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SALE OF VEHICLE

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Brian R. Allen

AN ACT RELATING TO MOTOR VEHICLES; REQUIRING CERTAIN DISCLOSURES FOR CERTAIN NEW MOTOR VEHICLES; AMENDING CERTAIN SAFETY INSPECTION PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

41-1a-205, as last amended by Chapter 234, Laws of Utah 1993

53-8-205, as renumbered and amended by Chapters 26 and 234, Laws of Utah 1993

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

Section 1. Section **41-1a-205** is amended to read:

41-1a-205. Safety inspection certificate required for renewal or registration of motor vehicle -- Exemptions.

(1) A safety inspection certificate, as required by Section 53-8-205, or proof of exemption from safety inspection shall be presented at the time of, and as a condition of, registration or renewal of registration of a motor vehicle.

(2) (a) The safety inspection required under this section may be made no more than two months prior to the renewal of registration, except as provided in Subsection (2)(b).

(b) (i) To renew the registration of a used car, the title of which has been transferred or is to be transferred, a safety inspection certificate received by the previous owner during the past two months may be presented to the division.

(ii) If the transferor is a licensed and bonded used motor vehicle dealer, a safety inspection certificate issued in a licensed and bonded motor vehicle dealer's name during the previous six months may be presented to the division.

(3) The following motor vehicles are exempt from this section:

(a) a new motor vehicle when registered the first time, [provided] if:

~~h [(i) the new motor vehicle conforms to federal safety standards for manufacture and delivery of a new motor vehicle;~~

~~(ii) (i) h a new car predelivery inspection has been made by a dealer; [and]~~

~~h [(iii) (ii) h the dealer provides a written disclosure statement listing any h KNOWN h deficiency, existing with the new motor vehicle at the time of delivery, that would cause the motor vehicle to fail a safety inspection given in accordance with Section 53-8-205; and~~

~~(iv) the buyer signs the disclosure statement to acknowledge that the buyer has read and understands the listed deficiencies; and~~

(b) a motor vehicle required to be registered under this chapter that bears a dealer plate or other special plate under Title 41, Chapter 3, Part 5, Special Dealer License Plates, except that if the motor vehicle is propelled by its own power and is not being moved for repair or dismantling, the motor vehicle shall comply with Section 41-6-155 regarding safe mechanical condition.

(4) (a) A safety inspection certificate shall be displayed on:

(i) all registered commercial motor vehicles with a gross vehicle weight rating of 26,000 pounds or more;

(ii) a motor vehicle with three or more axles, pulling a trailer, or pulling a trailer with multiple axles;

(iii) a combination unit; and

(iv) a bus or van for hire.

(b) A commercial vehicle under Subsection (4)(a) is exempt from the requirements of Subsection (1).

(5) A motor vehicle may be sold and the title assigned to the new owner without a valid safety inspection, but the motor vehicle may not be registered in the new owner's name until the motor vehicle complies with this section.

Section 2. Section 53-8-205 is amended to read:

53-8-205. Safety inspection required -- Safety inspection certificate required -- Out of state permits.

(1) (a) Except as provided in Subsection (1)(b), a person may not operate on a highway a motor vehicle required to be registered in this state unless the motor vehicle has passed a safety inspection.

- 1 (b) Subsection (1)(a) does not apply to:
- 2 (i) vehicles exempt from registration under Section 41-1a-205; and
- 3 (ii) off-highway vehicles.
- 4 (2) The safety inspection shall:
- 5 (a) be made at least once each year;
- 6 (b) be made by a safety inspector certified by the division at a safety inspection station
- 7 authorized by the division; [and]
- 8 (c) cover an inspection of the motor vehicle mechanism, brakes, and equipment to ensure
- 9 proper adjustment and condition as required by department rules; and
- 10 (d) include an inspection for the display of license plates in accordance with Section
- 11 41-1a-404.
- 12 (3) A safety inspection station shall issue a safety inspection certificate to the owner of
- 13 each motor vehicle that passes a safety inspection under this section.
- 14 (4) The division may:
- 15 (a) authorize the acceptance in this state of a safety inspection certificate issued in another
- 16 state having a safety inspection law similar to this state; and
- 17 (b) extend the time within which a safety inspection certificate must be obtained by the
- 18 resident owner of a vehicle that was not in this state during the time a safety inspection was
- 19 required.
- 20 Section 3. **Effective date.**
- 21 This act takes effect on July 1, 1998.

Legislative Review Note
as of 1-7-98 11:17 AM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel