**R151. Commerce, Administration.**

**R151-35. Powersport Vehicle Franchise Act Rule.**

**R151-35-1. Title.**

This rule shall be known as the "Powersport Vehicle Franchise Act Rule."

**R151-35-2. Authority - Purpose.**

In accordance with the Powersport Vehicle Franchise Act, Title 13, Chapter 35, this rule governs adjudicative proceedings before the executive director of the Department of Commerce, and is adopted under the authority of Subsection 13-35-104(2).

**R151-35-3. Adjudicative Proceedings.**

(1) An adjudicative proceeding before the executive director is designated as an informal adjudicative proceeding.

(2) In addition to Title 63G, Chapter 4, Utah Administrative Procedures Act, an adjudicative proceeding under the Powersport Vehicle Franchise Act shall be conducted in accordance with this rule and with the Department of Commerce Administrative Procedures Act Rule, R151-4.

(3) Any correspondence or other submission shall be directed to the executive director of the Department of Commerce or designee.

(4)(a) A notice of agency action by the agency shall comply with the requirements of the Utah Administrative Procedures Act, Subsection 63G-4-201(2).

(b)(i) A request to commence an adjudicative proceeding pursuant to Subsection 13-35-107(1), shall be a pleading headed "BEFORE THE DEPARTMENT OF COMMERCE" and captioned "Request for Agency Action."

(ii) The pleading shall substantially comply with the Utah Administrative Procedures Act, Subsection 63G-4-201(3), and Sections R151-4-201 through R151-4-204.

(5) If the presiding officer determines that an answer to a notice of agency action or request for agency action would be helpful to the proceeding, the presiding officer may order a party to file an answer.

(6)(a) An evidentiary hearing shall be held for a matter brought under:

(i) Section 13-35-202 Sale or transfer of ownership;

(ii) Section 13-35-203 Succession to franchise;

(iii) Section 13-35-301 Termination or noncontinuance of franchise; or

(iv) Section 13-35-302 Issuance of additional franchises - relocation of existing franchisees.

(b)(i) Pursuant to Subsection 63G-4-203(1), discovery is prohibited, but the presiding officer may issue subpoenas requiring the appearance of witnesses at an evidentiary hearing or the production of documents.

(ii) Any subpoena issued shall conform with the requirements in Section R151-4-513; and

(iii) The party requesting a subpoena shall comply with the requirements in Section R151-4-712.

(c) The parties to the action may submit memoranda, exhibits, expert opinions, and affidavits to support their positions in accordance with any scheduling order entered by the presiding officer.

(7)(a) An adjudication requested under any section not listed in this Subsection R151-35-3(6)(a) shall be conducted without an evidentiary hearing.

(b) The parties to the action may submit memoranda, exhibits, written expert opinions, and affidavits in support of their positions in accordance with any scheduling order entered by the presiding officer.

**R151-35-4. Registration.**

(1) Each franchisor or franchisee doing business in this state shall submit an application for registration on a registration form available on the department's website.

(2) A registrant may use the form available on the department's website as its initial or renewal registration or may submit a registration or renewal request in another format so long as that request contains the following information:

(a) the name of the dealership or manufacturer;

(b) the address of the dealership or manufacturer;

(c) the names of any owners or stockholders with 5% or more ownership interest in the company and the percentage of their interest;

(d) the line-makes manufactured, distributed, or sold;

(e) if applicable, the dealer number;

(f) the name and address of person designated for receiving notices or process pursuant to the Powersport Vehicle Franchise Act; and

(g) the email address where the department may send renewal applications and certificates of registration.

(3) The processing of an application for registration by the department may be delayed for a reasonable time to give the registrant an opportunity to cure technical defects in an application for registration.

**KEY: motorcycles, powersport vehicles, off road vehicles, franchises**

**Date of Last Change: October 1, 2024**

**Notice of Continuation: July 16, 2021**

**Authorizing, and Implemented or Interpreted Law: 13-35-101 et seq.**