

MOTOR VEHICLE BUSINESS REGULATION ACT

AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Bradley M. Daw

Senate Sponsor: Kevin T. Van Tassell

LONG TITLE

General Description:

This bill modifies the Motor Vehicle Business Regulation Act by amending provisions relating to motor vehicle dealers.

Highlighted Provisions:

This bill:

- ▶ amends definitions;
- ▶ provides that a pawnbroker engaged in selling, exchanging, or pawning motor vehicles is considered as coming into possession of the motor vehicles incident to the person's regular business and shall be licensed as a used motor vehicle dealer;
- ▶ provides that a person engaged in a title ~~H→~~ [tender] lending ~~←H~~, check cashing, or ~~H→~~ [similar business] deferred deposit lending business ~~←H~~ that comes into possession of motor vehicles incident to the person's ~~H→~~ regular ~~←H~~ business ~~H→~~ [shall ~~be licensed as a used motor vehicle dealer~~] and sells the motor vehicle under contractual rights that it may have in the motor vehicle is not considered a dealer ~~←H~~ ;
- ▶ specifies additional requirements that must be included in an application for a motor vehicle dealer license;
- ▶ specifies requirements for temporary and permanent additional places of business for used motor vehicle dealers;
- ▶ establishes information that shall be included in orientation materials for a provider of an orientation class;
- ▶ provides that a person may not, for a fee, commission, or other form of



28 compensation, arrange, offer to arrange, or broker a transaction involving the sale or lease of
29 more than two used motor vehicles in any 12 consecutive month period, unless the person is
30 licensed as a ~~new or used~~ motor vehicle dealer; and

31 ▶ makes technical changes.

32 **Monies Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 None

36 **Utah Code Sections Affected:**

37 AMENDS:

38 **41-3-102**, as last amended by Laws of Utah 2008, Chapter 388

39 **41-3-103**, as renumbered and amended by Laws of Utah 1992, Chapter 234

40 **41-3-105**, as last amended by Laws of Utah 2008, Chapter 382

41 **41-3-201**, as last amended by Laws of Utah 2009, Chapter 234

42 **41-3-201.5**, as last amended by Laws of Utah 2007, Chapter 105

43 **41-3-201.7**, as last amended by Laws of Utah 2009, Chapter 234



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

46 Section 1. Section **41-3-102** is amended to read:

47 **41-3-102. Definitions.**

48 As used in this chapter:

49 (1) "Administrator" means the motor vehicle enforcement administrator.

50 (2) "Agent" means a person other than a holder of any dealer's or salesperson's license
51 issued under this chapter, who for salary, commission, or compensation of any kind, negotiates
52 in any way for the sale, purchase, order, or exchange of three or more motor vehicles for any
53 other person in any 12-month period.

54 (3) "Auction" means a dealer engaged in the business of auctioning motor vehicles,
55 either owned or consigned, to the general public.

56 (4) "Board" means the advisory board created in Section 41-3-106.

57 (5) "Body shop" means a business engaged in rebuilding, restoring, repairing, or
58 painting primarily the body of motor vehicles damaged by collision or natural disaster.

- 59 (6) "Commission" means the State Tax Commission.
- 60 (7) "Crusher" means a person who crushes or shreds motor vehicles subject to
61 registration under Title 41, Chapter 1a, Motor Vehicle Act, to reduce the useable materials and
62 metals to a more compact size for recycling.
- 63 (8) (a) "Dealer" means a person:
64 (i) whose business in whole or in part involves selling new, used, or new and used
65 motor vehicles or off-highway vehicles; and
66 (ii) who sells, displays for sale, or offers for sale or exchange three or more new or
67 used motor vehicles or off-highway vehicles in any 12-month period.
- 68 (b) "Dealer" includes a representative or consignee of any dealer.
- 69 (9) (a) "Dismantler" means a person engaged in the business of dismantling motor
70 vehicles subject to registration under Title 41, Chapter 1a, Motor Vehicle Act, for the resale of
71 parts or for salvage.
- 72 (b) "Dismantler" includes a person who dismantles three or more motor vehicles in any
73 12-month period.
- 74 (10) "Distributor" means a person who has a franchise from a manufacturer of motor
75 vehicles to distribute motor vehicles within this state and who in whole or in part sells or
76 distributes new motor vehicles to dealers or who maintains distributor representatives.
- 77 (11) "Distributor branch" means a branch office similarly maintained by a distributor
78 for the same purposes a factory branch is maintained.
- 79 (12) "Distributor representative" means a person and each officer and employee of the
80 person engaged as a representative of a distributor or distributor branch of motor vehicles to
81 make or promote the sale of the distributor or the distributor branch's motor vehicles, or for
82 supervising or contacting dealers or prospective dealers of the distributor or the distributor
83 branch.
- 84 (13) "Division" means the Motor Vehicle Enforcement Division created in Section
85 41-3-104.
- 86 (14) "Factory branch" means a branch office maintained by a person who manufactures
87 or assembles motor vehicles for sale to distributors, motor vehicle dealers, or who directs or
88 supervises the factory branch's representatives.
- 89 (15) "Factory representative" means a person and each officer and employee of the

