



**RECORDS RETENTION AND DISPOSITION SCHEDULE
 SPECIFIC SCHEDULE NO. 506-001
 MOTOR VEHICLE DEALER BOARD**

The schedule on the attached page(s) is approved with agreement to follow the records retention and disposition policies listed below:

AGENCY APPROVAL

STATE APPROVAL

AGENCY HEAD OR DEPUTY

Bruce Wolf

STATE ARCHIVIST

Sandra H. Treadway

AGENCY RECORDS OFFICER

Rechel King

COMPTROLLER OR DEPUTY

EFFECTIVE SCHEDULE DATE:

MAY 03 2012

SUPERSEDES SCHEDULE DATED: January 15, 2012

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POLICIES FOR RECORDS RETENTION AND DISPOSITION

1. This schedule is continuing authority under the provisions of the Virginia Public Records Act, § 42.1-76, et seq. of the *Code of Virginia* for the retention and disposition of the records as stated on the attached page(s).
2. This schedule supersedes previously approved applicable schedules.
3. This schedule is used in conjunction with the Certificate of Records Destruction (RM-3 Form). A signed RM-3 Form must be approved by the designated records officer and on file in the agency or locality before records can be destroyed. After the records are destroyed, the original signed RM-3 Form must be sent to Library of Virginia (LVA).
4. Any records created prior to 1913 must be offered, in writing, to LVA before applying these disposition instructions. Offered records can be destroyed 60 days after date of the offer if no response is received from LVA. A copy of the offer must be attached to the RM-3 Form when it is submitted to LVA.
5. All known audits and audit discrepancies regarding the listed records must be settled before the records can be destroyed.
6. All known investigations or court cases involving the listed records must be resolved before the records can be destroyed. Knowledge of subpoenas, investigations, or litigation that reasonably may involve the listed records suspends any disposal or reformatting processes until all issues are resolved.
7. The retentions and dispositions listed on the attached page(s) apply regardless of physical format, i.e., paper, microfilm, electronic storage, optical imaging, etc. Unless prohibited by law, records may be reformatted at agency or locality discretion. Microfilming must be done in accordance with 17VAC15-20-10, et seq. of the *Virginia Administrative Code*, "Standards for the Microfilming of Public Records for Archival Retention." All records must be accessible throughout their retention period in analog or digital format. Whether the required preservation is through prolongation of appropriate hardware and/or software, reformatting, or migration, it is the obligation of the agency or locality to do so.
8. Custodians of records must ensure that information in confidential or privacy-protected records is protected from unauthorized disclosure through the ultimate destruction of the information. Ultimate destruction is accomplished through shredding, pulping, burning, and overwriting or physically destroying media. Deletion of confidential or privacy-protected information in computer files or other electronic storage media is not acceptable. Records containing Social Security numbers must be destroyed in compliance with 17VAC15-120-30.
9. Under the *Virginia Public Records Act*, § 42.1-79, LVA is the official custodian and trustee of all state agency records transferred to the Archives, Library of Virginia. LVA may purge select records in accordance with professional archival practices in order to ensure efficient access.
10. Unless otherwise directed, files are closed out at the end of each calendar or fiscal year as appropriate. Retention periods start at that time.

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RECORDS SERIES AND DESCRIPTION	SERIES NUMBER	SCHEDULED RETENTION AND DISPOSITION
<p><u>Notifications</u></p> <p>This series documents the notifications of dealership closures, advertisement violations, and consumer complaints against a dealership that are sent to or from the Motor Vehicle Dealer Board (MVDB). This series may include, but is not limited to: letters of violations, field inspection findings, salesperson termination letters, consumer complaints and advertising issues and follow-up correspondence.</p>	200067	Retain 10 years after end of calendar year then destroy in compliance with No. 8 on the schedule cover page.
<p><u>Original and Renewal Dealer License Records: Dealer Jackets</u></p> <p>This series consists of the initial and renewal documentation for establishing a dealership as required by MVDB. This series may include, but is not limited to: dealer license application (DSD-10), salesperson license application (DSD-7), dealer/drive away/office trailer license plates (DSD-9), dealer bond, zoning compliance, corporate or LLC filing status, and related correspondence.</p>	200068	Retain 10 years after end of calendar year then destroy in compliance with No. 8 on the schedule cover page.
<p><u>Transaction Recovery Fund Records</u></p> <p>This series documents the process through which MVDB decides if a payment will be made from the transaction recovery fund to individuals who have suffered loss or damage in connection with the purchase or lease of a motor vehicle due to fraud or fraudulent acts of licensed or registered dealers and salespersons. This series may include, but is not limited to: Warrant in Debts, motions for judgments, Affidavits of Fact, Final Attested Judgment Orders, surety bond information, refund authorizations, and related correspondence.</p>	200091	Retain 5 years after date of final action then destroy in compliance with No. 8 on the schedule cover page.