

1 **VEHICLE REGISTRATION AMENDMENTS**

2 2012 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Jeremy A. Peterson**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions relating to motor vehicle registrations.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ provides that a person may register a motorcycle or motor vehicle of 12,000 pounds
13 or less gross laden weight for a six-month period that begins on the first day of the
14 calendar month of registration and expires on the last day of the sixth month of
15 registration when the Motor Vehicle Division has implemented the GenTax System;

16 ▶ provides that if the application for renewal of registration is for a six-month
17 registration period, a safety inspection certificate or an emissions inspection
18 certificate issued during the previous eight months may be used to satisfy the safety
19 inspection or emissions requirement;

20 ▶ amends the amount of certain taxes and fees for a six-month registration and the
21 disposition of those fees; and

22 ▶ makes conforming changes.

23 **Money Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 This bill takes effect on July 1, 2013.

27 **Utah Code Sections Affected:**



28 AMENDS:

29 **41-1a-205**, as last amended by Laws of Utah 2008, Chapters 36 and 210

30 **41-1a-215**, as last amended by Laws of Utah 2010, Chapter 295

31 **41-1a-215.5**, as enacted by Laws of Utah 2006, Chapter 164

32 **41-1a-216**, as last amended by Laws of Utah 1996, Chapter 81

33 **41-1a-1201**, as last amended by Laws of Utah 2011, Chapters 189 and 268

34 **41-1a-1204**, as last amended by Laws of Utah 2007, Chapter 274

35 **41-1a-1206**, as last amended by Laws of Utah 2011, Chapter 268

36 **41-1a-1218**, as last amended by Laws of Utah 2007, Chapter 274

37 **41-1a-1221**, as last amended by Laws of Utah 2011, Chapter 189

38 **41-1a-1222**, as last amended by Laws of Utah 2008, Chapter 286

39 **41-1a-1223**, as enacted by Laws of Utah 2010, Chapter 295

40 **53-3-905**, as last amended by Laws of Utah 2008, Chapter 304

41 **59-2-405.1**, as last amended by Laws of Utah 2008, Chapter 210

42 **59-2-405.2**, as last amended by Laws of Utah 2009, Chapter 169

43 **63J-1-602.2**, as last amended by Laws of Utah 2011, Chapters 189, 284, 303, and 400

44 **72-2-118**, as last amended by Laws of Utah 2011, Chapter 189

45 **72-2-124**, as last amended by Laws of Utah 2011, Chapter 189

46

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

48 Section 1. Section **41-1a-205** is amended to read:

49 **41-1a-205. Safety inspection certificate required for renewal or registration of**
50 **motor vehicle -- Exemptions.**

51 (1) If required in the current year, a safety inspection certificate, as required by Section
52 53-8-205, or proof of exemption from safety inspection shall be presented at the time of, and as
53 a condition of, registration or renewal of registration of a motor vehicle.

54 (2) (a) Except as provided in Subsections (2)(b), (c), and (d), the safety inspection
55 required under this section may be made no more than two months prior to the renewal of
56 registration.

57 (b) (i) If the title of a used motor vehicle is being transferred, a safety inspection
58 certificate issued for the motor vehicle during the previous two months may be used to satisfy

59 the requirement under Subsection (1).

60 (ii) If the transferor is a licensed and bonded used motor vehicle dealer, a safety
61 inspection certificate issued for the motor vehicle in a licensed and bonded motor vehicle
62 dealer's name during the previous six months may be used to satisfy the requirement under
63 Subsection (1).

64 (c) If the title of a leased vehicle is being transferred to the lessee of the vehicle, a
65 safety inspection certificate issued during the previous six months may be used to satisfy the
66 requirement under Subsection (1).

67 (d) If the motor vehicle is part of a fleet of 101 or more vehicles, the safety inspection
68 required under this section may be made no more than 11 months prior to the renewal of
69 registration.

70 (e) If the application for renewal of registration is for a six-month registration period
71 under Section 41-1a-215.5, a safety inspection certificate issued during the previous eight
72 months may be used to satisfy the requirement under Subsection (1).

73 (3) (a) The following motor vehicles are exempt from this section:

74 (i) except as provided in Subsection (3)(b), a new motor vehicle when registered the
75 first time, if:

76 (A) a new car predelivery inspection has been made by a dealer;

77 (B) the dealer provides a written disclosure statement listing any known deficiency,
78 existing with the new motor vehicle at the time of delivery, that would cause the motor vehicle
79 to fail a safety inspection given in accordance with Section 53-8-205; and

80 (C) the buyer signs the disclosure statement to acknowledge that the buyer has read and
81 understands the listed deficiencies;

82 (ii) a motor vehicle required to be registered under this chapter that bears a dealer plate
83 or other special plate under Title 41, Chapter 3, Part 5, Special Dealer License Plates, except
84 that if the motor vehicle is propelled by its own power and is not being moved for repair or
85 dismantling, the motor vehicle shall comply with Section 41-6a-1601 regarding safe
86 mechanical condition; and

87 (iii) a vintage vehicle as defined in Section 41-21-1.

88 (b) A street-legal all-terrain vehicle registered in accordance with Section 41-6a-1509
89 is subject to a safety inspection the first time that a person registers an off-highway vehicle as a

90 street-legal all-terrain vehicle.

91 (4) (a) A safety inspection certificate shall be displayed on:

92 (i) all registered commercial motor vehicles with a gross vehicle weight rating of
93 26,000 pounds or more;

94 (ii) a motor vehicle with three or more axles, pulling a trailer, or pulling a trailer with
95 multiple axles;

96 (iii) a combination unit; and

97 (iv) a bus or van for hire.

98 (b) A commercial vehicle under Subsection (4)(a) is exempt from the requirements of
99 Subsection (1).

100 (5) A motor vehicle may be sold and the title assigned to the new owner without a
101 valid safety inspection, but the motor vehicle may not be registered in the new owner's name
102 until the motor vehicle complies with this section.

103 Section 2. Section **41-1a-215** is amended to read:

104 **41-1a-215. Staggered registration dates -- Exceptions.**

105 (1) (a) Except as provided under Subsections (2) and (3), every vehicle registration,
106 every registration card, and every registration plate issued under this chapter for the first
107 registration of the vehicle in this state, continues in effect for a period of 12 months beginning
108 with the first day of the calendar month of registration and does not expire until the last day of
109 the same month in the following year.

