Chapter 3
Motor Vehicle Business Regulation Act

Part 1
Administration

41-3-101 Short title.

This chapter is known as the Motor Vehicle Business Regulation Act.

Enacted by Chapter 234, 1992 General Session

41-3-102 Definitions.

As used in this chapter:

(1) "Administrator" means the motor vehicle enforcement administrator.

(2)

(a) "Affiliate" means a person that:

(i) manufactures, distributes, sells, or leases new motor vehicles; and

(ii) directly or indirectly, through one or more intermediaries:

(A) possesses control over a person specified;

(B) is controlled by a person specified; or

(C) shares common control with a person specified.

(b) As used in this Subsection (2), "control" includes the power to direct or cause the direction of the management and policies of any person through ownership, contractual rights, or other means.

(3) "Agent" means a person other than a holder of any dealer's or salesperson's license issued under this chapter, that for salary, commission, or compensation of any kind, negotiates in any way for the sale, purchase, order, or exchange of three or more motor vehicles for any other person in any 12-month period.

(4) "Auction" means a dealer engaged in the business of auctioning motor vehicles, either owned or consigned, to the general public.

(5) "Authorized service center" means an entity that:

(a) is in the business of repairing exclusively the motor vehicles of the same line-make as the motor vehicles a single direct-sale manufacturer manufactures;

(b) the direct-sale manufacturer described in Subsection (5)(a) authorizes to complete warranty repair work for motor vehicles that the direct-sale manufacturer sells, displays for sale, or offers for sale or exchange; and

(c) conducts business primarily from an enclosed commercial repair facility that is permanently located in the state.

(6) "Body shop" means a person engaged in rebuilding, restoring, repairing, or painting the body of motor vehicles for compensation.

(7) "Commission" means the State Tax Commission.

(8) "Crusher" means a person that crushes or shreds motor vehicles subject to registration under Chapter 1a, Motor Vehicle Act, to reduce the useable materials and metals to a more compact size for recycling.

(9)

(a) "Dealer" means a person:

(i) for which the business in whole or in part involves selling new, used, or new and used motor vehicles or off-highway vehicles; and
(ii) that sells, displays for sale, or offers for sale or exchange three or more new or used motor vehicles or off-highway vehicles in any 12-month period.
(b) "Dealer" includes a representative or consignee of any dealer.
(10) "Direct-sale manufacturer" means a person:
(a) that is both a manufacturer and a dealer;
(b) that is:
(i) an electric vehicle manufacturer; or
(ii) a low-volume manufacturer;
(c) that is not a franchise holder;
(d) that is domiciled in the United States; and
(e) whose chief officers direct, control, and coordinate the person's activities as a direct-sale manufacturer from a physical location in the United States.
(11) "Direct-sale manufacturer salesperson" means an individual who for a salary, commission, or compensation of any kind, is employed either directly, indirectly, regularly, or occasionally by a direct-sale manufacturer to sell, purchase, or exchange or to negotiate for the sale, purchase, or exchange of a motor vehicle manufactured by the direct-sale manufacturer who employs the individual.
(12)
(a) "Dismantler" means a person engaged in the business of dismantling motor vehicles subject to registration under Chapter 1a, Motor Vehicle Act, for the resale of parts or for salvage.
(b) "Dismantler" includes a person that dismantles three or more motor vehicles in any 12-month period.
(13) "Distributor" means a person that has a franchise from a manufacturer of motor vehicles to distribute motor vehicles within this state and that in whole or in part sells or distributes new motor vehicles to dealers or that maintains distributor representatives.
(14) "Distributor branch" means a branch office similarly maintained by a distributor for the same purposes a factory branch is maintained.
(15) "Distributor representative" means a person and each officer and employee of the person engaged as a representative of a distributor or distributor branch of motor vehicles to make or promote the sale of the distributor or the distributor branch's motor vehicles, or for supervising or contacting dealers or prospective dealers of the distributor or the distributor branch.
(16) "Division" means the Motor Vehicle Enforcement Division created in Section 41-3-104.
(17) "Electric vehicle manufacturer" means a person that, in this state, sells, displays for sale, or offers for sale or exchange only new motor vehicles of the person's own line-make that are:
(a) exclusively propelled through the use of electricity, a hydrogen fuel cell, or another non-fossil fuel source;
(b)
(i) passenger vehicles with a gross vehicle weight rating of 14,000 pounds or less; or
(ii) trucks with a gross vehicle weight rating of 14,000 pounds or less; and
(c) manufactured by the person.
(18) "Factory branch" means a branch office maintained by a person that manufactures or assembles motor vehicles for sale to distributors, motor vehicle dealers, or that directs or supervises the factory branch's representatives.
(19) "Factory representative" means a person and each officer and employee of the person engaged as a representative of a manufacturer of motor vehicles or by a factory branch to make or promote the sale of the manufacturer's or factory branch's motor vehicles, or for

supervising or contacting the dealers or prospective dealers of the manufacturer or the factory branch.

(20) "Fleet transaction" means a licensee's sale of one or more motor vehicles to a manufacturer-approved current fleet customer under the manufacturer's fleet program.

(21)

(a) "Franchise" means a contract or agreement between a dealer and a manufacturer of new motor vehicles or a manufacturer's distributor or factory branch by which the dealer is authorized to sell any specified make or makes of new motor vehicles.

(b) "Franchise" includes a contract or agreement described in Subsection (21)(a) regardless of whether the contract or agreement is subject to Title 13, Chapter 14, New Automobile Franchise Act, Title 13, Chapter 35, Powersport Vehicle Franchise Act, or neither.

(22)

(a) "Franchise holder" means a manufacturer that:

(i) previously had a franchised dealer in the United States;

(ii) currently has a franchised dealer in the United States;

(iii) is a successor to another manufacturer that previously had or currently has a franchised dealer in the United States;

(iv) that is a material owner of, is an affiliate of, or has any ownership by:

(A) another manufacturer that previously or currently has a franchised dealer; or

(B) another franchise holder;

(v) is under legal or common ownership, or practical control, with another manufacturer that previously had or currently has a franchised dealer in the United States;

(vi) is in a partnership, joint venture, or similar arrangement for production of a commonly owned line-make with another manufacturer that previously had or currently has a franchised dealer in the United States; or

(vii) is a manufacturer otherwise described in Subsection (22)(b) if, after July 1, 2018, the manufacturer, or the manufacturer through an affiliate, acquires or expands an interest in:

(A) any other manufacturer that is not exclusively an electric vehicle manufacturer; or

(B) a dealership that deals exclusively in electric vehicles manufactured by any other manufacturer.

(b) "Franchise holder" does not include a manufacturer described in Subsection (22)(a), if as of July 1, 2018, the manufacturer had legal or practical common ownership or common control of:

(i) a dealership of the manufacturer's line-make in this state; or

(ii) a franchised dealer of the manufacturer's line-make in this state.

(23) "Gross vehicle weight rating" means the same as that term is defined in Section 59-2-102.

(24) "Low-volume manufacturer" means a manufacturer who:

(a) in this state, sells, displays for sale, or offers for sale or exchange only new motor vehicles of the person's own line make that are:

(i)

(A) passenger vehicles with a gross vehicle weight rating of 14,000 pounds or less; or

(B) trucks with a gross vehicle weight rating of 14,000 pounds or less; and

(ii) manufactured by the person; and

(b) constructs no more than 325 new motor vehicles in any 12-month period.

(25) "Line-make" means motor vehicles that are offered for sale, lease, or distribution under a common name, trademark, service mark, or brand name of the manufacturer.

(26) "Manufacturer" means a person engaged in the business of constructing or assembling new motor vehicles, ownership of which is customarily transferred by a manufacturer's statement

or certificate of origin, or a person that constructs three or more new motor vehicles in any 12-month period.

(27) "Material owner" means a person that possesses, directly or indirectly, the power to direct, or cause the direction of, the management, policies, or activities of another person:

(a) through ownership of voting securities;

(b) by contract or credit arrangement; or

(c) in another way not described in Subsections (27)(a) and (b).

(28)

(a) "Motor vehicle" means a vehicle that is:

(i) self-propelled;

(ii) a trailer;

(iii) a travel trailer;

(iv) a semitrailer;

(v) an off-highway vehicle; or

(vi) a small trailer.

(b) "Motor vehicle" does not include:

(i) mobile homes as defined in Section 41-1a-102;

(ii) trailers of 750 pounds or less shipping weight;

(iii) a farm tractor or other machine or tool used in the production, harvesting, or care of a farm product; and

(iv) park model recreational vehicles as defined in Section 41-1a-102.

(29) "Motorcycle" means the same as that term is defined in Section 41-1a-102.

(30) "New motor vehicle" means a motor vehicle that:

(a) has never been titled or registered; and

(b) for a motor vehicle that is not a trailer, travel trailer, or semitrailer, has been driven less than 7,500 miles.

(31) "Off-highway vehicle" means the same as that term is defined in Section 41-22-2.

(32) "Pawnbroker" means a person whose business is to lend money on security of personal property deposited with the pawnbroker.

(33)

(a) "Principal place of business" means a site or location in this state:

(i) devoted exclusively to the business for which the dealer, manufacturer, remanufacturer, transporter, dismantler, crusher, or body shop is licensed, and businesses incidental to the dealer, manufacturer, remanufacturer, transporter, dismantler, crusher, or body shop;

(ii) sufficiently bounded by fence, chain, posts, or otherwise marked to definitely indicate the boundary and to admit a definite description with space adequate to permit the display of three or more new, or new and used, or used motor vehicles and sufficient parking for the public; and

(iii) that includes a permanent enclosed building or structure large enough to accommodate the office of the establishment and to provide a safe place to keep the books and other records of the business, at which the principal portion of the business is conducted and the books and records kept and maintained.

(b) "Principal place of business" means, with respect to a direct-sale manufacturer, the direct-sale manufacturer's showroom, which shall comply with the requirements of Subsection (32)(a).

(34) "Remanufacturer" means a person that:

(a) reconstructs used motor vehicles subject to registration under Chapter 1a, Motor Vehicle Act, to change the body style and appearance of the motor vehicle;

(b) constructs or assembles motor vehicles from used or new and used motor vehicle parts; or
(c) reconstructs, constructs, or assembles three or more motor vehicles in any 12-month period.
(35) "Salesperson" means an individual who for a salary, commission, or compensation of any kind, is employed either directly, indirectly, regularly, or occasionally by any new motor vehicle dealer or used motor vehicle dealer to sell, purchase, or exchange or to negotiate for the sale, purchase, or exchange of motor vehicles.
(36) "Semitrailer" means the same as that term is defined in Section 41-1a-102.
(37) "Shipping weight" means the same as that term is defined in Section 41-1a-102.
(38) "Showroom" means a site or location in the state that a direct-sale manufacturer uses for the direct-sale manufacturer's business, including the display and demonstration of new motor vehicles that are exclusively of the same line-make that the direct-sale manufacturer manufactures.
(39) "Small trailer" means a trailer that has a shipping weight of:
(a) more than 750 pounds; and
(b) less than 2,000 pounds.
(40) "Special equipment" includes a truck mounted crane, cherry picker, material lift, post hole digger, and a utility or service body.
(41) "Special equipment dealer" means a new or new and used motor vehicle dealer engaged in the business of buying new incomplete motor vehicles with a gross vehicle weight rating of 12,000 or more pounds and installing special equipment on the incomplete motor vehicle.
(42) "Trailer" means the same as that term is defined in Section 41-1a-102.
(43) "Transporter" means a person engaged in the business of transporting motor vehicles as described in Section 41-3-202.
(44) "Travel trailer" means the same as that term is defined in Section 41-1a-102.
(45) "Used motor vehicle" means a vehicle that:
(a) has been titled and registered to a purchaser other than a dealer; or
(b) for a motor vehicle that is not a trailer, travel trailer, or semitrailer, has been driven 7,500 or more miles.
(46) "Wholesale motor vehicle auction" means a dealer primarily engaged in the business of auctioning consigned motor vehicles to dealers or dismantlers that are licensed by this or any other jurisdiction.

Amended by Chapter 295, 2026 General Session

41-3-103 Exceptions to "dealer" definition -- Dealer licensed in other state -- Direct-sale manufacturer -- Direct-sale manufacturer salesperson.

Under this chapter:
(1)
(a) An insurance company, bank, finance company, company registered as a title lender under Title 7, Chapter 24, Title Lending Registration Act, company registered as a check casher or deferred deposit lender under Title 7, Chapter 23, Check Cashing and Deferred Deposit Lending Registration Act, public utility company, commission impound yard, federal or state governmental agency, or any political subdivision of any of them or any other person coming into possession of a motor vehicle as an incident to its regular business, that sells the motor vehicle under contractual rights that it may have in the motor vehicle is not considered a dealer.
(b) A person who sells or exchanges only those motor vehicles that the person has owned for over 12 months is not considered a dealer.

(2)
(a) A person engaged in leasing motor vehicles is not considered as coming into possession of the motor vehicles incident to the person's regular business.
(b) A pawnbroker engaged in selling, exchanging, or pawning motor vehicles is considered as coming into possession of the motor vehicles incident to the person's regular business and must be licensed as a used motor vehicle dealer.
(3) A person currently licensed as a dealer or salesperson by another state or country and not currently under license suspension or revocation by the administrator may only sell motor vehicles in this state to licensed dealers, dismantlers, or manufacturers, and only at their places of business.
(4) Except as otherwise expressly provided:
(a) a direct-sale manufacturer is subject to the same provisions under this chapter as a new motor vehicle dealer; and
(b) a direct-sale manufacturer salesperson is subject to the same provisions under this chapter as a salesperson.
(5) Notwithstanding any provision of this chapter to the contrary, a direct-sale manufacturer:
(a) may, without a franchise, sell, display for sale, or offer for sale or exchange a motor vehicle:
(i) if the direct-sale manufacturer is an electric vehicle manufacturer; or
(ii) if the direct-sale manufacturer is a low-volume manufacturer; and
(b) may not sell, display for sale, or offer for sale or exchange a new motor vehicle that is not of the same line-make the direct-sale manufacturer manufactures.

Amended by Chapter 63, 2023 General Session

41-3-104 Division creation -- Administrator appointed.
(1) There is created within the commission the Motor Vehicle Enforcement Division with the powers and duties provided in this chapter.
(2) The division shall be administered by the motor vehicle enforcement administrator.
(3) The administrator shall be appointed by the executive director and is subject to the executive director's supervision and direction.

Amended by Chapter 232, 2025 General Session

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-1006 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) 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 name and address of each individual who will act as a salesperson under authority of the license;
(vi) at least five years of business history;
(vii) the federal tax identification number issued to the dealer;
(viii) the sales and use tax license number issued to the dealer under Title 59, Chapter 12, Sales and Use Tax Act; and
(ix) if the application is for a direct-sale manufacturer's license:
(A) the name of each line-make the applicant will sell, display for sale, or offer for sale or exchange;
(B) the name and address of each individual who will act as a direct-sale manufacturer salesperson under authority of the license;
(C) a complete description of the direct-sale manufacturer's authorized service center, including the address and any other place of business the applicant operates and maintains in conjunction with the authorized service center;
(D) a sworn statement that the applicant complies with each qualification for a direct-sale manufacturer under this chapter;
(E) a sworn statement that if at any time the applicant fails to comply with a qualification for a direct-sale manufacturer under this chapter, the applicant will inform the division in writing within 10 business days after the day on which the noncompliance occurs; and
(F) an acknowledgment that if the applicant fails to comply with a qualification for a direct-sale manufacturer under this chapter, the administrator will deny, suspend, or revoke the applicant's direct-sale manufacturer license in accordance with Section 41-3-209.
(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 a 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, lettering and other details of signs or devices, and location of signs or devices.

(7) 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 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 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 plate, 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 any witnesses or persons involved; and
(e) investigate reported thefts of motor vehicles, trailers, and semitrailers.

(8) The administrator shall provide security for an area within the commission designated as a secure area under Section 76-8-311.1.

(9) The Office of the Attorney General shall provide prosecution of this chapter.

Amended by Chapter 251, 2024 General Session

41-3-107 Attorney general -- Duty to render opinions and to represent or appear for administrator .

The attorney general shall:

(1) represent the administrator and the division;

(2) give opinions on all questions of law relating to the interpretation of this chapter or arising out of the administration of this chapter; and

(3) appear on behalf of the administrator or the division in all actions brought by or against the administrator or the division, whether under the provisions of this chapter or otherwise.

Amended by Chapter 507, 2024 General Session

41-3-108 Copies of records and papers -- Admissibility in evidence.

