

1                                   **MOTOR VEHICLE PURCHASE AMENDMENTS**

2   2003 GENERAL SESSION

3   STATE OF UTAH

4   **Sponsor: Don E. Bush**

5 **This act modifies the Motor Vehicles Code to change the deadline for a purchaser to**  
6 **return a motor vehicle to a dealer who has failed to submit the title and registration**  
7 **documents to the Motor Vehicle Division to transfer the title and registration in the new**  
8 **owner's name within 30 days of the date of purchase. This act provides that the deadline**  
9 **for the purchaser's return is the time the dealer submits the required documents to the**  
10 **Motor Vehicle Division instead of 180 days from the purchase date. This act makes**  
11 **technical changes.**

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

13 AMENDS:

14           **41-3-403**, as last amended by Chapter 189, Laws of Utah 2000

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

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

17           **41-3-403. Dealer noncompliance -- Rights of purchaser -- Penalties.**

18           (1) (a) [~~Except as provided under~~] Subject to the provisions of Subsection (4), if a  
19 dealer fails to comply with Subsection 41-3-301(1), the purchaser may return the purchased  
20 motor vehicle to the dealer and receive a complete refund of all money and other consideration  
21 given for the purchase, including any motor vehicles or property traded in.

22           (b) If the motor vehicle or property traded in has been sold by the dealer, he shall return  
23 to the purchaser the amount of money equivalent to the value of the motor vehicle or property  
24 as allowed toward the purchase.

25           (c) Demand for the return may be made directly by the customer, his attorney, or the  
26 administrator.

27           (d) Any loan payments or interest due between the sale date and the return date on



28 either the motor vehicle purchased or a motor vehicle traded in, are the responsibility of the  
29 dealer.

30 (2) Failure of a dealer to comply with this section:

31 (a) is a violation of Subsection 41-3-301(1);

32 (b) is a ground for immediate dealer license suspension; and

33 (c) allows the customer a cause of action against the dealer to recover all consideration  
34 owed under Subsection (1).

35 (3) Motor vehicles returned under the provisions of this section are not considered to  
36 be sold for purposes of notice of sale under Subsection 41-3-301(2) and for purposes of sales  
37 tax under Title 59, Chapter 12, Sales and Use Tax Act.

38 (4) ~~[A]~~ If a dealer fails to comply with Subsection 41-3-301(1), the dealer [is not  
39 required to] shall accept the return of a purchased motor vehicle under this section ~~[unless]~~ if  
40 the purchaser:

41 (a) returns the motor vehicle to the dealer [within 180 days after the date of the  
42 purchase] and requests in writing that the purchase be rescinded, prior to the time the dealer  
43 submits a certificate of title or manufacturer's certificate of origin for that motor vehicle,  
44 endorsed according to law, to the Motor Vehicle Division, accompanied by all documents  
45 required to obtain a new certificate of title and registration in the new owner's name;

46 (b) furnishes to the dealer a written odometer disclosure statement in accordance with  
47 Section 41-1a-902; and

48 (c) pays the dealer an amount equal to the current standard mileage rate for the cost of  
49 operating a motor vehicle established by the federal Internal Revenue Service for each mile the  
50 motor vehicle was driven between the date the purchaser first acquired possession and the date  
51 when the purchaser returned the motor vehicle to the dealer.

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**Legislative Review Note**  
**as of 2-10-03 3:08 PM**

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

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number HB0301**

**Motor Vehicle Purchase Amendments**

*13-Feb-03*

*12:15 PM*

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**State Impact**

No fiscal impact.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**