110 (b) If the last day of the registration period falls on a day in which the appropriate state
111 or county offices are not open for business, the registration of the vehicle is extended to
112 midnight of the next business day.

113 (2) The provisions of Subsection (1) do not apply to the following:

114 (a) registration issued to government vehicles under Section 41-1a-221;

115 (b) registration issued to apportioned vehicles under Section 41-1a-301;

116 (c) multiyear registration issued under Section 41-1a-222;

117 (d) lifetime trailer registration issued under Section 41-1a-1206;

118 (e) partial year registration issued under Section 41-1a-1207;

119 (f) a six-month registration issued under Section 41-1a-215.5; or

120 (g) plates issued to a dealer, dismantler, manufacturer, remanufacturer, and transporter

121 under Title 41, Chapter 3, Part 5, Special Dealer License Plates.

122 (3) (a) Upon application of the owner or lessee of a fleet of commercial vehicles not
123 apportioned under Section 41-1a-301 and required to be registered in this state, the State Tax
124 Commission may permit the vehicles to be registered for a registration period commencing on
125 the first day of March, June, September, or December of any year and expiring on the last day
126 of March, June, September, or December in the following year.

127 (b) Upon application of the owner or lessee of a fleet of commercial vehicles
128 apportioned under Section 41-1a-301 and required to be registered in this state, the State Tax
129 Commission may permit the vehicles to be registered for a registration period commencing on
130 the first day of January, April, July, or October of any year and expiring on the last day of
131 March, June, September, or December in the following year.

132 (4) When the expiration of a registration plate is extended by affixing a registration
133 decal to it, the expiration of the decal governs the expiration date of the plate.

134 Section 3. Section **41-1a-215.5** is amended to read:

135 **41-1a-215.5. Six-month registration.**

136 [~~(1) As used in this section:~~]

137 [~~(a) "rental agreement" has the same meaning as defined in Section 31A-22-311;~~]

138 [~~(b) "rental company" has the same meaning as defined in Section 31A-22-311; and]~~

139 [~~(c) "rental fleet" means more than 25 motor vehicles that are:]~~

140 [~~(i) subject to a uniform fee under Section 59-2-405.1;~~]

141 [~~(ii) owned by a rental company;~~]

142 [~~(iii) offered for rental without hired drivers through a rental agreement; and]~~

143 [~~(iv) designated by the registered owner of the motor vehicle as a rental fleet vehicle at~~
144 ~~the time of registration.]~~

145 [~~(2) (a) Beginning on January 1, 2007, a rental company owning or leasing a rental~~
146 ~~fleet]~~

147 (1) (a) Subject to the requirements of this section, a person may register a motorcycle
148 or motor vehicle [in the rental fleet] of 12,000 pounds or less gross laden weight for a
149 six-month period that begins on the first day of the calendar month of registration and expires
150 on the last day of the sixth month of registration.

151 (b) If the last day of the registration period falls on a day in which the appropriate state

152 or county offices are not open for business, the registration of the vehicle is extended to
153 midnight of the next business day.

154 ~~[(3) A motor vehicle registered under this section that remains in the rental fleet at the~~
155 ~~end of the original registration period shall be registered for 12 months as outlined under~~
156 ~~Section 41-1a-216.]~~

157 ~~[(4)]~~ (2) A registration under ~~[Subsection (2)]~~ this section is subject to this chapter.

158 (3) The option to register a motorcycle or motor vehicle under this section shall be
159 available to a person when the division:

160 (a) has implemented the division's GenTax system; and

161 (b) at least 30 days before implementing the division's GenTax system as described in
162 Subsection (3)(a), has provided notice in a conspicuous place on the division's website stating:

163 (i) the date the commission will implement the GenTax system; and

164 (ii) that, at the time the commission implements the GenTax system, the option to
165 register a motorcycle or motor vehicle for a six-month registration period will be available.

166 Section 4. Section **41-1a-216** is amended to read:

167 **41-1a-216. Renewal of registration.**

168 (1) The division may receive applications for registration renewal and issue new
169 registration cards at any time prior to the expiration of the registration, subject to the
170 availability of renewal materials.

171 (2) (a) ~~[The]~~ Except as provided in Subsections (2)(c) and (3), the new registration
172 shall retain the same expiration month as recorded on the original registration even if the
173 registration has expired~~[, except as provided in Subsection (3)].~~

174 (b) ~~[The]~~ Except as provided in Subsection (2)(c), the year of registration expiration
175 shall be changed to reflect the renewed registration period.

176 (c) If the application for renewal of registration is for a six-month registration period
177 under Section 41-1a-215.5, the new registration shall be for a six-month registration period that
178 begins with the first day of the calendar month following the last day of the expiration month
179 of the previous registration period as recorded on the original registration even if the
180 registration has expired.

181 (3) Subsection (2) does not apply if the owner can verify to the satisfaction of the
182 division that the vehicle registration was not renewed prior to its expiration due to the fact that

183 the vehicle was in storage, inoperable, or otherwise out of service.

184 (4) If the registration renewal application is an application generated by the division
185 through its automated system, the owner need not surrender the last registration card or
186 duplicate.

187 Section 5. Section **41-1a-1201** is amended to read:

188 **41-1a-1201. Disposition of fees.**

189 (1) All fees received and collected under this part shall be transmitted daily to the state
190 treasurer.

191 (2) Except as provided in Subsections (3), (6), and (7) and Sections 41-1a-422,
192 41-1a-1220, 41-1a-1221, and 41-1a-1223 all fees collected under this part shall be deposited in
193 the Transportation Fund.

194 (3) Funds generated under Subsections 41-1a-1211(1)(b)(ii), (6)(b)(ii), and (7) and
195 Section 41-1a-1212 may be used by the commission to cover the costs incurred in issuing
196 license plates under Part 4, License Plates and Registration Indicia.

197 (4) In accordance with Section 63J-1-602.2, all funds available to the commission for
198 the purchase and distribution of license plates and decals are nonlapsing.

199 (5) (a) Except as provided in ~~[Subsection]~~ Subsections (3) and (5)(b) and Section
200 41-1a-1205, the expenses of the commission in enforcing and administering this part shall be
201 provided for by legislative appropriation from the revenues of the Transportation Fund.

202 (b) Three dollars of the registration fees imposed under Subsections 41-1a-1206(2)(a)
203 and (b) for each vehicle registered for a six-month registration period under Section
204 41-1a-215.5 may be used by the commission to cover the costs incurred in enforcing and
205 administering this part.

