

Representative Kim Coleman proposes the following substitute bill:

NEW CAR SALES AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kim Coleman

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions relating to the sale of new motor vehicles.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ allows and creates a license for a new car dealer to conduct business exclusively online;
- ▶ creates a license for an online salesperson;
- ▶ exempts an online dealer from the provisions of the New Automobile Franchise Act; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



- 25 [41-1a-802](#), as last amended by Laws of Utah 2005, Chapter 32
- 26 [41-3-102](#), as last amended by Laws of Utah 2014, Chapter 237
- 27 [41-3-103](#), as last amended by Laws of Utah 2010, Chapter 393
- 28 [41-3-105](#), as last amended by Laws of Utah 2010, Chapter 393
- 29 [41-3-201](#), as last amended by Laws of Utah 2013, Chapter 463
- 30 [41-3-202](#), as last amended by Laws of Utah 2009, Chapter 78
- 31 [41-3-203](#), as renumbered and amended by Laws of Utah 1992, Chapter 234
- 32 [41-3-204](#), as last amended by Laws of Utah 2008, Chapter 388
- 33 [41-3-209](#), as last amended by Laws of Utah 2012, Chapter 145
- 34 [41-3-210](#), as last amended by Laws of Utah 2007, Chapter 322

35 ENACTS:

36 [13-14-108](#), Utah Code Annotated 1953



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

39 Section 1. Section **13-14-108** is enacted to read:

40 **13-14-108. Applicability.**

41 The provisions of this chapter do not apply to an online dealer as defined in Section
42 [41-3-102](#).

43 Section 2. Section **41-1a-802** is amended to read:

44 **41-1a-802. Identification number inspectors -- Duties.**

45 (1) The following are qualified identification number inspectors:

- 46 (a) the commission;
- 47 (b) designated officers and employees of the division;
- 48 (c) a person operating a safety inspection station under Title 53, Chapter 8, Part 2,
49 Motor Vehicle Safety Inspection Act;
- 50 (d) an official inspection station certified inspector;
- 51 (e) a dealer licensed under Subsection [41-3-202](#)(1), (2), ~~[(3), or]~~ (4), or (5); and
- 52 (f) all peace officers of the state.

53 (2) The qualified identification number inspectors shall, upon the application for the
54 first registration in this state of any vehicle:

- 55 (a) inspect the identification number of the vehicle;

56 (b) make a record of the identification number inspection upon an application form
57 provided by the division; and

58 (c) verify the facts in the application.

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

60 **41-3-102. Definitions.**

61 As used in this chapter:

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

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

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

69 (4) "Authorized service center" means a person who:

70 (a) is authorized by an online dealer to complete warranty repair work for motor
71 vehicles in the same line-make as the online dealer; and

72 (b) is permanently located in the state.

73 [~~4~~] (5) "Board" means the advisory board created in Section 41-3-106.

74 [~~5~~] (6) "Body shop" means a business engaged in rebuilding, restoring, repairing, or
75 painting primarily the body of motor vehicles damaged by collision or natural disaster.

76 [~~6~~] (7) "Commission" means the State Tax Commission.

77 [~~7~~] (8) "Crusher" means a person who crushes or shreds motor vehicles subject to
78 registration under Title 41, Chapter 1a, Motor Vehicle Act, to reduce the useable materials and
79 metals to a more compact size for recycling.

80 [~~8~~] (9) (a) "Dealer" means a person:

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

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

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

86 [~~9~~] (10) (a) "Dismantler" means a person engaged in the business of dismantling

87 motor vehicles subject to registration under Title 41, Chapter 1a, Motor Vehicle Act, for the
88 resale of parts or for salvage.

89 (b) "Dismantler" includes a person who dismantles three or more motor vehicles in any
90 12-month period.

91 [~~(10)~~] (11) "Distributor" means a person who has a franchise from a manufacturer of
92 motor vehicles to distribute motor vehicles within this state and who in whole or in part sells or
93 distributes new motor vehicles to dealers or who maintains distributor representatives.

94 [~~(11)~~] (12) "Distributor branch" means a branch office similarly maintained by a
95 distributor for the same purposes a factory branch is maintained.

96 [~~(12)~~] (13) "Distributor representative" means a person and each officer and employee
97 of the person engaged as a representative of a distributor or distributor branch of motor
98 vehicles to make or promote the sale of the distributor or the distributor branch's motor
99 vehicles, or for supervising or contacting dealers or prospective dealers of the distributor or the
100 distributor branch.

101 [~~(13)~~] (14) "Division" means the Motor Vehicle Enforcement Division created in
102 Section [41-3-104](#).

103 [~~(14)~~] (15) "Factory branch" means a branch office maintained by a person who
104 manufactures or assembles motor vehicles for sale to distributors, motor vehicle dealers, or
105 who directs or supervises the factory branch's representatives.

106 [~~(15)~~] (16) "Factory representative" means a person and each officer and employee of
107 the person engaged as a representative of a manufacturer of motor vehicles or by a factory
108 branch to make or promote the sale of the manufacturer's or factory branch's motor vehicles, or
109 for supervising or contacting the dealers or prospective dealers of the manufacturer or the
110 factory branch.

111 [~~(16)~~] (17) "Franchise" means a contract or agreement between a dealer and a
112 manufacturer of new motor vehicles or its distributor or factory branch by which the dealer is
113 authorized to sell any specified make or makes of new motor vehicles.

114 (18) "Line-make" has the same meaning as that term is defined in Section [13-14-102](#).

115 [~~(17)~~] (19) "Manufacturer" means a person engaged in the business of constructing or
116 assembling new motor vehicles, ownership of which is customarily transferred by a
117 manufacturer's statement or certificate of origin, or a person who constructs three or more new

118 motor vehicles in any 12-month period.

119 ~~[(18)]~~ (20) "Motorcycle" has the same meaning as defined in Section 41-1a-102.

120 ~~[(19)]~~ (21) (a) "Motor vehicle" means a vehicle that is:

121 (i) self-propelled;

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

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

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

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

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

127 (iii) farm tractors and other machines and tools used in the production, harvesting, and

128 care of farm products; and

129 (iv) park model recreational vehicles as defined in Section 41-1a-102.

130 ~~[(20)]~~ (22) "New motor vehicle" means a motor vehicle that has never been titled or
131 registered and has been driven less than 7,500 miles, unless the motor vehicle is an
132 off-highway vehicle, small trailer, trailer, travel trailer, or semitrailer, in which case the
133 mileage limit does not apply.

134 ~~[(21)]~~ (23) "Off-highway vehicle" has the same meaning as provided in Section
135 41-22-2.

136 (24) "Online dealer" means a manufacturer who:

137 (a) sells, displays for sale, or offers for sale or exchange three or more new motor
138 vehicles in any 12-month period;

139 (b) performs the acts described in Subsection (24)(a) exclusively online; and

140 (c) has not executed a franchise with any dealer in the state.

141 (25) "Online salesperson" means an individual who for a salary, commission, or
142 compensation of any kind, is employed either directly, indirectly, regularly, or occasionally by
143 an online dealer to sell, purchase, or exchange, or to negotiate for the sale, purchase, or
144 exchange of new motor vehicles.

145 ~~[(22)]~~ (26) "Pawnbroker" means a person whose business is to lend money on security
146 of personal property deposited with him.

147 ~~[(23)]~~ (27) "Principal place of business" means a site or location in this state:

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

149 remanufacturer, transporter, dismantler, crusher, or body shop is licensed, and businesses
150 incidental to them;

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

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

159 ~~[(24)]~~ (28) "Remanufacturer" means a person who reconstructs used motor vehicles
160 subject to registration under Title 41, Chapter 1a, Motor Vehicle Act, to change the body style
161 and appearance of the motor vehicle or who constructs or assembles motor vehicles from used
162 or new and used motor vehicle parts, or who reconstructs, constructs, or assembles three or
163 more motor vehicles in any 12-month period.

164 ~~[(25)]~~ (29) "Salesperson" means an individual who for a salary, commission, or
165 compensation of any kind, is employed either directly, indirectly, regularly, or occasionally by
166 any new motor vehicle dealer or used motor vehicle dealer to sell, purchase, or exchange or to
167 negotiate for the sale, purchase, or exchange of motor vehicles.

168 ~~[(26)]~~ (30) "Semitrailer" has the same meaning as defined in Section [41-1a-102](#).

169 ~~[(27)]~~ (31) "Small trailer" means a trailer that has an unladen weight of more than 750
170 pounds, but less than 2,000 pounds.

171 ~~[(28)]~~ (32) "Special equipment" includes a truck mounted crane, cherry picker, material
172 lift, post hole digger, and a utility or service body.

173 ~~[(29)]~~ (33) "Special equipment dealer" means a new or new and used motor vehicle
174 dealer engaged in the business of buying new incomplete motor vehicles with a gross vehicle
175 weight of 12,000 or more pounds and installing special equipment on the incomplete motor
176 vehicle.

177 ~~[(30)]~~ (34) "Trailer" has the same meaning as defined in Section [41-1a-102](#).

178 ~~[(31)]~~ (35) "Transporter" means a person engaged in the business of transporting motor
179 vehicles as described in Section [41-3-202](#).

180 ~~[(32)]~~ (36) "Travel trailer" has the same meaning as provided in Section 41-1a-102.

181 ~~[(33)]~~ (37) "Used motor vehicle" means a vehicle that has been titled and registered to
182 a purchaser other than a dealer or has been driven 7,500 or more miles, unless the vehicle is a
183 trailer, or semitrailer, in which case the mileage limit does not apply.

184 ~~[(34)]~~ (38) "Wholesale motor vehicle auction" means a dealer primarily engaged in the
185 business of auctioning consigned motor vehicles to dealers or dismantlers who are licensed by
186 this or any other jurisdiction.

187 Section 4. Section 41-3-103 is amended to read:

188 **41-3-103. Exceptions to "dealer" definition -- Dealer licensed in other state --**
189 **Online dealer or salesperson.**

190 Under this chapter:

191 (1) (a) An insurance company, bank, finance company, company registered as a title
192 lender under Title 7, Chapter 24, Title ~~[Lender]~~ Lending Registration Act, company registered
193 as a check casher or deferred deposit lender under Title 7, Chapter 23, Check Cashing and
194 Deferred Deposit Lending Registration Act, public utility company, commission impound yard,
195 federal or state governmental agency, or any political subdivision of any of them or any other
196 person coming into possession of a motor vehicle as an incident to its regular business, that
197 sells the motor vehicle under contractual rights that it may have in the motor vehicle is not
198 considered a dealer.

199 (b) A person who sells or exchanges only those motor vehicles that the person has
200 owned for over 12 months is not considered a dealer.

201 (2) (a) A person engaged in leasing motor vehicles is not considered as coming into
202 possession of the motor vehicles incident to the person's regular business.

203 (b) A pawnbroker engaged in selling, exchanging, or pawning motor vehicles is
204 considered as coming into possession of the motor vehicles incident to the person's regular
205 business and must be licensed as a used motor vehicle dealer.

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

210 (4) Except as otherwise expressly provided:

211 (a) an online dealer is subject to the same provisions under this chapter as a new motor
212 vehicle dealer; and

213 (b) an online salesperson is subject to the same provisions under this chapter as a
214 salesperson.

215 (5) Notwithstanding any provision of this section to the contrary, an online dealer may:

216 (a) operate without a principal place of business; and

217 (b) sell new motor vehicles without a franchise.

218 Section 5. Section **41-3-105** is amended to read:

219 **41-3-105. Administrator's powers and duties -- Administrator and investigators**
220 **to be law enforcement officers.**

221 (1) The administrator may make rules to carry out the purposes of this chapter and
222 Sections **41-1a-1001** through **41-1a-1007** according to the procedures and requirements of Title
223 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

227 (b) The administrator, assistant administrator, and all investigators shall be law
228 enforcement officers certified by peace officer standards and training as required by Section
229 **53-13-103**.

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

231 (i) this chapter;

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

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

234 (iv) any rule made by the administrator.

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

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

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

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

241 (i) if the applicant is an individual, the name and residence address of the applicant and

242 the trade name, if any, under which the applicant intends to conduct business;

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

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

248 (iv) unless the applicant is applying for an online dealer license or an online
249 salesperson license, a complete description of the principal place of business, including:

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

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

253 (C) any other places of business operated and maintained by the applicant in
254 conjunction with the principal place of business;

255 (v) if the application is for a new motor vehicle dealer's license, the name of each
256 motor vehicle the applicant has been enfranchised to sell or exchange, the name and address of
257 the manufacturer or distributor who has enfranchised the applicant, and the names and
258 addresses of the individuals who will act as salespersons under authority of the license;

259 (vi) at least five years of business history;

260 (vii) the federal tax identification number issued to the dealer; [~~and~~]

261 (viii) the sales and use tax license number issued to the dealer under Title 59, Chapter
262 12, Sales and Use Tax Act[~~-~~], if applicable; and

263 (ix) if the application is for an online dealer, evidence that the online dealer has an
264 authorized service center.

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

267 (6) (a) The administrator may require that [~~the~~] a licensee, other than an online dealer
268 or online salesperson, erect or post signs or devices on the licensee's principal place of business
269 and any other sites, equipment, or locations operated and maintained by the licensee in
270 conjunction with the licensee's business.

271 (b) The signs or devices shall state the licensee's name, principal place of business,
272 type and number of licenses, and any other information that the administrator considers

273 necessary to identify the licensee.

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

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

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

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

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

285 (b) when on duty, upon reasonable belief that a motor vehicle, trailer, or semitrailer is
286 being operated in violation of any provision of Title 41, Chapter 1a, Motor Vehicle Act, require
287 the driver of the vehicle to stop, exhibit the person's driver license and the registration card
288 issued for the vehicle and submit to an inspection of the vehicle, the license plates, and
289 registration card;

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

292 (d) investigate traffic accidents and secure testimony of witnesses or persons involved;
293 and

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

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

297 Section 6. Section **41-3-201** is amended to read:

298 **41-3-201. Licenses required -- Restitution -- Education.**

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

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

303 (a) a dealer;

- 304 (b) salvage vehicle buyer;
- 305 (c) salesperson;
- 306 (d) manufacturer;
- 307 (e) transporter;
- 308 (f) dismantler;
- 309 (g) distributor;
- 310 (h) factory branch and representative;
- 311 (i) distributor branch and representative;
- 312 (j) crusher;
- 313 (k) remanufacturer; ~~[or]~~
- 314 (l) body shop[-];
- 315 (m) online dealer; or
- 316 (n) online salesperson.

317 (3) (a) Except as provided in Subsection (3)(c), a person may not bid on or purchase a
318 vehicle with a nonrepairable or salvage certificate as defined in Section 41-1a-1001 at or
319 through a motor vehicle auction unless the person is a licensed salvage vehicle buyer.

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

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

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

328 (ii) subject to the restrictions in Subsection (3)(d), to an in-state purchaser not licensed
329 under this section that:

330 (A) has a valid business license in Utah; and

331 (B) has a Utah sales tax license; and

332 (iii) to a crusher.

333 (d) (i) An operator of a motor vehicle auction shall verify that an in-state purchaser not
334 licensed under this section has the licenses required in Subsection (3)(c)(ii).

335 (ii) An operator of a motor vehicle auction may only offer for sale, sell, or exchange
336 five vehicles with a salvage certificate as defined in Section 41-1a-1001 at or through a motor
337 vehicle auction in any 12 month period to an in-state purchaser that does not have a salvage
338 vehicle buyer license issued in accordance with Subsection 41-3-202[(15)](17).

339 (iii) The five vehicle limitation under this Subsection (3)(d) applies to each Utah sales
340 tax license and not to each person with the authority to use a sales tax license.

341 (iv) An operator of a motor vehicle auction may not sell a vehicle with a nonrepairable
342 certificate as defined in Section 41-1a-1001 to a purchaser otherwise allowed to purchase a
343 vehicle under Subsection (3)(c)(ii).

344 (e) For a vehicle with a salvage certificate purchased under Subsection (3)(c)(ii), an
345 operator of a motor vehicle auction shall:

346 (i) (A) until Subsection (3)(e)(i)(B) applies, make application for a salvage certificate
347 of title on behalf of the Utah purchaser within seven days of the purchase if the purchaser does
348 not have a salvage vehicle buyer license, dealer license, body shop license, or dismantler
349 license issued in accordance with Section 41-3-202; or

350 (B) beginning on or after the date that the Motor Vehicle Division has implemented the
351 Motor Vehicle Division's GenTax system, make application electronically, in a form and time
352 period approved by the Motor Vehicle Division, for a salvage certificate of title to be issued in
353 the name of the purchaser;

354 (ii) give to the purchaser a disclosure printed on a separate piece of paper that states:

355 "THIS DISCLOSURE STATEMENT MUST BE GIVEN BY THE SELLER TO THE
356 BUYER EVERY TIME THIS VEHICLE IS RESOLD WITH A SALVAGE CERTIFICATE

357 Vehicle Identification Number (VIN)

358 Year: Make: Model:

359 SALVAGE VEHICLE--NOT FOR RESALE WITHOUT DISCLOSURE

360 WARNING: THIS SALVAGE VEHICLE MAY NOT BE SAFE FOR OPERATION

361 UNLESS PROPERLY REPAIRED. SOME STATES MAY REQUIRE AN INSPECTION

362 BEFORE THIS VEHICLE MAY BE REGISTERED. THE STATE OF UTAH MAY

363 REQUIRE THIS VEHICLE TO BE PERMANENTLY BRANDED AS A REBUILT

364 SALVAGE VEHICLE. OTHER STATES MAY ALSO PERMANENTLY BRAND THE

365 CERTIFICATE OF TITLE.

366 _____
367 Signature of Purchaser Date"; and

368 (iii) if applicable, provide evidence to the Motor Vehicle Division of:

369 (A) payment of sales taxes on taxable sales in accordance with Section 41-1a-510;

370 (B) the identification number inspection required under Section 41-1a-511; and

371 (C) the odometer disclosure statement required under Section 41-1a-902.

372 (f) The Motor Vehicle Division shall include a link to the disclosure statement
373 described in Subsection (3)(e)(ii) on its website.

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

379 (h) A vehicle sold at or through a motor vehicle auction to an out-of-state purchaser
380 with a nonrepairable or salvage certificate may not be certificated in Utah until the vehicle has
381 been certificated out-of-state.

382 (4) (a) An operator of a motor vehicle auction shall keep a record of the sale of each
383 salvage vehicle.

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

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

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

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

388 (i) provide the record described in Subsection (4)(a) electronically in a method
389 approved by the division to the division within two business days of the completion of the
390 motor vehicle auction;

391 (ii) retain the record described in this Subsection (4) for five years from the date of
392 sale; and

393 (iii) make a record described in this Subsection (4) available for inspection by the
394 division at the location of the motor vehicle auction during normal business hours.

395 (5) (a) If applicable, an operator of a motor vehicle auction shall comply with the
396 reporting requirements of the National Motor Vehicle Title Information System overseen by

397 the United States Department of Justice if the person sells a vehicle with a salvage certificate to
398 an in-state purchaser under Subsection (3)(c)(ii).

399 (b) The Motor Vehicle Division shall include a link to the National Motor Vehicle
400 Title Information System on its website.

401 (6) (a) An operator of a motor vehicle auction that sells a salvage vehicle to a person
402 that is an out-of-country buyer shall:

403 (i) stamp on the face of the title so as not to obscure the name, date, or mileage
404 statement the words "FOR EXPORT ONLY" in all capital, black letters; and

405 (ii) stamp in each unused reassignment space on the back of the title the words "FOR
406 EXPORT ONLY."

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

408 (i) at least two inches wide; and

409 (ii) clearly legible.

410 (7) A supplemental license shall be secured by a dealer, manufacturer, remanufacturer,
411 transporter, dismantler, crusher, or body shop for each additional place of business maintained
412 by the licensee.

413 (8) (a) A person who has been convicted of any law relating to motor vehicle
414 commerce or motor vehicle fraud may not be issued a license or purchase a vehicle with a
415 salvage or nonrepairable certificate unless full restitution regarding those convictions has been
416 made.

417 (b) An operator of a motor vehicle auction, a dealer, or a consignor may not sell a
418 vehicle with a nonrepairable or salvage certificate to a buyer described in Subsection (8)(a) if
419 the division has informed the operator of the motor vehicle auction, the dealer, or the consignor
420 in writing that the buyer is prohibited from purchasing a vehicle with a nonrepairable or
421 salvage certificate under Subsection (8)(a).

422 (9) (a) The division may not issue a license to a new applicant for a new or used motor
423 vehicle dealer license, a new or used motorcycle dealer license, an online dealer, or a small
424 trailer dealer license unless the new applicant completes an eight-hour orientation class
425 approved by the division that includes education on motor vehicle laws and rules.

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

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

428 corporate officers, bond indemnitors, and managers.

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

430 (A) providers of the orientation class; and

431 (B) costs of the orientation class.

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

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

435 (A) ethics training;

436 (B) motor vehicle title and registration processes;

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

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

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

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

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

442 (10) A person or purchaser described in Subsection (3)(c)(ii):

443 (a) may not purchase more than five salvage vehicles with a nonrepairable or salvage
444 certificate as defined in Section 41-1a-1001 in any 12-month period;

445 (b) may not, without first complying with Section 41-1a-705, offer for sale, sell, or
446 exchange more than two vehicles with a salvage certificate as defined in Section 41-1a-1001 in
447 any 12-month period to a person not licensed under this section; and

448 (c) may not, without first complying with Section 41-1a-705, offer for sale, sell, or
449 exchange a vehicle with a nonrepairable certificate as defined in Section 41-1a-1001 to a
450 person not licensed under this section.

451 (11) An operator of a motor vehicle auction, a dealer, or a consignor may not sell a
452 vehicle with a nonrepairable or salvage certificate to a buyer described in Subsection (10)(a) if
453 the division has informed the operator of the motor vehicle auction, the dealer, or the consignor
454 in writing that the buyer is prohibited from purchasing a vehicle with a nonrepairable or
455 salvage certificate under Subsection (10)(a).

456 Section 7. Section 41-3-202 is amended to read:

457 **41-3-202. Licenses -- Classes and scope.**

458 (1) A new motor vehicle dealer's license permits the licensee to:

459 (a) offer for sale, sell, or exchange new motor vehicles if the licensee possesses a
460 franchise from the manufacturer of the motor vehicle offered for sale, sold, or exchanged by the
461 licensee;

462 (b) offer for sale, sell, or exchange used motor vehicles;

463 (c) operate as a body shop; and

464 (d) dismantle motor vehicles.

465 (2) A used motor vehicle dealer's license permits the licensee to:

466 (a) offer for sale, sell, or exchange used motor vehicles;

467 (b) operate as a body shop; and

468 (c) dismantle motor vehicles.

469 (3) An online dealer's license permits the licensee to offer new motor vehicles for sale,
470 sell, or exchange exclusively online, in accordance with the provisions of this chapter.

471 [~~3~~] (4) A new motorcycle, off-highway vehicle, and small trailer dealer's license
472 permits the licensee to:

473 (a) offer for sale, sell, or exchange new motorcycles, off-highway vehicles, or small
474 trailers if the licensee possesses a franchise from the manufacturer of the motorcycle,
475 off-highway vehicle, or small trailer offered for sale, sold, or exchanged by the licensee;

476 (b) offer for sale, sell, or exchange used motorcycles, off-highway vehicles, or small
477 trailers; and

478 (c) dismantle motorcycles, off-highway vehicles, or small trailers.

479 [~~4~~] (5) A used motorcycle, off-highway vehicle, and small trailer dealer's license
480 permits the licensee to:

481 (a) offer for sale, sell, or exchange used motorcycles, off-highway vehicles, and small
482 trailers; and

483 (b) dismantle motorcycles, off-highway vehicles, or small trailers.

484 [~~5~~] (6) (a) Except as provided in Subsection [~~5~~] (6)(b), a salesperson's license
485 permits the licensee to act as a motor vehicle salesperson and is valid for employment with
486 only one dealer at a time.

487 (b) A licensee that has been issued a salesperson's license and that is employed by a
488 dealer that operates as a wholesale motor vehicle auction may be employed by more than one
489 dealer that operates as a wholesale motor vehicle auction at a time.

490 (7) An online salesperson's license permits the licensee to sell, purchase, or exchange,
491 or to negotiate for the sale, purchase, or exchange of new motor vehicles for one online dealer.

492 ~~[(6)]~~ (8) (a) A manufacturer's license permits the licensee to construct or assemble
493 motor vehicles subject to registration under Title 41, Chapter 1a, Motor Vehicle Act, at an
494 established place of business and to remanufacture motor vehicles.

495 (b) Under rules made by the administrator, the licensee may issue and install vehicle
496 identification numbers on manufactured motor vehicles.

497 (c) The licensee may franchise and appoint dealers to sell manufactured motor vehicles
498 by notifying the division of the franchise or appointment.

499 ~~[(7)]~~ (9) A transporter's license permits the licensee to transport or deliver motor
500 vehicles subject to registration under Title 41, Chapter 1a, Motor Vehicle Act, from a
501 manufacturing, assembling, or distributing point or from a dealer, to dealers, distributors, or
502 sales agents of a manufacturer or remanufacturer, to or from detail or repair shops, and to
503 financial institutions or places of storage from points of repossession.

504 ~~[(8)]~~ (10) A dismantler's license permits the licensee to dismantle motor vehicles
505 subject to registration under Title 41, Chapter 1a, Motor Vehicle Act, for the purpose of
506 reselling parts or for salvage, or selling dismantled or salvage vehicles to a crusher or other
507 dismantler.

508 ~~[(9)]~~ (11) A distributor or factory branch and distributor branch's license permits the
509 licensee to sell and distribute new motor vehicles, parts, and accessories to their franchised
510 dealers.

511 ~~[(10)]~~ (12) A representative's license, for factory representatives or distributor
512 representatives permits the licensee to contact the licensee's authorized dealers for the purpose
513 of making or promoting the sale of motor vehicles, parts, and accessories.

514 ~~[(11)]~~ (13) (a) (i) A remanufacturer's license permits the licensee to construct,
515 reconstruct, assemble, or reassemble motor vehicles subject to registration under Title 41,
516 Chapter 1a, Motor Vehicle Act, from used or new motor vehicles or parts.

517 (ii) Evidence of ownership of parts and motor vehicles used in remanufacture shall be
518 available to the division upon demand.

519 (b) Under rules made by the administrator, the licensee may issue and install vehicle
520 identification numbers on remanufactured motor vehicles.

521 ~~[(12)]~~ (14) A crusher's license permits the licensee to engage in the business of
522 crushing or shredding motor vehicles subject to registration under Title 41, Chapter 1a, Motor
523 Vehicle Act, for the purpose of reducing the useable materials and metals to a more compact
524 size for recycling.

525 ~~[(13)]~~ (15) A body shop's license permits the licensee to rebuild, restore, repair, or
526 paint primarily the body of motor vehicles damaged by collision or natural disaster, and to
527 dismantle motor vehicles.

528 ~~[(14)]~~ (16) A special equipment dealer's license permits the licensee to:

529 (a) buy incomplete new motor vehicles with a gross vehicle weight of 12,000 or more
530 pounds from a new motor vehicle dealer and sell the new vehicle with the special equipment
531 installed without a franchise from the manufacturer;

532 (b) offer for sale, sell, or exchange used motor vehicles;

533 (c) operate as a body shop; and

534 (d) dismantle motor vehicles.

535 ~~[(15)]~~ (17) (a) A salvage vehicle buyer license permits the licensee to bid on or
536 purchase a vehicle with a salvage certificate as defined in Section [41-1a-1001](#) at any motor
537 vehicle auction.

538 (b) A salvage vehicle buyer license may only be issued to a motor vehicle dealer,
539 dismantler, or body shop who qualifies under rules made by the division and is licensed in any
540 state as a motor vehicle dealer, dismantler, or body shop.

541 (c) The division may not issue more than two salvage vehicle buyer licenses to any one
542 dealer, dismantler, or body shop.

543 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
544 administrator shall make rules establishing qualifications of an applicant for a salvage vehicle
545 buyer license. The criteria shall include:

546 (i) business history;

547 (ii) salvage vehicle qualifications;

548 (iii) ability to properly handle and dispose of environmental hazardous materials
549 associated with salvage vehicles; and

550 (iv) record in demonstrating compliance with the provisions of this chapter.

551 Section 8. Section **41-3-203** is amended to read:

552 **41-3-203. Licenses -- Form -- Seal -- Custody of salesperson's license -- Display of**
553 **salesperson and dealer licenses -- Licensee's pocket card.**

554 (1) (a) The administrator shall prescribe the form of each license and the seal of his
555 office shall be imprinted on each license.

556 (b) The license of each salesperson shall be delivered or mailed to the dealer
557 employing the salesperson and it shall be kept in the custody and control of the dealer and,
558 except in the case of an online dealer, conspicuously displayed in the dealer's place of business.

559 (c) Each licensee shall display conspicuously [~~his~~] the licensee's own license in [~~his~~
560 the licensee's place of business, unless the licensee is an online dealer or an online salesperson.

561 (2) (a) The administrator shall prepare and deliver a pocket card, certifying that the
562 person whose name is on the card is licensed under this chapter.

563 (b) Each salesperson's card shall also contain the name and address of the dealer
564 employing him.

565 (c) Each salesperson shall on request display his pocket card.

566 Section 9. Section **41-3-204** is amended to read:

567 **41-3-204. Licenses -- Principal place of business as prerequisite -- Change of**
568 **location -- Relinquishment on loss of principal place of business.**

569 (1) (a) The following licensees must maintain a principal place of business:

570 (i) dealers;

571 (ii) special equipment dealers;

572 (iii) manufacturers;

573 (iv) transporters;

574 (v) remanufacturers;

575 (vi) dismantlers;

576 (vii) crushers;

577 (viii) body shops; and

578 (ix) distributors who:

579 (A) are located within the state; or

580 (B) have a branch office within the state.

581 (b) The administrator may not issue a license under Subsection (1)(a) to an applicant
582 who does not have a principal place of business.

583 (c) If a licensee changes the location of his principal place of business, he shall
584 immediately notify the administrator and a new license shall be granted for the unexpired
585 portion of the term of the original license at no additional fee.

586 (2) (a) If a licensee loses possession of a principal place of business, the license is
587 automatically suspended and he shall immediately notify the administrator and upon demand
588 by the administrator deliver the license, pocket cards, special plates, and temporary permits to
589 the administrator.

590 (b) The administrator shall hold the licenses, cards, plates, and permits until the
591 licensee obtains a principal place of business.

592 (3) This section does not apply to an online dealer.

593 Section 10. Section **41-3-209** is amended to read:

594 **41-3-209. Administrator's findings -- Suspension and revocation of license.**

595 (1) If the administrator finds that an applicant is not qualified to receive a license, a
596 license may not be granted.

597 (2) (a) On December 1, 2010, the administrator shall suspend the license of a
598 salesperson who fails to submit to the division fingerprints as required under Subsection
599 41-3-205.5(1)(b) on or before November 30, 2010.

600 (b) If the administrator finds that there is reasonable cause to deny, suspend, or revoke
601 a license issued under this chapter, the administrator shall deny, suspend, or revoke the license.

602 (c) Reasonable cause for denial, suspension, or revocation of a license includes, in
603 relation to the applicant or license holder or any of its partners, officers, or directors:

604 (i) lack of a principal place of business, if applicable;

605 (ii) except as an online dealer, lack of a sales tax license required under Title 59,
606 Chapter 12, Sales and Use Tax Act;

607 (iii) lack of a bond in effect as required by this chapter;

608 (iv) current revocation or suspension of a dealer, online dealer, dismantler, auction,
609 [~~or~~] salesperson, or online salesperson license issued in another state;

610 (v) nonpayment of required fees;

611 (vi) making a false statement on any application for a license under this chapter or for
612 special license plates;

613 (vii) a violation of any state or federal law involving motor vehicles;

- 614 (viii) a violation of any state or federal law involving controlled substances;
- 615 (ix) charges filed with any county attorney, district attorney, or U.S. attorney in any
616 court of competent jurisdiction for a violation of any state or federal law involving motor
617 vehicles;
- 618 (x) a violation of any state or federal law involving fraud;
- 619 (xi) a violation of any state or federal law involving a registerable sex offense under
620 Section [77-41-106](#); ~~or~~
- 621 (xii) having had a license issued under this chapter revoked within five years from the
622 date of application~~[-]; or~~
- 623 (xiii) as an online dealer, failure to have an authorized service center.
- 624 (d) Any action taken by the administrator under Subsection (2)(c)(ix) shall remain in
625 effect until a final resolution is reached by the court involved or the charges are dropped.
- 626 (3) If the administrator finds that an applicant is not qualified to receive a license under
627 this section, the administrator shall provide the applicant written notice of the reason for the
628 denial.
- 629 (4) If the administrator finds that the license holder has been convicted by a court of
630 competent jurisdiction of violating any of the provisions of this chapter or any rules made by
631 the administrator, or finds other reasonable cause, the administrator may, by complying with
632 the emergency procedures of Title 63G, Chapter 4, Administrative Procedures Act:
- 633 (a) suspend the license on terms and for a period of time the administrator finds
634 reasonable; or
- 635 (b) revoke the license.
- 636 (5) (a) After suspending or revoking a license, the administrator may take reasonable
637 action to:
- 638 (i) notify the public that the licensee is no longer in business; and
639 (ii) prevent the former licensee from violating the law by conducting business without
640 a license.
- 641 (b) Action under Subsection (5)(a) may include signs, banners, barriers, locks,
642 bulletins, and notices.
- 643 (c) Any business being conducted incidental to the business for which the former
644 licensee was licensed may continue to operate subject to the preventive action taken under this

645 subsection.

