

57 either owned or consigned, to the general public.

58 (4) "Authorized service center" means an entity that:

59 (a) is in the business of repairing exclusively the motor vehicles of the same line-make
60 as the motor vehicles a single direct-sale manufacturer manufactures;

61 (b) the direct-sale manufacturer described in Subsection (4)(a) authorizes to complete
62 warranty repair work for motor vehicles that the direct-sale manufacturer sells, displays for
63 sale, or offers for sale or exchange; and

64 (c) conducts business primarily from an enclosed commercial repair facility that is
65 permanently located in the state.

66 [~~(4)~~] (5) "Board" means the advisory board created in Section 41-3-106.

67 [~~(5)~~] (6) "Body shop" means a business engaged in rebuilding, restoring, repairing, or
68 painting primarily the body of motor vehicles damaged by collision or natural disaster.

69 [~~(6)~~] (7) "Commission" means the State Tax Commission.

70 [~~(7)~~] (8) "Crusher" means a person who crushes or shreds motor vehicles subject to
71 registration under Title 41, Chapter 1a, Motor Vehicle Act, to reduce the useable materials and
72 metals to a more compact size for recycling.

73 [~~(8)~~] (9) (a) "Dealer" means a person:

74 (i) whose business in whole or in part involves selling new, used, or new and used
75 motor vehicles or off-highway vehicles; and

76 (ii) who sells, displays for sale, or offers for sale or exchange three or more new or
77 used motor vehicles or off-highway vehicles in any 12-month period.

78 (b) "Dealer" includes a representative or consignee of any dealer.

79 (10) "Direct-sale manufacturer" means a person ~~that~~ :

80 (a) ~~that~~ is both a manufacturer and a dealer;

81 (b) ~~that~~ in this state, sells, displays for sale, or offers for sale or exchange only
81a ~~new~~ motor

82 vehicles of the person's own line-make that are:

83 (i) exclusively propelled through the use of electricity, a hydrogen fuel cell, or another
84 non-fossil fuel source;

85 (ii) (A) passenger vehicles with a gross vehicle weight rating of 14,000 pounds or less;

86 or

87 (B) trucks with a gross vehicle weight rating of 14,000 pounds or less; and

88 (iii) manufactured ~~§→ [in the United States; and] by the person; ←§~~

89 (c) ~~§→ that ←§~~ is not a franchise holder ~~§→ [;]~~ ;

89a (d) that is domiciled in the United States; and

89b (e) whose chief officers direct, control, and coordinate the person's activities as a direct-sale
 89c manufacturer from a physical location in the United States. ←§

90 (11) "Direct-sale manufacturer salesperson" means an individual who for a salary,
 91 commission, or compensation of any kind, is employed either directly, indirectly, regularly, or
 92 occasionally by a direct-sale manufacturer to sell, purchase, or exchange or to negotiate for the
 93 sale, purchase, or exchange of a motor vehicle manufactured by the direct-sale manufacturer
 94 who employs the individual.

95 ~~[(9)]~~ (12) (a) "Dismantler" means a person engaged in the business of dismantling
 96 motor vehicles subject to registration under Title 41, Chapter 1a, Motor Vehicle Act, for the
 97 resale of parts or for salvage.

98 (b) "Dismantler" includes a person who dismantles three or more motor vehicles in any
 99 12-month period.

100 ~~[(10)]~~ (13) "Distributor" means a person who has a franchise from a manufacturer of
 101 motor vehicles to distribute motor vehicles within this state and who in whole or in part sells or
 102 distributes new motor vehicles to dealers or who maintains distributor representatives.

103 ~~[(11)]~~ (14) "Distributor branch" means a branch office similarly maintained by a
 104 distributor for the same purposes a factory branch is maintained.

105 ~~[(12)]~~ (15) "Distributor representative" means a person and each officer and employee
 106 of the person engaged as a representative of a distributor or distributor branch of motor
 107 vehicles to make or promote the sale of the distributor or the distributor branch's motor
 108 vehicles, or for supervising or contacting dealers or prospective dealers of the distributor or the
 109 distributor branch.

110 ~~[(13)]~~ (16) "Division" means the Motor Vehicle Enforcement Division created in
 111 Section 41-3-104.

112 ~~[(14)]~~ (17) "Factory branch" means a branch office maintained by a person who
 113 manufactures or assembles motor vehicles for sale to distributors, motor vehicle dealers, or
 114 who directs or supervises the factory branch's representatives.

115 ~~[(15)]~~ (18) "Factory representative" means a person and each officer and employee of
 116 the person engaged as a representative of a manufacturer of motor vehicles or by a factory
 117 branch to make or promote the sale of the manufacturer's or factory branch's motor vehicles, or
 118 for supervising or contacting the dealers or prospective dealers of the manufacturer or the

150 (i) self-propelled;
 151 (ii) a trailer, travel trailer, or semitrailer; or
 152 (iii) an off-highway vehicle or small trailer.
 153 (b) "Motor vehicle" does not include:
 154 (i) mobile homes as defined in Section 41-1a-102;
 155 (ii) trailers of 750 pounds or less unladen weight;
 156 (iii) farm tractors and other machines and tools used in the production, harvesting, and
 157 care of farm products; and

158 (iv) park model recreational vehicles as defined in Section 41-1a-102.
 159 ~~[(18)]~~ (25) "Motorcycle" has the same meaning as defined in Section 41-1a-102.