206 (6) (a) Except as provided in ~~[Subsection]~~ Subsections (6)(b) and (c), the following
207 portions of the registration fees imposed under Section 41-1a-1206 for each vehicle shall be
208 deposited in the Centennial Highway Fund Restricted Account created under Section 72-2-118:

209 (i) \$10 of the registration fees imposed under Subsections 41-1a-1206(1)(a), (1)(b),
210 (1)(f), (2), and (5);

211 (ii) \$1 of the registration fees imposed under Subsections 41-1a-1206(1)(c)(i),
212 (1)(c)(ii), and (1)(d)(ii);

213 (iii) \$2 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(ii);

214 (iv) \$3 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(i); and
215 (v) \$4.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(i).

216 (b) When the highway general obligation bonds have been paid off and the highway
217 projects completed that are intended to be paid from revenues deposited in the Centennial
218 Highway Fund Restricted Account as determined by the Executive Appropriations Committee
219 under Subsection 72-2-118(6)(d), the portions of the registration fees deposited under
220 Subsection (6)(a) for each vehicle shall be deposited in the Transportation Investment Fund of
221 2005 created by Section 72-2-124.

222 (c) (i) Six dollars of the registration fees imposed under Subsections 41-1a-1206(2)(a)
223 and (b) for each vehicle registered for a six-month registration period under Section
224 41-1a-215.5 shall be deposited in the Centennial Highway Fund Restricted Account created
225 under Section 72-2-118.

226 (ii) When the highway general obligation bonds have been paid off and the highway
227 projects completed that are intended to be paid from revenues deposited in the Centennial
228 Highway Fund Restricted Account as determined by the Executive Appropriations Committee
229 under Subsection 72-2-118(6)(d), the portions of the registration fees deposited under
230 Subsection (6)(c)(i) for each vehicle shall be deposited in the Transportation Investment Fund
231 of 2005 created by Section 72-2-124.

232 (7) ~~[The]~~ (a) Except as provided in Subsection (7)(b), the following portions of the
233 registration fees imposed under Section 41-1a-1206 for each vehicle shall be deposited in the
234 Transportation Investment Fund of 2005 created by Section 72-2-124:

235 ~~[(a)]~~ (i) \$20 of each registration fee collected under Subsections 41-1a-1206(1)(a),
236 (1)(b), (1)(c), (1)(d)(i), (1)(e)(i), (1)(f), (2)(a), and (5); and

237 ~~[(b)]~~ (ii) 50 cents of each registration fee collected under Subsection
238 41-1a-1206(1)(e)(ii).

239 (b) Twelve dollars of each registration fee collected under Subsections
240 41-1a-1206(2)(a) and (b) for each vehicle registered for a six-month registration period under
241 Section 41-1a-215.5 shall be deposited in the Transportation Investment Fund of 2005 created
242 by Section 72-2-124.

243 Section 6. Section **41-1a-1204** is amended to read:

244 **41-1a-1204. Automobile driver education fee -- Amount -- When paid --**

245 **Exception.**

246 (1) Each year there is levied and shall be paid to the commission the automobile driver
247 education fee.

248 (2) (a) Except as provided in [~~Subsection~~] Subsections (2)(b) and (c), the fee is \$2.50
249 upon each motor vehicle to be registered[-] for a one-year registration period.

250 (b) The fee is \$1.50 upon each motor vehicle to be registered under Section
251 41-1a-215.5 for a six-month registration period.

252 [~~(b)~~] (c) The following registrations are exempt from the fee in Subsection (2)(a) or

253 (b):

254 (i) a motorcycle registration; and

255 (ii) a registration of a vehicle with a Purple Heart special group license plate issued in
256 accordance with Section 41-1a-421.

257 Section 7. Section **41-1a-1206** is amended to read:

258 **41-1a-1206. Registration fees -- Fees by gross laden weight.**

259 (1) Except as provided in [~~Subsection~~] Subsections (2) and (3), at the time application
260 is made for registration or renewal of registration of a vehicle or combination of vehicles under
261 this chapter, a registration fee shall be paid to the division as follows:

262 (a) \$42.50 for each motorcycle;

263 (b) \$41 for each motor vehicle of 12,000 pounds or less gross laden weight, excluding
264 motorcycles;

265 (c) unless the semitrailer or trailer is exempt from registration under Section 41-1a-202
266 or is registered under Section 41-1a-301:

267 (i) \$31 for each trailer or semitrailer over 750 pounds gross unladen weight; or

268 (ii) \$28.50 for each commercial trailer or commercial semitrailer of 750 pounds or less
269 gross unladen weight;

270 (d) (i) \$53 for each farm truck over 12,000 pounds, but not exceeding 14,000 pounds
271 gross laden weight; plus

272 (ii) \$9 for each 2,000 pounds over 14,000 pounds gross laden weight;

273 (e) (i) \$69.50 for each motor vehicle or combination of motor vehicles, excluding farm
274 trucks, over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; plus

275 (ii) \$19 for each 2,000 pounds over 14,000 pounds gross laden weight; and

276 (f) \$45 for each vintage vehicle that is less than 40 years old.

277 (2) At the time application is made for registration or renewal of registration of a
278 vehicle under this chapter for a six-month registration period under Section 41-1a-215.5, a
279 registration fee shall be paid to the division as follows:

280 (a) \$27.50 for each motorcycle; and

281 (b) \$26.50 for each motor vehicle of 12,000 pounds or less gross laden weight,
282 excluding motorcycles.

283 [~~2~~] (3) (a) The initial registration fee for a vintage vehicle that is 40 years old or older
284 is \$40.

285 (b) A vintage vehicle that is 40 years old or older is exempt from the renewal of
286 registration fees under Subsection (1).

287 (c) A vehicle with a Purple Heart special group license plate issued in accordance with
288 Section 41-1a-421 is exempt from the registration fees under Subsection (1).

289 [~~3~~] (4) If a motor vehicle is operated in combination with a semitrailer or trailer, each
290 motor vehicle shall register for the total gross laden weight of all units of the combination if the
291 total gross laden weight of the combination exceeds 12,000 pounds.

292 [~~4~~] (5) (a) Registration fee categories under this section are based on the gross laden
293 weight declared in the licensee's application for registration.

