

41-3-105 Administrator's powers and duties -- Administrator and investigators to be law enforcement officers.

- (1) The administrator may make rules to carry out the purposes of this chapter and Sections 41-1a-1001 through 41-1a-1007 according to the procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (2)
 - (a) The administrator may employ clerks, deputies, and assistants necessary to discharge the duties under this chapter and may designate the duties of those clerks, deputies, and assistants.
 - (b) The administrator, assistant administrator, and all investigators shall be law enforcement officers certified by peace officer standards and training as required by Section 53-13-103.
- (3)
 - (a) The administrator may investigate any suspected or alleged violation of:
 - (i) this chapter;
 - (ii) Title 41, Chapter 1a, Motor Vehicle Act;
 - (iii) any law concerning motor vehicle fraud; or
 - (iv) any rule made by the administrator.
 - (b) The administrator may bring an action in the name of the state against any person to enjoin a violation found under Subsection (3)(a).
- (4)
 - (a) The administrator may prescribe forms to be used for applications for licenses.
 - (b) The administrator may require information from the applicant concerning the applicant's fitness to be licensed.
 - (c) Each application for a license shall contain:
 - (i) if the applicant is an individual, the name and residence address of the applicant and the trade name, if any, under which the applicant intends to conduct business;
 - (ii) if the applicant is a partnership, the name and residence address of each partner, whether limited or general, and the name under which the partnership business will be conducted;
 - (iii) if the applicant is a corporation, the name of the corporation, and the name and residence address of each of its principal officers and directors;
 - (iv) a complete description of the principal place of business, including:
 - (A) the municipality, with the street and number, if any;
 - (B) if located outside of any municipality, a general description so that the location can be determined; and
 - (C) any other places of business operated and maintained by the applicant in conjunction with the principal place of business;
 - (v) if the application is for a new motor vehicle dealer's license, the name of each motor vehicle the applicant has been enfranchised to sell or exchange, the name and address of the manufacturer or distributor who has enfranchised the applicant, and the names and addresses of the individuals who will act as salespersons under authority of the license;
 - (vi) at least five years of business history;
 - (vii) the federal tax identification number issued to the dealer; and
 - (viii) the sales and use tax license number issued to the dealer under Title 59, Chapter 12, Sales and Use Tax Act.
- (5) The administrator may adopt a seal with the words "Motor Vehicle Enforcement Administrator, State of Utah," to authenticate the acts of the administrator's office.
- (6)

- (a) The administrator may require that the licensee erect or post signs or devices on the licensee's principal place of business and any other sites, equipment, or locations operated and maintained by the licensee in conjunction with the licensee's business.
 - (b) The signs or devices shall state the licensee's name, principal place of business, type and number of licenses, and any other information that the administrator considers necessary to identify the licensee.
 - (c) The administrator may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, determining allowable size and shape of signs or devices, their lettering and other details, and their location.
- (7)
- (a) The administrator shall provide for quarterly meetings of the advisory board and may call special meetings.
 - (b) Notices of all meetings shall be sent to each member not fewer than five days prior to the meeting.
- (8) The administrator, the officers and inspectors of the division designated by the commission, and peace officers shall:
- (a) make arrests upon view and without warrant for any violation committed in their presence of any of the provisions of this chapter, or Title 41, Chapter 1a, Motor Vehicle Act;
 - (b) when on duty, upon reasonable belief that a motor vehicle, trailer, or semitrailer is being operated in violation of any provision of Title 41, Chapter 1a, Motor Vehicle Act, require the driver of the vehicle to stop, exhibit the person's driver license and the registration card issued for the vehicle and submit to an inspection of the vehicle, the license plates, and registration card;
 - (c) serve all warrants relating to the enforcement of the laws regulating the operation of motor vehicles, trailers, and semitrailers;
 - (d) investigate traffic accidents and secure testimony of witnesses or persons involved; and
 - (e) investigate reported thefts of motor vehicles, trailers, and semitrailers.
- (9) The administrator may contract with a public prosecutor to provide additional prosecution of this chapter.

Amended by Chapter 393, 2010 General Session