignment agreement containing all of the terms, phrases, conditions, and disclosures as shown in CVC §11730 and **signed by both** the consignor and the consignee.

2.095 Consignments (CVC §266), *continued***Consignment Agreements Required (CVC §11729), *continued***

Failure to comply with the terms of the agreement or to pay the agreed amount to the consignor (or designee) within 20 days after the date of sale is cause for suspension or revocation of the dealer's license (CVC §11705 [a, 10]).

Report of Sale Required

The selling dealer must complete a *Report of Sale–Used Vehicle* (REG 51) and complete the transfer documents as usual when the vehicle is sold.

2.100 Report of Sale Books Issued to Licensees (CVC §11714)

Reports of Sale and dismantler acquisition forms must be ordered by mailing a completed supply order form to the Occupational Licensing Section at the address shown on the form.

The supply order forms are available on the DMV Internet website, at dmv.ca.gov/industry/ol.

2.105 Special License Plates for Dealers, Manufacturers, Remanufacturers, and Distributors

Special plates bearing the firm's license number are issued to licensed firms other than lessor-retailers (CVC §11714.)

Use of Special License Plates (CVC §11715)

- The special plates issued to licensed dealers, manufacturers, remanufacturers, and distributors may be used to operate any vehicle owned or lawfully possessed by the licensee.
 - A vehicle displaying this special plate may also be used to tow or transport other vehicles.
- A vehicle for sale or lease by a dealer may be operated or moved upon a highway for a period not to exceed seven (7) days by a prospective buyer or lessee who is test-driving the vehicle for possible purchase or lease.
 - A dealer may use special plates for delivery to the buyer, when the sale is consummated at the place of delivery.
- A licensed transporter may use a vehicle with special license plates for the purpose of towing or transporting (by any lawful method) other vehicles, when the vehicles are being towed or transported for delivery to the owner or for sale.
 - Each vehicle in contact with the highway must display special plates issued to the transporter.

2.105 Special License Plates, *continued***Use of Special License Plates (CVC §11715), *continued***

Special license plates **cannot** be used on:

- A vehicle with a permit, issued by the department, being moved over the highways from a vessel, railroad depot, or warehouse to a warehouse or salesroom.
- Work or service vehicles owned by an occupational licensee, as previously identified.
- Vehicles owned and leased by dealers, except those rented or leased to a vehicle salesperson in the course of employment for purposes of display or demonstration.
- An unregistered vehicle used to transport more than one load of other vehicles for purposes of sale.
- A vehicle with current California registration that is owned and operated by a licensed dealer, if the former owner:
 - has sent a Notice of Release of Liability (REG 138) to the department, **and**
 - the customer copy of the Report of Sale is displayed on the vehicle.

Additional Special License Plates CVC §11715)

To request one or more *additional* sets of special plates, complete an Application for License Plates, Stickers, and Registration Cards (OL 22) and submit the completed form with the required fees.

Replacement Special License Plates, Stickers, Registration Cards, or Firm License (CVC §11715)

To request replacement special license plates, stickers, duplicate registration cards, or a duplicate firm license,

- complete an Application for License Plates, Stickers, and Registration Cards (OL 22) and
- submit the OL 22 form with the required fees.

Replacement plates also require submission of registration card and unused sticker, if available.

Lost or stolen plates must be reported to the Police Department or Sheriff's Office.

Surrendered Special License Plates

If any special plates are no longer needed,

- a Statement of Lost, Stolen, or Surrendered Special Plates (OL 247) must be completed, **and**

2.105 Special License Plates, *continued*

Surrendered Special License Plates, *continued*

- submitted with the surrendered plates, registrations, and unused stickers to the Occupational Licensing Unit at DMV headquarters. **Do not** use this form to apply for replacement items.

2.110 Administrative Service Fees (ASF) (CVC §4456)

All California dealer or lessor-retailer retail vehicle sales are subject to the Administrative Service Fee (ASF) law.

NOTE: ASF **cannot** be passed on to the buyer by the dealer or lessor-retailer.