294 (b) Gross laden weight shall be computed in units of 2,000 pounds. A fractional part
295 of 2,000 pounds is a full unit.

296 [~~5~~] (6) The owner of a commercial trailer or commercial semitrailer may, as an
297 alternative to registering under Subsection (1)(c), apply for and obtain a special registration and
298 license plate for a fee of \$130.

299 [~~6~~] (7) Except as provided in Section 41-6a-1642, a truck may not be registered as a
300 farm truck unless:

301 (a) the truck meets the definition of a farm truck under Section 41-1a-102; and

302 (b) (i) the truck has a gross vehicle weight rating of more than 12,000 pounds; or

303 (ii) the truck has a gross vehicle weight rating of 12,000 pounds or less and the owner
304 submits to the division a certificate of emissions inspection or a waiver in compliance with
305 Section 41-6a-1642.

306 [~~7~~] (8) A violation of Subsection [~~6~~] (7) is a class B misdemeanor that shall be

307 punished by a fine of not less than \$200.

308 ~~[(8)]~~ (9) Trucks used exclusively to pump cement, bore wells, or perform crane
309 services with a crane lift capacity of five or more tons, are exempt from 50% of the amount of
310 the fees required for those vehicles under this section.

311 Section 8. Section **41-1a-1218** is amended to read:

312 **41-1a-1218. Uninsured motorist identification fee for tracking motor vehicle**
313 **insurance -- Exemption -- Deposit.**

314 (1) (a) Except as provided in ~~[Subsection]~~ Subsections (1)(b) and (c), at the time
315 application is made for registration or renewal of registration of a motor vehicle under this
316 chapter, the applicant shall pay an uninsured motorist identification fee of \$1 on each motor
317 vehicle.

318 (b) Except as provided in Subsection (1)(c), at the time application is made for
319 registration or renewal of registration of a motor vehicle for a six-month registration period
320 under Section 41-1a-215.5, the applicant shall pay an uninsured motorist identification fee of
321 50 cents on each motor vehicle.

322 ~~[(b)]~~ (c) The following are exempt from the fee required under Subsection (1)(a) or (b):

323 (i) a commercial vehicle registered as part of a fleet under Section 41-1a-222 or
324 Section 41-1a-301;

325 (ii) a motor vehicle that is exempt from the registration fee under Section 41-1a-1209
326 or Subsection 41-1a-419(3); and

327 (iii) a motor vehicle with a Purple Heart special group license plate issued in
328 accordance with Section 41-1a-421.

329 (2) The revenue generated under this section shall be deposited in the Uninsured
330 Motorist Identification Restricted Account created in Section 41-12a-806.

331 Section 9. Section **41-1a-1221** is amended to read:

332 **41-1a-1221. Fees to cover the cost of electronic payments.**

333 (1) As used in this section:

334 (a) "Electronic payment" means use of any form of payment processed through
335 electronic means, including credit cards, debit cards, and automatic clearinghouse transactions.

336 (b) "Electronic payment fee" means the fee assessed to defray:

337 (i) the charge, discount fee, or processing fee charged by credit card companies or

338 processing agents to process an electronic payment; or

339 (ii) costs associated with the purchase of equipment necessary for processing electronic
340 payments.

341 (2) (a) The Motor Vehicle Division may collect an electronic payment fee on all
342 registrations and renewals of registration under Subsections 41-1a-1206(1)(a), (1)(b), (2)(a),
343 (2)(b), and [~~(2)~~] (3).

344 (b) The fee described in Subsection (2)(a):

345 (i) shall be imposed regardless of the method of payment for a particular transaction;
346 and

347 (ii) need not be separately identified from the fees imposed for registration and
348 renewals of registration under Subsections 41-1a-1206(1)(a), (1)(b), (2)(a), (2)(b), and [~~(2)~~] (3).

349 (3) The division shall establish the fee according to the procedures and requirements of
350 Section 63J-1-504.

351 (4) A fee imposed under this section:

352 (a) shall be deposited in the Electronic Payment Fee Restricted Account created by
353 Section 41-1a-121; and

354 (b) is not subject to Subsection 63J-2-202(2).

355 Section 10. Section **41-1a-1222** is amended to read:

356 **41-1a-1222. Local option highway construction and transportation corridor**
357 **preservation fee -- Exemptions -- Deposit -- Transfer -- County ordinance -- Notice.**

358 (1) (a) (i) [~~A~~] Except as provided in Subsection (1)(a)(ii), a county legislative body
359 may impose a local option highway construction and transportation corridor preservation fee of
360 up to \$10 on each motor vehicle registration within the county.

361 (ii) A county legislative body may impose a local option highway construction and
362 transportation corridor preservation fee of up to \$6 on each motor vehicle registration for a
363 six-month registration period under Section 41-1a-215.5 within the county.

364 [~~(ii)~~] (iii) A fee imposed under Subsection (1)(a)(i) or (ii) shall be set in whole dollar
365 increments.

366 (b) If imposed under Subsection (1)(a), at the time application is made for registration
367 or renewal of registration of a motor vehicle under this chapter, the applicant shall pay the local
368 option highway construction and transportation corridor preservation fee established by the

369 county legislative body.

370 (c) The following are exempt from the fee required under Subsection (1)(a):

371 (i) a motor vehicle that is exempt from the registration fee under Section 41-1a-1209 or
372 Subsection 41-1a-419(3);

373 (ii) a commercial vehicle with an apportioned registration under Section 41-1a-301;
374 and

375 (iii) a motor vehicle with a Purple Heart special group license plate issued in
376 accordance with Section 41-1a-421.

377 (2) (a) Except as provided in Subsection (2)(b), the revenue generated under this
378 section shall be:

379 (i) deposited in the Local Transportation Corridor Preservation Fund created in Section
380 72-2-117.5;

381 (ii) credited to the county from which it is generated; and

382 (iii) used and distributed in accordance with Section 72-2-117.5.

383 (b) The revenue generated by a fee imposed under this section in a county of the first
384 class shall be deposited or transferred as follows:

385 (i) 50% of the revenue shall be:

386 (A) deposited in the County of the First Class State Highway Projects Fund created in
387 Section 72-2-121; and

388 (B) used in accordance with Section 72-2-121;

389 (ii) 20% of the revenue shall be:

390 (A) transferred to the legislative body of a city of the first class:

391 (I) located in a county of the first class; and

392 (II) that has:

393 (Aa) an international airport within its boundaries; and

394 (Bb) a United States customs office on the premises of the international airport
395 described in Subsection (2)(b)(ii)(A)(II)(Aa); and

396 (B) used by the city described in Subsection (2)(b)(ii)(A) for highway construction,
397 reconstruction, or maintenance projects; and

398 (iii) 30% of the revenue shall be deposited, credited, and used as provided in
399 Subsection (2)(a).

