

1 **Used Electric Vehicle Battery Disclosure Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Doug Owens

Senate Sponsor: Ronald M. Winterton

2
3 **LONG TITLE**

4 **General Description:**

5 This bill addresses disclosures required prior to the sale of an electric motor vehicle.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▸ requires a person selling a used electric motor vehicle to make certain disclosures
9 regarding the battery status;
- 10 ▸ provides a remedy for a consumer who purchases a used electric motor vehicle without
11 receiving a required disclosure; and
- 12 ▸ requires certain information to be available to electric motor vehicle users.

13 **Money Appropriated in this Bill:**

14 None

15 **Other Special Clauses:**

16 None

17 **Utah Code Sections Affected:**

18 ENACTS:

19 **13-75-101**, Utah Code Annotated 1953

20 **13-75-102**, Utah Code Annotated 1953

21 **13-75-103**, Utah Code Annotated 1953

22 **13-75-104**, Utah Code Annotated 1953

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

25 Section 1. Section **13-75-101** is enacted to read:

26 **CHAPTER 75. MOTOR VEHICLE SALES**

27 **Part 1. Electric Motor Vehicle Sales**

28 **13-75-101 . Definitions.**

29 As used in this section:

30 (1) "Battery state of health" means the present capacity of a battery relative to the capacity

31 of the battery when originally manufactured.

32 (2) "Dealer" means the same as that term is defined in Section 41-3-102.

33 (3) "New motor vehicle" means the same as that term is defined in Section 41-3-102.

34 (4) "Private seller" means an individual that is selling a motor vehicle and is not a dealer.

35 (5) "Used motor vehicle" means a motor vehicle that is not a new motor vehicle.

36 Section 2. Section **13-75-102** is enacted to read:

37 **13-75-102 . Electric motor vehicle sale requirements.**

38 Beginning with model year 2027, an electric motor vehicle that is a new motor vehicle,
39 as described in Section 41-3-102, sold in Utah shall display to a vehicle user the battery state
40 of health and battery service history without the use of any tools.

41 Section 3. Section **13-75-103** is enacted to read:

42 **13-75-103 . Electric motor vehicle private seller disclosure requirements.**

43 (1) Before selling a used electric motor vehicle, a private seller shall disclose to the
44 purchaser:

45 (a) the current battery state of health, measured within the past 30 days;

46 (b) the status of the battery warranty; and

47 (c) any known battery service history.

48 (2) Subsection (1) does not apply to a private seller who is selling a new motor vehicle.

49 (3) A seller who violates Subsection (1) is liable to the purchaser for:

50 (a) actual damages;

51 (b) the costs of the action; and

52 (c) reasonable attorney fees.

53 Section 4. Section **13-75-104** is enacted to read:

54 **13-75-104 . Electric motor vehicle disclosure requirements.**

55 (1) A dealer that sells a used electric motor vehicle shall disclose the following to a
56 potential purchaser:

57 (a) the current battery state of health, measured within the past 30 days;

58 (b) the status of the battery warranty; and

59 (c) the battery service history.

60 (2) A dealer that violates Subsection (1) is liable to the purchaser for:

61 (a) actual damages;

62 (b) the costs of the action; and

63 (c) reasonable attorney fees.

64 (3) The division shall administer this section in accordance with Chapter 2, Division of

65 Consumer Protection.

66 (4) In addition to the division's enforcement powers under Chapter 2, Division of Consumer
67 Protection:

68 (a) the division director may impose an administrative fine of up to \$2,500 for each act
69 that is in violation of this section; and

70 (b) the division may bring a civil action to enforce this section.

71 (5) In a civil action by the division to enforce this section, the court may:

72 (a) declare that an act or practice violates this section;

73 (b) issue an injunction for a violation of this section;

74 (c) order payment to an injured individual;

75 (d) impose a civil penalty of up to \$2,500 for each violation; or

76 (e) award any other relief that the court deems reasonable and necessary.

77 (6) If a court grants judgment or injunctive relief to the division in a civil action, the court
78 shall award the division:

79 (a) reasonable attorney fees;

80 (b) court costs; and

81 (c) investigative fees.

82 (7) The division shall deposit money received for the payment of a fine or civil penalty
83 under this section into the Consumer Protection Education and Training Fund created in
84 Section 13-2-8.

85 **Section 5. Effective Date.**

86 This bill takes effect on May 7, 2025.