Certified copies of all records and papers prepared in the office of the administrator under seal of the administrator are admissible in evidence in any case in the same manner as the original.

Amended by Chapter 4, 1993 General Session

41-3-109 Adjudicative proceedings -- Hearings.

The commission, the division, and the administrator shall comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act, in all adjudicative

proceedings conducted under the authority of this chapter and Sections 41-1a-1001 through 41-1a-1008.

Amended by Chapter 507, 2024 General Session

41-3-110 Motor Vehicle Enforcement Division Temporary Permit Restricted Account.

(1) As used in this section, "account" means the Motor Vehicle Enforcement Division Temporary Permit Restricted Account created by this section.
(2) There is created within the General Fund a restricted account known as the Motor Vehicle Enforcement Division Temporary Permit Restricted Account.
(3)
  (a) The account shall be funded from the fees deposited into the account in accordance with Section 41-3-601.
  (b) The fees described in Subsection (3)(a) shall be paid to the division, which shall deposit them into the account.
(4) The Legislature may appropriate the funds in the account to the commission to cover the costs of the division.
(5) In accordance with Section 63J-1-602.1, appropriations made to the commission from the account are nonlapsing.

Amended by Chapter 136, 2019 General Session

Part 2
Licensing

41-3-201 Licenses required -- Restitution -- Education.

(1) As used in this section, "new applicant" means a person who is applying for a license that the person has not been issued during the previous licensing year.
(2) A person may not act as any of the following without having procured a license issued by the administrator:
  (a) dealer;
  (b) salvage vehicle buyer;
  (c) salesperson;
  (d) manufacturer;
  (e) transporter;
  (f) dismantler;
  (g) distributor;
  (h) factory branch and representative;
  (i) distributor branch and representative;
  (j) crusher;
  (k) remanufacturer;
  (l) body shop; or
  (m) motor vehicle auction.
(3)

(a) Except as provided in Subsection (3)(c), a person may not bid on or purchase a vehicle with a nonrepairable or salvage certificate as defined in Section 41-1a-1001 at or through a motor vehicle auction unless the person is a licensed salvage vehicle buyer.
(b) Except as provided in Subsection (3)(c), a person may not offer for sale, sell, or exchange a vehicle with a nonrepairable or salvage certificate as defined in Section 41-1a-1001 at or through a motor vehicle auction except to a licensed salvage vehicle buyer.
(c) A person may offer for sale, sell, or exchange a vehicle with a nonrepairable or salvage certificate as defined in Section 41-1a-1001 at or through a motor vehicle auction:
(i) to an out-of-state or out-of-country purchaser not licensed under this section, but that is authorized to do business in the domestic or foreign jurisdiction in which the person is domiciled or registered to do business;
(ii) subject to the restrictions in Subsection (3)(d), to an in-state purchaser not licensed under this section that:
(A) has a valid business license in Utah; and
(B) has a Utah sales tax license; and
(iii) to a crusher.
(d)
(i) An operator of a motor vehicle auction shall verify that an in-state purchaser not licensed under this section has the licenses required in Subsection (3)(c)(ii).
(ii) An operator of a motor vehicle auction may only offer for sale, sell, or exchange five vehicles with a salvage certificate as defined in Section 41-1a-1001 at or through a motor vehicle auction in any 12-month period to an in-state purchaser that does not have a salvage vehicle buyer license issued in accordance with Subsection 41-3-202(18).
(iii) The five vehicle limitation under this Subsection (3)(d) applies to each Utah sales tax license and not to each person with the authority to use a sales tax license.
(iv) An operator of a motor vehicle auction may not sell a vehicle with a nonrepairable certificate as defined in Section 41-1a-1001 to a purchaser otherwise allowed to purchase a vehicle under Subsection (3)(c)(ii).
(e) For a vehicle with a salvage certificate purchased under Subsection (3)(c)(ii), an operator of a motor vehicle auction shall:
(i)
(A) until Subsection (3)(e)(i)(B) applies, make application for a salvage certificate of title on behalf of the Utah purchaser within seven days of the purchase if the purchaser does not have a salvage vehicle buyer license, dealer license, body shop license, or dismantler license issued in accordance with Section 41-3-202; or
(B) beginning on or after the date that the Motor Vehicle Division has implemented the Motor Vehicle Division's GenTax system, make application electronically, in a form and time period approved by the Motor Vehicle Division, for a salvage certificate of title to be issued in the name of the purchaser;
(ii) give to the purchaser a disclosure printed on a separate piece of paper that states:
"THIS DISCLOSURE STATEMENT MUST BE GIVEN BY THE SELLER TO THE BUYER EVERY TIME THIS VEHICLE IS RESOLD WITH A SALVAGE CERTIFICATE
Vehicle Identification Number (VIN)
Year: Make: Model:
SALVAGE VEHICLE--NOT FOR RESALE WITHOUT DISCLOSURE
WARNING: THIS SALVAGE VEHICLE MAY NOT BE SAFE FOR OPERATION UNLESS PROPERLY REPAIRED. SOME STATES MAY REQUIRE AN INSPECTION BEFORE THIS VEHICLE MAY BE REGISTERED. THE STATE OF UTAH MAY REQUIRE THIS

VEHICLE TO BE PERMANENTLY BRANDED AS A REBUILT SALVAGE VEHICLE. OTHER STATES MAY ALSO PERMANENTLY BRAND THE CERTIFICATE OF TITLE.

_____

Signature of Purchaser Date"; and

(iii) if applicable, provide evidence to the Motor Vehicle Division of:

(A) payment of sales taxes on taxable sales in accordance with Section 41-1a-510;

(B) the identification number inspection required under Section 41-1a-511; and

(C) the odometer disclosure statement required under Section 41-1a-902.

(f) The Motor Vehicle Division shall include a link to the disclosure statement described in Subsection (3)(e)(ii) on its website.

(g) The commission may impose an administrative entrance fee established in accordance with the procedures and requirements of Section 63J-1-504 not to exceed $10 on a person not holding a license described in Subsection (3)(e)(i) that enters the physical premises of a motor vehicle auction for the purpose of viewing available salvage vehicles prior to an auction.

(h) A vehicle sold at or through a motor vehicle auction to an out-of-state purchaser with a nonrepairable or salvage certificate may not be certificated in Utah until the vehicle has been certificated out-of-state.

(4)

(a) An operator of a motor vehicle auction shall keep a record of the sale of each salvage vehicle.

(b) A record described under Subsection (4)(a) shall contain:

(i) the purchaser's name and address; and

(ii) the year, make, and vehicle identification number for each salvage vehicle sold.

(c) An operator of a motor vehicle auction shall:

(i) provide the record described in Subsection (4)(a) electronically in a method approved by the division to the division within two business days of the completion of the motor vehicle auction;

(ii) retain the record described in this Subsection (4) for five years from the date of sale; and

(iii) make a record described in this Subsection (4) available for inspection by the division at the location of the motor vehicle auction during normal business hours.

(5)

(a) An operator of a motor vehicle auction shall store a salvage vehicle sold at auction in a secure facility until the salvage vehicle is claimed as provided in this section.

(b) Beginning at the time of purchase and until the salvage vehicle is claimed, the motor vehicle auction operator may collect a daily storage fee for the secure storage of each salvage vehicle sold at auction.

(c) Except as provided in Subsection (5)(d), before releasing possession of a salvage vehicle purchased at a motor vehicle auction to a person not licensed under this part or certified as a tow truck operator under Title 72, Chapter 9, Part 6, Tow Truck Provisions, and if the person claiming the vehicle is a person other than the purchaser of the vehicle, the motor vehicle auction operator shall create a record that shall contain:

(i) the name and address, as verified by government issued identification, of the person claiming the vehicle;

(ii) the year, make, and vehicle identification number of the claimed vehicle;

(iii) a written statement from the person claiming the vehicle indicating the location where the salvage vehicle will be delivered; and

(iv) verification that the claimant has authorization from the purchaser to claim the vehicle.

(d) If the salvage vehicle is claimed by a transporter or a tow truck operator, the transporter or the tow truck operator shall submit to the motor vehicle auction operator a written record on any release forms indicating the location where the salvage vehicle will be delivered if delivered within the state.

(e) An operator of a motor vehicle auction shall:

(i) retain the record described in Subsection (5)(c) for five years from the date of sale; and

(ii) make the record available for inspection by the division at the location of the motor vehicle auction during normal business hours.

(6)

(a) If applicable, an operator of a motor vehicle auction shall comply with the reporting requirements of the National Motor Vehicle Title Information System overseen by the United States Department of Justice if the person sells a vehicle with a salvage certificate to an in-state purchaser under Subsection (3)(c)(ii).

(b) The Motor Vehicle Division shall include a link to the National Motor Vehicle Title Information System on its website.

(7)

(a) An operator of a motor vehicle auction that sells a salvage vehicle to a person that is an out-of-country buyer shall:

(i) stamp on the face of the title so as not to obscure the name, date, or mileage statement the words "FOR EXPORT ONLY" in all capital, black letters; and

(ii) stamp in each unused reassignment space on the back of the title the words "FOR EXPORT ONLY."

(b) The words "FOR EXPORT ONLY" shall be:

(i) at least two inches wide; and

(ii) clearly legible.

(8) A dealer, manufacturer, remanufacturer, transporter, dismantler, crusher, or body shop shall obtain a supplemental license, in accordance with Section 41-3-201.7 for each additional place of business maintained by the licensee.

(9)

(a) A person who has been convicted of any law relating to motor vehicle commerce or motor vehicle fraud may not be issued a license or purchase a vehicle with a salvage or nonrepairable certificate unless full restitution regarding those convictions has been made.

(b) An operator of a motor vehicle auction, a dealer, or a consignor may not sell a vehicle with a nonrepairable or salvage certificate to a buyer described in Subsection (9)(a) if the division has informed the operator of the motor vehicle auction, the dealer, or the consignor in writing that the buyer is prohibited from purchasing a vehicle with a nonrepairable or salvage certificate under Subsection (9)(a).

(10)

(a) The division may not issue a license to a new applicant for a new or used motor vehicle dealer license, a direct-sale manufacturer license, a new or used motorcycle dealer license, or a small trailer dealer license unless the new applicant completes an eight-hour orientation class approved by the division that includes education on motor vehicle laws and rules.

(b) The approved costs of the orientation class shall be paid by the new applicant.

(c) The class shall be completed by the new applicant and the applicant's partners, corporate officers, bond indemnitors, and managers.

(d)

(i) The division shall approve:

(A) providers of the orientation class; and

(B) costs of the orientation class.
(ii) A provider of an orientation class shall submit the orientation class curriculum to the division for approval prior to teaching the orientation class.
(iii) A provider of an orientation class shall include in the orientation materials:
(A) ethics training;
(B) motor vehicle title and registration processes;
(C) Department of Insurance requirements relating to motor vehicles;
(D) Department of Public Safety requirements relating to motor vehicles;
(E) federal requirements related to motor vehicles as determined by the division; and
(F) any required disclosure compliance forms as determined by the division.
(11) A person or purchaser described in Subsection (3)(c)(ii):
(a) may not purchase more than five salvage vehicles with a nonrepairable or salvage certificate as defined in Section 41-1a-1001 in any 12-month period;
(b) may not, without first complying with Section 41-1a-705, offer for sale, sell, or exchange more than two vehicles with a salvage certificate as defined in Section 41-1a-1001 in any 12-month period to a person not licensed under this section; and
(c) may not, without first complying with Section 41-1a-705, offer for sale, sell, or exchange a vehicle with a nonrepairable certificate as defined in Section 41-1a-1001 to a person not licensed under this section.
(12) An operator of a motor vehicle auction, a dealer, or a consignor may not sell a vehicle with a nonrepairable or salvage certificate to a buyer described in Subsection (11)(a) if the division has informed the operator of the motor vehicle auction, the dealer, or the consignor in writing that the buyer is prohibited from purchasing a vehicle with a nonrepairable or salvage certificate under Subsection (11)(a).

Amended by Chapter 295, 2026 General Session

41-3-201.5 Brokering of a new motor vehicle without a license prohibited.
(1)
(a) A person may not, for a fee, commission, or other form of compensation, arrange, offer to arrange, or broker a transaction involving the sale or lease of more than two:
(i) new or used motor vehicles in any 12 consecutive month period, unless the person is licensed under Subsection 41-3-202(1); or
(ii) used motor vehicles in any 12 consecutive month period, unless the person is licensed under Subsection 41-3-202(2).
(b) Each transaction a person arranges, offers to arrange, or brokers involving the sale or lease of a motor vehicle for a fee, commission, or other form of compensation is a separate violation under this section if:
(i) the person has for a fee, commission, or other form of compensation, arranged, offered to arrange, or brokered the sale or lease of more than two new or used motor vehicles within the previous 12 consecutive month period; and
(ii) the person is not licensed under Subsection 41-3-202(1).
(2) A person who violates this section is guilty of a class B misdemeanor.

Amended by Chapter 393, 2010 General Session

41-3-201.7 Supplemental license for additional place of business restrictions -- Exception.
(1)

(a) Subject to the requirements of Subsection (2), the administrator may issue a supplemental license for an additional place of business under Subsection 41-3-201(8) to a dealer if the dealer is:
(i) licensed in accordance with Section 41-3-202;
(ii) bonded in accordance with Section 41-3-205; and
(iii) in compliance with existing rules promulgated by the administrator of the division under Section 41-3-105.
(b) The administrator may issue a supplemental license for a permanent additional place of business to a used motor vehicle dealer if:
(i) the dealer independently satisfies the bond requirements under Section 41-3-205 for the permanent additional place of business;
(ii) the dealer is in compliance with existing rules promulgated by the administrator of the division under Section 41-3-105; and
(iii) the permanent additional place of business meets all the requirements for a principal place of business.

(2)
(a) Except as provided in Subsections (2)(c) and (3), a supplemental license for an additional place of business issued pursuant to Subsection 41-3-201(8) for a new motor vehicle dealer may not be issued for an additional place of business that is beyond the geographic specifications outlined as the area of responsibility in the dealer's franchise agreement.
(b) A new motor vehicle dealer shall provide the administrator with a copy of the portion of the new motor vehicle dealer's franchise agreement identifying the dealer's area of responsibility before being issued a supplemental license for an additional place of business.
(c) The restrictions under Subsections (2)(a) and (b) do not apply to a new motor vehicle dealer if:
(i) the license for an additional place of business is being issued for the sale of used motor vehicles; or
(ii) the dealer is a direct-sale manufacturer.

(3) The provisions of Subsection (2) do not apply if the additional place of business is a trade show or exhibition if:
(a) there are five or more dealers participating in the trade show or exhibition; and
(b) the trade show or exhibition takes place at a location other than the principal place of business of one of the dealers participating in the trade show or exhibition.

(4) A supplemental license for a temporary additional place of business issued to a used motor vehicle dealer may not be for longer than 10 consecutive days.

Amended by Chapter 387, 2018 General Session

41-3-202 Licenses -- Classes and scope.

(1) A new motor vehicle dealer's license permits the licensee to:
(a) offer for sale, sell, or exchange new motor vehicles if the licensee possesses a franchise from the manufacturer of the motor vehicle offered for sale, sold, or exchanged by the licensee;
(b) offer for sale, sell, or exchange used motor vehicles;
(c) operate as a body shop; and
(d) dismantle motor vehicles.

(2) A used motor vehicle dealer's license permits the licensee to:
(a) offer for sale, sell, or exchange used motor vehicles;
(b) operate as a body shop; and

(c) dismantle motor vehicles.

(3) A direct-sale manufacturer's license permits the licensee to:

(a) offer for sale, sell, or exchange new motor vehicles of the same line-make that the direct-sale manufacturer manufactures;

(b) offer for sale, sell, or exchange used motor vehicles;

(c) operate as a body shop; and

(d) dismantle motor vehicles.

(4) A new motorcycle, off-highway vehicle, and small trailer dealer's license permits the licensee to:

(a) offer for sale, sell, or exchange new motorcycles, off-highway vehicles, or small trailers if the licensee possesses a franchise from the manufacturer of the motorcycle, off-highway vehicle, or small trailer offered for sale, sold, or exchanged by the licensee;

(b) offer for sale, sell, or exchange used motorcycles, off-highway vehicles, or small trailers; and

(c) dismantle motorcycles, off-highway vehicles, or small trailers.

(5) A used motorcycle, off-highway vehicle, and small trailer dealer's license permits the licensee to:

(a) offer for sale, sell, or exchange used motorcycles, off-highway vehicles, and small trailers; and

(b) dismantle motorcycles, off-highway vehicles, or small trailers.