400 (3) To impose or change the amount of a fee under this section, the county legislative
401 body shall pass an ordinance:

402 (a) approving the fee;

403 (b) setting the amount of the fee; and

404 (c) providing an effective date for the fee as provided in Subsection (4).

405 (4) (a) If a county legislative body enacts, changes, or repeals a fee under this section,
406 the enactment, change, or repeal shall take effect on July 1 if the commission receives notice
407 meeting the requirements of Subsection (4)(b) from the county prior to April 1.

408 (b) The notice described in Subsection (4)(a) shall:

409 (i) state that the county will enact, change, or repeal a fee under this part;

410 (ii) include a copy of the ordinance imposing the fee; and

411 (iii) if the county enacts or changes the fee under this section, state the amount of the
412 fee.

413 Section 11. Section **41-1a-1223** is amended to read:

414 **41-1a-1223. Local emissions compliance fee -- Exemptions -- Transfer -- County**
415 **ordinance -- Notice.**

416 (1) (a) (i) A county legislative body of a county that is required to utilize a motor
417 vehicle emissions inspection and maintenance program or in which an emissions inspection
418 and maintenance program is necessary to attain or maintain any national ambient air quality
419 standard in accordance with Section 41-6a-1642 may impose a local emissions compliance fee
420 of up to:

421 (A) \$3 on each motor vehicle registration within the county[-] for a motor vehicle
422 registration under Section 41-1a-215; or

423 (B) \$2 on each motor vehicle registration within the county for a six-month registration
424 period under Section 41-1a-215.5.

425 (ii) A fee imposed under Subsection (1)(a)(i) shall be set in whole dollar increments.

426 (b) If imposed under Subsection (1)(a)(i), at the time application is made for
427 registration or renewal of registration of a motor vehicle under this chapter, the applicant shall
428 pay the local emissions compliance fee established by the county legislative body.

429 (c) The following are exempt from the fee required under Subsection (1)(a)(i):

430 (i) a motor vehicle that is exempt from the registration fee under Section 41-1a-1209 or

431 Subsection 41-1a-419(3); and

432 (ii) a commercial vehicle with an apportioned registration under Section 41-1a-301.

433 (2) The revenue generated from the fees collected under this section shall be
434 transferred to the county that imposed the fee.

435 (3) To impose or change the amount of a fee under this section, the county legislative
436 body shall pass an ordinance:

437 (a) approving the fee;

438 (b) setting the amount of the fee; and

439 (c) providing an effective date for the fee as provided in Subsection (4).

440 (4) (a) If a county legislative body enacts, changes, or repeals a fee under this section,
441 the enactment, change, or repeal shall take effect on July 1 if the commission receives notice
442 meeting the requirements of Subsection (4)(b) from the county prior to April 1.

443 (b) The notice described in Subsection (4)(a) shall:

444 (i) state that the county will enact, change, or repeal a fee under this section;

445 (ii) include a copy of the ordinance imposing the fee; and

446 (iii) if the county enacts or changes the fee under this section, state the amount of the
447 fee.

448 Section 12. Section **53-3-905** is amended to read:

449 **53-3-905. Dedication of fees.**

450 (1) [~~Five dollars of the annual registration fee imposed under Section 41-1a-1206 for~~
451 ~~each registered motorcycle and \$2.50 of the fee imposed under Section 53-3-105 for an~~
452 ~~original, renewal, or extension of a motorcycle endorsement] The following shall be deposited
453 as dedicated credits in the Transportation Fund to be used by the division for the program[~~:-~~];~~

454 (a) \$5 of the annual registration fee imposed for each registered motorcycle under
455 Subsection 41-1a-1206(1)(a);

456 (b) \$3 of the six-month registration fee imposed for each registered motorcycle under
457 Subsection 41-1a-1206(2)(a); and

458 (c) \$2.50 of the fee imposed under Section 53-3-105 for an original, renewal, or
459 extension of a motorcycle endorsement.

460 (2) Appropriations to the program are nonlapsing.

461 (3) Appropriations may not be used for assistance to, advocacy of, or lobbying for any

462 legislation unless the legislation would enhance or affect the financial status of the program or
463 the program's continuation.

464 Section 13. Section **59-2-405.1** is amended to read:

465 **59-2-405.1. Uniform fee on certain vehicles weighing 12,000 pounds or less --**
466 **Distribution of revenues -- Appeals.**

467 (1) The property described in Subsection (2) is exempt from ad valorem property taxes
468 pursuant to Utah Constitution Article XIII, Section 2, Subsection (6).

469 (2) (a) Except as provided in Subsection (2)(b), there is levied as provided in this part a
470 statewide uniform fee in lieu of the ad valorem tax on:

471 (i) motor vehicles as defined in Section 41-1a-102 that:

472 (A) are required to be registered with the state; and

473 (B) weigh 12,000 pounds or less; and

474 (ii) state-assessed commercial vehicles required to be registered with the state that
475 weigh 12,000 pounds or less.

476 (b) The following tangible personal property is exempt from the statewide uniform fee
477 imposed by this section:

478 (i) aircraft;

479 (ii) tangible personal property subject to a uniform fee imposed by:

480 (A) Section 59-2-405;

481 (B) Section 59-2-405.2; or

482 (C) Section 59-2-405.3; and

483 (iii) tangible personal property that is exempt from state or county ad valorem property
484 taxes under the laws of this state or of the federal government.

