



1 (b) that is identified as a new motor vehicle dealer's principal place of business for  
2 licensing purposes under Section 41-3-204.

3 (3) "Department" means the Department of Commerce.

4 (4) "Executive director" means the executive director of the Department of Commerce.

5 (5) "Franchise" or "franchise agreement" means a written agreement, for a definite or  
6 indefinite period, in which:

7 (a) a person grants to another person a license to use a trade name, trademark, service  
8 mark, or related characteristic; and

9 (b) a community of interest exists in the marketing of new motor vehicles, new motor  
10 vehicle parts, and services related to the sale or lease of new motor vehicles at wholesale or retail.

11 (6) "Franchisee" means a person to whom a new motor vehicle dealer franchise is issued.

12 (7) "Franchisor" means a person who grants a new motor vehicle franchise to another  
13 person, and includes:

14 (a) the manufacturer or distributor that has issued the franchise;

15 (b) an intermediate distributor; and

16 (c) an agent, officer, or field or area representative of the franchisor.

17 (8) "Line-make" means the motor vehicles that are offered for sale, lease, or distribution  
18 under a common name, trademark, service mark, or brand name of the franchisor, or manufacturer  
19 of the motor vehicle.

20 (9) "Motor vehicle" means:

21 (a) a travel trailer as defined in Section 41-1a-102;

22 (b) a motor vehicle as defined in Section 41-3-102;

23 (c) a semitrailer as defined in Section 41-1a-102; and

24 (d) a trailer as defined in Section 41-1a-102.

25 (10) "New motor vehicle" has the same meaning as defined in Section 41-3-102.

26 (11) "New motor vehicle dealer" is a person who is licensed under Subsection  
27 41-3-202(1)(a).

28 (12) "Recreational vehicle" ~~[has the same meaning as defined in Section 41-20-1~~  
29 ~~excluding the term "truck camper."]~~ means a vehicular unit, other than a mobile home, primarily  
30 designed as a temporary dwelling for travel, recreational, and vacation use, which is either  
31 self-propelled or is mounted on or pulled by another vehicle. "Recreational vehicle" includes a

1 camping trailer, travel trailer, truck camper, a motor home, a fifth wheel trailer, and a van.

2 (13) (a) "Relevant market area," except for recreational vehicles, means:

3 (i) the county in which a dealership is to be established or relocated; and

4 (ii) the area within a ten aeronautical miles radius from the site of the new or relocated  
5 dealership.

6 (b) "Relevant market area," for the sale of recreational vehicles, means:

7 (i) the county in which the dealership is to be established or relocated; and

8 (ii) the area within a 35 aeronautical miles radius of the new or relocated dealership.

9 (14) "Sale, transfer, or assignment" means any disposition of a franchise or an interest in  
10 a franchise, with or without consideration, including a bequest, inheritance, gift, exchange, lease,  
11 or license.

12 Section 2. Section **13-20-2** is amended to read:

13 **13-20-2. Definitions.**

14 As used in this chapter:

15 (1) "Consumer" means an individual who has entered into an agreement or contract for the  
16 transfer, lease, or purchase of a new motor vehicle other than for purposes of resale, or sublease,  
17 during the duration of the period defined under Section 13-20-5.

18 (2) "Manufacturer" means manufacturer, importer, distributor, or anyone who is named  
19 as the warrantor on an express written warranty on a motor vehicle.

20 (3) "Motor home" means a self-propelled vehicular unit, primarily designed as a temporary  
21 dwelling for travel, recreational, and vacation use.

22 [~~3~~] (4) (a) "Motor vehicle" includes:

23 (i) a motor home, as defined in this section [~~41-20-1~~], but only the self-propelled vehicle  
24 and chassis sold in this state; and

25 (ii) a motor vehicle, as defined in Section 41-1a-102, sold in this state.

26 (b) "Motor vehicle" does not include:

27 (i) those portions of a motor home designated, used, or maintained primarily as a mobile  
28 dwelling, office, or commercial space;

29 (ii) farm tractor, motorcycle, road tractor, or truck tractor as defined in Section 41-1a-102;

30 (iii) mobile home as defined in Section 41-1a-102; or

31 (iv) any motor vehicle with a gross laden weight of over 12,000 pounds.

1 Section 3. Section **41-3-407** is amended to read:

2 **41-3-407. Definitions.**

3 As used in Sections 41-3-406 through 41-3-414:

4 (1) "Buyback vehicle" means a motor vehicle with an alleged nonconformity that has been  
5 replaced or repurchased by a manufacturer as the result of a court judgment, arbitration, or any  
6 voluntary agreement entered into between the manufacturer or its agent and a consumer.

7 (2) "Consumer" means an individual who has entered into an agreement or contract for the  
8 transfer, lease, or purchase of a new motor vehicle other than for the purposes of resale, or  
9 sublease, during the duration of the period defined under Section 13-20-5.

10 (3) "Manufacturer" means any manufacturer, importer, distributor, or anyone who is  
11 named as the warrantor on an express written warranty on a motor vehicle.

12 (4) (a) "Motor vehicle" includes:

13 (i) a motor home, as defined in Section [~~41-20-1~~] 13-20-2, but only the self-propelled  
14 vehicle and chassis; and

15 (ii) a motor vehicle, as defined in Section 41-1a-102.

16 (b) "Motor vehicle" does not include:

17 (i) those portions of a motor home designated, used, or maintained primarily as a mobile  
18 dwelling, office, or commercial space;

19 (ii) farm tractor, motorcycle, road tractor, or truck tractor as defined in Section 41-1a-102;

20 (iii) mobile home as defined in Section 41-1a-102; or

21 (iv) any motor vehicle with a gross laden weight of over 12,000 pounds.

22 (5) "Nonconforming vehicle" means a buyback vehicle that has been investigated and  
23 evaluated pursuant to Title 13, Chapter 20, New Motor Vehicles Warranties Act, or a similar law  
24 of another state or federal government.

25 (6) (a) "Nonconformity" means a defect, malfunction, or condition that fails to conform  
26 to the express warranty, or substantially impairs the use, safety, or value of a motor vehicle.

27 (b) "Nonconformity" does not include a defect, malfunction, or condition that results from  
28 an accident, abuse, neglect, modification, or alteration of a motor vehicle by a person other than  
29 the manufacturer, its authorized agent, or a dealer.

30 (7) "Seller" means any person selling, auctioning, leasing, or exchanging a motor vehicle.

31 (8) "Violation" means each failure to comply with the obligations imposed by Sections

1 41-3-406 through 41-3-413. In the case of multiple failures to comply resulting from a single  
2 transaction, each failure to comply is a separate violation.

3 Section 4. **Repealer.**

4 This act repeals:

5 Section **41-20-1, Definitions.**

6 Section **41-20-2, Department of Commerce to enforce chapter -- Powers.**

7 Section **41-20-3, Department of Commerce to enforce chapter -- Powers.**

8 Section **41-20-4, Department of Commerce to enforce chapter -- Powers.**

9 Section **41-20-5, Department of Commerce to enforce chapter -- Powers.**

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**Legislative Review Note**

**as of 1-15-98 12:06 PM**

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**