

Effective 5/12/2015

13-35-103 Utah Powersport Vehicle Franchise Advisory Board -- Creation -- Appointment of members -- Alternate members -- Chair -- Quorum -- Conflict of interest.

- (1) There is created within the department the Utah Powersport Vehicle Franchise Advisory Board that consists of:
 - (a) the executive director or the executive director's designee; and
 - (b) six members appointed by the executive director, with the concurrence of the governor, as follows:
 - (i) three new powersport vehicle franchisees, each from a different congressional district in the state; and
 - (ii)
 - (A) three members representing powersport vehicle franchisors registered by the department pursuant to Section 13-35-105;
 - (B) three members of the general public, none of whom shall be related to any franchisee; or
 - (C) three members consisting of any combination of these representatives under this Subsection (1)(b)(ii).
- (2)
 - (a) The executive director shall also appoint, with the concurrence of the governor, three alternate members, with at least one alternate from each of the designations set forth in Subsections (1)(b)(i) and (1)(b)(ii), except that the new powersport vehicle franchisee alternate or alternates for the designation under Subsection (1)(b)(i) may be from any congressional district.
 - (b) An alternate shall take the place of a regular advisory board member from the same designation at a meeting of the advisory board where that regular advisory board member is absent or otherwise disqualified from participating in the advisory board meeting.
- (3)
 - (a)
 - (i) Members of the advisory board appointed under Subsections (1)(b) and (2) shall be appointed for a term of four years.
 - (ii) No specific term shall apply to the executive director or the executive director's designee.
 - (b) The executive director may adjust the term of members who were appointed to the advisory board prior to July 1, 2002, by extending the unexpired term of a member for up to two additional years in order to insure that approximately half of the members are appointed every two years.
 - (c) In the event of a vacancy on the advisory board of a member appointed under Subsection (1)(b) or (2), the executive director with the concurrence of the governor, shall appoint an individual to complete the unexpired term of the member whose office is vacant.
 - (d) A member may not be appointed to more than two consecutive terms.
- (4)
 - (a) The executive director or the executive director's designee shall be the chair of the advisory board.
 - (b) The department shall keep a record of all hearings, proceedings, transactions, communications, and recommendations of the advisory board.
- (5)
 - (a) Four or more members of the advisory board constitute a quorum for the transaction of business.
 - (b) The action of a majority of a quorum present is considered the action of the advisory board.
- (6)

- (a) A member of the advisory board may not participate as a board member in a proceeding or hearing:
 - (i) involving the member's business or employer; or
 - (ii) when a member, a member's business, family, or employer has a pecuniary interest in the outcome or other conflict of interest concerning an issue before the advisory board.
- (b) If a member of the advisory board is disqualified under Subsection (6)(a), the executive director shall select the appropriate alternate member to act on the issue before the advisory board as provided in Subsection (2).
- (7) Except for the executive director or the executive director's designee, an individual may not be appointed or serve on the advisory board while holding any other elective or appointive state or federal office.
- (8) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (9) The department shall provide necessary staff support to the advisory board.

Amended by Chapter 258, 2015 General Session