

MOTOR VEHICLE - CONSUMER PROTECTION

AMENDMENTS

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: David L. Buhler

AN ACT RELATING TO MOTOR VEHICLES; AMENDING CERTAIN DEFINITIONS OF MOTOR VEHICLES TO INCLUDE MOTOR HOMES.

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

AMENDS:

13-20-2, as last amended by Chapter 4, Laws of Utah 1993

41-3-407, as enacted by Chapter 163, Laws of Utah 1993

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

Section 1. Section **13-20-2** is amended to read:

13-20-2. Definitions.

As used in this chapter:

(1) "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 purposes of resale, or sublease, during the duration of the period defined under Section 13-20-5.

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

(3) (a) "Motor vehicle" includes:

(i) a motor home, as defined in Section 41-20-1, but only the self-propelled vehicle and chassis sold in this state; and

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

(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 laden weight of over 12,000 pounds, except a motor home as defined under Subsection (3)(a)(i).

Section 2. Section **41-3-407** is amended to read:

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 41-20-1, 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 laden weight of over 12,000 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 Vehicles 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.