1	VEHICLE DISCLOSURE REQUIREMENTS
2	2003 GENERAL SESSION
3	STATE OF UTAH
4	Sponsor: DeMar Bud Bowman
5	This act modifies the Motor Vehicles Code to prohibit a person from knowingly selling a
6	vehicle initially delivered for sale in a country other than the United States of America
7	without written notification to the purchaser. This act requires the State Tax
8	Commission to make rules regarding information required to be disclosed. This act
9	provides that a violation is a class B misdemeanor. This act allows for civil liability for
10	failure of a seller to provide the purchaser with the required notification.
11	This act affects sections of Utah Code Annotated 1953 as follows:
12	ENACTS:
13	41-1a-712, Utah Code Annotated 1953
14	Be it enacted by the Legislature of the state of Utah:
15	Section 1. Section <b>41-1a-712</b> is enacted to read:
16	<u>41-1a-712.</u> Foreign vehicle disclosure requirements Penalties Civil damages.
17	(1) A person may not knowingly sell or offer for sale in this state any vehicle that was
18	initially delivered for disposition or sale in a country other than the United States of America
19	unless, prior to the sale, the person provides written notice to the purchaser on a separate form
20	furnished by the Motor Vehicle Enforcement Division that indicates:
21	(a) that the vehicle was initially delivered for disposition or sale in a country outside of
22	the United States as indicated on the Manufacturer's Statement of Origin or similar ownership
23	document:
24	(b) the country where the vehicle was initially delivered for the disposition or sale; and
25	(c) any other information required by the commission under rules made by the
26	commission in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.
27	(2) A person who violates this section is guilty of a class B misdemeanor.

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- 28 (3) (a) In addition to any other penalties, a purchaser may bring a civil action to recover
- 29 damages resulting from a seller's failure to provide notice as required under this section.
- 30 (b) The amount of damages that may be recovered in a civil action are the actual
- 31 damages or \$1,500, whichever is greater.

Legislative Review Note as of 2-13-03 10:31 AM

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

Office of Legislative Research and General Counsel

#### State Impact

No significant fiscal impact.

## Individual and Business Impact

No general impact. Persons violating the bill's provisions will face significant penalties.

Office of the Legislative Fiscal Analyst