90 person engaged as a representative of a manufacturer of motor vehicles or by a factory branch
91 to make or promote the sale of the manufacturer's or factory branch's motor vehicles, or for
92 supervising or contacting the dealers or prospective dealers of the manufacturer or the factory
93 branch.

94 (16) "Franchise" means a contract or agreement between a dealer and a manufacturer of
95 new motor vehicles or its distributor or factory branch by which the dealer is authorized to sell
96 any specified make or makes of new motor vehicles.

97 (17) "Manufacturer" means a person engaged in the business of constructing or
98 assembling new motor vehicles, ownership of which is customarily transferred by a
99 manufacturer's statement or certificate of origin, or a person who constructs three or more new
100 motor vehicles in any 12-month period.

101 (18) "Motorcycle" has the same meaning as defined in Section 41-1a-102.

102 (19) (a) "Motor vehicle" means a vehicle that is:

103 (i) self-propelled;

104 (ii) a trailer, travel trailer, or semitrailer; or

105 (iii) an off-highway vehicle or small trailer.

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

107 (i) mobile homes as defined in Section 41-1a-102;

108 (ii) trailers of 750 pounds or less unladen weight; and

109 (iii) farm tractors and other machines and tools used in the production, harvesting, and
110 care of farm products.

111 (20) "New motor vehicle" means a motor vehicle that has never been titled or
112 registered and has been driven less than 7,500 miles, unless the motor vehicle is an
113 off-highway vehicle, small trailer, trailer, travel trailer, or semitrailer, in which case the
114 mileage limit does not apply.

115 (21) "Off-highway vehicle" has the same meaning as provided in Section 41-22-2.

116 (22) "Pawnbroker" means a person whose business is to lend money on security of
117 personal property deposited with him.

118 (23) "Principal place of business" means a site or location in this state:

119 (a) devoted exclusively to the business for which the dealer, manufacturer,

120 remanufacturer, transporter, dismantler, crusher, or body shop is licensed, and businesses

121 incidental to them;

122 (b) sufficiently bounded by fence, chain, posts, or otherwise marked to definitely
123 indicate the boundary and to admit a definite description with space adequate to permit the
124 display of three or more new, or new and used, or used motor vehicles and sufficient parking
125 for the public; and

126 (c) that includes a permanent enclosed building or structure large enough to
127 accommodate the office of the establishment and to provide a safe place to keep the books and
128 other records of the business, at which the principal portion of the business is conducted and
129 the books and records kept and maintained.

130 (24) "Remanufacturer" means a person who reconstructs used motor vehicles subject to
131 registration under Title 41, Chapter 1a, Motor Vehicle Act, to change the body style and
132 appearance of the motor vehicle or who constructs or assembles motor vehicles from used or
133 new and used motor vehicle parts, or who reconstructs, constructs, or assembles three or more
134 motor vehicles in any 12-month period.

135 (25) "Salesperson" means an individual who for a salary, commission, or compensation
136 of any kind, is employed either directly, indirectly, regularly, or occasionally by any new motor
137 vehicle dealer or used motor vehicle dealer to sell, purchase, or exchange or to negotiate for the
138 sale, purchase, or exchange of motor vehicles.

139 (26) "Semitrailer" has the same meaning as defined in Section 41-1a-102.

140 (27) "Small trailer" means a trailer that has an unladen weight of more than 750
141 pounds, but less than 2,000 pounds.

142 (28) "Special equipment" includes a truck mounted crane, cherry picker, material lift,
143 post hole digger, and a utility or service body.

144 (29) "Special equipment dealer" means a new or new and used motor vehicle dealer
145 engaged in the business of buying new incomplete motor vehicles with a gross vehicle weight
146 of 12,000 or more pounds and installing special equipment on the incomplete motor vehicle.

147 (30) "Trailer" has the same meaning as defined in Section 41-1a-102.

148 (31) "Transporter" means a person engaged in the business of transporting motor
149 vehicles as described in Section 41-3-202.

150 (32) "Travel trailer" has the same meaning as provided in Section 41-1a-102.

151 (33) "Used motor vehicle" means a vehicle that has been titled and registered to a

152 purchaser other than a dealer or has been driven 7,500 or more miles, unless the vehicle is a
 153 trailer, or semitrailer, in which case the mileage limit does not apply.

154 (34) "Wholesale motor vehicle auction" means a dealer primarily engaged in the
 155 business of auctioning consigned motor vehicles to dealers or dismantlers who are licensed by
 156 this or any other jurisdiction.

157 Section 2. Section **41-3-103** is amended to read:

158 **41-3-103. Exceptions to "dealer" definition -- Dealer licensed in other state.**

159 Under this chapter:

160 (1) (a) An insurance company, bank, finance company, ~~H~~→ company registered as a title
 160a lender under Title 7, Chapter 24, Title Lender Registration Act, company registered as a check
 160b casher or deferred deposit lender under Title 7, Chapter 23, Check Cashing and Deferred
 160c Deposit Lending Registration Act, ←~~H~~ public utility company,
 161 commission impound yard, federal or state governmental agency, or any political subdivision
 162 of any of them or any other person coming into possession of a motor vehicle as an incident to
 163 its regular business, that sells the motor vehicle under contractual rights that it may have in the
 164 motor vehicle is not considered a dealer.

165 (b) A person who sells or exchanges only those motor vehicles that [~~he~~] the person has
 166 owned for over 12 months is not considered a dealer.

167 (2) (a) A person engaged in leasing motor vehicles is not considered as coming into
 168 possession of the motor vehicles incident to [~~his~~] the person's regular business[~~;~~and].

169 (b) [~~a~~] A pawnbroker engaged in selling, exchanging, or pawning motor vehicles is
 170 [~~not~~] considered as coming into possession of the motor vehicles incident to [~~his~~] the person's
 171 regular business and must be licensed as a used motor vehicle dealer.

172 ~~H~~→ [~~(c) A person engaged in a title lender, check cashing, or similar business that comes~~
 173 into possession of motor vehicles incident to the person's business shall be licensed as a used
 174 motor vehicle dealer.] ←~~H~~

175 (3) A person currently licensed as a dealer or salesperson by another state or country
 176 and not currently under license suspension or revocation by the administrator may only sell
 177 motor vehicles in this state to licensed dealers, dismantlers, or manufacturers, and only at their
 178 places of business.

179 Section 3. Section **41-3-105** is amended to read:

180 **41-3-105. Administrator's powers and duties -- Administrator and investigators**
 181 **to be law enforcement officers.**

182 (1) The administrator may make rules to carry out the purposes of this chapter and

183 Sections 41-1a-1001 through 41-1a-1007 according to the procedures and requirements of Title
184 63G, Chapter 3, Utah Administrative Rulemaking Act.

185 (2) (a) The administrator may employ clerks, deputies, and assistants necessary to
186 discharge the duties under this chapter and may designate the duties of those clerks, deputies,
187 and assistants.

188 (b) The administrator, assistant administrator, and all investigators shall be law
189 enforcement officers certified by peace officer standards and training as required by Section
190 53-13-103.

191 (3) (a) The administrator may investigate any suspected or alleged violation of:

192 (i) this chapter;

193 (ii) Title 41, Chapter 1a, Motor Vehicle Act;

194 (iii) any law concerning motor vehicle fraud; or

195 (iv) any rule made by the administrator.

196 (b) The administrator may bring an action in the name of the state against any person to
197 enjoin a violation found under Subsection (3)(a).

198 (4) (a) The administrator may prescribe forms to be used for applications for licenses.

199 (b) The administrator may require information from the applicant concerning the
200 applicant's fitness to be licensed.

201 (c) Each application for a license shall contain:

202 (i) if the applicant is an individual, the name and residence address of the applicant and
203 the trade name, if any, under which the applicant intends to conduct business;

204 (ii) if the applicant is a partnership, the name and residence address of each partner,
205 whether limited or general, and the name under which the partnership business will be
206 conducted;

207 (iii) if the applicant is a corporation, the name of the corporation, and the name and
208 residence address of each of its principal officers and directors;

209 (iv) a complete description of the principal place of business, including:

210 (A) the municipality, with the street and number, if any;

211 (B) if located outside of any municipality, a general description so that the location can
212 be determined; and

213 (C) any other places of business operated and maintained by the applicant in

214 conjunction with the principal place of business; [~~and~~]

215 (v) if the application is for a new motor vehicle dealer's license, the name of each
216 motor vehicle the applicant has been enfranchised to sell or exchange, the name and address of
217 the manufacturer or distributor who has enfranchised the applicant, and the names and
218 addresses of the individuals who will act as salespersons under authority of the license[-];

219 (vi) at least five years of ~~H→~~ [personal and] ~~←H~~ business history;

220 (vii) the federal tax identification number issued to the dealer; ~~H→~~ and ~~←H~~

221 (viii) the sales and use tax license number issued to the dealer under Title 59, Chapter

222 12, Sales and Use Tax Act ~~H→~~ [; and

223 ~~—— (ix) verification of at least two years experience in automotive sales or related~~

224 ~~automotive industry experience] ~~←H~~ .~~

225 (5) The administrator may adopt a seal with the words "Motor Vehicle Enforcement
226 Administrator, State of Utah," to authenticate the acts of the administrator's office.

227 (6) (a) The administrator may require that the licensee erect or post signs or devices on
228 the licensee's principal place of business and any other sites, equipment, or locations operated
229 and maintained by the licensee in conjunction with the licensee's business.

230 (b) The signs or devices shall state the licensee's name, principal place of business,
231 type and number of licenses, and any other information that the administrator considers
232 necessary to identify the licensee.

233 (c) The administrator may make rules in accordance with Title 63G, Chapter 3, Utah
234 Administrative Rulemaking Act, determining allowable size and shape of signs or devices,
235 their lettering and other details, and their location.

236 (7) (a) The administrator shall provide for quarterly meetings of the advisory board and
237 may call special meetings.

238 (b) Notices of all meetings shall be sent to each member not fewer than five days prior
239 to the meeting.

240 (8) The administrator, the officers and inspectors of the division designated by the
241 commission, and peace officers shall:

242 (a) make arrests upon view and without warrant for any violation committed in their
243 presence of any of the provisions of this chapter, or Title 41, Chapter 1a, Motor Vehicle Act;

244 (b) when on duty, upon reasonable belief that a motor vehicle, trailer, or semitrailer is

245 being operated in violation of any provision of Title 41, Chapter 1a, Motor Vehicle Act, require
246 the driver of the vehicle to stop, exhibit the person's driver license and the registration card
247 issued for the vehicle and submit to an inspection of the vehicle, the license plates, and
248 registration card;

249 (c) serve all warrants relating to the enforcement of the laws regulating the operation of
250 motor vehicles, trailers, and semitrailers;

251 (d) investigate traffic accidents and secure testimony of witnesses or persons involved;
252 and

253 (e) investigate reported thefts of motor vehicles, trailers, and semitrailers.

254 (9) The administrator may contract with a public prosecutor to provide additional
255 prosecution of this chapter.

256 Section 4. Section **41-3-201** is amended to read:

257 **41-3-201. Licenses required -- Restitution -- Education.**

258 (1) As used in this section, "new applicant" means a person who is applying for a
259 license that the person has not been issued during the previous licensing year.

260 (2) A person may not act as any of the following without having procured a license
261 issued by the administrator:

262 (a) a dealer;

263 (b) salvage vehicle buyer;

264 (c) salesperson;

265 (d) manufacturer;

266 (e) transporter;

267 (f) dismantler;

268 (g) distributor;

269 (h) factory branch and representative;

270 (i) distributor branch and representative;

271 (j) crusher;

272 (k) remanufacturer; or

273 (l) body shop.

274 (3) (a) Except as provided in Subsection (3)(c), a person may not bid on or purchase a
275 vehicle with a salvage certificate as defined in Section 41-1a-1001 at or through a motor

276 vehicle auction unless the person is a licensed salvage vehicle buyer.

277 (b) Except as provided in Subsection (3)(c), a person may not offer for sale, sell, or
278 exchange a vehicle with a salvage certificate as defined in Section 41-1a-1001 at or through a
279 motor vehicle auction except to a licensed salvage vehicle buyer.

280 (c) A person may offer for sale, sell, or exchange a vehicle with a salvage certificate as
281 defined in Section 41-1a-1001 at or through a motor vehicle auction:

282 (i) to an out-of-state or out-of-country purchaser not licensed under this section, but
283 that is authorized to do business in the domestic or foreign jurisdiction in which the person is
284 domiciled or registered to do business; and

285 (ii) subject to the restriction in Subsection (3)(d), to an in-state purchaser not licensed
286 under this section that:

287 (A) is registered to do business in Utah; and

288 (B) has a Utah sales tax license.