646 Section 11. Section **41-3-210** is amended to read:

647 **41-3-210. License holders -- Prohibitions and requirements.**

648 (1) The holder of any license issued under this chapter may not:

649 (a) intentionally publish, display, or circulate any advertising that is misleading or
650 inaccurate in any material fact or that misrepresents any of the products sold, manufactured,
651 remanufactured, handled, or furnished by a licensee;

652 (b) intentionally publish, display, or circulate any advertising without identifying the
653 seller as the licensee by including in the advertisement the full name under which the licensee
654 is licensed or the licensee's number assigned by the division;

655 (c) violate this chapter or the rules made by the administrator;

656 (d) violate any law of the state respecting commerce in motor vehicles or any rule
657 respecting commerce in motor vehicles made by any licensing or regulating authority of the
658 state;

659 (e) engage in business as a new motor vehicle dealer, special equipment dealer, used
660 motor vehicle dealer, motor vehicle crusher, or body shop without having in effect a bond as
661 required in this chapter;

662 (f) unless licensed as an online dealer, act as a dealer, dismantler, crusher,
663 manufacturer, transporter, remanufacturer, or body shop without maintaining a principal place
664 of business;

665 (g) engage in a business respecting the selling or exchanging of new or new and used
666 motor vehicles for which he is not licensed, including selling or exchanging a new motor
667 vehicle for which the licensee does not have a franchise, but this Subsection (1)(g) does not
668 apply to:

669 (i) a special equipment dealer who sells a new special equipment motor vehicle with a
670 gross vehicle weight of 12,000 or more pounds after installing special equipment on the motor
671 vehicle; or

672 (ii) an online dealer;

673 (h) dismantle or transport to a crusher for crushing or other disposition any motor
674 vehicle without first obtaining a dismantling or junk permit under Section [41-1a-1009](#),
675 [41-1a-1010](#), or [41-1a-1011](#);

676 (i) as a new motor vehicle dealer, special equipment dealer, or used motor vehicle
677 dealer fail to give notice of sales or transfers as required in Section 41-3-301;

678 (j) advertise or otherwise represent, or knowingly allow to be advertised or represented
679 on his behalf or at his place of business, that no down payment is required in connection with
680 the sale of a motor vehicle when a down payment is required and the buyer is advised or
681 induced to finance a down payment by a loan in addition to any other loan financing the
682 remainder of the purchase price of the motor vehicle;

683 (k) as a crusher, crush or shred a motor vehicle brought to the crusher without
684 obtaining proper evidence of ownership of the motor vehicle; proper evidence of ownership is
685 a certificate of title endorsed according to law or a dismantling or junk permit issued under
686 Section 41-1a-1009, 41-1a-1010, or 41-1a-1011;

687 (l) as a manufacturer or remanufacturer assemble a motor vehicle that does not comply
688 with construction, safety, or vehicle identification number standards fixed by law or rule of any
689 licensing or regulating authority;

690 (m) as anyone other than a salesperson licensed under this chapter, be present on a
691 dealer display space and contact prospective customers to promote the sale of the dealer's
692 vehicles;

693 (n) unless licensed as an online dealer or an online sales person, sell, display for sale,
694 or offer for sale motor vehicles at any location other than the principal place of business or
695 additional places of business licensed under this chapter; this provision is construed to prevent
696 dealers, salespersons, or any other representative of a dealership from selling, displaying, or
697 offering motor vehicles for sale from their homes or other unlicensed locations;

698 (o) (i) as a dealer, dismantler, body shop, or manufacturer, maintain a principal place of
699 business or additional place of business that shares any common area with a business or
700 activity not directly related to motor vehicle commerce; or

701 (ii) maintain any places of business that share any common area with another dealer,
702 dismantler, body shop, or manufacturer;

703 (p) withhold delivery of license plates obtained by the licensee on behalf of a customer
704 for any reason, including nonpayment of any portion of the vehicle purchase price or down
705 payment;

706 (q) issue a temporary permit for any vehicle that has not been sold by the licensee;

- 707 (r) alter a temporary permit in any manner;
- 708 (s) operate any principal place of business or additional place of business in a location
709 that does not comply with local ordinances, including zoning ordinances;
- 710 (t) sell, display for sale, offer for sale, or exchange any new motor vehicle if the
711 licensee does not:
- 712 (i) (A) have a new motor vehicle dealer's license under Section [41-3-202](#); and
713 ~~[(ii)]~~ (B) possess a franchise from the manufacturer of the new motor vehicle sold,
714 displayed for sale, offered for sale, or exchanged by the licensee; or
- 715 (ii) have an online dealer license under Section [41-3-202](#);
- 716 (u) (i) as a new motor vehicle dealer or used motor vehicle dealer, encourage or
717 conspire with any person who has not obtained a salesperson's license to solicit for prospective
718 purchasers[-]; or
- 719 (ii) as an online dealer, encourage or conspire with any person who has not obtained an
720 online salesperson license to solicit for prospective purchasers; or
- 721 (v) engage in business as an online dealer without having an authorized service center.
- 722 (2) (a) If a new motor vehicle is constructed in more than one stage, such as a motor
723 home, ambulance, or van conversion, the licensee shall advertise, represent, sell, and exchange
724 the vehicle as the make designated by the final stage manufacturer, except in those specific
725 situations where:
- 726 (i) the licensee possesses a franchise from the initial or first stage manufacturer,
727 presumably the manufacturer of the motor vehicle's chassis[-]; or
- 728 (ii) the licensee manufactured the initial or first stage of the motor vehicle.
- 729 (b) Sales of multiple stage manufactured motor vehicles shall include the transfer to the
730 purchaser of a valid manufacturer's statement or certificate of origin from each manufacturer
731 under Section [41-3-301](#).
- 732 (3) Each licensee, except ~~[salespersons]~~ a salesperson or an online salesperson, shall
733 maintain and make available for inspection by peace officers and employees of the division:
- 734 (a) a record of every motor vehicle bought, or exchanged by the licensee or received or
735 accepted by the licensee for sale or exchange;
- 736 (b) a record of every used part or used accessory bought or otherwise acquired;
- 737 (c) a record of every motor vehicle bought or otherwise acquired and wrecked or