(6)

(a) Except as provided in Subsection (6)(b), a salesperson's license permits the licensee to act as a motor vehicle salesperson and is valid for employment with only one dealer at a time.

(b) A licensee that has been issued a salesperson's license and that is employed by a dealer that operates as a wholesale motor vehicle auction may be employed by more than one dealer that operates as a wholesale motor vehicle auction at a time.

(7)

(a) A direct-sale manufacturer salesperson's license permits the licensee to act as a direct-sale manufacturer salesperson for one direct-sales manufacturer.

(b) A direct-sale manufacturer salesperson licensee may not simultaneously hold a salesperson's license.

(8)

(a) A manufacturer's license permits the licensee to construct or assemble motor vehicles subject to registration under Title 41, Chapter 1a, Motor Vehicle Act, at an established place of business and to remanufacture motor vehicles.

(b) Under rules the administrator makes, the licensee may issue and install vehicle identification numbers on manufactured motor vehicles.

(c) The licensee may franchise and appoint dealers to sell manufactured motor vehicles by notifying the division of the franchise or appointment.

(9)

(a) A transporter's license permits the licensee to transport or deliver motor vehicles subject to registration under Title 41, Chapter 1a, Motor Vehicle Act, from a manufacturing, assembling, or distributing point or from a dealer, to dealers, distributors, or sales agents of a manufacturer or remanufacturer, to or from detail or repair shops, and to financial institutions or places of storage from points of repossession.

(b) The division may not issue or renew a transporter license to an applicant who is not:

(i) licensed under this chapter as a body shop;

(ii) a detail or repair shop;

(iii) a tow truck motor carrier subject to Title 72, Chapter 9, Motor Carrier Safety Act;

(iv) a repossession company;
(v) licensed under this chapter as a dealer or an auction; or
(vi) a finance company.
(c) The division may not issue or renew a transporter license unless the applicant provides proof of insurance or other form of security meeting the minimum requirements of Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act.
(10) A motor vehicle auction license permits the licensee to:
(a) offer for sale, sell, or exchange used motor vehicles;
(b) operate as a body shop;
(c) dismantle motor vehicles; and
(d) operate a motor vehicle auction.
(11) A dismantler's license permits the licensee to dismantle motor vehicles subject to registration under Title 41, Chapter 1a, Motor Vehicle Act, for the purpose of reselling parts or for salvage, or selling dismantled or salvage vehicles to a crusher or other dismantler.
(12) A distributor or factory branch and distributor branch's license permits the licensee to sell and distribute new motor vehicles, parts, and accessories to their franchised dealers.
(13) A representative's license, for factory representatives or distributor representatives permits the licensee to contact the licensee's authorized dealers for the purpose of making or promoting the sale of motor vehicles, parts, and accessories.
(14)
(a)
(i) A remanufacturer's license permits the licensee to construct, reconstruct, assemble, or reassemble motor vehicles subject to registration under Title 41, Chapter 1a, Motor Vehicle Act, from used or new motor vehicles or parts.
(ii) Evidence of ownership of parts and motor vehicles used in remanufacture shall be available to the division upon demand.
(b) Under rules the administrator makes, the licensee may issue and install vehicle identification numbers on remanufactured motor vehicles.
(15) A crusher's license permits the licensee to engage in the business of crushing or shredding motor vehicles subject to registration under Title 41, Chapter 1a, Motor Vehicle Act, for the purpose of reducing the useable materials and metals to a more compact size for recycling.
(16) A body shop's license permits the licensee:
(a) to rebuild, restore, repair, or paint the body of motor vehicles; and
(b) to dismantle motor vehicles.
(17) A special equipment dealer's license permits the licensee to:
(a) buy incomplete new motor vehicles with a gross vehicle weight rating of 12,000 or more pounds from a new motor vehicle dealer and sell the new vehicle with the special equipment installed without a franchise from the manufacturer;
(b) offer for sale, sell, or exchange used motor vehicles;
(c) operate as a body shop; and
(d) dismantle motor vehicles.
(18)
(a) A salvage vehicle buyer license permits the licensee to bid on or purchase a vehicle with a salvage certificate as defined in Section 41-1a-1001 at any motor vehicle auction.
(b) The division may only issue a salvage vehicle buyer license to a motor vehicle dealer, dismantler, or body shop who qualifies under rules made by the division and is licensed in any state as a motor vehicle dealer, dismantler, or body shop.

(c) The division may not issue more than two salvage vehicle buyer licenses to any one dealer, dismantler, or body shop.
(d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the administrator shall make rules establishing qualifications of an applicant for a salvage vehicle buyer license. The criteria shall include:
(i) business history;
(ii) salvage vehicle qualifications;
(iii) ability to properly handle and dispose of environmental hazardous materials associated with salvage vehicles; and
(iv) record in demonstrating compliance with the provisions of this chapter.

Amended by Chapter 295, 2026 General Session

41-3-202.2 Provisional license.

(1) As used in this section:
(a) "Provisional license" means a provisional version of a particular class of standard license.
(b) "Standard license" means a license that the administrator is authorized to issue under Section 41-3-202 for a class for which a principal place of business is required under Section 41-3-204.
(2) The administrator may issue a provisional license for any class of standard license the administrator issues under Section 41-3-202.
(3) A person may apply to the administrator for a provisional license using the same procedure described in this chapter and under other applicable state law for a standard license of the same class as the provisional license.
(4) Subject to Subsection (5), the administrator shall grant a provisional license to an applicant who:
(a) demonstrates that the applicant meets all of the qualifications described in this chapter and under other applicable state law for a standard license of the same class as the provisional license, except for the requirement that the applicant maintain a principal place of business as required by Section 41-3-204;
(b) complies with procedures established by the administrator; and
(c) pays a fee established by the administrator.
(5) In addition to demonstrating the qualifications described in Subsection (4), an applicant for a provisional license shall:
(a) submit to the administrator a site acquisition plan that describes the applicant's anticipated principal place of business; and
(b) demonstrate that the applicant's site acquisition plan describes a principal place of business that would comply with the requirements described in this chapter and under other applicable state law for the principal place of business of a licensee with a standard license of the same class as the provisional license.
(6) A provisional license does not allow a person to act as a licensee with a standard license.
(7) Subject to Subsections (8) and (9), once a person with a provisional license demonstrates to the administrator that the person meets all of the qualifications under this chapter and under other applicable state law for a standard license of the same class as the provisional license, the administrator shall grant the person a standard license of the same class as the provisional license without requiring that the person:
(a) submit an additional application; or
(b) pay an additional fee.

(8)
(a) A provisional license is valid for three months.
(b) The commission may extend the term of a provisional license for an additional three months at the commission's discretion.
(9) The commission may create application procedures for a provisional license in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(10) The commission may require and determine the amount of an application fee for a provisional license in compliance with Section 63J-1-504.

Enacted by Chapter 124, 2017 General Session

41-3-203 Licenses -- Form -- Seal -- Custody of salesperson's license -- Display of salesperson and dealer licenses -- Licensee's pocket card.

(1)
(a) The administrator shall prescribe the form of each license and the seal of the administrator's office shall be imprinted on each license.
(b) The administrator shall deliver or mail the license of each salesperson to the dealer employing the salesperson and the dealer shall keep the license in the dealer's custody and control and conspicuously display the license in the dealer's place of business.
(c) Each licensee shall display conspicuously the licensee's own license in the licensee's place of business.
(d) In addition to the other provisions of this section, each direct-sale manufacturer licensee shall display conspicuously the licensee's own license in each of the licensee's:
(i) showrooms; and
(ii) authorized service centers.
(2)
(a) The administrator shall prepare and deliver a pocket card, certifying that the person whose name is on the card is licensed under this chapter.
(b) Each salesperson's card shall also contain the name and address of the dealer employing the salesperson.
(c) Each salesperson shall on request display the salesperson's pocket card.

Amended by Chapter 387, 2018 General Session

41-3-204 Licenses -- Principal place of business as prerequisite -- Change of location -- Relinquishment on loss of principal place of business.

(1)
(a) The following licensees must maintain a principal place of business:
(i) dealers;
(ii) special equipment dealers;
(iii) manufacturers;
(iv) transporters;
(v) remanufacturers;
(vi) dismantlers;
(vii) crushers;
(viii) body shops; and
(ix) distributors who:
(A) are located within the state; or

(B) have a branch office within the state.

(b) The administrator may not issue a license under Subsection (1)(a) to an applicant who does not have a principal place of business.

(c) If a licensee changes the location of the licensee's principal place of business, the licensee shall immediately notify the administrator and the administrator shall issue a new license for the unexpired portion of the term of the original license at no additional fee.

(d) In addition to the other requirements of this section, if a direct-sale manufacturer licensee changes the location of an authorized service center of the licensee, the licensee shall immediately notify the administrator and the administrator shall issue a new license for the unexpired portion of the term of the original license at no additional fee.

(2)

(a) If a licensee loses possession of a principal place of business, the license is automatically suspended and he shall immediately notify the administrator and upon demand by the administrator deliver the license, pocket cards, special plates, and temporary permits to the administrator.

(b) The administrator shall hold the licenses, cards, plates, and permits until the licensee obtains:

(i) a principal place of business; and

(ii) if the licensee is a direct-sale manufacturer, an authorized service center.

Amended by Chapter 387, 2018 General Session

41-3-205 Licenses -- Bonds required -- Maximum liability -- Action against surety -- Loss of bond.

(1)

(a) Before a dealer's, special equipment dealer's, crusher's, or body shop's license is issued, the applicant shall file with the administrator a corporate surety bond in the amount of:

(i) $50,000 until June 30, 2006, and $75,000 on or after July 1, 2006, for a motor vehicle dealer's license;

(ii) $20,000 until June 30, 2006, and $75,000 on or after July 1, 2006, for a special equipment dealer's license;

(iii) $10,000 for a motorcycle, off-highway vehicle, or small trailer dealer's or crusher's license; or

(iv) $20,000 for a body shop's license.

(b) The corporate surety shall be licensed to do business within the state and have a rating of at least B+ by the A.M. Best Company.

(c) The form of the bond:

(i) shall be approved by the attorney general;

(ii) shall be conditioned upon the applicant's conducting business as a dealer without:

(A) fraud;

(B) fraudulent representation;

(C) violating Subsection 41-3-301(1) which requires a dealer to submit or deliver a certificate of title or manufacturer's certificate of origin; or

(D) violating Subsection 41-3-402(1) which requires payoff of liens on motor vehicles traded in; and

(iii) may be continuous in form.

(d) The total aggregate liability on the bond to all persons making claims, regardless of the number of claimants or the number of years a bond remains in force, may not exceed the amount of the bond.

(2)
(a) A cause of action under Subsection (1) may not be maintained against a surety unless:
(i) a claim is filed in writing with the administrator within one year after the cause of action arose; and
(ii) the action is commenced within two years after the claim was filed with the administrator.
(b) The surety or principal shall notify the administrator if a claim on the bond is successfully prosecuted or settled against the surety or principal.
(3)
(a) A surety or principal may not make a payment on a surety bond to any claimant until six months have expired from the date when the first claim on the bond was filed with the surety or principal in writing.
(b) After six months have expired following the filing of the first bond claim, the surety or principal shall:
(i) assess the validity of all claims on the bond; and
(ii) submit a distribution assessment determined in accordance with Subsection (3)(c) regarding the bond proceeds to the claimants of valid claims for approval.
(c)
(i) If the total verifiable claims on the bond are less than the bond amount, then each bond claimant shall be entitled to the full amount of a valid claim.
(ii) If the total verifiable claims exceed the bond amount, then the proceeds shall be distributed pro rata to the bond claimants of valid claims.
(d) If the distribution assessment under Subsection (3)(b) is not unanimously approved by the claimants of all valid claims on the bond, the principal or surety shall file an interpleader action in the state district court where the defaulting dealer was licensed.
(4)
(a) A person making a claim on the bond shall be awarded attorney fees in cases successfully prosecuted or settled against the surety or principal if the bond has not been depleted.
(b) A surety or principal may not be awarded attorney fees that exceed $2,500 for an interpleader action filed under Subsection (3)(d).
(5)
(a)
(i) If a dealer, body shop, or crusher loses possession of the bond required by this chapter, the dealer, body shop, or crusher license is automatically suspended.
(ii) All licenses, pocket cards, temporary permits, and special plates issued to the licensee shall be immediately returned to the administrator.
(b) A dealer, body shop, or crusher may not continue to use or permit to be used licenses, pocket cards, temporary permits, or special plates until the required bond is on file with the administrator and the license has been reinstated.
(6) A representative or consignee of a dealer is not required to file a bond if the dealer for whom the representative or consignee acts fully complies with the provisions of this chapter.

Amended by Chapter 342, 2010 General Session

41-3-205.5 Licenses -- Criminal background check required on salesperson's licenses -- Payment of cost.

(1)
(a) Every applicant for a salesperson's license shall submit fingerprints with a completed application to the division.

(b) An individual required to renew a salesperson license on or before June 30, 2010, shall submit fingerprints to the division on or before November 30, 2010.

(2) The division shall submit fingerprints for each applicant described in Subsection (1) to the Bureau of Criminal Identification established in Section 53-10-201.

(3) The Bureau of Criminal Identification shall:

(a) check the information submitted by the division for an applicant under Subsection (2) against the applicable state and regional criminal records databases; and

(b) release to the division all information obtained under Subsection (3)(a) relating to the applicant.

(4)

(a) The Bureau of Criminal Identification shall maintain a separate file of fingerprints submitted under Subsection (2) and notify the division when a new entry is made in the applicable state and regional database against an individual whose fingerprints are held in the file regarding any matter involving an arrest under state law involving:

(i) motor vehicles;

(ii) controlled substances;

(iii) fraud; or

(iv) an offense that would result in the individual being a sex offender under Subsection 53-29-202(2)(b) and required to register for the individual's lifetime under Subsection 53-29-203(1)(b).

(b) Upon request by the division, the Bureau of Criminal Identification shall inform the division whether a person whose arrest was reported to the division under Subsection (4)(a) was subsequently convicted of the charge for which the person was arrested.

(5) In addition to any fees imposed under this chapter, the division shall:

(a) impose on individuals submitting fingerprints in accordance with this section the fees that the Bureau of Criminal Identification is authorized to collect for the services the Bureau of Criminal Identification provides under Subsections (3) and (4); and

(b) remit the fees collected under Subsection (5)(a) to the Bureau of Criminal Identification.

(6) The division shall use information received from the Bureau of Criminal Identification under this section to determine whether a license should be denied, suspended, or revoked under Section 41-3-209.

Amended by Chapter 291, 2025 General Session

41-3-206 Duration of licenses -- Expiration date -- Renewal.

(1) Except as provided in Subsection (2), each license issued under this chapter expires on June 30 of each year and may be renewed upon application and payment of a fee required under Section 41-3-601, if the license has not been suspended or revoked.

(2) A motor vehicle salesperson's license expires as provided under Subsection (1) or when the salesperson terminates employment with the dealer with whom he is licensed, whichever comes first.

(3)

(a) The division may not renew a license for a new or used motor vehicle dealer's license, a direct-sale manufacturer's license, a new or used motorcycle dealer's license, or a small trailer dealer's license unless the renewal applicant completes a three-hour class approved by the division that includes education on new motor vehicle laws and rules.

(b) The approved costs of the class shall be paid by the renewal applicant.

(c) The class shall be completed by the renewal applicant or any designated representative of the renewal applicant dealer.
(d) The division shall approve:
(i) the class providers; and
(ii) costs of the class.

Amended by Chapter 387, 2018 General Session

41-3-207 New motor vehicle dealer's license -- Change, addition, or loss of franchise -- Notification -- Relinquishment of license and relicensing as used motor vehicle dealer -- Continuance in business to dispose of stock.

(1) If a dealer changes to, adds, cancels, or loses a franchise for the sale of new motor vehicles the dealer shall immediately notify the administrator.
(2)
(a) If the dealer has cancelled or lost a franchise, the administrator shall determine whether the dealer should be licensed as a used motor vehicle dealer.
(b) If the administrator determines that the dealer should be licensed as a used motor vehicle dealer, the administrator shall issue to the dealer a used motor vehicle dealer's license.
(c) A dealer relicensed as a used motor vehicle dealer may continue to sell new motor vehicles for up to six months from the date of the relicensing, to enable the dealer to dispose of the dealer's existing stock of new motor vehicles.

Amended by Chapter 302, 2025 General Session

41-3-207.5 Liquidation of inventory for suspended used motor vehicle dealers.

