

VEHICLE DISCLOSURE REQUIREMENTS

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: DeMar Bud Bowman

This act modifies the Motor Vehicles Code to prohibit a person from knowingly selling a vehicle initially delivered for sale in a country other than the United States of America without written notification to the purchaser. This act requires the State Tax Commission to make rules regarding information required to be disclosed. This act provides that a violation is a class B misdemeanor. This act allows for civil liability for failure of a seller to provide the purchaser with the required notification.

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

ENACTS:

41-1a-712, Utah Code Annotated 1953

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

Section 1. Section **41-1a-712** is enacted to read:

41-1a-712. Foreign vehicle disclosure requirements -- Penalties -- Civil damages.

(1) A person may not knowingly sell or offer for sale in this state any vehicle that was initially delivered for disposition or sale in a country other than the United States of America unless, prior to the sale, the person provides written notice to the purchaser on a separate form furnished by the Motor Vehicle Enforcement Division that indicates:

(a) that the vehicle was initially delivered for disposition or sale in a country outside of the United States as indicated on the Manufacturer's Statement of Origin or similar ownership document;

(b) the country where the vehicle was initially delivered for the disposition or sale; and

(c) any other information required by the commission under rules made by the commission in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

(2) A person who violates this section is guilty of a class B misdemeanor.

(3) (a) In addition to any other penalties, a purchaser may bring a civil action to recover damages resulting from a seller's failure to provide notice as required under this section.

(b) The amount of damages that may be recovered in a civil action are the actual damages or \$1,500, whichever is greater.