Administrative Service Fees are assessed for:

- Failure to **submit**:
 - the dealer notice portion of the report of sale document to the department’s Sacramento headquarters within five calendar days after, but not including, the date of sale (CVC §5901).
 - the application and fees due to the department within 20 days of the date of sale for a new vehicle or within 30 days for a used vehicle.
- Failure to clear an application for registration of a:
 - new vehicle** within 40 days of the date of sale or within 20 days of the date the department first returned the application, whichever is later.
 - used vehicle** within 50 days of the date of sale or within 30 days of the date the department first returned the application, whichever is later. Used vehicle **includes** nonresident vehicles.

NOTE: If the department holds an application for processing **more** than five working days, one day is added to the 40 or 50 days for each day it is held over the five days.

Certificate of Title Unavailable

To avoid ASF on an application that **cannot** be cleared because the department is processing a prior transaction or the Certificate of Title is otherwise unavailable, submit the incomplete application and the fees due within 20 days (new vehicles) or 30 days (used vehicles) of the sale date.

2.110 Administrative Service Fees (ASF) (CVC §4456), *continued***Administrative Service Fee Exceptions**

A dealer or lessor-retailer is **not** subject to any ASF, other than the 5-day notice requirements for:

- Vehicles sold to public agencies. (The application may be given to the buyer.)
- New vehicles to be altered before registration. (The application may be given to the buyer.)
- Vehicles sold for use exclusively on private property.
- Vehicles sold for registration out of state.
- Customer demands Certificate of Title.

ASF Billings and Payments (CVC §4456.1)

Vehicle dealers and lessor-retailers are billed on a monthly basis for outstanding ASF.

- **Do not** remit any ASF until an invoice is received from DMV Sacramento headquarters.
- To ensure proper credit, always submit the invoice with your ASF payments to the department's ASF/ISF Unit in Sacramento headquarters at the address shown on the billing.

2.115 Lemon Law Buybacks and Warranty Returns (CVC §§4453 and 11713.12, CC §§1793.23-25)

- *California Civil Code* §1793.22 requires vehicle manufacturers to replace a new vehicle, or make restitution to the consumer if, after making a reasonable number of attempts to repair it, the vehicle **does not** conform to applicable warranties.
 - This is commonly known as the “Lemon Law.”
- The department is required to identify these vehicles on the titling documents issued for the vehicle.
 - This includes vehicles for which similarly marked nonresident titling documents are submitted.
- The department identifies these vehicles as:
 - **Lemon Law Buyback**—a vehicle reacquired by the manufacturer **on or after January 1, 1996**.
 - **Warranty Return**—a vehicle reacquired by the manufacturer **on or prior to December 31, 1995**. The registration certificate for some warranty return vehicles may reflect an abbreviated brand of “WARNTY RET.”
- The brand (notation) is reflected on both the Certificate of Title and the registration card.
 - The brand serves as notification to subsequent buyers that the vehicle was previously returned to the manufacturer because it did not conform to applicable warranties.

2.115 Lemon Law Buybacks and Warranty Returns (CVC §§4453 and 11713.12, CC §§1793.23-25), continued

NOTE: Customers with questions regarding the process may obtain a copy of the Department of Consumer Affairs brochure, *Lemon-Aid for New Car Buyers*.

Lemon Law Buyback Vehicles Procedures

Vehicles reacquired by the manufacturer because of a specific warranty defect, **on or after January 1, 1996**, including vehicles registered in another state **must be** marked with the brand (notation) “LEMON LAW BUYBACK.”

Manufacturer Notification Requirements

The manufacturer of any vehicle reacquired on or after January 1, 1996, because of a specific warranty defect **must**:

- Obtain a title and registration to the vehicle in the manufacturer’s name marked with the notation “LEMON LAW BUYBACK.”
- Furnish and affix a decal to the vehicle which states that the title has been inscribed with the term “Lemon Law Buyback.”
 - The decal is affixed to the vehicle left door frame, or the primary front entrance (right door frame) on vehicles not having a left door, such as recreational vehicles or for vehicles without doors, such as motorcycles in a prominent area on the left side of the vehicle.
- Notify the transferee/buyer of the vehicle of the warranty defect(s) in writing.

Issuance of Title in Manufacturer’s Name

The basic requirements for the transaction type apply when a lemon law buyback vehicle is registered in the manufacturer’s name **except**:

- A document/statement indicating the vehicle is a lemon law buyback **must be** included with the application.
 - The dealer’s or manufacturer’s letterhead or a *Statement of Facts* (REG 256) may be used for this purpose.
- A smog certification **is not** required.
- The vehicle license fee (VLF) is not reclassified
- A prior history fee is due to mark the record of the reacquired vehicle.
- Use tax is not due.
- Fees are due upon retail sale of the vehicle.