738 dismantled by the licensee;

739 (d) all buyers' orders, contracts, odometer statements, temporary permit records,
740 financing records, and all other documents related to the purchase, sale, or consignment of
741 motor vehicles; and

742 (e) a record of the name and address of the person to whom any motor vehicle or motor
743 vehicle body, chassis, or motor vehicle engine is sold or otherwise disposed of and a
744 description of the motor vehicle by year, make, and vehicle identification number.

745 (4) Each licensee required by this chapter to keep records shall:

746 (a) be kept by the licensee at least for five years; and

747 (b) furnish copies of those records upon request to any peace officer or employee of the
748 division during reasonable business hours.

749 (5) A manufacturer, distributor, distributor representative, or factory representative
750 may not induce or attempt to induce by means of coercion, intimidation, or discrimination any
751 dealer to:

752 (a) accept delivery of any motor vehicle, parts, or accessories or any other commodity
753 or commodities, including advertising material not ordered by the dealer;

754 (b) order or accept delivery of any motor vehicle with special features, appliances,
755 accessories, or equipment not included in the list price of the motor vehicle as publicly
756 advertised by the manufacturer;

757 (c) order from any person any parts, accessories, equipment, machinery, tools,
758 appliances, or any other commodity;

759 (d) enter into an agreement with the manufacturer, distributor, distributor
760 representative, or factory representative of any of them, or to do any other act unfair to the
761 dealer by threatening to cancel any franchise or contractual agreement between the
762 manufacturer, distributor, distributor branch, or factory branch and the dealer;

763 (e) refuse to deliver to any dealer having a franchise or contractual arrangement for the
764 retail sale of new and unused motor vehicles sold or distributed by the manufacturer,
765 distributor, distributor branch or factory branch, any motor vehicle, publicly advertised for
766 immediate delivery within 60 days after the dealer's order is received; or

767 (f) unfairly, without regard to the equities of the dealer, cancel the franchise of any
768 motor vehicle dealer; the nonrenewal of a franchise or selling agreement without cause is a

769 violation of this subsection and is an unfair cancellation.

770 (6) A dealer may not assist an unlicensed dealer or salesperson in unlawful activity
771 through active or passive participation in sales, or by allowing use of his facilities or dealer
772 license number, or by any other means.

773 (7) (a) The holder of any new motor vehicle dealer license issued under this chapter
774 may not sell any new motor vehicle to:

775 (i) another dealer licensed under this chapter who does not hold a valid franchise for
776 the make of new motor vehicles sold, unless the selling dealer licenses and titles the new motor
777 vehicle to the purchasing dealer; or

778 (ii) any motor vehicle leasing or rental company located within this state, or who has
779 any branch office within this state, unless the dealer licenses and titles the new motor vehicle to
780 the purchasing, leasing, or rental company.

781 (b) Subsection (7)(a)(i) does not apply to the sale of a new incomplete motor vehicle
782 with a gross vehicle weight of 12,000 or more pounds to a special equipment dealer licensed
783 under this chapter.

784 (8) A dealer licensed under this chapter may not take on consignment any new motor
785 vehicle from anyone other than a new motor vehicle dealer, factory, or distributor who is
786 licensed and franchised or otherwise authorized to distribute or sell that make of motor vehicle
787 in this or any other state.

788 (9) A body shop licensed under this chapter may not assist an unlicensed body shop in
789 unlawful activity through active or passive means or by allowing use of its facilities, name,
790 body shop number, or by any other means.

791 (10) A used motor vehicle dealer licensed under this chapter may not advertise, offer
792 for sale, or sell a new motor vehicle that has been driven less than 7,500 miles by obtaining a
793 title only to the vehicle and representing it as a used motor vehicle.

794 (11) (a) Except as provided in Subsection (11)(c), or in cases of undue hardship or
795 emergency as provided by rule by the division, a dealer or salesperson licensed under this
796 chapter may not, on consecutive days of Saturday and Sunday, sell, offer for sale, lease, or offer
797 for lease a motor vehicle.

798 (b) Each day a motor vehicle is sold, offered for sale, leased, or offered for lease in
799 violation of Subsection (11)(a) and each motor vehicle sold, offered for sale, leased, or offered

800 for lease in violation of Subsection (11)(a) shall constitute a separate offense.

801 (c) The provisions of Subsection (11)(a) shall not apply to an online dealer or a dealer
802 participating in a trade show or exhibition if:

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

804 (ii) the trade show or exhibition takes place at a location other than the principal place
805 of business of one of the dealers participating in the trade show or exhibition.

806 (12) For purposes of imposing the sales and use tax under Title 59, Chapter 12, Sales
807 and Use Tax Act, a licensee issuing a temporary permit under Section 41-3-302 shall separately
808 identify the fees required by Title 41, Chapter 1a, Motor Vehicle Act.

809 (13) (a) A dismantler or dealer engaged in the business of dismantling motor vehicles
810 for the sale of parts or salvage shall identify any vehicles or equipment used by the dismantler
811 or dealer for transporting parts or salvage on the highways.

812 (b) The identification required under Subsection (13)(a) shall:

813 (i) include the name, address, and license number of the dismantler or dealer; and

814 (ii) be conspicuously displayed on both sides of the vehicle or equipment in clearly
815 legible letters and numerals not less than two inches in height.