160 ~~[(20)]~~ (26) "New motor vehicle" means a motor vehicle that:

161 (a) has never been titled or registered; and

162 (b) for a motor vehicle that is not a trailer, travel trailer, or semitrailer, has been driven
 163 less than 7,500 miles~~[, unless the motor vehicle is an off-highway vehicle, small trailer, trailer,~~
 164 ~~travel trailer, or semitrailer, in which case the mileage limit does not apply].~~

165 ~~[(21)]~~ (27) "Off-highway vehicle" has the same meaning as provided in Section
 166 41-22-2.

167 ~~[(22)]~~ (28) "Pawnbroker" means a person whose business is to lend money on security
 168 of personal property deposited with him.

169 ~~[(23)]~~ (29) (a) "Principal place of business" means ~~§~~ → [, except as provided in Subsection

170 ~~(29)(b);~~ ← ~~§~~ a site or location in this state:

171 ~~[(a)]~~ (i) devoted exclusively to the business for which the dealer, manufacturer,
 172 remanufacturer, transporter, dismantler, crusher, or body shop is licensed, and businesses
 173 incidental to them;

174 ~~[(b)]~~ (ii) sufficiently bounded by fence, chain, posts, or otherwise marked to definitely
 175 indicate the boundary and to admit a definite description with space adequate to permit the
 176 display of three or more new, or new and used, or used motor vehicles and sufficient parking
 177 for the public; and

178 ~~[(c)]~~ (iii) that includes a permanent enclosed building or structure large enough to
 179 accommodate the office of the establishment and to provide a safe place to keep the books and
 180 other records of the business, at which the principal portion of the business is conducted and

181 the books and records kept and maintained.

182 (b) "Principal place of business" means, with respect to a direct-sale manufacturer, the
 183 direct-sale manufacturer's showroom ~~§~~ , which shall comply with the requirements of
 183a Subsection (29)(a) ~~←§~~ .

184 ~~[(24)]~~ (30) "Remanufacturer" means a person who reconstructs used motor vehicles
 185 subject to registration under Title 41, Chapter 1a, Motor Vehicle Act, to change the body style
 186 and appearance of the motor vehicle or who constructs or assembles motor vehicles from used
 187 or new and used motor vehicle parts, or who reconstructs, constructs, or assembles three or
 188 more motor vehicles in any 12-month period.

189 ~~[(25)]~~ (31) "Salesperson" means an individual who for a salary, commission, or
 190 compensation of any kind, is employed either directly, indirectly, regularly, or occasionally by
 191 any new motor vehicle dealer or used motor vehicle dealer to sell, purchase, or exchange or to
 192 negotiate for the sale, purchase, or exchange of motor vehicles.

193 ~~[(26)]~~ (32) "Semitrailer" has the same meaning as defined in Section 41-1a-102.

194 (33) "Showroom" means a site or location in the state that a direct-sale manufacturer
 195 uses ~~§~~ [exclusively] ~~←§~~ for ~~§~~ the direct-sale manufacturer's business, including ~~←§~~ the
 195a display and demonstration of new motor vehicles ~~§~~ that are exclusively ~~←§~~ of the same
 196 line-make that the direct-sale manufacturer manufactures.

197 ~~[(27)]~~ (34) "Small trailer" means a trailer that has an unladen weight of more than 750
 198 pounds, but less than 2,000 pounds.

199 ~~[(28)]~~ (35) "Special equipment" includes a truck mounted crane, cherry picker, material
 200 lift, post hole digger, and a utility or service body.

201 ~~[(29)]~~ (36) "Special equipment dealer" means a new or new and used motor vehicle
 202 dealer engaged in the business of buying new incomplete motor vehicles with a gross vehicle
 203 weight of 12,000 or more pounds and installing special equipment on the incomplete motor
 204 vehicle.

205 ~~[(30)]~~ (37) "Trailer" has the same meaning as defined in Section 41-1a-102.

206 ~~[(31)]~~ (38) "Transporter" means a person engaged in the business of transporting motor
 207 vehicles as described in Section 41-3-202.

208 ~~[(32)]~~ (39) "Travel trailer" has the same meaning as provided in Section 41-1a-102.

209 ~~[(33)]~~ (40) "Used motor vehicle" means a vehicle that:

210 (a) has been titled and registered to a purchaser other than a dealer; or

211 (b) for a motor vehicle that is not a trailer, travel trailer, or semitrailer, has been driven

243 (b) a direct-sale manufacturer salesperson is subject to the same provisions under this
 244 chapter as a salesperson.

245 (5) Notwithstanding any provision of this chapter to the contrary, a direct-sale
 246 manufacturer:

247 (a) may sell, display for ~~§~~→ [sell] sale ←~~§~~ , or offer for sale or exchange a motor vehicle
 247a described in

248 Subsection 41-3-102(10)(b) without a franchise; and

249 (b) may not sell, display for sale, or offer for sale or exchange a new motor vehicle that
 250 is not of the same line-make the direct-sale manufacturer manufactures.

251 Section 4. Section **41-3-105** is amended to read:

252 **41-3-105. Administrator's powers and duties -- Administrator and investigators**
 253 **to be law enforcement officers.**

254 (1) The administrator may make rules to carry out the purposes of this chapter and
 255 Sections 41-1a-1001 through 41-1a-1007 according to the procedures and requirements of Title
 256 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

260 (b) The administrator, assistant administrator, and all investigators shall be law
 261 enforcement officers certified by peace officer standards and training as required by Section
 262 53-13-103.

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

- 264 (i) this chapter;
 265 (ii) Title 41, Chapter 1a, Motor Vehicle Act;
 266 (iii) any law concerning motor vehicle fraud; or
 267 (iv) any rule made by the administrator.

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

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

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

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