

Order to Adopt

Title 13, Division 1, Chapter 1

Article 4.2 – Vehicle Dealers

§ 272.02. Location of Business Records.

(a) A dealer shall maintain all original paper business records at its principal place of business or branch location for at least 90 days after the purchase, sale, rental, or lease of a vehicle.

~~(b) If a dealer has a branch location, business records relating to transactions that take place at that branch location may be maintained either at the branch location or at the principal place of business.~~

~~(e)(1)~~ After the initial 90-day record retention period required pursuant to subdivision (a), a dealer may maintain the original paper business records at an offsite storage location within California, provided that the original paper business records are retrievable and available for inspection by the department upon three business days' notice and the original paper business records are stored in a manner that meets any applicable safeguard requirements pursuant to 15 U.S.C. section 6801(b).

(2) A dealer may create an electronic copy of an original paper business record at any time. After the initial 90-day record retention period required pursuant to subdivision (a), an electronic copy of an original paper business record shall satisfy the record retention requirements of Section 272.00(b), Title 13, California Code of Regulations, for the remainder of the three-year record retention period, provided the electronic record requirements in subdivision (b)(1) through (b)(5) of this Section are satisfied.

(A) A dealer that makes an electronic copy of an original paper business record that meets the requirements of subdivision (b)(1) through (b)(5) of this Section may dispose of the original paper business record, provided that the original paper business record is disposed of in a manner that meets the requirements of Civil Code section 1798.81.

~~(d)(1)(b) A dealer may create an electronic copy of an original electronic business record at any time. After the initial 90-day record retention period required pursuant to subdivision (a), an electronic copy of an original business record shall satisfy the record retention requirements of subdivision (a) of this Section and the record retention requirements of subdivision (b) of Section 272.00 for the remainder of the three-year record retention period provided all of the following requirements are satisfied:~~

~~(A)(1) The electronic copy record is created in a non-alterable format;~~

~~(B)(2) The electronic copy record is retained in a format that permits the ~~document~~ electronic record to be readily accessible and retrievable;~~

~~(C)(3) The electronic copy record is a legible, complete and accurate ~~reproduction of the~~ original business record;~~

~~(D)(4) The electronic copy record is retained ~~at an on-site or off-site location~~ in a manner that permits the electronic business record to be retrieved and made available to the department for inspection upon three business days' notice;~~

~~(E)(5) Any access device, server, network device, or any internal or external storage medium used for storing the electronic record copy or back-up copy has access controls and physical security measures to protect the records from unauthorized access, viewing or alteration.~~

~~(2) A dealer that makes an electronic copy of an original business record that meets the requirements of this subdivision (d) may dispose of the original business record, provided that the original business record is disposed of in a manner that meets the requirements of Civil Code section 1798.81.~~

~~(e)~~(c) Use of a third party to physically or electronically store business records shall not reduce a dealer's responsibility to produce a business record when required.

(d) If a dealer has a branch location, original paper business records relating to transactions that take place at that branch location may be maintained either at the branch location or at the principal place of business.

NOTE: Authority cited: Section 1651, Vehicle Code. Reference: Sections 320, 1801.1, 4456, 5753, 11709, 11712 and 11714, Vehicle Code.