

1 **UTAH POWERSPORT VEHICLE FRANCHISE ADVISORY**

2 **BOARD AMENDMENTS**

3 2022 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Curtis S. Bramble**

6 House Sponsor: Joel Ferry

8 **LONG TITLE**

9 **General Description:**

10 This bill amends provisions related to the Utah Powersport Vehicle Franchise Advisory
11 Board (Advisory Board).

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ amends the appointment of members to the Advisory Board;
- 15 ▶ sunsets the Advisory Board in 2032; and
- 16 ▶ makes technical and conforming changes.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **13-35-103**, as last amended by Laws of Utah 2015, Chapter 258

24 **63I-1-213**, as last amended by Laws of Utah 2021, Chapter 26

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

27 Section 1. Section **13-35-103** is amended to read:

28 **13-35-103. Utah Powersport Vehicle Franchise Advisory Board -- Creation --**
29 **Appointment of members -- Alternate members -- Chair -- Quorum -- Conflict of interest.**

30 (1) There is created within the department the Utah Powersport Vehicle Franchise
31 Advisory Board that consists of:

32 (a) the executive director or the executive director's designee; and

33 (b) ~~[six]~~ seven members appointed by the executive director, with the concurrence of
34 the governor, as follows:

35 (i) ~~[three]~~ four new powersport vehicle franchisees, each from a different congressional
36 district in the state; and

37 (ii) (A) three members representing powersport vehicle franchisors registered by the
38 department pursuant to Section [13-35-105](#);

39 (B) three members of the general public, none of whom shall be related to any
40 franchisee; or

41 (C) three members consisting of any combination of these representatives under this
42 Subsection (1)(b)(ii).

43 (2) (a) The executive director shall also appoint, with the concurrence of the governor,
44 three alternate members, with at least one alternate from each of the designations set forth in
45 Subsections (1)(b)(i) and (1)(b)(ii), except that the new powersport vehicle franchisee alternate
46 or alternates for the designation under Subsection (1)(b)(i) may be from any congressional
47 district.

48 (b) An alternate shall take the place of a regular advisory board member from the same
49 designation at a meeting of the advisory board where that regular advisory board member is
50 absent or otherwise disqualified from participating in the advisory board meeting.

51 (3) (a) (i) Members of the advisory board appointed under Subsections (1)(b) and (2)
52 shall be appointed for a term of four years.

53 (ii) No specific term shall apply to the executive director or the executive director's
54 designee.

55 ~~[(b) The executive director may adjust the term of members who were appointed to the~~
56 ~~advisory board prior to July 1, 2002, by extending the unexpired term of a member for up to~~
57 ~~two additional years in order to insure that approximately half of the members are appointed~~

58 every two years.]

59 ~~[(e)]~~ (b) In the event of a vacancy on the advisory board of a member appointed under
60 Subsection (1)(b) or (2), the executive director with the concurrence of the governor, shall
61 appoint an individual to complete the unexpired term of the member whose office is vacant.

62 ~~[(d)]~~ (c) A member may not be appointed to more than two consecutive terms.

63 (4) (a) The executive director or the executive director's designee shall be the chair of
64 the advisory board.

65 (b) The department shall keep a record of all hearings, proceedings, transactions,
66 communications, and recommendations of the advisory board.

67 (5) (a) Four or more members of the advisory board constitute a quorum for the
68 transaction of business.

69 (b) The action of a majority of a quorum present is considered the action of the
70 advisory board.

71 (6) (a) A member of the advisory board may not participate as a board member in a
72 proceeding or hearing:

73 (i) involving the member's business or employer; or

74 (ii) when a member, a member's business, family, or employer has a pecuniary interest
75 in the outcome or other conflict of interest concerning an issue before the advisory board.

76 (b) If a member of the advisory board is disqualified under Subsection (6)(a), the
77 executive director shall select the appropriate alternate member to act on the issue before the
78 advisory board as provided in Subsection (2).

79 (7) Except for the executive director or the executive director's designee, an individual
80 may not be appointed or serve on the advisory board while holding any other elective or
81 appointive state or federal office.

82 (8) A member may not receive compensation or benefits for the member's service, but
83 may receive per diem and travel expenses in accordance with:

84 (a) Section 63A-3-106;

85 (b) Section 63A-3-107; and

86 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
87 63A-3-107.

88 (9) The department shall provide necessary staff support to the advisory board.

89 Section 2. Section 63I-1-213 is amended to read:

90 **63I-1-213. Repeal dates, Title 13.**

91 (1) Section 13-32a-112, which creates the Pawnshop and Secondhand Merchandise
92 Advisory Board, is repealed July 1, 2027.

93 (2) Section 13-35-103, which creates the Powersport Motor Vehicle Franchise
94 Advisory Board, is repealed July 1, [2022] 2032.

95 (3) Section 13-43-202, which creates the Land Use and Eminent Domain Advisory
96 Board, is repealed July 1, 2026.