(1) A used motor vehicle dealer whose used motor vehicle dealer's license has been suspended may liquidate any remaining inventory by selling the remaining used motor vehicles to:
(a) a licensed auto auction;
(b) another licensed motor vehicle dealer; or
(c) to any person, but only after the used motor vehicle has been titled in the name of the owner, partner, or corporate officer of the used motor vehicle dealer for at least 12 months.
(2) A dealer may sell inventory under Subsections (1)(a) and (b) for up to 90 days from the date the dealer's used motor vehicle dealer's license was suspended.

Enacted by Chapter 388, 2008 General Session

41-3-208 Salesperson's license -- Relinquishment upon loss or change of employment -- Notice to salesperson -- New license required.

(1) If a salesperson is discharged from or leaves the salesperson's employer, the dealer who last employed the salesperson shall return the salesperson's license to the administrator.
(2) The salesperson shall be notified at the salesperson's last known place of residence that the salesperson's license has been returned to the administrator.
(3) A person may not act as a motor vehicle salesperson until a new license is procured.

Amended by Chapter 302, 2025 General Session

41-3-209 Administrator's findings -- Suspension and revocation of license.

(1) If the administrator finds that an applicant is not qualified to receive a license, a license may not be granted.

(2)

(a) If the administrator finds that there is reasonable cause to deny, suspend, or revoke a license issued under this chapter, the administrator shall deny, suspend, or revoke the license.

(b) Reasonable cause for denial, suspension, or revocation of a license includes, in relation to the applicant or license holder or any of the applicant or license holder's partners, officers, or directors:

(i) lack of a principal place of business or authorized service center as required by this chapter;

(ii) lack of a sales tax license required under Title 59, Chapter 12, Sales and Use Tax Act;

(iii) lack of a bond in effect as required by this chapter;

(iv) current revocation or suspension of a dealer, dismantler, auction, or salesperson license issued in another state;

(v) nonpayment of required fees;

(vi) making a false statement on any application for a license under this chapter or for a special license plate;

(vii) a violation of any state or federal law involving motor vehicles;

(viii) a violation of any state or federal law involving controlled substances;

(ix) charges filed with any county attorney, district attorney, or U.S. attorney in any court of competent jurisdiction for a violation of any state or federal law involving motor vehicles;

(x) a violation of any state or federal law involving fraud;

(xi) a violation of any state or federal law involving an offense that would result in the individual being a sex offender under Subsection 53-29-202(2)(b) and required to register for the individual's lifetime under Subsection 53-29-203(1)(b);

(xii) having had a license issued under this chapter revoked within five years from the date of application; or

(xiii) failure to comply with any applicable qualification or requirement imposed under this chapter.

(c) Any action taken by the administrator under Subsection (2)(b)(ix) shall remain in effect until a final resolution is reached by the court involved or the charges are dropped.

(3) If the administrator finds that an applicant is not qualified to receive a license under this section, the administrator shall provide the applicant written notice of the reason for the denial.

(4) If the administrator finds that the license holder has been convicted by a court of competent jurisdiction of violating any of the provisions of this chapter or any rules made by the administrator, or finds other reasonable cause, the administrator may, by complying with the emergency procedures of Title 63G, Chapter 4, Administrative Procedures Act:

(a) suspend the license on terms and for a period of time the administrator finds reasonable; or

(b) revoke the license.

(5)

(a) After suspending or revoking a license, the administrator may take reasonable action to:

(i) notify the public that the licensee is no longer in business; and

(ii) prevent the former licensee from violating the law by conducting business without a license.

(b) Action under Subsection (5)(a) may include signs, banners, barriers, locks, bulletins, and notices.

(c) Any business being conducted incidental to the business for which the former licensee was licensed may continue to operate subject to the preventive action taken under this subsection.

Amended by Chapter 291, 2025 General Session

41-3-210 License holders -- Prohibitions, allowances, and requirements.

(1) The holder of any license issued under this chapter may not:

(a) intentionally publish, display, or circulate any advertising that is misleading or inaccurate in any material fact or that misrepresents any of the products sold, manufactured, remanufactured, handled, or furnished by a licensee;

(b) intentionally publish, display, or circulate any advertising without identifying the seller as the licensee by including in the advertisement the full name under which the licensee is licensed or the licensee's number assigned by the division;

(c) violate this chapter or the rules made by the administrator;

(d) violate any law of the state respecting commerce in motor vehicles or any rule respecting commerce in motor vehicles made by any licensing or regulating authority of the state;

(e) engage in business as a new motor vehicle dealer, special equipment dealer, used motor vehicle dealer, motor vehicle crusher, or body shop without having in effect a bond as required in this chapter;

(f) act as a dealer, dismantler, crusher, manufacturer, transporter, remanufacturer, or body shop without maintaining a principal place of business;

(g) unless the licensee is a special equipment dealer who sells a new special equipment motor vehicle with a gross vehicle weight rating of 12,000 or more pounds after installing special equipment on the motor vehicle:

(i) engage in a business respecting the selling or exchanging of new or new and used motor vehicles for which the licensee is not licensed; and

(ii) unless the licensee is a direct-sale manufacturer, sell or exchange a new motor vehicle for which the licensee does not have a franchise;

(h) dismantle or transport to a crusher for crushing or other disposition any motor vehicle without first obtaining a dismantling or junk permit under Section 41-1a-1009, 41-1a-1010, or 41-1a-1011;

(i) as a new motor vehicle dealer, special equipment dealer, or used motor vehicle dealer fail to give notice of sales or transfers as required in Section 41-3-301;

(j) advertise or otherwise represent, or knowingly allow to be advertised or represented on the licensee's behalf or at the licensee's place of business, that no down payment is required in connection with the sale of a motor vehicle when a down payment is required and the buyer is advised or induced to finance a down payment by a loan in addition to any other loan financing the remainder of the purchase price of the motor vehicle;

(k) as a crusher, crush or shred a motor vehicle brought to the crusher without obtaining proper evidence of ownership of the motor vehicle; proper evidence of ownership is a certificate of title endorsed according to law or a dismantling or junk permit issued under Section 41-1a-1009, 41-1a-1010, or 41-1a-1011;

(l) as a manufacturer or remanufacturer assemble a motor vehicle that does not comply with construction, safety, or vehicle identification number standards fixed by law or rule of any licensing or regulating authority;

(m) as anyone other than a salesperson or a direct-sale manufacturer salesperson licensed under this chapter, be present on a dealer display space and contact prospective customers to promote the sale of the dealer's vehicles;

(n) subject to Subsection (14), sell, display for sale, or offer for sale motor vehicles at any location other than the principal place of business, or additional places of business licensed under this chapter;

(o)

(i) as a dealer, dismantler, body shop, or manufacturer, maintain a principal place of business or additional place of business that shares any common area with a business or activity not directly related to motor vehicle commerce; or

(ii) maintain any places of business that share any common area with another dealer, dismantler, body shop, or manufacturer;

(p) withhold delivery of license plates obtained by the licensee on behalf of a customer for any reason, including nonpayment of any portion of the vehicle purchase price or down payment;

(q) issue a temporary permit for any vehicle that has not been sold by the licensee;

(r) alter a temporary permit in any manner;

(s) operate any principal place of business or additional place of business in a location that does not comply with local ordinances, including zoning ordinances;

(t) sell, display for sale, offer for sale, or exchange any new motor vehicle if the licensee does not:

(i) have a new motor vehicle dealer's license or a direct-sale manufacturer's license under Section 41-3-202; and

(ii) unless the licensee is a direct-sale manufacturer, possess a franchise from the manufacturer of the new motor vehicle sold, displayed for sale, offered for sale, or exchanged by the licensee;

(u) as a new motor vehicle dealer or used motor vehicle dealer, encourage or conspire with any person who has not obtained a salesperson's or a direct-sale manufacturer salesperson's license to solicit for prospective purchasers;

(v) as a direct-sale manufacturer, engage in business as a direct-sale manufacturer without having:

(i) an authorized service center; or

(ii) a principal place of business; or

(w) possess a franchise that is not expressed in writing, if the franchise allows the sale or exchange of a new trailer that:

(i) is not designed for human habitation;

(ii) has a gross vehicle weight rating of less than 26,000 pounds; and

(iii) is not designed to carry a motorboat as defined in Section 73-18-2.

(2)

(a) If a new motor vehicle is constructed in more than one stage, such as a motor home, ambulance, or van conversion, the licensee shall advertise, represent, sell, and exchange the vehicle as the make designated by the final stage manufacturer, except in those specific situations where the licensee:

(i) possesses a franchise from the initial or first stage manufacturer, presumably the manufacturer of the motor vehicle's chassis; or

(ii) manufactured the initial or first stage of the motor vehicle.

(b) Sales of multiple stage manufactured motor vehicles shall include the transfer to the purchaser of a valid manufacturer's statement or certificate of origin from each manufacturer under Section 41-3-301.

(3) Each licensee, except salespersons, shall maintain and make available for inspection by peace officers and employees of the division:

(a) a record of every motor vehicle bought, or exchanged by the licensee or received or accepted by the licensee for sale or exchange;

(b) a record of every used part or used accessory bought or otherwise acquired;

(c) a record of every motor vehicle bought or otherwise acquired and wrecked or dismantled by the licensee;

(d) all buyers' orders, contracts, odometer statements, temporary permit records, financing records, and all other documents related to the purchase, sale, or consignment of motor vehicles; and

(e) a record of the name and address of the person to whom any motor vehicle or motor vehicle body, chassis, or motor vehicle engine is sold or otherwise disposed of and a description of the motor vehicle by year, make, and vehicle identification number.

(4) Each licensee required by this chapter to keep records shall:

(a) be kept by the licensee at least for five years; and

(b) furnish copies of those records upon request to any peace officer or employee of the division during reasonable business hours.

(5)

(a) A manufacturer, distributor, distributor representative, or factory representative may not induce or attempt to induce by means of coercion, intimidation, or discrimination any dealer to:

(i) accept delivery of any motor vehicle, parts, or accessories or any other commodity or commodities, including advertising material not ordered by the dealer;

(ii) order or accept delivery of any motor vehicle with special features, appliances, accessories, or equipment not included in the list price of the motor vehicle as publicly advertised by the manufacturer;

(iii) order from any person any parts, accessories, equipment, machinery, tools, appliances, or any other commodity;

(iv) enter into an agreement with the manufacturer, distributor, distributor representative, or factory representative of any of them, or to do any other act unfair to the dealer by threatening to cancel any franchise or contractual agreement between the manufacturer, distributor, distributor branch, or factory branch and the dealer;

(v) refuse to deliver to any dealer having a franchise or contractual arrangement for the retail sale of new and unused motor vehicles sold or distributed by the manufacturer, distributor, distributor branch or factory branch, any motor vehicle, publicly advertised for immediate delivery within 60 days after the dealer's order is received;

(vi) unfairly, without regard to the equities of the dealer, cancel the franchise of any motor vehicle dealer; the nonrenewal of a franchise or selling agreement without cause and written notice is a violation of this subsection and is an unfair cancellation; or

(vii) waive or forbear the right of the dealer, if the dealer offers for sale, sells, or exchanges cargo/utility trailers, to protest the establishment or relocation of a dealer who offers for sale, sells, or exchanges cargo/utility trailers of the same line-make in the relevant market area of the established dealer.

(b) For the purpose of Subsection (5)(a)(vii):

(i) "Cargo/utility trailer" means a trailer that:

(A) is not designed for human habitation;

(B) has a gross vehicle weight rating of less than 26,000 pounds; and

(C) is not designed to carry a motorboat as defined in Section 73-18-2.

(ii) "Relevant market area" means:

(A) for a dealership located in a county that has a population of less than 225,000, the county in which the dealership is located and the area within a 15-mile radius of the dealership; or

(B) for a dealership located in a county that has a population of 225,000 or more, the area within a 10-mile radius of the dealership.

(6) A dealer may not assist an unlicensed dealer or salesperson in unlawful activity through active or passive participation in sales, or by allowing use of his facilities or dealer license number, or by any other means.

(7)

(a) The holder of any new motor vehicle dealer or direct-sale manufacturer license issued under this chapter may not sell any new motor vehicle to:

(i) another dealer licensed under this chapter who does not hold a valid franchise for the make of new motor vehicles sold, unless the selling dealer licenses and titles the new motor vehicle to the purchasing dealer; or

(ii) any motor vehicle leasing or rental company located within this state, or who has any branch office within this state, unless the dealer licenses and titles the new motor vehicle to the purchasing, leasing, or rental company.

(b) Subsection (7)(a)(i) does not apply to the sale of a new incomplete motor vehicle with a gross vehicle weight rating of 12,000 or more pounds to a special equipment dealer licensed under this chapter.

(8) A dealer licensed under this chapter may not take on consignment any new motor vehicle from anyone other than a new motor vehicle dealer, factory, or distributor who is licensed and, if required, franchised to distribute or sell that make of motor vehicle in this or any other state.

(9) A body shop licensed under this chapter may not assist an unlicensed body shop in unlawful activity through active or passive means or by allowing use of its facilities, name, body shop number, or by any other means.

(10) A used motor vehicle dealer licensed under this chapter may not advertise, offer for sale, or sell a new motor vehicle that has been driven less than 7,500 miles by obtaining a title only to the vehicle and representing it as a used motor vehicle.

(11)

(a) Except as provided in Subsection (11)(c), or in cases of undue hardship or emergency as provided by rule by the division, a dealer or salesperson licensed under this chapter may not, on consecutive days of Saturday and Sunday, sell, offer for sale, lease, or offer for lease a motor vehicle.

(b) Each day a motor vehicle is sold, offered for sale, leased, or offered for lease in violation of Subsection (11)(a) and each motor vehicle sold, offered for sale, leased, or offered for lease in violation of Subsection (11)(a) shall constitute a separate offense.

(c) The provisions of Subsection (11)(a) shall not apply to a dealer participating in a trade show or exhibition if:

(i) there are five or more dealers participating in the trade show or exhibition; and

(ii) the trade show or exhibition takes place at a location other than the principal place of business of one of the dealers participating in the trade show or exhibition.

(12) For purposes of imposing the sales and use tax under Title 59, Chapter 12, Sales and Use Tax Act, a licensee issuing a temporary permit under Section 41-3-302 shall separately identify the fees required by Chapter 1a, Motor Vehicle Act.

(13)

(a) A dismantler or dealer engaged in the business of dismantling motor vehicles for the sale of parts or salvage shall identify any vehicles or equipment used by the dismantler or dealer for transporting parts or salvage on the highways.

(b) The identification required under Subsection (13)(a) shall:

(i) include the name, address, and license number of the dismantler or dealer; and

(ii) be conspicuously displayed on both sides of the vehicle or equipment in clearly legible letters and numerals not less than two inches in height.

(14)
(a) Subject to Subsection (14)(b), a licensed vehicle dealer may:
(i) sell a vehicle to a buyer without the buyer being required to appear in person at one of the dealer's licensed places of business;
(ii) collect a buyer's signature or electronic signature on a purchase contract and related purchase documents;
(iii) collect payment electronically; and
(iv) deliver:
(A) a new motor vehicle to a buyer at the buyer's home or place of business, or at one of the dealer's licensed places of business; or
(B) a used motor vehicle to a buyer at a location mutually agreed upon by the buyer and the dealer.
(b) A vehicle purchase contract is not executed until the contract is countersigned by the licensed dealer at one of the dealer's licensed places of business.
(c) Except as provided in this Subsection (14), Subsection (1)(n) is construed to prevent a dealer, salesperson, or any other representative of a dealership from selling, displaying, or offering a motor vehicle for sale from the dealer's, salesperson's, or any other representative's home or other unlicensed location.

