

59-12-104.3 Credit for certain repossessions of a motor vehicle.

- (1)
 - (a) Subject to Subsections (2) and (3), a seller that collects a tax under this chapter on the sale of a motor vehicle may claim a credit for a tax under this chapter for a motor vehicle that:
 - (i) has been repossessed; and
 - (ii) that the seller resells.
 - (b) A seller of a motor vehicle other than the seller that collects a tax under this chapter on the sale of that motor vehicle may claim a credit for a tax under this chapter:
 - (i) for a motor vehicle that the seller:
 - (A) repossessed; and
 - (B) resells; and
 - (ii) if the seller that collected the tax under this chapter on that motor vehicle:
 - (A) is no longer doing business in this state; and
 - (B) does not owe a tax under this chapter.
- (2) The amount of the credit allowed by Subsection (1) is equal to the product of:
 - (a) the portion of the motor vehicle's purchase price that:
 - (i) was subject to a tax under this chapter; and
 - (ii) remains unpaid after the motor vehicle is resold; and
 - (b) the sum of the tax rates imposed:
 - (i) under this chapter;
 - (ii) on the motor vehicle's purchase price; and
 - (iii) on the date the motor vehicle was purchased by the person that owns the motor vehicle at the time of the repossession.
- (3) Except as provided in Subsection (4), if a seller recovers any portion of a motor vehicle's unpaid purchase price that is used to calculate a credit allowed by Subsection (1)(b), the seller shall report and remit a tax under this chapter to the commission:
 - (a) on the portion of the motor vehicle's unpaid purchase price that:
 - (i) the seller recovers; and
 - (ii) is used to calculate the credit allowed by Subsection (1)(b); and
 - (b) on a return filed for the time period for which the portion of the motor vehicle's unpaid purchase price is recovered.
- (4) A credit under this section may not be reduced by any amount of a motor vehicle's unpaid purchase price that a seller recovers as a result of reselling the vehicle, regardless of whether that amount is included in calculating a credit under this section.

Amended by Chapter 9, 2007 General Session

Amended by Chapter 120, 2007 General Session