

**MOTOR VEHICLE BUSINESS LICENSING AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kim F. Coleman**

Senate Sponsor: Wayne A. Harper

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**LONG TITLE**

**General Description:**

This bill amends provisions related to licensure of motor vehicle dealers.

**Highlighted Provisions:**

This bill:

- ▶ directs the motor vehicle enforcement administrator within the State Tax

Commission to:

- issue a provisional license under certain circumstances; and
- issue a provisional license holder a standard license without an additional application or fee once the license holder complies with all of the standard license qualifications.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

ENACTS:

**41-3-202.2**, Utah Code Annotated 1953

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

Section 1. Section **41-3-202.2** is enacted to read:

**41-3-202.2. Provisional license.**

(1) As used in this section:

30 (a) "Provisional license" means a provisional version of a particular class of standard  
31 license.

32 (b) "Standard license" means a license that the administrator is authorized to issue  
33 under Section 41-3-202 for a class for which a principal place of business is required under  
34 Section 41-3-204.

35 (2) The administrator may issue a provisional license for any class of standard license  
36 the administrator issues under Section 41-3-202.

37 (3) A person may apply to the administrator for a provisional license using the same  
38 procedure described in this chapter and under other applicable state law for a standard license  
39 of the same class as the provisional license.

40 (4) Subject to Subsection (5), the administrator shall grant a provisional license to an  
41 applicant who:

42 (a) demonstrates that the applicant meets all of the qualifications described in this  
43 chapter and under other applicable state law for a standard license of the same class as the  
44 provisional license, except for the requirement that the applicant maintain a principal place of  
45 business as required by Section 41-3-204;

46 (b) complies with procedures established by the administrator; and

47 (c) pays a fee established by the administrator.

48 (5) In addition to demonstrating the qualifications described in Subsection (4), an  
49 applicant for a provisional license shall:

50 (a) submit to the administrator a site acquisition plan that describes the applicant's  
51 anticipated principal place of business; and

52 (b) demonstrate that the applicant's site acquisition plan describes a principal place of  
53 business that would comply with the requirements described in this chapter and under other  
54 applicable state law for the principal place of business of a licensee with a standard license of  
55 the same class as the provisional license.

56 (6) A provisional license does not allow a person to act as a licensee with a standard  
57 license.

58           (7) Subject to Subsections (8) and (9), once a person with a provisional license  
59 demonstrates to the administrator that the person meets all of the qualifications under this  
60 chapter and under other applicable state law for a standard license of the same class as the  
61 provisional license, the administrator shall grant the person a standard license of the same class  
62 as the provisional license without requiring that the person:

63           (a) submit an additional application; or

64           (b) pay an additional fee.

65           (8) (a) A provisional license is valid for three months.

66           (b) The commission may extend the term of a provisional license for an additional  
67 three months at the commission's discretion.

68           (9) The commission may create application procedures for a provisional license in  
69 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

70           (10) The commission may require and determine the amount of an application fee for a  
71 provisional license in compliance with Section [63J-1-504](#).

72           Section 2. **Effective date.**

73           This bill takes effect on October 1, 2017.