Amended by Chapter 295, 2026 General Session

41-3-211 Unlawful acts or practices.
(1) A licensee may not knowingly or intentionally engage in any of the following unlawful acts or practices:
(a) provide a financial institution or person being contacted to provide financing for the purchase of a motor vehicle, a motor vehicle contract of sale, document of sale, contract, request for proposal, or other document that does not accurately state:
(i) the terms of the motor vehicle purchase; or
(ii) if the vehicle is a rebuilt vehicle;
(b) sell a motor vehicle to a purchaser that is subject to financing that is not the motor vehicle described in a motor vehicle contract of sale, document of sale, contract, request for proposal, or other document as of the time the contract of sale, document of sale, contract, request for proposal, or other document provided to the financial institution or person providing financing;
(c) make payments on any loan or lease on a motor vehicle subject to a loan or lease that is subject to the payoff requirements of Subsection 41-3-402(1); or
(d) except as provided in Subsection (3), require a purchaser to pay as a condition of the sale:
(i) an amount higher than the negotiated purchase price; or
(ii) any fee or charge in addition to the negotiated purchase price.
(2) The provisions of Subsection (1)(c) do not prohibit a dealer from making one or more loan or lease payments for a motor vehicle if making the payments is:
(a) stated in writing in a motor vehicle contract of sale, document of sale, contract, request for proposal, or other document; or
(b) stated in the notice to the lienholder of the trade-in of the vehicle as required by Subsection 41-3-402(5).
(3) Subsection (1)(d) does not prohibit a licensee from charging any of the following in addition to the negotiated purchase price detailed on the transaction disclosure form required pursuant to Section 41-3-401.6:
(a) a temporary permit fee pursuant to Section 41-1a-211;

(b) a fee required in Chapter 1a, Part 5, Titling Requirement;
(c) motor vehicle registration fees required under this title;
(d) a dealer documentary service fee as described in rules made in accordance with Sections 41-3-301 and 41-3-302;
(e) sales and use taxes as required by Title 59, Chapter 12, Sales and Use Tax Act;
(f) for the purchase of a semi-tractor with a gross vehicle weight rating of over 14,000 pounds, an increase to the negotiated purchase price paid by the licensee that is imposed by the manufacturer after the negotiated purchase price is determined by the licensee and the purchaser; or
(g) any other tax or fee required by federal or state law to be paid by the purchaser of a motor vehicle.

(4)
(a) Except as provided in Subsection (4)(b), a person who violates the provisions of this section is subject to the penalties provided in Section 41-3-701 and Subsection 41-3-702(1)(a).
(b) A person who violates Subsection (1)(d) is subject to the penalties provided in Subsection 41-3-702(1)(c).

(5)
(a) Subsection (1)(d) does not apply to a sale at auction and does not prohibit a licensee who conducts an auction from charging the winning bidder fees related to the auction or other vehicle-related services.
(b) Subsection (1)(d) does not apply to the sale of motor vehicles in a fleet transaction.

Amended by Chapter 63, 2023 General Session

Part 3
Temporary Permits

41-3-301 Sale by dealer, sale by auction -- Temporary permit -- Delivery of certificate of title or origin -- Notice to division.

(1)
(a) Each dealer licensed under Part 2, Licensing, upon the sale and delivery of any motor vehicle for which a temporary permit is issued under Section 41-3-302 shall within 45 days submit a certificate of title or manufacturer's certificate of origin for that motor vehicle, endorsed according to law, to the Motor Vehicle Division, accompanied by all documents required to obtain a new certificate of title and registration in the new owner's name.
(b) If a temporary permit is not issued, the certificate of title or manufacturer's certificate of origin shall be delivered to the vendee, endorsed according to law, within 48 hours, unless the vendee is a dealer or dismantler in which case the title or manufacturer's certificate of origin shall be delivered within 21 days.
(c)
(i) A motor vehicle consigned to an auction and sold is considered sold by the consignor to the auction and then sold by the auction to the consignee.
(ii) Both the consignor and auction are subject to this section.
(d)
(i)

(A) A motor vehicle consigned to a motor vehicle auction and sold to a licensed dealer or dismantler is considered sold by the consignor to the licensed dealer or dismantler.
(B) Both the consignor and the motor vehicle auction are subject to the title delivery requirements of Subsection (1)(b).
(C) The consignor, or the motor vehicle auction as the consignor's agent, shall endorse the certificate of title according to law.
(D) By endorsing the certificate of title as agent of the consignor as described in Subsection (1)(d)(i)(C), the motor vehicle auction does not become the owner, seller, or assignor of title.

(ii)
(A) A motor vehicle auction may purchase or sell motor vehicles in its own name.
(B) If a motor vehicle auction purchases or sells a motor vehicle in its own name, the motor vehicle auction is subject to Subsections (1)(a) and (1)(b).

(2)
(a)
(i) Each dealer licensed under Part 2, Licensing, upon the sale and delivery of a motor vehicle for which a temporary permit is issued under Section 41-3-302, shall within 45 days give written notice of the sale to the Motor Vehicle Division upon a form provided by the Motor Vehicle Division.
(ii) The notice shall contain:
(A) the date of the sale;
(B) the names and addresses of the dealer and the purchaser;
(C) a description of the motor vehicle;
(D) the motor vehicle's odometer reading at the time of the sale; and
(E) other information required by the division.
(b) If no temporary permit is issued, the notice shall be filed with the division within 45 days after the sale, and a duplicate copy shall be given to the purchaser at the time of sale, unless the purchaser is a dealer or dismantler.
(c) The administrator may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, providing that the notice required under Subsections (2)(a) and (2)(b) may be filed in electronic form or on magnetic media.

Amended by Chapter 295, 2026 General Session

41-3-302 Temporary permits -- Purchasers of motor vehicles -- Penalty for use after expiration -- Sale and rescission.

(1)
(a)
(i) A dealer or the division may issue a temporary permit.
(ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the administrator shall makes rules for the issuance of a temporary permit under Subsection (1)(a)(i).
(iii) The division shall furnish the forms for temporary permits issued by dealers under Subsection (1)(a)(i).
(b) A dealer may issue a temporary permit to a bona fide purchaser of a motor vehicle for a period not to exceed 45 days on a motor vehicle sold to the purchaser by the dealer.
(c) The dealer is responsible and liable for the registration fee of each motor vehicle for which the permit is issued.

(d) All issued temporary permits that are outstanding after 45 days from the date they are issued are delinquent and a penalty equal to the registration fee shall be collected from the issuing dealer.

(2) If a temporary permit is issued by a dealer under this section and the sale of the motor vehicle is subsequently rescinded, the temporary permit may be voided and the issuing dealer is not liable for the registration fee or penalty.

Amended by Chapter 382, 2008 General Session

41-3-303 Temporary permits -- Inspections required before issuance.

(1) Except as provided in Subsections (2) and (3), a dealer licensed in accordance with this chapter may not issue a temporary permit for a motor vehicle under Section 41-3-302 unless the motor vehicle passed an emissions inspection test if required by Section 41-6a-1642.

(2) A dealer may issue a temporary permit without proof of an emissions inspection if:

(a) the motor vehicle is exempt from an emissions inspection under Section 41-6a-1642;

(b) the purchaser is a resident of a county that does not require emissions inspections; or

(c) the motor vehicle is otherwise exempt from emissions inspections.

(3) A dealer may sell a motor vehicle as is without an emissions inspection if the dealer does not issue a temporary permit.

Amended by Chapter 406, 2017 General Session

41-3-304 Temporary permits -- Temporary sports event registration certificate -- Suspension or revocation of dealer's authority to issue -- Return of temporary permits to division -- Refunds -- Appeal.

(1) The division may suspend or revoke a dealer's authority to issue a temporary permit or a temporary sports event registration certificate under this part if the division determines the dealer has failed to comply with this chapter or with any rules made by the commission under this part.

(2)

(a) Suspension or revocation of authority to issue a temporary permit or a temporary sports event registration certificate takes effect immediately upon written notification to the dealer by the division.

(b) Upon notification, the dealer shall immediately return all temporary permits to the division.

(c) Subject to Subsection (2)(d), if the authority to issue a temporary permit under Section 41-3-302 is revoked or suspended for more than 30 days, the dealer may apply for a refund of the money paid to the division only for temporary permits described in Section 41-3-302 that are returned prior to issuance.

(d) Temporary permits being returned may not have ever been issued, written on, or separated from their stubs, and shall be in useable condition.

(3) If the division suspends or revokes a dealer's authority to issue a temporary permit or a temporary sports event registration certificate as provided in this section, each of the following is a violation of this chapter and grounds for automatic suspension of the dealer's license:

(a) failure to return a temporary permit to the division as provided in this section; or

(b) issuing a:

(i) temporary permit; or

(ii) temporary sports event registration certificate.

(4)

(a) A dealer may appeal the division's suspension or revocation by filing a written appeal with the administrator within 10 days of the suspension or revocation.
(b) Upon receiving the dealer's written appeal, the administrator shall set a hearing for not more than 20 days from the date the written appeal is received.
(c) A hearing or appeal under this section shall be conducted in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

Amended by Chapter 382, 2008 General Session

41-3-305 In-transit permits -- Limits -- Tax provision.

(1) Under rules made by the administrator, in-transit permits may be issued by the division or its authorized representatives.
(2) In-transit permits allow use of the highways for a time period not to exceed 96 hours.
(3) Before issuing any in-transit permit, the division or its authorized representative shall be satisfied that the person applying for the permit is the owner of the motor vehicle or the owner's representative, and if the owner or driver is a Utah resident, that the motor vehicle complies with the security requirements of Sections 31A-22-302 and 31A-22-303.
(4) The division or its authorized representative may issue in-transit permits without requiring a property tax clearance for the motor vehicle on which the permit is to be used.

Renumbered and Amended by Chapter 234, 1992 General Session

41-3-306 Temporary sports event registration -- Definitions -- Issuance -- Fees -- Expiration -- Rulemaking authority.

(1) As used in this section:
(a) "Distributor-provided vehicle" means a motor vehicle:
(i) that has never been titled or registered in any state; and
(ii) the use of which is donated by a distributor licensed under Part 2, Licensing, through a dealer licensed under Part 2, Licensing.
(b)
(i) "Event period" means a time period:
(A) during which a sports event takes place;
(B) not to exceed 180 consecutive calendar days; and
(C) specified by the division on a temporary sports event registration certificate.
(ii) "Event period" may include one or more of the following time periods if the division determines that good cause exists for including the time period within the event period:
(A) a reasonable time period before a sports event as determined by the division; or
(B) a reasonable time period after a sports event as determined by the division.
(c)
(i) Notwithstanding Section 41-3-102 and except as provided in Subsection (1)(c)(ii), "motor vehicle" means a motor vehicle that is subject to the uniform fee imposed by Section 59-2-405.1.
(ii) "Motor vehicle" does not include a state-assessed commercial vehicle as defined in Section 59-2-102.
(d)
(i) "Sports event" means an amateur or professional:
(A) sports:
(I) game;

(II) race; or
(III) contest; or
(B) athletic:
(I) game;
(II) race; or
(III) contest.
(ii) "Sports event" includes a game, race, or contest described in Subsection (1)(d)(i) that is:
(A) an independent game, race, or contest; or
(B) a part of another event or activity regardless of whether the other event or activity is an event or activity relating to sports or athletics.
(e) "Temporary sports event registration certificate" means a motor vehicle certificate of registration issued by the division to a dealer in accordance with this section.
(2) Beginning on September 1, 2001, the division may register a motor vehicle for an event period by issuing to a dealer licensed under Part 2, Licensing, a temporary sports event registration certificate if the division determines that:
(a) the motor vehicle is a distributor-provided vehicle;
(b) the motor vehicle will be used for a sports event within the state during the event period; and
(c) the dealer provides the division an application stating:
(i) the person to whom the distributor is donating use of the motor vehicle;
(ii) the motor vehicle identification number;
(iii) the motor vehicle:
(A) make;
(B) model; and
(C) year;
(iv) the name of the sports event;
(v) the beginning date and ending date of the sports event; and
(vi) any other information the division requires.
(3) If the division issues a temporary sports event registration certificate to a dealer licensed under Part 2, Licensing:
(a) the division:
(i) shall specify the event period on the temporary sports event registration certificate; and
(ii) may specify any other information on the temporary sports event registration certificate as determined by the division; and
(b) the dealer shall for each motor vehicle for which the division issues a temporary sports event registration certificate:
(i) pay the:
(A) registration fees required by Chapter 1a, Part 12, Fee and Tax Requirements; and
(B) uniform fee required by Section 59-2-405.1; and
(ii) place the temporary sports event registration certificate in the rear license plate holder of the motor vehicle.
(4) A temporary sports event registration certificate issued by the division under this section is valid for the event period specified on the temporary sports event registration certificate.
(5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules:
(a) specifying the information to be provided to the division by a dealer or a person using a distributor-provided vehicle in connection with the issuance of a temporary sports event registration certificate;
(b) specifying the form for a temporary sports event registration certificate; or

(c) defining the terms:
(i) "reasonable time period before a sports event"; and
(ii) "reasonable time period after a sports event."

Amended by Chapter 382, 2008 General Session

Part 4
Disclosure Requirements

41-3-401 Disclosure of financing arrangements relating to the sale of motor vehicles.
(1)
(a) A dealer may not issue a temporary permit or release possession of a motor vehicle that the dealer has sold to someone other than another dealer unless the document of sale contains one of the disclosures listed in Subsection (2).
(b) The disclosures shall be set forth clearly and conspicuously on the first or front page of the sale document at the time of sale, executed by the purchaser, and for Subsection (2)(b), executed by the seller also.
(2)
(a) The form to be used when financing is the purchaser's responsibility shall read as follows:

"THE PURCHASER OF THE MOTOR VEHICLE DESCRIBED IN THIS CONTRACT ACKNOWLEDGES THAT THE SELLER OF THE MOTOR VEHICLE HAS MADE NO PROMISES, WARRANTIES, OR REPRESENTATIONS REGARDING SELLER'S ABILITY TO OBTAIN FINANCING FOR THE PURCHASE OF THE MOTOR VEHICLE. FURTHERMORE, PURCHASER UNDERSTANDS THAT IF FINANCING IS NECESSARY IN ORDER FOR THE PURCHASER TO COMPLETE THE PAYMENT TERMS OF THIS CONTRACT ALL THE FINANCING ARRANGEMENTS ARE THE SOLE RESPONSIBILITY OF THE PURCHASER.

_____
(Signature of the purchaser)"

(b) The form to be used when the seller agrees to seek arrangements for financing shall read as follows:

"(1) THE PURCHASER OF THE MOTOR VEHICLE DESCRIBED IN THIS CONTRACT HAS EXECUTED THE CONTRACT IN RELIANCE UPON THE SELLER'S REPRESENTATION THAT THE SELLER CAN PROVIDE FINANCING ARRANGEMENTS FOR THE PURCHASE OF THE MOTOR VEHICLE. THE PRIMARY TERMS OF THE FINANCING ARE AS FOLLOWS:

INTEREST RATE BETWEEN _____ % AND _____ % PER ANNUM, TERM BETWEEN _____ MONTHS AND _____ MONTHS. MONTHLY PAYMENTS BETWEEN $ _____ PER MONTH AND $ _____ PER MONTH BASED ON A DOWN PAYMENT OF $ _____.

(2) (a) IF SELLER IS NOT ABLE TO ARRANGE FINANCING WITHIN THE TERMS DISCLOSED, THEN SELLER MUST WITHIN SEVEN CALENDAR DAYS OF THE DATE OF SALE MAIL NOTICE TO THE PURCHASER THAT HE HAS NOT BEEN ABLE TO ARRANGE FINANCING.

(b) PURCHASER THEN HAS 14 DAYS FROM THE DATE OF SALE TO ELECT, IF PURCHASER CHOOSES, TO RESCIND THE CONTRACT OF SALE PURSUANT TO SECTION 41-3-401.

(c) IN ORDER TO RESCIND THE CONTRACT OF SALE, THE PURCHASER SHALL:

(i) RETURN TO SELLER THE MOTOR VEHICLE HE PURCHASED;

(ii) PAY THE SELLER AN AMOUNT EQUAL TO THE CURRENT STANDARD MILEAGE RATE FOR THE COST OF OPERATING A MOTOR VEHICLE ESTABLISHED BY THE FEDERAL INTERNAL REVENUE SERVICE FOR EACH MILE THE MOTOR VEHICLE HAS BEEN DRIVEN; AND

(iii) COMPENSATE SELLER FOR ANY PHYSICAL DAMAGE TO THE MOTOR VEHICLE.

(3) IN RETURN, SELLER SHALL GIVE BACK TO THE PURCHASER ALL PAYMENTS OR OTHER CONSIDERATION PAID BY THE PURCHASER, INCLUDING ANY DOWN PAYMENT AND ANY MOTOR VEHICLE TRADED IN.

(4) IF THE TRADE-IN HAS BEEN SOLD OR OTHERWISE DISPOSED OF BEFORE THE PURCHASER RESCINDS THE TRANSACTION, THEN THE SELLER SHALL RETURN TO THE PURCHASER A SUM EQUIVALENT TO THE ALLOWANCE TOWARD THE PURCHASE PRICE GIVEN BY THE SELLER FOR THE TRADE-IN, AS NOTED IN THE DOCUMENT OF SALE.

