

41-1a-705 Persons that may sell, offer for sale, or display for sale a vehicle, vessel, or outboard motor -- New owner shall title -- Penalties.

- (1) As used in this section, "immediate family member" means a person's spouse, child, spouse of a child living in the person's home, or parent.
- (2)
 - (a) A person may not sell, offer for sale, or display for sale or exchange any vehicle, vessel, or outboard motor unless the person is:
 - (i) a person licensed under Chapter 3, Motor Vehicle Business Regulation Act;
 - (ii) a motor vehicle auction;
 - (iii) the lienholder or owner of the vehicle, vessel, or outboard motor as evidenced by the person's name being printed by the division on the certificate of title;
 - (iv) a person who has lawfully repossessed the vehicle, vessel, or outboard motor;
 - (v) a holder of a statutory lien on the vehicle who is selling the vehicle, vessel, or outboard motor through a motor vehicle auction;
 - (vi) a person lawfully donating the vehicle, vessel, or outboard motor to a non-profit charitable organization;
 - (vii) a non-profit charitable organization that receives donated vehicles and sells or disposes of them; or
 - (viii) a person lawfully selling the person's immediate family member's vehicle, vessel, or outboard motor.
 - (b) Subsection (2)(a) does not apply to a personal representative, trustee, guardian, executor, administrator, sheriff, government entity, or other person who sells a vehicle, vessel, or outboard motor under the powers and duties granted or imposed by law.
- (3) Unless the new owner is a person listed in Subsections (2)(a)(i) through (viii), the new owner of a transferred vehicle, vessel, or outboard motor shall obtain a certificate of title for the vehicle, vessel, or outboard motor transferred to the new owner.
- (4) Unless the new owner is a person listed in Subsections (2)(a)(i) through (viii), the owner of the vehicle, vessel, or outboard motor shall title the vehicle, vessel, or outboard motor by completing an application and presenting to the division a properly endorsed certificate of title, duplicate certificate of title, or other document of authority along with any additional documents the division may require to transfer the title.
- (5)
 - (a) A person who violates the provisions of Subsection (2) is guilty of a class B misdemeanor.
 - (b) A person who violates any of the provisions of this section shall pay all fees and taxes required under this chapter that resulted from the violation.
 - (c) Each vehicle sold, offered for sale, or displayed for sale in violation of this section shall be a separate offense.
- (6) Nothing in this section applies to a person purchasing a vehicle from a motor vehicle auction if the purchased vehicle is being transported out of the state.

Amended by Chapter 379, 2012 General Session