

**PAYMENT TO DEALER FOR VEHICLE USE**

2000 GENERAL SESSION

STATE OF UTAH

**Sponsor: L. Alma Mansell**

AN ACT RELATING TO MOTOR VEHICLES; AMENDING PROVISIONS RELATED TO THE RETURN OF A MOTOR VEHICLE TO A DEALER UNDER CERTAIN CIRCUMSTANCES; AND PROVIDING CONDITIONS OF THE RETURN.

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

AMENDS:

**41-3-403**, as renumbered and amended by Chapter 234, Laws of Utah 1992

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

Section 1. Section **41-3-403** is amended to read:

**41-3-403. Dealer noncompliance -- Rights of purchaser -- Penalties.**

(1) (a) [H] Except as provided under 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) Motor vehicles returned under the provisions of this section are not considered to be sold for purposes of notice of sale under Subsection 41-3-301(2) and for purposes of sales tax under Title 59, Chapter 12, Sales and Use Tax Act.

(4) A dealer is not required to accept the return of a purchased motor vehicle under this section unless the purchaser:

(a) returns the motor vehicle to the dealer within 180 days after the date of the purchase;

(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.