(5) IF PURCHASER DOES NOT ELECT TO RESCIND THE CONTRACT OF SALE AS PROVIDED IN SUBSECTION (2)(b) OF THIS FORM:

(a) THE PURCHASER IS RESPONSIBLE FOR ADHERENCE TO THE TERMS AND CONDITIONS OF THE CONTRACT OR RISKS BEING FOUND IN DEFAULT OF THE TERMS AND CONDITIONS;

(b) THE TERMS AND CONDITIONS OF THE DISCLOSURES SET FORTH IN SECTION (1) OF THIS FORM ARE NOT BINDING ON THE SELLER; AND

(c) IF FINANCING IS NECESSARY FOR THE PURCHASER TO COMPLETE THE PAYMENT TERMS OF THE CONTRACT OF SALE, THE PURCHASER IS SOLELY RESPONSIBLE FOR MAKING ALL THE FINANCING ARRANGEMENTS.

(6) SIGNING THIS DISCLOSURE DOES NOT PROHIBIT THE PURCHASER FROM SEEKING HIS OWN FINANCING.

_____

(Signature of the purchaser)

_____

(Signature of the seller)"

(3)

(a)

(i) In addition to the penalties in this chapter, if the disclosures in Subsection (2) are not properly executed or if the seller is unable to provide the financing arrangements for the purchaser as provided in Subsection (2)(b) within seven calendar days immediately following the sale date disclosed on the document of sale, then in either case the purchaser may return the purchased motor vehicle to the dealer and receive a complete refund of all money and other consideration given to the dealer for the purchase, including any motor vehicle or property used as a trade-in.

(ii) If the motor vehicle or property used as a trade-in has been sold or otherwise disposed of, the seller shall return to the purchaser the amount of money equivalent to the allowance towards the purchase price given by the dealer for the motor vehicle or property traded in, as noted in the document of sale.

(b) If the purchaser qualifies for the remedies set forth in Subsection (3)(a) and if the purchaser elects to rescind by returning the purchased motor vehicle to the dealer within the prescribed time frame, then the purchaser is liable to the dealer:

(i) for all physical damage to the motor vehicle while in the possession of the purchaser; and

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

(c) The purchaser is not entitled to the remedy set forth in Subsections (3)(a) and (b) if the purchaser materially misrepresents in writing any information requested by the dealer in an application for financing, financial statement, or similar document customarily used to elicit personal and financial data upon which a credit decision is normally predicated.

(4)

(a) A dealer who has complied with Subsection (2)(b), but who has not been able to secure financing as set forth in the disclosure, shall within seven days of the date of sale mail written notice to the purchaser:

(i) disclosing that the dealer has not been able to secure financing as set forth in the disclosure; and

(ii) instructing the purchaser of his right to rescind the contract of sale within 14 calendar days of the date of sale, as provided for in Subsection (2).

(b)

(i) The dealer shall mail notification to the purchaser within seven calendar days following the date of sale as set forth in the contract of sale.

(ii) This notice complies with Subsection (4)(b)(i) if it is postmarked before the end of the seventh day following the date of sale and addressed to the purchaser at the address contained in the document of sale.

(iii) If the purchaser's address is not contained on the document of sale, then proof of compliance with the notification provision of this Subsection (4)(b) shall be borne by the dealer.

(iv) If a dealer gives notice in the manner prescribed, the purchaser has 14 calendar days from the date of sale to elect to rescind the contract of sale, in accordance with Subsection (2).

(c)

(i) If a dealer executes the disclosure required by Subsection (2)(b), but is not able to secure financing as set forth in the disclosure, and the dealer fails to give written notice to the purchaser within seven days, as provided for in Subsections (4)(a) and (b), then the purchaser may rescind within seven days of the date he first learns that the dealer has not been able to secure financing as set forth in the disclosure.

(ii) Except as provided in this Subsection (4)(c), the purchaser's option to rescind shall be exercised in the manner prescribed in Subsection (3).

(d) If the purchaser does not exercise the option to rescind within the specified time limits in Subsections (3) and (4)(c):

(i) the purchaser is responsible for adherence to the terms and conditions of the contract of sale;

(ii) the dealer is not subject to the financing terms set forth in the disclosure; and

(iii) if financing is necessary for the purchaser to complete the payment terms of the contract of sale, the purchaser is solely responsible for making all the financing arrangements.

(5) A dealer's failure to execute the disclosure required by Subsection (2), or its failure to provide written notice to the purchaser within the time frame specified in this section, subject the dealer to the sanctions in Section 41-3-701.
(6) Either the purchaser or a dealer may bring an action to enforce his rights under this section. The prevailing party in the action is entitled to reasonable attorneys' fees as part of the costs of suit.
(7) A motor vehicle returned by the purchaser to the dealer in accordance with the rescission provisions of this section is not considered sold for purposes of notice of sale under Section 41-3-301 and for purposes of sales tax under Title 59, Chapter 12, Sales and Use Tax Act.

Amended by Chapter 71, 2003 General Session

41-3-401.5 Disclosure of financing arrangements relating to the lease of a motor vehicle.
(1)
(a) A dealer may not issue a temporary permit or release possession of a motor vehicle wherein the dealer has contracted to enter into a lease agreement to someone other than another dealer unless the contract to enter into a lease agreement contains the disclosure listed in Subsection (2).
(b) The disclosure shall be set forth clearly and conspicuously on the first or front page of the contract to enter into a lease agreement, executed by the prospective lessee and the dealer.
(2) The form to be used when the dealer contracts to enter into a lease agreement for the potential lease of a motor vehicle shall read as follows:

"(1) THE PROSPECTIVE LESSEE OF THE MOTOR VEHICLE DESCRIBED IN THIS CONTRACT TO ENTER INTO A LEASE AGREEMENT HAS EXECUTED THE CONTRACT IN RELIANCE UPON THE DEALER'S REPRESENTATION THAT THE DEALER CAN SECURE FROM A FINANCIAL INSTITUTION FINANCING ARRANGEMENTS FOR THE LEASE OF THE MOTOR VEHICLE. THE PRIMARY TERMS OF THE FINANCING ARRANGEMENT ARE TO BE AS FOLLOWS:

TERM BETWEEN _____ MONTHS AND _____ MONTHS. MONTHLY PAYMENTS BETWEEN $_____ PER MONTH AND $ _____ PER MONTH BASED ON A DOWN PAYMENT AND/OR NET TRADE-IN ALLOWANCE OF $ _____.

(2) (a) IF THE DEALER IS NOT ABLE TO SECURE FINANCING ARRANGEMENTS WITHIN THE TERMS DISCLOSED, THEN THE DEALER MUST WITHIN SEVEN CALENDAR DAYS OF THE DATE OF THE CONTRACT TO ENTER INTO A LEASE AGREEMENT MAIL NOTICE TO THE PROSPECTIVE LESSEE THAT THE DEALER HAS NOT BEEN ABLE TO SECURE FINANCING ARRANGEMENTS IN ACCORDANCE WITH THE DISCLOSED TERMS AND THE CONTRACT TO ENTER INTO A LEASE AGREEMENT IS THEREFORE RESCINDED.

(b) IF THE DEALER IS NOT ABLE TO SECURE FINANCING ARRANGEMENTS WITHIN THE TERMS DISCLOSED, SUCH FAILURE DOES NOT UNDER ANY CIRCUMSTANCES REQUIRE THE DEALER TO PROVIDE THE FINANCING NECESSARY FOR THE PROSPECTIVE LESSEE TO LEASE THE VEHICLE.

(c) IF THE CONTRACT TO ENTER INTO A LEASE AGREEMENT IS RESCINDED, THE PROSPECTIVE LESSEE HAS 48 HOURS FROM RECEIPT OF THE NOTICE TO:

(i) RETURN TO THE DEALER THE MOTOR VEHICLE THE PROSPECTIVE LESSEE AGREED TO LEASE;

(ii) PAY THE DEALER AN AMOUNT EQUAL TO THE CURRENT STANDARD MILEAGE RATE FOR THE COST OF OPERATING A MOTOR VEHICLE ESTABLISHED BY

THE FEDERAL INTERNAL REVENUE SERVICE FOR EACH MILE THE MOTOR VEHICLE HAS BEEN DRIVEN WHILE IN THE PROSPECTIVE LESSEE'S POSSESSION; AND

(iii) COMPENSATE THE DEALER FOR ANY PHYSICAL DAMAGE TO THE MOTOR VEHICLE WHILE THE VEHICLE WAS IN THE PROSPECTIVE LESSEE'S POSSESSION.

(3) IN RETURN, UPON RECEIPT OF THE ITEMS SET FORTH IN (2)(c)(i), (ii), and (iii) THE DEALER SHALL RETURN TO THE PROSPECTIVE LESSEE ALL PAYMENTS OR OTHER CONSIDERATION PAID BY THE PROSPECTIVE LESSEE, INCLUDING ANY DOWN PAYMENT AND ANY MOTOR VEHICLE TRADED IN.

(4) IF THE TRADE-IN HAS BEEN SOLD OR OTHERWISE DISPOSED OF BEFORE THE CONTRACT TO ENTER INTO A LEASE AGREEMENT IS RESCINDED, THEN THE DEALER SHALL RETURN TO THE PROSPECTIVE LESSEE A SUM EQUIVALENT TO THE ALLOWANCE TOWARD THE LEASE PRICE GIVEN BY THE DEALER FOR THE TRADE-IN, AS NOTED IN THE CONTRACT TO ENTER INTO A LEASE AGREEMENT.

_____
(Signature of the Prospective Lessee)

_____
(Signature of the Dealer)"

(3)

(a)

(i) In addition to the penalties in this chapter, if the disclosure in Subsection (2) is not properly executed or if the dealer is unable to secure financing arrangements for the lessee as provided in Subsection (2) within seven calendar days immediately following the date disclosed on the contract to enter into a lease agreement, then in either case the prospective lessee may return the motor vehicle to the dealer and receive a complete refund of all money and other consideration given to the dealer for the contract to enter into a lease agreement, including any motor vehicle or property used as a trade-in.

(ii) If the motor vehicle or property used as a trade-in has been sold or otherwise disposed of, the dealer shall return to the prospective lessee the amount of money equivalent to the allowance towards the lease price given by the dealer for the motor vehicle or property traded in, as noted in the contract to enter into a lease agreement.

(b) If the dealer provides the notice as set forth in Subsection (2)(a) of the disclosure statement, the contract to enter into a lease agreement is rescinded.

(c) If a contract to enter into a lease agreement is rescinded under Subsection (3)(b):

(i) the prospective lessee shall return the leased vehicle within 48 hours of receiving a notice that the dealer is unable to secure financing arrangements for the lease; and

(ii) the prospective lessee is liable to the dealer:

(A) for all physical damage to the motor vehicle while in the possession of the prospective lessee; and

(B) in an amount equal to the current standard mileage rate for the cost of operating a motor vehicle established by the federal Internal Revenue Service for each mile the motor vehicle was driven between the date the prospective lessee first acquired possession and the date when the prospective lessee returned the motor vehicle to the dealer.

(4)

(a) A dealer who has complied with Subsection (2), but who has not been able to secure financing arrangements as set forth in the disclosure, shall within seven days of the date of the contract to enter into a lease agreement mail written notice to the prospective lessee:

(i) disclosing that the dealer has not been able to secure financing arrangements as set forth in the disclosure; and

(ii) instructing the prospective lessee of the prospective lessee's responsibility to return the vehicle within 48 hours of receiving the notice, as provided for in Subsection (2).

(b)

(i) The dealer shall mail notification to the prospective lessee within seven calendar days following the date that the contract to enter into a lease agreement was executed.

(ii) A notice complies with Subsection (4)(b)(i) if it is postmarked before the end of the seventh day following the date that the contract to enter into a lease agreement was executed and addressed to the prospective lessee at the address contained in the contract to enter into a lease agreement.

(iii) If the prospective lessee's address is not contained on the contract to enter into a lease agreement, then proof of compliance with the notification provision of this Subsection (4)(b) shall be borne by the dealer.

(iv) If a dealer gives notice in the manner prescribed, the prospective lessee has 48 hours from receipt of the notice to return the vehicle to the dealer.

(c) If a dealer executes the disclosure required by Subsection (2), but is not able to secure financing arrangements as set forth in the disclosure, and the dealer fails to give written notice to the prospective lessee within seven days, as provided for in Subsections (4)(a) and (b), then the prospective lessee shall return the vehicle within 48 hours of the date the prospective lessee first learns that the dealer has not been able to secure financing arrangements as set forth in the disclosure.

(5)

(a) Either the prospective lessee or a dealer may bring an action to enforce contractual or statutory rights under this section.

(b) The prevailing party in an action under Subsection (5)(a) is entitled to reasonable attorney fees as part of the costs of the action.

(6) A motor vehicle returned by the prospective lessee to the dealer in accordance with the rescission provisions of this section is not considered leased for purposes of sales and use tax under Title 59, Chapter 12, Sales and Use Tax Act.

Amended by Chapter 100, 2008 General Session

41-3-401.6 Transaction disclosure form.

(1)

(a) Before a sale is finalized, a licensee shall provide the transaction disclosure form described in Subsection (3).

(b) The licensee and the purchaser shall each execute the transaction disclosure form to memorialize the negotiated terms and prices of the sale.

(c) The licensee shall provide the purchaser a copy of the transaction disclosure form.

(2) The commission shall create the transaction disclosure form as described in Subsection (3).

(3) The transaction disclosure form shall include:

(a) the negotiated sale price of the vehicle;

(b) the negotiated value of the trade-in vehicle, if applicable;

(c) an itemized list of the following legally required taxes and fees:

(i) a temporary permit fee pursuant to Section 41-1a-211;

(ii) a fee required in Chapter 1a, Part 5, Titling Requirement;

(iii) motor vehicle registration fees required under this title;

(iv) a dealer documentary service fee as described in rules made in accordance with Sections 41-3-301 and 41-3-302;

(v) sales and use taxes required by Title 59, Chapter 12, Sales and Use Tax Act; and
(vi) any other taxes or fees required by federal or state law to be paid by the purchaser of a motor vehicle;
(d) the subtotal of the amounts described in Subsections (3)(a) through (c);
(e) any other optional charges as negotiated by the licensee and purchaser; and
(f) the total amount for which the licensee agrees to seek arrangements for financing, if applicable.
(4) A transaction disclosure form described in this section is not required for a sale at auction or a fleet transaction.

Enacted by Chapter 63, 2023 General Session

41-3-402 Payoff of liens on motor vehicles traded in.
(1) If a dealer takes a trade-in from a retail customer as part of the sale or lease of a motor vehicle and there is an outstanding loan balance owing on the trade-in, then the dealer:
(a) within 21 calendar days of the date of sale or lease, or within 15 calendar days of receiving payment in full for the motor vehicle it sold, whichever date is earlier, shall remit payment to the lienholder sufficient to pay off the lien on the traded in motor vehicle, unless the underlying contract of sale or lease contract has been rescinded before expiration of the 21 days; and
(b) shall remit payment to the lienholder sufficient to pay off the lien on the traded in motor vehicle prior to selling the motor vehicle unless Subsection (2) is complied with.
(2)
(a) A dealer shall, at the time of sale of a motor vehicle with a trade-in, notify in writing the person trading in the vehicle that the person remains responsible for any unpaid loan, lease, or other obligation related to the vehicle being traded in.
(b) The person trading in the vehicle must separately acknowledge receipt of the notice and acknowledge in writing the person's continuing obligation related to the vehicle being traded in.
(3) The notice and acknowledgment required under Subsection (2) may be combined with an authorization for payoff and shall contain the following:
(a) the customer's name;
(b) the customer's address;
(c) the dealer's name;
(d) the dealer's address;
(e) notice to the customer that the motor vehicle the customer is trading in is subject to an unpaid loan, lease, or other obligation;
(f) notice to the customer that the customer remains responsible for the unpaid loan, lease, or other obligation despite the trade-in of the motor vehicle; and
(g) acknowledgment by signature of the customer that the customer remains responsible for payment of the unpaid loan, lease, or other obligation.
(4)
(a) A dealer shall, within seven calendar days of the date of a trade-in, notify a lienholder on the motor vehicle that the vehicle has been traded in.
(b) The notice under Subsection (4)(a) is not required if the lien is fully satisfied within seven calendar days of the date of a trade-in.

