

41-3-702 Civil penalty for violation.

- (1) The following are civil violations under this chapter and are in addition to criminal violations under this chapter:
 - (a) Level I:
 - (i) failing to display business license;
 - (ii) failing to surrender license of salesperson because of termination, suspension, or revocation;
 - (iii) failing to maintain a separation from nonrelated motor vehicle businesses at licensed locations;
 - (iv) issuing a temporary permit improperly;
 - (v) failing to maintain records;
 - (vi) selling a new motor vehicle to a nonfranchised dealer or leasing company without licensing the motor vehicle;
 - (vii) special plate violation; and
 - (viii) failing to maintain a sign at a principal place of business.
 - (b) Level II:
 - (i) failing to report sale;
 - (ii) dismantling without a permit;
 - (iii) manufacturing without meeting construction or vehicle identification number standards;
 - (iv) withholding customer license plates; or
 - (v) selling a motor vehicle on consecutive days of Saturday and Sunday.
 - (c) Level III:
 - (i) operating without a principal place of business;
 - (ii) selling a new motor vehicle without holding the franchise;
 - (iii) crushing a motor vehicle without proper evidence of ownership;
 - (iv) selling from an unlicensed location;
 - (v) altering a temporary permit;
 - (vi) refusal to furnish copies of records;
 - (vii) assisting an unlicensed dealer or salesperson in sales of motor vehicles;
 - (viii) advertising violation;
 - (ix) failing to separately identify the fees required by Title 41, Chapter 1a, Motor Vehicle Act;
 - (x) encouraging or conspiring with unlicensed persons to solicit for prospective purchasers; and
 - (xi) selling, offering for sale, or displaying for sale or exchange a vehicle, vessel, or outboard motor in violation of Section 41-1a-705.
- (2)
 - (a) The schedule of civil penalties for violations of Subsection (1) is:
 - (i) Level I: \$25 for the first offense, \$100 for the second offense, and \$250 for the third and subsequent offenses;
 - (ii) Level II: \$100 for the first offense, \$250 for the second offense, and \$1,000 for the third and subsequent offenses; and
 - (iii) Level III: \$250 for the first offense, \$1,000 for the second offense, and \$5,000 for the third and subsequent offenses.
 - (b) When determining under this section if an offense is a second or subsequent offense, only prior offenses committed within the 12 months prior to the commission of the current offense may be considered.
- (3) The following are civil violations in addition to criminal violations under Section 41-1a-1008:
 - (a) knowingly selling a salvage vehicle, as defined in Section 41-1a-1001, without disclosing that the salvage vehicle has been repaired or rebuilt;

- (b) knowingly making a false statement on a vehicle damage disclosure statement, as defined in Section 41-1a-1001; or
 - (c) fraudulently certifying that a damaged motor vehicle is entitled to an unbranded title, as defined in Section 41-1a-1001, when it is not.
- (4) The civil penalty for a violation under Subsection (3) is:
- (a) not less than \$1,000, or treble the actual damages caused by the person, whichever is greater; and
 - (b) reasonable attorney fees and costs of the action.
- (5) A civil action may be maintained by a purchaser or by the administrator.

Amended by Chapter 379, 2012 General Session

Amended by Chapter 390, 2012 General Session