289 (d) An operator of a motor vehicle auction may only offer for sale, sell, or exchange
290 five vehicles with a salvage certificate as defined in Section 41-1a-1001 at or through a motor
291 vehicle auction in any 12 month period to an in-state purchaser that does not have a salvage
292 vehicle buyer license issued in accordance with Subsection 41-3-202(15).

293 (e) (i) An in-state purchaser of a vehicle with a salvage certificate as defined in Section
294 41-1a-1001 that is purchased at or through a motor vehicle auction shall title the vehicle within
295 15 days of the purchase if the purchaser does not have a salvage vehicle buyer license, dealer
296 license, body shop license, or dismantler license issued in accordance with Section 41-3-202.

297 (ii) An operator of a motor vehicle auction may not offer for sale, sell, or exchange
298 additional vehicles with a salvage certificate as defined in Section 41-1a-1001 at or through a
299 motor vehicle auction to a purchaser if notified that the purchaser has not titled previously
300 purchased vehicles with a salvage certificate as required under Subsection (3)(e)(i).

301 (f) The commission may impose an administrative entrance fee established in
302 accordance with the procedures and requirements of Section 63J-1-504 not to exceed \$10 on a
303 person not holding a license described in Subsection (3)(e)(i) that enters the physical premises
304 of a motor vehicle auction for the purpose of viewing available salvage vehicles prior to an
305 auction.

306 (4) (a) An operator of a motor vehicle auction shall keep a record of the sale of each

307 salvage vehicle.

308 (b) A record described under Subsection (4)(a) shall contain:

309 (i) the purchaser's name and address; and

310 (ii) the year, make, and vehicle identification number for each salvage vehicle sold.

311 (c) An operator of a motor vehicle auction shall:

312 (i) retain the record described in this Subsection (4) for five years from the date of sale;

313 and

314 (ii) make a record described in this Subsection (4) available for inspection by the

315 division at the location of the motor vehicle auction during normal business hours.

316 (5) (a) An operator of a motor vehicle auction that sells a salvage vehicle to a person

317 that is an out-of-country buyer shall:

318 (i) stamp on the face of the title so as not to obscure the name, date, or mileage

319 statement the words "FOR EXPORT ONLY" in all capital, black letters; and

320 (ii) stamp in each unused reassignment space on the back of the title the words "FOR

321 EXPORT ONLY."

322 (b) The words "FOR EXPORT ONLY" shall be:

323 (i) at least two inches wide; and

324 (ii) clearly legible.

325 (6) A supplemental license shall be secured by a dealer, manufacturer, remanufacturer,

326 transporter, dismantler, crusher, or body shop for each additional place of business maintained

327 by the licensee.

328 (7) A person who has been convicted of any law relating to motor vehicle commerce or

329 motor vehicle fraud may not be issued a license unless full restitution regarding those

330 convictions has been made.

331 (8) (a) The division may not issue a license to a new applicant for a new or used motor

332 vehicle dealer license, a new or used motorcycle dealer license, or a small trailer dealer license

333 unless the new applicant completes an eight-hour orientation class approved by the division

334 that includes education on motor vehicle laws and rules.

335 (b) The approved costs of the orientation class shall be paid by the new applicant.

336 (c) The class shall be completed by the new applicant and the applicant's partners,

337 corporate officers, bond indemnitors, and managers.

338 (d) (i) The division shall approve:

339 (A) providers of the orientation class; and

340 (B) costs of the orientation class.

341 (ii) A provider of an orientation class shall submit the orientation class curriculum to
342 the division for approval prior to teaching the orientation class.

343 (iii) A provider of an orientation class shall include in the orientation materials:

344 (A) ethics training;

345 (B) motor vehicle title and registration processes;

346 (C) provisions of Title 13, Chapter 5, Unfair Practices Act, relating to motor vehicles;

347 (D) Department of Insurance requirements relating to motor vehicles;

348 (E) Department of Public Safety requirements relating to motor vehicles;

349 (F) federal requirements related to motor vehicles as determined by the division; and

350 (G) any required disclosure compliance forms as determined by the division.

