

1 **MOTOR VEHICLE - CONSUMER PROTECTION**

2 **AMENDMENTS**

3 1998 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: David L. Buhler**

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

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

9 AMENDS:

10 **13-20-2**, as last amended by Chapter 4, Laws of Utah 1993

11 **41-3-407**, as enacted by Chapter 163, Laws of Utah 1993

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

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

14 **13-20-2. Definitions.**

15 As used in this chapter:

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

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

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

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

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

25 (b) "Motor vehicle" does not include:

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

- 1 (ii) farm tractor, motorcycle, road tractor, or truck tractor as defined in Section 41-1a-102;
- 2 (iii) mobile home as defined in Section 41-1a-102; or
- 3 (iv) any motor vehicle with a gross laden weight of over 12,000 pounds, except a motor
- 4 home as defined under Subsection (3)(a)(i).

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

6 **41-3-407. Definitions.**

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

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

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

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

16 (4) (a) "Motor vehicle" includes:

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

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

20 (b) "Motor vehicle" does not include:

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

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

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

25 (iv) any motor vehicle with a gross laden weight of over 12,000 pounds, except a motor
26 home as defined under Subsection (4)(a)(i).

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

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

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

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

5 (8) "Violation" means each failure to comply with the obligations imposed by Sections
6 41-3-406 through 41-3-413. In the case of multiple failures to comply resulting from a single
7 transaction, each failure to comply is a separate violation.

Legislative Review Note
as of 12-18-97 9:26 AM

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

Office of Legislative Research and General Counsel