(5) The notice to the lienholder required by Subsection (4) may be combined with an authorization for payoff or a notice to the person trading in the motor vehicle subject to the lien and shall contain the following:
(a) notice that a motor vehicle subject to the lienholder's lien has been traded in;
(b) notice that the person trading in the motor vehicle subject to the lien has been provided with a notice as required by Subsection (3);
(c) the date the motor vehicle was traded in; and
(d)
(i) a statement that payment for the lien accompanies the notice; or
(ii) a statement that payment will be made within the time frame required under Subsection (1).
(6) A lienholder shall deliver to the dealer a properly executed title that releases the lien within nine calendar days after the day on which the funds are received if the lienholder:
(a) has possession of the title for the motor vehicle; and
(b) has been paid in full.
(7)
(a) A lienholder who does not have possession of the title but has its account paid in full by a dealer shall provide the dealer with a written statement that the lienholder no longer claims a lien against the motor vehicle.
(b) The statement described in Subsection (7)(a) shall be provided within the time limit required by Subsection (6).
(8) If the final day for performing an act under this section falls on a Saturday, Sunday, or a legal holiday, then the time for performance is extended to the immediately following business day.
(9) A dealer's failure to comply with the provisions of this section subjects the dealer to the sanctions set forth in Section 41-3-701.
(10) A person who trades in a motor vehicle to a dealer and who thereafter sustains loss or damage as a result of a dealer's failure to pay off a properly recorded lien on the traded in motor vehicle within the time specified by Subsection (1), may bring an action against the offending dealer to recover damages proximately caused by the dealer's failure to comply with the provisions of this section, together with costs and reasonable attorney fees.

Amended by Chapter 342, 2010 General Session

41-3-403 Dealer noncompliance -- Rights of purchaser -- Penalties.
(1)
(a) Subject to the provisions of Subsection (4), if a dealer fails to comply with Subsection 41-3-301(1), the purchaser may return the purchased motor vehicle to the dealer and receive a complete refund of all money and other consideration given for the purchase, including any motor vehicles or property traded in.
(b) If the motor vehicle or property traded in has been sold by the dealer, he shall return to the purchaser the amount of money equivalent to the value of the motor vehicle or property as allowed toward the purchase.
(c) Demand for the return may be made directly by the customer, his attorney, or the administrator.
(d) Any loan payments or interest due between the sale date and the return date on either the motor vehicle purchased or a motor vehicle traded in, are the responsibility of the dealer.
(2) Failure of a dealer to comply with this section:
(a) is a violation of Subsection 41-3-301(1);
(b) is a ground for immediate dealer license suspension; and

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

(3) A motor vehicle returned under the provisions of this section is not considered to be sold for purposes of:

(a) notice of sale under Subsection 41-3-301(2); and

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

(4) If a dealer fails to comply with Subsection 41-3-301(1), the dealer shall accept the return of a purchased motor vehicle under this section if the purchaser:

(a) returns the motor vehicle to the dealer and requests in writing that the purchase be rescinded, prior to the time the dealer submits a certificate of title or manufacturer's certificate of origin for that motor vehicle, endorsed according to law, to the Motor Vehicle Division, accompanied by all documents required to obtain a new certificate of title and registration in the new owner's name;

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

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

Amended by Chapter 210, 2004 General Session

41-3-404 Right of action against dealer, salesperson, crusher, body shop, or surety on bond.

(1) A person may maintain an action against a dealer, crusher, or body shop on the corporate surety bond if:

(a) the person suffers a loss or damage because of:

(i) fraud;

(ii) fraudulent representation; or

(iii) a violation of Section 41-3-210; and

(b) the loss or damage results from the action of:

(i) a licensed dealer;

(ii) a licensed dealer's salesperson acting on behalf of the dealer or within the scope of the salesperson's employment;

(iii) a licensed crusher; or

(iv) a body shop.

(2) Successive recovery against a surety on a bond is permitted, but the total aggregate liability on the bond to all persons making claims, regardless of the number of claimants or the number of years a bond remains in force, may not exceed the amount of the bond.

(3) A cause of action may not be maintained against any surety under any bond required under this chapter except as provided in Section 41-3-205.

Amended by Chapter 239, 1999 General Session

41-3-405 Sale of third party warranty or service contract -- Remission of fee.

(1) If a dealer licensed under this chapter sells a third party warranty or service contract to a customer, the dealer shall within 15 days remit the fee paid by the customer to the warranty or service contract company.

(2) Failure of a dealer to remit the fee within 15 days is a ground for dealer license suspension and allows the customer a cause of action against the dealer for damages that otherwise would have been covered by the warranty or service contract.

Renumbered and Amended by Chapter 234, 1992 General Session

41-3-406 Short title.

Sections 41-3-406 through 41-3-414 are known as the "Motor Vehicle Buyback Disclosure Act."

Enacted by Chapter 163, 1993 General Session

41-3-407 Definitions.

As used in Sections 41-3-406 through 41-3-414:

(1) "Buyback vehicle" means a motor vehicle with an alleged nonconformity that has been replaced or repurchased by a manufacturer as the result of a court judgment, arbitration, or any voluntary agreement entered into between the manufacturer or its agent and a consumer.

(2) "Consumer" means an individual who has entered into an agreement or contract for the transfer, lease, or purchase of a new motor vehicle other than for the purposes of resale, or sublease, during the duration of the period defined under Section 13-20-5.

(3) "Manufacturer" means any manufacturer, importer, distributor, or anyone who is named as the warrantor on an express written warranty on a motor vehicle.

(4)

(a) "Motor vehicle" includes:

(i) a motor home, as defined in Section 13-20-2, but only the self-propelled vehicle and chassis; and

(ii) a motor vehicle, as defined in Section 41-1a-102.

(b) "Motor vehicle" does not include:

(i) those portions of a motor home designated, used, or maintained primarily as a mobile dwelling, office, or commercial space;

(ii) farm tractor, motorcycle, road tractor, or truck tractor as defined in Section 41-1a-102;

(iii) mobile home as defined in Section 41-1a-102; or

(iv) any motor vehicle with a gross vehicle weight rating of over 14,000 pounds, except a motor home as defined under Subsection (4)(a)(i).

(5) "Nonconforming vehicle" means a buyback vehicle that has been investigated and evaluated pursuant to Title 13, Chapter 20, New Motor Vehicle Warranties Act, or a similar law of another state or federal government.

(6)

(a) "Nonconformity" means a defect, malfunction, or condition that fails to conform to the express warranty, or substantially impairs the use, safety, or value of a motor vehicle.

(b) "Nonconformity" does not include a defect, malfunction, or condition that results from an accident, abuse, neglect, modification, or alteration of a motor vehicle by a person other than the manufacturer, its authorized agent, or a dealer.

(7) "Seller" means any person selling, auctioning, leasing, or exchanging a motor vehicle.

(8) "Violation" means each failure to comply with the obligations imposed by Sections 41-3-406 through 41-3-413. In the case of multiple failures to comply resulting from a single transaction, each failure to comply is a separate violation.

Amended by Chapter 295, 2026 General Session

41-3-408 Resale of buyback or nonconforming vehicles -- Disclosure statements.

(1)

(a) A motor vehicle may not be offered, auctioned, sold, leased, transferred, or exchanged by a manufacturer or dealer with the knowledge that it is a buyback vehicle or a nonconforming vehicle without prior written disclosure in a clear and conspicuous manner, in accordance with this section.

(b) This section also applies to buyback vehicles or nonconforming vehicles originally returned to a manufacturer or its agent in another state and subsequently resold, leased, or offered or displayed for resale or lease in this state.

(c) An owner of a motor vehicle who is not a manufacturer or dealer, but who has been given information as required by Subsection (1)(a) or (b) shall give the information, in writing, to any prospective purchaser of the vehicle.

(2)

(a) The following disclosure language shall be contained in each contract for the sale or lease of a buyback vehicle or a nonconforming vehicle to a consumer or shall be contained in a form affixed to a contract, lease, bill of sale, or any other document that transfers title:

"DISCLOSURE STATEMENT

Vehicle Identification Number (VIN):

Year: Make: Model:

Prior Title Number: State of Title:

Odometer Reading:

This is a used motor vehicle. It was previously returned to the manufacturer or its agent in exchange for a replacement motor vehicle or a refund because it was alleged or found to have the following nonconformities:

1.

2.

3.

4.

5.

THIS DISCLOSURE MUST BE GIVEN BY THE SELLER TO THE BUYER EVERY TIME THIS VEHICLE IS RESOLD

_____ _____

(Buyer's Signature) Date"

(b) The text of the disclosure shall be printed in 12 point boldface type except the heading, which shall be in 16 point extra boldface type.

(c) The entire notice shall be boxed.

(d) Each nonconformity shall be listed separately on a numbered line.

(e) A seller must obtain the consumer's acknowledgment of this written disclosure prior to completing a sale, lease, or other transfer of title as evidenced by the consumer's signature within the box containing the disclosure.

(f) Within 30 days after the sale, lease, or other transfer of title of a nonconforming vehicle, the seller shall deliver to the Motor Vehicle Division a copy of the signed written disclosure required for the sale, lease, or other transfer of title of the nonconforming vehicle. The Motor Vehicle Division shall include the disclosure in the nonconforming vehicle's records.

(3)

(a) There shall be affixed to the lower corner of the windshield furthest removed from the driver's side of a nonconforming vehicle, a disclosure statement form which shall be readily visible from the exterior of the vehicle. The form shall be in the following configuration and shall state:

"DISCLOSURE STATEMENT

Vehicle Identification Number (VIN): _____

Year: _____ Make: _____ Model: _____

Prior Title Number: _____ State of Title: _____

Odometer Reading: _____

Warning: This motor vehicle was previously sold as new. It was subsequently alleged or found to have the following defect(s), malfunction(s), or conditions:

1.
2.
3.
4.
5.

THIS DISCLOSURE MUST BE GIVEN BY THE SELLER TO THE BUYER EVERY TIME THIS VEHICLE IS RESOLD"

(b) The disclosure statement shall be at least 4-1/2 inches wide and 5 inches long.

(c) The heading shall be boldface type in capital letters not smaller than 18 point in size and the body copy shall be regular or medium face type not smaller than 12 point in size.

(d) Each nonconformity shall be listed separately on a numbered line.

(e) The motor vehicle and title identification information must be inserted in the spaces provided.

Amended by Chapter 306, 2007 General Session

41-3-409 Certificate of title -- Brand -- Reporting requirements.

A manufacturer, its agent, or a dealer who accepts the return of a nonconforming vehicle, shall:

(1) immediately upon receipt, cause the words "MANUFACTURER BUYBACK NONCONFORMING VEHICLE" to be clearly and conspicuously stamped on the face of the original certificate of title, the Manufacturer's Statement of Origin, or other evidence of ownership; and

(2) within 10 days of receipt of the certificate of title, Manufacturer's Statement of Origin, or other evidence of ownership, submit a copy of the face of that stamped document to the Motor Vehicle Division of the Tax Commission.

Enacted by Chapter 163, 1993 General Session

41-3-410 State civil enforcement.

(1) If a person violates Sections 41-3-406 through 41-3-409, the attorney general may bring an action to:

(a) temporarily or permanently restrain or enjoin the violation;

(b) recover any amounts for the benefit of injured consumers for which the violator is liable under Section 41-3-411;

(c) recover a civil penalty of up to $10,000 for each violation that is committed; and
(d) obtain any other equitable relief the court determines to be proper, in addition to damages and civil penalties.
(2) An action under Subsection (1) must be brought within two years from the date on which the violation is discovered and disclosed to the attorney general.

Enacted by Chapter 163, 1993 General Session

41-3-411 Private remedy.
(1) Any seller who violates Sections 41-3-406 through 41-3-409 is liable to the purchaser for:
(a) actual damages if the purchaser elects to retain the buyback vehicle, or the value of the consideration paid for the buyback vehicle if the purchaser elects rescission;
(b) the costs of the action and reasonable attorney fees;
(c) up to three times the value of the actual damages or the consideration as exemplary damages; and
(d) other equitable relief, including rescission and restitution, the court determines to be proper in addition to damages and costs.
(2) Actual damages include the difference between the actual market value of the buyback vehicle or nonconforming vehicle at the time of purchase and the contract price, towing, repair, and storage expenses, rental of substitute transportation, food and lodging expenses, lost wages, finance charges, sales or use tax, other governmental fees, lease charges, and other incidental and consequential damages.
(3) Lack of privity is not a bar to any action under this section.
(4)
(a) A permanent injunction, final judgment, or final order of the court obtained by the attorney general under Section 41-3-410 is prima facie evidence, in an action brought under this section, that the defendant has violated Sections 41-3-406 through 41-3-409.
(b) This section does not apply to consent orders or stipulated judgments in which there is no admission of liability by the defendant.
(5) Any action to enforce liability under this section must be brought within two years from the date of discovery by the consumer of the facts underlying the cause of action.

Enacted by Chapter 163, 1993 General Session

41-3-412 Unfair trade practices.
A violation of Sections 41-3-406 through 41-3-409 is an unfair or deceptive practice under Title 13, Chapter 11, Utah Consumer Sales Practices Act.

Enacted by Chapter 163, 1993 General Session

41-3-413 Criminal penalties -- Nonexclusive.
(1) Knowing or intentional concealment, removal, destruction, or alteration of a disclosure statement or of a certificate of title branded under Section 41-1a-522 is a second degree felony.
(2) Criminal penalties under this chapter are not exclusive, but are in addition to those under Section 76-6-525.
(3) The remedies provided in Sections 41-3-410 through this section are not exclusive but are in addition to any other remedies provided by law.

Amended by Chapter 173, 2025 General Session

41-3-414 Application.

Sections 41-3-406 through 41-3-414 apply to automobiles repurchased on or after July 1, 1993.

Enacted by Chapter 163, 1993 General Session

Part 5
Special Dealer License Plates

41-3-501 Special plates -- Dealers -- Dismantlers -- Manufacturers -- Remanufacturers -- Transporters -- Restrictions on use.

(1) Except as provided under this chapter, a dealer may operate or move a motor vehicle displaying a dealer plate issued by the division upon the highways without registering it under Title 41, Chapter 1a, Motor Vehicle Act, if the dealer owns or possesses the motor vehicle by consignment for resale.

(2) A dismantler may operate or move a motor vehicle displaying a dismantler plate issued by the division without registering the motor vehicle as required under Title 41, Chapter 1a, Motor Vehicle Act, upon the highways solely to transport the motor vehicle:

(a) from the place of purchase or legal acquisition to the place of business for dismantling; or

(b) to the place of business of a licensed crusher for disposal.

(3) A manufacturer or remanufacturer may operate or move a manufactured or remanufactured motor vehicle displaying a manufacturer plate issued by the division upon the highways without registering the motor vehicle as required under Title 41, Chapter 1a, Motor Vehicle Act, solely to:

(a) deliver the motor vehicle to a dealer;

(b) demonstrate a motor vehicle to a dealer or prospective dealer; or

(c) conduct manufacturer tests of a motor vehicle.

(4)

(a) A transporter may operate or move a motor vehicle displaying a transporter plate issued by the division upon the highways without registering the motor vehicle as required under Title 41, Chapter 1a, Motor Vehicle Act, solely:

(i) from the point of repossession to a financial institution or to the place of storage, so that a financial institution may provide for operation of a repossessed motor vehicle by a prospective purchaser;

(ii) to and from a detail or repair shop for the purpose of detailing or repairing the motor vehicle; or

(iii) to a delivery point in, out, or through the state.

(b) This subsection does not include loaded motor vehicles subject to the gross vehicle weight rating provision of Title 41, Chapter 1a, Motor Vehicle Act.

(5) Dealer plates may not be used:

(a) on a motor vehicle leased or rented for compensation;

(b) in lieu of registration, on a motor vehicle sold by the dealer; or

(c) on a loaded commercial vehicle over 26,000 pounds gross vehicle weight rating unless a special loaded demonstration permit is obtained from the division in accordance with Section 41-3-502.

Amended by Chapter 295, 2026 General Session

41-3-502 Special plates -- Permit to use dealer plate to demonstrate loaded motor vehicle.

(1) Under rules established by the administrator, the division may issue a permit to a dealer to use a dealer plate to demonstrate a loaded commercial vehicle over 26,000 pounds to a bona fide prospective purchaser.

(2) To obtain a permit, the dealer or his authorized representative shall apply on a form prescribed by the division.

(3) If approved and issued, the permit shall be:

(a) carried in the commercial vehicle for which the division issued the permit during the demonstration trip; and

(b) returned to the division properly completed and signed within 10 days after the day on which the permit expires.

Amended by Chapter 424, 2019 General Session

41-3-503 Special plates -- Issuance.