485 (3) (a) Except as provided in Subsections (3)(b) and (c), beginning on January 1, 1999,
486 the uniform fee for purposes of this section is as follows:

487	Age of Vehicle	Uniform Fee
488	12 or more years	\$10
489	9 or more years but less than 12 years	\$50
490	6 or more years but less than 9 years	\$80
491	3 or more years but less than 6 years	\$110

492 Less than 3 years \$150

493 (b) For registrations under Section 41-1a-215.5, [~~beginning on January 1, 2007,~~] the
494 uniform fee for purposes of this section is as follows:

495	Age of Vehicle	Uniform Fee
496	12 or more years	[\$5] <u>\$6</u>
497	9 or more years but less than 12 years	[\$25] <u>\$30</u>
498	6 or more years but less than 9 years	[\$40] <u>\$48</u>
499	3 or more years but less than 6 years	[\$55] <u>\$66</u>
500	Less than 3 years	[\$75] <u>\$90</u>

501 (c) Notwithstanding Subsections (3)(a) and (b), beginning on September 1, 2001, for a
502 motor vehicle issued a temporary sports event registration certificate in accordance with
503 Section 41-3-306, the uniform fee for purposes of this section is \$5 for the event period
504 specified on the temporary sports event registration certificate regardless of the age of the
505 motor vehicle.

506 (4) Notwithstanding Section 59-2-407, property subject to the uniform fee that is
507 brought into the state and is required to be registered in Utah shall, as a condition of
508 registration, be subject to the uniform fee unless all property taxes or uniform fees imposed by
509 the state of origin have been paid for the current calendar year.

510 (5) (a) The revenues collected in each county from the uniform fee shall be distributed
511 by the county to each taxing entity in which the property described in Subsection (2) is located
512 in the same proportion in which revenue collected from ad valorem real property tax is
513 distributed.

514 (b) Each taxing entity shall distribute the revenues received under Subsection (5)(a) in
515 the same proportion in which revenue collected from ad valorem real property tax is
516 distributed.

517 Section 14. Section ~~59-2-405.2~~ is amended to read:

518 **59-2-405.2. Definitions -- Uniform statewide fee on certain tangible personal**
519 **property -- Distribution of revenues -- Rulemaking authority -- Determining the length of**
520 **a vessel.**

521 (1) As used in this section:

522 (a) (i) Except as provided in Subsection (1)(a)(ii), "all-terrain vehicle" means a motor
523 vehicle that:

524 (A) is an:

525 (I) all-terrain type I vehicle as defined in Section 41-22-2; or

526 (II) all-terrain type II vehicle as defined in Section 41-22-2;

527 (B) is required to be registered in accordance with Title 41, Chapter 22, Off-Highway
528 Vehicles; and

529 (C) has:

530 (I) an engine with more than 150 cubic centimeters displacement;

531 (II) a motor that produces more than five horsepower; or

532 (III) an electric motor; and

533 (ii) notwithstanding Subsection (1)(a)(i), "all-terrain vehicle" does not include a
534 snowmobile.

535 (b) "Camper" means a camper:

536 (i) as defined in Section 41-1a-102; and

537 (ii) that is required to be registered in accordance with Title 41, Chapter 1a, Part 2,
538 Registration.

539 (c) (i) "Canoe" means a vessel that:

540 (A) is long and narrow;

541 (B) has curved sides; and

542 (C) is tapered:

543 (I) to two pointed ends; or

544 (II) to one pointed end and is blunt on the other end; and

545 (ii) "canoe" includes:

546 (A) a collapsible inflatable canoe;

547 (B) a kayak;

548 (C) a racing shell;

549 (D) a rowing scull; or

550 (E) notwithstanding the definition of vessel in Subsection (1)(aa), a canoe with an
551 outboard motor.

552 (d) "Dealer" is as defined in Section 41-1a-102.

- 553 (e) "Jon boat" means a vessel that:
- 554 (i) has a square bow; and
- 555 (ii) has a flat bottom.
- 556 (f) "Motor vehicle" is as defined in Section 41-22-2.
- 557 (g) "Other motorcycle" means a motor vehicle that:
- 558 (i) is:
- 559 (A) a motorcycle as defined in Section 41-1a-102; and
- 560 (B) designed primarily for use and operation over unimproved terrain;
- 561 (ii) is required to be registered in accordance with Title 41, Chapter 1a, Part 2,
- 562 Registration; and
- 563 (iii) has:
- 564 (A) an engine with more than 150 cubic centimeters displacement; or
- 565 (B) a motor that produces more than five horsepower.
- 566 (h) (i) "Other trailer" means a portable vehicle without motive power that is primarily
- 567 used:
- 568 (A) to transport tangible personal property; and
- 569 (B) for a purpose other than a commercial purpose; and
- 570 (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for
- 571 purposes of Subsection (1)(h)(i)(B), the commission may by rule define what constitutes a
- 572 purpose other than a commercial purpose.
- 573 (i) "Outboard motor" is as defined in Section 41-1a-102.
- 574 (j) "Personal watercraft" means a personal watercraft:
- 575 (i) as defined in Section 73-18-2; and
- 576 (ii) that is required to be registered in accordance with Title 73, Chapter 18, State
- 577 Boating Act.
- 578 (k) (i) "Pontoon" means a vessel that:
- 579 (A) is:
- 580 (I) supported by one or more floats; and
- 581 (II) propelled by either inboard or outboard power; and
- 582 (B) is not:
- 583 (I) a houseboat; or

584 (II) a collapsible inflatable vessel; and
585 (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
586 commission may by rule define the term "houseboat."

587 (l) "Qualifying adjustment, exemption, or reduction" means an adjustment, exemption,
588 or reduction:

589 (i) of all or a portion of a qualifying payment;
590 (ii) granted by a county during the refund period; and
591 (iii) received by a qualifying person.

592 (m) (i) "Qualifying payment" means the payment made:

593 (A) of a uniform statewide fee in accordance with this section:

594 (I) by a qualifying person;

595 (II) to a county; and

596 (III) during the refund period; and

597 (B) on an item of qualifying tangible personal property; and

598 (ii) if a qualifying person received a qualifying adjustment, exemption, or reduction for
599 an item of qualifying tangible personal property, the qualifying payment for that qualifying
600 tangible personal property is equal to the difference between:

601 (A) the payment described in this Subsection (1)(m) for that item of qualifying tangible
602 personal property; and

603 (B) the amount of the qualifying adjustment, exemption, or reduction.

604 (n) "Qualifying person" means a person that paid a uniform statewide fee:

605 (i) during the refund period;

606 (ii) in accordance with this section; and

607 (iii) on an item of qualifying tangible personal property.

608 (o) "Qualifying tangible personal property" means a:

609 (i) qualifying vehicle; or

610 (ii) qualifying watercraft.

