

1                                   **PAYMENT TO DEALER FOR VEHICLE USE**

2   2000 GENERAL SESSION

3   STATE OF UTAH

4   **Sponsor: L. Alma Mansell**

5 AN ACT RELATING TO MOTOR VEHICLES; AMENDING PROVISIONS RELATED TO  
6 THE RETURN OF A MOTOR VEHICLE TO A DEALER UNDER CERTAIN  
7 CIRCUMSTANCES; AND PROVIDING CONDITIONS OF THE RETURN.

8 This act affects sections of Utah Code Annotated 1953 as follows:

9 AMENDS:

10           **41-3-403**, as renumbered and amended by Chapter 234, Laws of Utah 1992

11 *Be it enacted by the Legislature of the state of Utah:*

12           Section 1. Section **41-3-403** is amended to read:

13           **41-3-403. Dealer noncompliance -- Rights of purchaser -- Penalties.**

14           (1) (a) [H] Except as provided under Subsection (4), if a dealer fails to comply with  
15 Subsection 41-3-301(1), the purchaser may return the purchased motor vehicle to the dealer and  
16 receive a complete refund of all money and other consideration given for the purchase, including  
17 any motor vehicles or property traded in.

18           (b) If the motor vehicle or property traded in has been sold by the dealer, he shall return  
19 to the purchaser the amount of money equivalent to the value of the motor vehicle or property as  
20 allowed toward the purchase.

21           (c) Demand for the return may be made directly by the customer, his attorney, or the  
22 administrator.

23           (d) Any loan payments or interest due between the sale date and the return date on either  
24 the motor vehicle purchased or a motor vehicle traded in, are the responsibility of the dealer.

25           (2) Failure of a dealer to comply with this section:

26           (a) is a violation of Subsection 41-3-301(1);

27           (b) is a ground for immediate dealer license suspension; and

28 (c) allows the customer a cause of action against the dealer to recover all consideration  
29 owed under Subsection (1).

30 (3) Motor vehicles returned under the provisions of this section are not considered to be  
31 sold for purposes of notice of sale under Subsection 41-3-301(2) and for purposes of sales tax  
32 under Title 59, Chapter 12, Sales and Use Tax Act.

33 (4) A dealer is not required to accept the return of a purchased motor vehicle under this  
34 section unless the purchaser:

35 (a) returns the motor vehicle to the dealer within 180 days after the date of the purchase;

36 (b) furnishes to the dealer a written odometer disclosure statement in accordance with  
37 Section 41-1a-902; and

38 (c) pays the dealer an amount equal to the current standard mileage rate for the cost of  
39 operating a motor vehicle established by the federal Internal Revenue Service for each mile the  
40 motor vehicle was driven between the date the purchaser first acquired possession and the date  
41 when the purchaser returned the motor vehicle to the dealer.

---

---

**Legislative Review Note**  
**as of 1-28-00 1:38 PM**

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

**Office of Legislative Research and General Counsel**