(1) Subject to the provisions of Subsections (3), (4), and (5), the division may issue special plates under Section 41-3-501 as necessary to conduct the business of the dealer, dismantler, manufacturer, remanufacturer, or transporter applying for the plates.

(2) Each plate issued shall contain a number or symbol distinguishing it from every other plate.

(3) Except as provided under Subsection (4), the division may issue five special dealer plates to each dealer licensed under this chapter plus one additional special dealer plate for every 25 motor vehicles the dealer sells each year.

(4) A dealer licensed under this chapter who does not sell at least three new or used motor vehicles in any 12-month period may not be issued or have renewed any special dealer plates.

(5)

(a)

(i) The division shall determine, at least annually, the number of special dealer plates to be issued or renewed to each dealer before issuing or renewing any special dealer plates.

(ii) In determining the number of special plates to be issued to a dealer, the division shall use the past motor vehicle sales history of the dealer.

(b) If no sales history is available, the division may use generally accepted motor vehicle sales projections based on:

(i) written forecasts submitted by the dealer to motor vehicle manufacturers, financial institutions, or bonding and insurance companies;

(ii) the dealer's inventory of motor vehicles available for sale; or

(iii) written verification of credit extended to the dealer by financial institutions for financing the dealer's inventory of motor vehicles available for sale.

(6)

(a) The division may recall, redesign, and reissue special plates under this part, as needed to administer the provisions of this title.

(b) All special plates shall be designed in conformity with Sections 41-1a-401, 41-1a-402, and 41-1a-403.

Amended by Chapter 424, 2019 General Session

41-3-504 Special plates -- Display.

Special plates issued to dealers, dismantlers, manufacturers, remanufacturers, and transporters for the purpose of operating or moving motor vehicles on the highway under the provisions of this chapter shall be:

(1) prominently displayed on the rear of the motor vehicle where clearly visible;
(2) free from foreign materials;
(3) clearly legible; and
(4) securely fastened in a horizontal position.

Renumbered and Amended by Chapter 234, 1992 General Session

41-3-505 Special plates -- Application -- Security requirements.

(1) A dealer, dismantler, manufacturer, remanufacturer, or transporter may apply to the division upon the appropriate form for one or more special plates.
(2) The applicant shall also submit proof of the applicant's status as a licensed dealer, dismantler, manufacturer, remanufacturer, or transporter as required by the division.
(3) The applicant shall also establish to the satisfaction of the division that the applicant complies with the security requirements of Sections 31A-22-302 and 31A-22-303.

Amended by Chapter 302, 2025 General Session

41-3-506 Special plates -- Expiration.

(1) A special plate issued expires:
  (a) on June 30 each year; or
  (b) upon the cancellation, suspension, or revocation of the licensee's license.
(2) Under Subsection (1)(b), the plates shall be returned to the licensee upon reinstatement of the licensee's license.
(3) A new plate or plates, or renewal decal, for the ensuing year may be obtained by the licensee submitting a new application to the division and paying the dealer, dismantler, manufacturer, or transporter plate fee provided by law.

Amended by Chapter 302, 2025 General Session

41-3-507 Special plates -- Record to be kept by users -- Reporting and replacing lost or stolen plates.

(1) Each dealer, dismantler, manufacturer, remanufacturer, and transporter shall keep a written record of each special plate issued to the licensee.
(2) The record shall contain the name and address of any person to whom the plate has been assigned to be used.
(3) The record shall:
  (a) account at all times for every special plate issued to the licensee; and
  (b) be open to inspection by any peace officer or any officer or employee of the division.
(4)
  (a)
    (i) A licensee shall report immediately the licensee's lost or stolen special plate to the division.
    (ii) If a dealer does not report a lost or stolen special plate to the division in accordance with Subsection (4)(a)(i), the division shall add any replacement special plate to the total special plates the division issues the dealer under Section 41-3-503.

(b) A licensee may replace a lost or stolen special plate only after:
(i) the special plate has expired; or
(ii)
(A) the licensee provides a police report to the division; and
(B) the plate is listed as stolen in the National Crime Information Center.

Amended by Chapter 424, 2019 General Session

41-3-508 Special plates -- Suspension or revocation -- Grounds -- Procedure -- Appeal -- Confiscation.

(1) The division may suspend or revoke the special plate or plates issued to a dealer, dismantler, manufacturer, remanufacturer, or transporter if it determines that the person:
(a) is not lawfully entitled to them;
(b) has made or knowingly permitted illegal use of the plates;
(c) has committed fraud in the registration of motor vehicles; or
(d) failed to give notices of sales or transfers required under this chapter.
(2)
(a) Suspension or revocation of special plates takes effect immediately upon written notification to the licensee by the division.
(b) Upon notification, the licensee shall immediately return all special plates to the division.
(c) Failure to return the plates or permitting their continued use is a violation of this chapter.
(3)
(a) If a licensee desires to appeal the division's suspension or revocation, the licensee shall file a written notice of appeal with the administrator within 10 days of the suspension or revocation.
(b) Upon receipt of the notice, the administrator shall schedule a hearing for not more than 20 days from the date the written appeal is received.
(c) The licensee may not continue to use or possess any special plates that have been suspended or revoked.
(d) The hearing and subsequent appeal process are in accordance with the procedures in this chapter.
(4)
(a) A peace officer may confiscate any special plate that the peace officer has reason to believe is being used illegally.
(b) A special plate confiscated under this chapter or Title 41, Chapter 1a, Motor Vehicle Act, may not be returned to the licensee if the administrator determines that the plate was being used illegally.

Amended by Chapter 302, 2025 General Session

Part 6
Fees

41-3-601 Fees.

(1) The administrator shall collect fees determined by the commission under Section 63J-1-504 for each of the following:
(a) new motor vehicle dealer's license;

(b) used motor vehicle dealer's license;
(c) new motorcycle, off-highway vehicle, and small trailer dealer;
(d) used motorcycle, off-highway vehicle, and small trailer dealer;
(e) motor vehicle salesperson's license;
(f) motor vehicle salesperson's transfer or reissue fee;
(g) motor vehicle manufacturer's license;
(h) motor vehicle transporter's license;
(i) motor vehicle dismantler's license;
(j) motor vehicle crusher's license;
(k) motor vehicle remanufacturer's license;
(l) body shop's license;
(m) distributor or factory branch and distributor branch's license;
(n) representative's license;
(o) dealer plates;
(p) dismantler plates;
(q) manufacturer plates;
(r) transporter plates;
(s) damaged plate replacement;
(t) in-transit permits;
(u) loaded demonstration permits;
(v) additional place of business;
(w) special equipment dealer's license;
(x) temporary permits; and
(y) temporary sports event registration certificates.

(2)
(a) To pay for training certified vehicle inspectors and enforcement under Sections 41-1a-1001 through 41-1a-1008, the State Tax Commission shall establish and the administrator shall collect inspection fees determined by the commission under Section 63J-1-504.
(b) The division shall use fees collected under Subsection (2)(a) as dedicated credits to be used toward the costs of the division.

(3)
(a) At the time of application, the administrator shall collect a fee of $200 for each salvage vehicle buyer license.
(b) The administrator may retain a portion of the fee under Subsection (3)(a) to offset the administrator's actual costs of administering and enforcing salvage vehicle buyer licenses.

(4) A fee imposed under Subsection (1)(x) or (y):
(a) shall be deposited into the Motor Vehicle Enforcement Division Temporary Permit Restricted Account created by Section 41-3-110; and
(b) is not subject to Subsection 63J-1-105(3) or (4).

Amended by Chapter 469, 2018 General Session

41-3-602 Disposition of fees and penalties.

Except as provided in Sections 41-3-601 and 41-3-604, all fees and penalties collected under this chapter shall be paid to the state treasurer who shall deposit them in the General Fund.

Amended by Chapter 185, 2007 General Session
Amended by Chapter 281, 2007 General Session

41-3-604 Fee to cover the cost of electronic payments.

(1) As used in this section:
  (a) "Electronic payment" has the same meaning as defined in Section 41-1a-1221.
  (b) "Electronic payment fee" has the same meaning as defined in Section 41-1a-1221.
(2)
  (a) The division may collect a fee to cover the cost of electronic payments on the following transactions:
    (i) each purchase or renewal of a license under Section 41-3-202;
    (ii) each purchase of a book of temporary permits under Section 41-3-302;
    (iii) each penalty issued for a delinquent temporary permit under Section 41-3-302;
    (iv) each purchase of an in-transit permit under Section 41-3-305;
    (v) each purchase of a loaded demonstration permit under Section 41-3-502;
    (vi) each purchase of a license plate under Section 41-3-503; and
    (vii) each purchase of a salvage vehicle buyer license under Section 41-3-202.
  (b) The fee described in Subsection (2)(a):
    (i) shall be imposed regardless of the method of payment for a particular transaction; and
    (ii) need not be separately identified from the fees and penalty described in Subsections (2)(a)(i) through (vii).
(3) The division shall establish the fee under Subsection (2)(a) according to the procedures and requirements of Section 63J-1-504.
(4) A fee imposed under this section:
  (a) shall be deposited in the Electronic Payment Fee Restricted Account created by Section 41-1a-121; and
  (b) is not subject to Subsection 63J-1-105(3) or (4).

Amended by Chapter 469, 2018 General Session

Part 7
Penalties

41-3-701 Violations as misdemeanors.

(1) Except as otherwise provided in this chapter, any person who violates this chapter is guilty of a class B misdemeanor.
(2)
  (a)
    (i) Except as provided in Subsection (2)(a)(ii), a person who violates Section 41-3-201 is guilty of a class A misdemeanor.
    (ii) A person who violates the requirement to title a vehicle with a salvage certificate within seven days of purchasing the vehicle at a motor vehicle auction under Subsection 41-3-201(3)(e) is guilty of a class C misdemeanor.
  (b) Once a person has met the criteria for the offense of acting as a dealer without a license, each additional motor vehicle the person sells, displays for sale, offers for sale or exchange, or leases in that 12-month period without becoming licensed under Section 41-3-202 is a separate violation.

(3) A person who violates Section 41-3-301 10 or more times is guilty of a class A misdemeanor, unless the selling dealer complies with the requirements of Section 41-3-403.
(4) A person who violates Section 41-3-207.5 is guilty of a class A misdemeanor.

Amended by Chapter 424, 2019 General Session

41-3-702 Civil penalty for violation.
(1) The following are civil violations under this chapter and are in addition to criminal violations under this chapter:
(a) Level I:
(i) failing to display business license;
(ii) failing to surrender license of salesperson because of termination, suspension, or revocation;
(iii) failing to maintain a separation from nonrelated motor vehicle businesses at licensed locations;
(iv) issuing a temporary permit improperly;
(v) failing to maintain records;
(vi) selling a new motor vehicle to a nonfranchised dealer or leasing company without licensing the motor vehicle;
(vii) special plate violation;
(viii) failing to maintain a sign at a principal place of business; or
(ix) failing to store a salvage vehicle purchased at a motor vehicle auction in a secure location until the purchaser or a transporter has provided the proper documentation to take possession of the salvage vehicle.
(b) Level II:
(i) failing to report sale;
(ii) dismantling without a permit;
(iii) manufacturing without meeting construction or vehicle identification number standards;
(iv) withholding customer license plates;
(v) selling a motor vehicle on consecutive days of Saturday and Sunday; or
(vi) failing to record and report the sale of a salvage vehicle at a motor vehicle auction as described in Section 41-3-201.
(c) Level III:
(i) operating without a principal place of business;
(ii) selling a new motor vehicle as a dealer who is not a direct-sale manufacturer without holding the franchise;
(iii) crushing a motor vehicle without proper evidence of ownership;
(iv) selling from an unlicensed location;
(v) altering a temporary permit;
(vi) refusal to furnish copies of records;
(vii) assisting an unlicensed dealer or salesperson in sales of motor vehicles;
(viii) advertising violation;
(ix) failing to separately identify the fees required by Title 41, Chapter 1a, Motor Vehicle Act;
(x) encouraging or conspiring with unlicensed persons to solicit for prospective purchasers;
(xi) selling, offering for sale, or displaying for sale or exchange a vehicle, vessel, or outboard motor in violation of Section 41-1a-705; or
(xii) a violation of Subsection 41-3-211(1)(d).
(2)

(a) The schedule of civil penalties for violations of Subsection (1) is:
(i) Level I: $25 for the first offense, $100 for the second offense, and $250 for the third and subsequent offenses;
(ii) Level II: $100 for the first offense, $250 for the second offense, and $1,000 for the third and subsequent offenses; and
(iii) Level III: $250 for the first offense, $1,000 for the second offense, and $5,000 for the third and subsequent offenses.
(b) When determining under this section if an offense is a second or subsequent offense, only prior offenses committed within the 12 months before the commission of the current offense may be considered.
(3) Knowingly selling a salvage vehicle, as defined in Section 41-1a-1001, without disclosing that the salvage vehicle has been repaired or rebuilt is a civil violation in addition to a criminal violation under Section 41-1a-1008.
(4) The civil penalty for a violation under Subsection (3) is:
(a) not less than $1,000, or treble the actual damages caused by the person, whichever is greater; and
(b) reasonable attorney fees and costs of the action.
(5) A civil action may be maintained by a purchaser or by the administrator.

Amended by Chapter 63, 2023 General Session

41-3-703 Violations as felonies.
(1) A person may not forge, falsify, or counterfeit any license, special plate, temporary permit, in-transit permit, decal, or other document issued by the division or any other state or jurisdiction.
(2) A person may not hold or use any license, special plate, temporary permit, in-transit permit, decal, or other document issued by the division or any other state or jurisdiction knowing it to have been forged, falsified, or counterfeited.
(3) A violation of Subsection (1) or (2) is a third degree felony.

Enacted by Chapter 165, 1998 General Session

41-3-704 Penalty waiver.
Upon making a record of its actions, and upon reasonable cause shown, the commission may waive, reduce, or compromise any of the civil penalties imposed by the division under this chapter.

Enacted by Chapter 53, 2012 General Session

Part 8
Consignment Sales Act

41-3-801 Short title.
This part shall be known as the "Consignment Sales Act."

Enacted by Chapter 167, 1993 General Session

41-3-802 Definitions.

As used in this part:

(1)
(a) "Consignee" means a dealer who accepts vehicles for sale under an agreement that the dealer will pay the consignor for any sold vehicle and will return any unsold vehicles.
(b) "Consignee" does not include a motor vehicle auction licensee except when the consignor is an individual who enters into a consignment transaction primarily for personal, family, or household purposes.

(2) "Consignor" means a person who places a vehicle with a consignee for consignment sale.

Amended by Chapter 295, 2026 General Session

41-3-803 Consignment sales.

(1) A consignor may take possession of the consignor's consigned vehicle at any time the consigned vehicle is in the possession of a consignee, provided that the consignor:
(a) has notified the consignee in writing that the consignor will take possession of the consigned vehicle; and
(b) has paid all outstanding charges owing to the consignee that have been agreed to by the consignor in accordance with Subsection (2).

(2) The agreed upon charges under Subsection (1)(b) shall be:
(a) stated on a form designed by the department; or
(b) included in a written consignment agreement.

(3) A consignee who sells a consigned vehicle shall report to the consignor in writing the exact selling price of the consigned vehicle under either of the following circumstances:
(a) the consignor and consignee agree in writing that the consignor shall receive a percentage of the selling price upon the sale of the vehicle; or
(b) the consignor and consignee renegotiate in writing the selling price of the vehicle.

(4) When a consignee sells a consigned vehicle:
(a) the consignee, within seven calendar days of the date of sale, must give written notice to the consignor that the consigned vehicle has been sold; and
(b) the consignee, within 21 calendar days of the date of sale, or within 15 calendar days of receiving payment in full for the consigned vehicle, whichever date is earlier, shall remit the payment received to the consignor, unless the agreement to purchase the consigned vehicle has been rescinded before expiration of the 21 days.

(5) If the agreement to purchase the consigned vehicle has for any reason been rescinded before the expiration of 21 calendar days of the date of sale, the consignee shall within five calendar days thereafter give written notice to the consignor that the agreement to purchase has been rescinded.

(6) Vehicles on consignment shall be driven with the consignee's dealer plates. All other license plates or registration indicia must be removed from the vehicle.

(7) Prior to driving a consigned vehicle on the consignee's dealer plates, the consignee and the consignor shall execute a written consignment agreement that states:
(a) the party responsible for damage or misuse to a consigned vehicle; and
(b) the permitted uses a consignee may make of a consigned vehicle.

(8) The consignee shall keep the written consignment agreement on file at the consignee's principal place of business.

Amended by Chapter 295, 2026 General Session