351 Section 5. Section **41-3-201.5** is amended to read:

352 **41-3-201.5. Brokering of a new motor vehicle without a license prohibited.**

353 (1) (a) A person may not, for a fee, commission, or other form of compensation,

354 arrange, offer to arrange, or broker a transaction involving the sale or lease of more than two ~~H~~ → :

355 (i) ←H new or used motor vehicles in any 12 consecutive month period, unless the person
355a is licensed

356 under Subsection 41-3-202(1) ~~H~~ → ; or

356a (ii) used motor vehicles in any 12 consecutive month period, unless the person is
356b licensed under Subsection 41-3-202(2) ←H .

357 (b) Each transaction a person arranges, offers to arrange, or brokers involving the sale
358 or lease of a motor vehicle for a fee, commission, or other form of compensation is a separate
359 violation under this section if:

360 (i) the person has for a fee, commission, or other form of compensation, arranged,
361 offered to arrange, or brokered the sale or lease of more than two new or used motor vehicles
362 within the previous 12 consecutive month period; and

363 (ii) the person is not licensed under Subsection 41-3-202(1).

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

365 Section 6. Section **41-3-201.7** is amended to read:

366 **41-3-201.7. Supplemental license for additional place of business restrictions --**
367 **Exception.**

368 (1) (a) Subject to the requirements of Subsection (2), a supplemental license for an

369 additional place of business issued pursuant to Subsection 41-3-201(6) may only be issued to a
370 dealer if the dealer is:

371 ~~[(a)]~~ (i) licensed in accordance with Section 41-3-202;

372 ~~[(b)]~~ (ii) bonded in accordance with Section 41-3-205; and

373 ~~[(c)]~~ (iii) in compliance with existing rules promulgated by the administrator of the
374 division under Section 41-3-105.

375 (b) A supplemental license for a permanent additional place of business may only be
376 issued to a used motor vehicle dealer if:

377 ~~H→ [(i) the dealer is independently licensed for the permanent additional place of business~~
378 ~~in accordance with Section 41-3-202;~~

379 ~~—— [(ii) (i) ←H the dealer independently satisfies the bond requirements under Section 41-3-205~~
380 ~~for the permanent additional place of business;~~

381 ~~H→ [(iii) (ii) ←H the dealer is in compliance with existing rules promulgated by the~~
381a ~~administrator of~~

382 ~~the division under Section 41-3-105; and~~

383 ~~H→ [(iv) (iii) ←H the permanent additional place of business meets all the requirements for a~~
384 ~~principal place of business.~~

385 (2) (a) Except as provided in Subsections (2)(c) and (3), a supplemental license for an
386 additional place of business issued pursuant to Subsection 41-3-201(6) for a new motor vehicle
387 dealer may not be issued for an additional place of business that is beyond the geographic
388 specifications outlined as the area of responsibility in the dealer's franchise agreement.

389 (b) A new motor vehicle dealer shall provide the administrator with a copy of the
390 portion of the new motor vehicle dealer's franchise agreement identifying the dealer's area of
391 responsibility before being issued a supplemental license for an additional place of business.

392 (c) The restrictions under Subsections (2)(a) and (b) do not apply to a new motor
393 vehicle dealer if the license for an additional place of business is being issued for the sale of
394 used motor vehicles.

395 (3) The provisions of Subsection (2) do not apply if the additional place of business is
396 a trade show or exhibition if:

397 (a) there are five or more dealers participating in the trade show or exhibition; and

398 (b) the trade show or exhibition takes place at a location other than the principal place
399 of business of one of the dealers participating in the trade show or exhibition.

400 (4) A supplemental license for a temporary additional place of business issued to a
401 used motor vehicle dealer may not be for longer than 10 consecutive days.

Legislative Review Note
as of 2-19-10 12:52 PM

Office of Legislative Research and General Counsel

H.B. 366 - Motor Vehicle Business Regulation Act Amendments

Fiscal Note

2010 General Session
State of Utah

State Impact

By increasing licensing requirements, enactment of this bill could increase revenue to the General Fund by \$8,200 annually.

| | <u>FY 2010 Approp.</u> | <u>FY 2011 Approp.</u> | <u>FY 2012 Approp.</u> | <u>FY 2010 Revenue</u> | <u>FY 2011 Revenue</u> | <u>FY 2012 Revenue</u> |
|--------------|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|
| General Fund | \$0 | \$0 | \$0 | \$0 | \$8,200 | \$8,200 |
| Total | \$0 | \$0 | \$0 | \$0 | \$8,200 | \$8,200 |

Individual, Business and/or Local Impact

Due to the licensing requirements, certain businesses will experience an increase in regulation related fees. Individuals and local governments are unaffected.