

28 **41-3-403. Dealer noncompliance -- Rights of purchaser -- Penalties.**

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

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

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

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

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

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

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

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

46 (3) [~~Motor vehicles~~] A motor vehicle returned under the provisions of this section [are]
47 is not considered to be sold for purposes of:

48 (a) notice of sale under Subsection 41-3-301(2); and [for purposes of]

49 (b) sales tax under Title 59, Chapter 12, Sales and Use Tax Act.

50 (4) [~~A~~] If a dealer fails to comply with Subsection 41-3-301(1), the dealer [is not
51 required to] shall accept the return of a purchased motor vehicle under this section [unless] if
52 the purchaser:

53 (a) returns the motor vehicle to the dealer [within 180 days after the date of the
54 purchase] and requests in writing that the purchase be rescinded, prior to the time the dealer
55 submits a certificate of title or manufacturer's certificate of origin for that motor vehicle,
56 endorsed according to law, to the Motor Vehicle Division, accompanied by all documents
57 required to obtain a new certificate of title and registration in the new owner's name;

58 (b) furnishes to the dealer a written odometer disclosure statement in accordance with

59 Section 41-1a-902; and

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

Legislative Review Note
as of 10-7-03 3:24 PM

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

Office of Legislative Research and General Counsel