2.115 Lemon Law Buybacks and Warranty Returns (CVC §§4453 and 11713.12, CC §§1793.23-25), continued**Disclosure Statement Requirement**

- After the manufacturer replaces the warranty return vehicle or reimburses the consumer, the vehicle can be resold as a used vehicle.
 - Generally, the vehicles are sold through a dealer. However, the manufacturer will always be reflected in the chain of ownership for the vehicle.
- Any dealer selling a vehicle that is known to have been replaced or accepted for restitution under the consumer warranty laws of California, any other state, or federal law **must** include a disclosure statement signed by the new owner with the titling documents required to register the vehicle.
 - This includes vehicles with similarly branded out-of-state documents for which the dealer has knowledge of the vehicle’s return.
 - The disclosure statement may be on a *Statement of Facts* (REG 256), **or** the dealer’s letterhead, **or** on the manufacturer’s invoice.
 - The disclosure statement **must** identify the vehicle, be personally signed by the buyer (signatures by power of attorney **are not** acceptable), **and** include the following statement:

“This motor vehicle has been returned to the dealer or manufacturer due to a defect in the vehicle pursuant to consumer warranty laws.”
- **All** the following **must be** disclosed to a transferee:
 - The year, make, model, and VIN of the vehicle.
 - Whether the title to the vehicle is marked “Lemon Law Buyback.”
 - The nature of **each** nonconformity reported by the original vehicle buyer or lessee.
 - Repairs, if any, made to the vehicle in an attempt to correct each nonconformity.
- The notification **must be** on white (8.5 x 11 inch) letter-size paper in black print no smaller than 10-point.
 - The notification **is not** submitted as part of the registration application.

Warranty Returns

Vehicles re-acquired prior to January 1, 1996, are referred to and branded as a “WARRANTY RETURN” on the California title (some may show “WARNTY RET”).

- The registration application for a warranty return vehicle sold by a dealer **must include** the following disclosure statement:

“This motor vehicle has been returned to the dealer or manufacturer due to a defect in the vehicle, pursuant to consumer warranty laws.”

2.115 Lemon Law Buybacks and Warranty Returns (CVC §§4453 and 11713.12, CC §§1793.23-25), continued

Warranty Returns, *continued*

- The disclosure may be on a *Statement of Facts* (REG 256), or the dealer's letterhead, or the manufacturer's invoice.
 - It must identify the vehicle and be **personally signed** by the buyer.
 - Signatures by power of attorney are not acceptable.
 - This includes vehicles with similarly branded out-of-state documents for which the dealer has knowledge of the vehicle's return.

2.120 Business Partner Automation Program

The Business Partner Automation (BPA) Program allows the department to establish contracts with qualified industry partners who have a business need to process vehicle registration and titling transactions from their remote locations.

Business partners are authorized to process and issue validated registration cards, full year registration stickers, and automobile and commercial license plates, and may charge an additional fee for their services.

BPA partners are currently authorized to process:

- Full year registration renewals for automobiles, commercial vehicles, and motorcycles, including those with special interest and personalized plates
- New vehicle reports of sale for auto and commercial vehicles
- Salvage Certificates
- Junk Applications
- Non-repairable Certificates
- Registered owner transfers
- Vehicle License Fee refunds (restricted to Salvage Pools only)

The BPA program is comprised of the following types of business partners:

First-line Business Partner—a partner who receives information from the department and uses it to complete registration and titling activities for that partner's own business purposes.

First-line Service Provider—a partner who receives information from the department and transmits it to another authorized business partner.

Second-line Business Partner—a partner that receives information from a First-line Service Provider. Second-line business partners are responsible for collecting the registration fees due the department and remitting them to their respective first-line service providers.

2.120 Business Partner Automation Program, *continued*

The following companies can become a second-line business partner:

- Registration Services
- New/Used Vehicle Dealers
- Vehicle Rental Companies
- Vehicle Leasing Companies
- Dismantlers
- Salvage Pools

Refer any inquiries regarding participation in this program to the BPA Administrator, at (916) 657-6258.

