SECRETARY OF STATE
STATE OF INDIANA
AUTO DEALER SERVICES
DIVISION

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DEALER-TO-DEALER AUCTION POLICY

General

This policy applies only to automobile auctions licensed under Indiana Code § 9-32 that exclusively facilitate dealer-only online auctions between validly licensed dealers.

Generally, motor vehicles being auctioned by automobile auctions are located at the automobile auction's established place of business. But some auction business models have emerged where the motor vehicles being auctioned are located at the established place of business of the dealer submitting the motor vehicle for auction (i.e. online auctions). In this model, the automobile auction facilitates the online bidding for each motor vehicle, much in the same way that more traditional auctions do. But, unlike traditional auctions, the online auction does not accommodate storage and display of the motor vehicles being auctioned.

Ind. Code § 9-32-11-10 states that "[a] dealer that sells to the general public may not sell or offer to sell a motor vehicle at a location away from the dealer's established place of business without obtaining an offsite sales permit . . . ."

Relevant Law

Ind. Code § 9-32-2-4
Ind. Code § 9-32-11-10

Policy Statement

It shall be the policy of the Auto Dealer Services Division that an automobile auction licensed under Ind. Code § 9-32 that exclusively facilitates dealer-only online auctions between validly licensed dealers does not violate Ind. Code § 9-32-11-10 by facilitating the auction of a motor vehicle that is not located at the auction's established place of business so long as the motor vehicle is instead located at the established place of business of the licensed dealer submitting the motor vehicle for auction. The motor vehicle must also be in the inventory of the licensed dealer submitting the motor vehicle for auction.

Revision History

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Approved by:

Connie Lawson
Connie Lawson, Secretary of State

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