611 (p) "Qualifying vehicle" means:

612 (i) an all-terrain vehicle with an engine displacement that is 100 or more cubic
613 centimeters but 150 or less cubic centimeters;

614 (ii) an other motorcycle with an engine displacement that is 100 or more cubic

- 615 centimeters but 150 or less cubic centimeters;
- 616 (iii) a small motor vehicle with an engine displacement that is 100 or more cubic
617 centimeters but 150 or less cubic centimeters;
- 618 (iv) a snowmobile with an engine displacement that is 100 or more cubic centimeters
619 but 150 or less cubic centimeters; or
- 620 (v) a street motorcycle with an engine displacement that is 100 or more cubic
621 centimeters but 150 or less cubic centimeters.
- 622 (q) "Qualifying watercraft" means a:
- 623 (i) canoe;
- 624 (ii) collapsible inflatable vessel;
- 625 (iii) jon boat;
- 626 (iv) pontoon;
- 627 (v) sailboat; or
- 628 (vi) utility boat.
- 629 (r) "Refund period" means the time period:
- 630 (i) beginning on January 1, 2006; and
- 631 (ii) ending on December 29, 2006.
- 632 (s) "Sailboat" means a sailboat as defined in Section 73-18-2.
- 633 (t) (i) "Small motor vehicle" means a motor vehicle that:
- 634 (A) is required to be registered in accordance with Title 41, Motor Vehicles; and
- 635 (B) has:
- 636 (I) an engine with 150 or less cubic centimeters displacement; or
- 637 (II) a motor that produces five or less horsepower; and
- 638 (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
639 commission may by rule develop a process for an owner of a motor vehicle to certify whether
640 the motor vehicle has:
- 641 (A) an engine with 150 or less cubic centimeters displacement; or
- 642 (B) a motor that produces five or less horsepower.
- 643 (u) "Snowmobile" means a motor vehicle that:
- 644 (i) is a snowmobile as defined in Section 41-22-2;
- 645 (ii) is required to be registered in accordance with Title 41, Chapter 22, Off-Highway

646 Vehicles; and

647 (iii) has:

648 (A) an engine with more than 150 cubic centimeters displacement; or

649 (B) a motor that produces more than five horsepower.

650 (v) "Street motorcycle" means a motor vehicle that:

651 (i) is:

652 (A) a motorcycle as defined in Section 41-1a-102; and

653 (B) designed primarily for use and operation on highways;

654 (ii) is required to be registered in accordance with Title 41, Chapter 1a, Part 2,

655 Registration; and

656 (iii) has:

657 (A) an engine with more than 150 cubic centimeters displacement; or

658 (B) a motor that produces more than five horsepower.

659 (w) "Tangible personal property owner" means a person that owns an item of

660 qualifying tangible personal property.

661 (x) "Tent trailer" means a portable vehicle without motive power that:

662 (i) is constructed with collapsible side walls that:

663 (A) fold for towing by a motor vehicle; and

664 (B) unfold at a campsite;

665 (ii) is designed as a temporary dwelling for travel, recreational, or vacation use;

666 (iii) is required to be registered in accordance with Title 41, Chapter 1a, Part 2,

667 Registration; and

668 (iv) does not require a special highway movement permit when drawn by a

669 self-propelled motor vehicle.

670 (y) (i) Except as provided in Subsection (1)(y)(ii), "travel trailer" means a travel trailer:

671 (A) as defined in Section 41-1a-102; and

672 (B) that is required to be registered in accordance with Title 41, Chapter 1a, Part 2,

673 Registration; and

674 (ii) notwithstanding Subsection (1)(y)(i), "travel trailer" does not include:

675 (A) a camper; or

676 (B) a tent trailer.

677 (z) (i) "Utility boat" means a vessel that:
678 (A) has:
679 (I) two or three bench seating;
680 (II) an outboard motor; and
681 (III) a hull made of aluminum, fiberglass, or wood; and
682 (B) does not have:
683 (I) decking;
684 (II) a permanent canopy; or
685 (III) a floor other than the hull; and
686 (ii) notwithstanding Subsection (1)(z)(i), "utility boat" does not include a collapsible
687 inflatable vessel.

688 (aa) "Vessel" means a vessel:
689 (i) as defined in Section 73-18-2, including an outboard motor of the vessel; and
690 (ii) that is required to be registered in accordance with Title 73, Chapter 18, State
691 Boating Act.

692 (2) (a) In accordance with Utah Constitution Article XIII, Section 2, Subsection (6),
693 beginning on January 1, 2006, the tangible personal property described in Subsection (2)(b) is:
694 (i) exempt from the tax imposed by Section 59-2-103; and
695 (ii) in lieu of the tax imposed by Section 59-2-103, subject to uniform statewide fees as
696 provided in this section.

697 (b) The following tangible personal property applies to Subsection (2)(a) if that
698 tangible personal property is required to be registered with the state:

- 699 (i) an all-terrain vehicle;
- 700 (ii) a camper;
- 701 (iii) an other motorcycle;
- 702 (iv) an other trailer;
- 703 (v) a personal watercraft;
- 704 (vi) a small motor vehicle;
- 705 (vii) a snowmobile;
- 706 (viii) a street motorcycle;
- 707 (ix) a tent trailer;

708 (x) a travel trailer; and
 709 (xi) a vessel if that vessel is less than 31 feet in length as determined under Subsection
 710 (6).

711 (3) ~~For~~ Except as provided in Subsection (4) and for purposes of this section, the
 712 uniform statewide fees are:

713 (a) for an all-terrain vehicle, an other motorcycle, or a snowmobile:

714 Age of All-Terrain Vehicle, Other Motorcycle, or Snowmobile	Uniform Statewide Fee
715 12 or more years	\$10
716 9 or more years but less than 12 years	\$20
717 6 or more years but less than 9 years	\$30
718 3 or more years but less than 6 years	\$35
719 Less than 3 years	\$45

720 (b) for a camper or a tent trailer:

721 Age of Camper or Tent Trailer	Uniform Statewide Fee
722 12 or more years	\$10
723 9 or more years but less than 12 years	\$25
724 6 or more years but less than 9 years	\$35
725 3 or more years but less than 6 years	\$50
726 Less than 3 years	\$70

727 (c) for an other trailer:

728 Age of Other Trailer	Uniform Statewide Fee
729 12 or more years	\$10
730 9 or more years but less than 12 years	\$15
731 6 or more years but less than 9 years	\$20
732 3 or more years but less than 6 years	\$25
733 Less than 3 years	\$30

734 (d) for a personal watercraft:

735	Age of Personal Watercraft	Uniform Statewide Fee
736	12 or more years	\$10
737	9 or more years but less than 12 years	\$25
738	6 or more years but less than 9 years	\$35
739	3 or more years but less than 6 years	\$45
740	Less than 3 years	\$55
741	(e) for a small motor vehicle:	
742	Age of Small Motor Vehicle	Uniform Statewide Fee
743	6 or more years	\$10
744	3 or more years but less than 6 years	\$15
745	Less than 3 years	\$25
746	(f) for a street motorcycle:	
747	Age of Street Motorcycle	Uniform Statewide Fee
748	12 or more years	\$10
749	9 or more years but less than 12 years	\$35
750	6 or more years but less than 9 years	\$50
751	3 or more years but less than 6 years	\$70
752	Less than 3 years	\$95
753	(g) for a travel trailer:	
754	Age of Travel Trailer	Uniform Statewide Fee
755	12 or more years	\$20
756	9 or more years but less than 12 years	\$65
757	6 or more years but less than 9 years	\$90
758	3 or more years but less than 6 years	\$135
759	Less than 3 years	\$175
760	(h) \$10 regardless of the age of the vessel if the vessel is:	
761	(i) less than 15 feet in length;	
762	(ii) a canoe;	

- 763 (iii) a jon boat; or
- 764 (iv) a utility boat;
- 765 (i) for a collapsible inflatable vessel, pontoon, or sailboat, regardless of age:

766	Length of Vessel	Uniform Statewide Fee
767	15 feet or more in length but less than 19 feet in length	\$15
768	19 feet or more in length but less than 23 feet in length	\$25
769	23 feet or more in length but less than 27 feet in length	\$40
770	27 feet or more in length but less than 31 feet in length	\$75

- 771 (j) for a vessel, other than a canoe, collapsible inflatable vessel, jon boat, pontoon,
- 772 sailboat, or utility boat, that is 15 feet or more in length but less than 19 feet in length:

773	Age of Vessel	Uniform Statewide Fee
774	12 or more years	\$25
775	9 or more years but less than 12 years	\$65
776	6 or more years but less than 9 years	\$80
777	3 or more years but less than 6 years	\$110
778	Less than 3 years	\$150

- 779 (k) for a vessel, other than a canoe, collapsible inflatable vessel, jon boat, pontoon,
- 780 sailboat, or utility boat, that is 19 feet or more in length but less than 23 feet in length:

781	Age of Vessel	Uniform Statewide Fee
782	12 or more years	\$50
783	9 or more years but less than 12 years	\$120
784	6 or more years but less than 9 years	\$175
785	3 or more years but less than 6 years	\$220
786	Less than 3 years	\$275

- 787 (l) for a vessel, other than a canoe, collapsible inflatable vessel, jon boat, pontoon,
- 788 sailboat, or utility boat, that is 23 feet or more in length but less than 27 feet in length:

789	Age of Vessel	Uniform Statewide Fee
790	12 or more years	\$100

791	9 or more years but less than 12 years	\$180
792	6 or more years but less than 9 years	\$240
793	3 or more years but less than 6 years	\$310
794	Less than 3 years	\$400

795 (m) for a vessel, other than a canoe, collapsible inflatable vessel, jon boat, pontoon,
 796 sailboat, or utility boat, that is 27 feet or more in length but less than 31 feet in length:

797	Age of Vessel	Uniform Statewide Fee
798	12 or more years	\$120
799	9 or more years but less than 12 years	\$250
800	6 or more years but less than 9 years	\$350
801	3 or more years but less than 6 years	\$500
802	Less than 3 years	\$700

803 (4) For registrations under Section 41-1a-215.5, the uniform fee for purposes of this
 804 section is as follows:

805 (a) for a street motorcycle:

806	<u>Age of Street Motorcycle</u>	<u>Uniform Statewide Fee</u>
807	<u>12 or more years</u>	<u>\$6</u>
808	<u>9 or more years but less than 12 years</u>	<u>\$21</u>
809	<u>6 or more years but less than 9 years</u>	<u>\$30</u>
810	<u>3 or more years but less than 6 years</u>	<u>\$42</u>
811	<u>Less than 3 years</u>	<u>\$57</u>

812 (b) for a small motor vehicle:

813	<u>Age of Small Motor Vehicle</u>	<u>Uniform Statewide Fee</u>
814	<u>6 or more years</u>	<u>\$6</u>
815	<u>3 or more years but less than 6 years</u>	<u>\$9</u>
816	<u>Less than 3 years</u>	<u>\$15</u>

817 [~~4~~] (5) Notwithstanding Section 59-2-407, tangible personal property subject to the
 818 uniform statewide fees imposed by this section that is brought into the state shall, as a

819 condition of registration, be subject to the uniform statewide fees unless all property taxes or
820 uniform fees imposed by the state of origin have been paid for the current calendar year.

821 ~~[(5)]~~ (6) (a) The revenues collected in each county from the uniform statewide fees
822 imposed by this section shall be distributed by the county to each taxing entity in which each
823 item of tangible personal property subject to the uniform statewide fees is located in the same
824 proportion in which revenues collected from the ad valorem property tax are distributed.

825 (b) Each taxing entity described in Subsection ~~[(5)]~~ (6)(a) that receives revenues from
826 the uniform statewide fees imposed by this section shall distribute the revenues in the same
827 proportion in which revenues collected from the ad valorem property tax are distributed.

828 ~~[(6)]~~ (7) (a) For purposes of the uniform statewide fee imposed by this section, the
829 length of a vessel shall be determined as provided in this Subsection ~~[(6)]~~ (7).

830 (b) (i) Except as provided in Subsection ~~[(6)]~~ (7)(b)(ii), the length of a vessel shall be
831 measured as follows:

832 (A) the length of a vessel shall be measured in a straight line; and

833 (B) the length of a vessel is equal to the distance between the bow of the vessel and the
834 stern of the vessel.

835 (ii) Notwithstanding Subsection ~~[(6)]~~ (7)(b)(i), the length of a vessel may not include
836 the length of:

837 (A) a swim deck;

838 (B) a ladder;

839 (C) an outboard motor; or

840 (D) an appurtenance or attachment similar to Subsections ~~[(6)]~~ (7)(b)(ii)(A) through
841 (C) as determined by the commission by rule.

842 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
843 the commission may by rule define what constitutes an appurtenance or attachment similar to
844 Subsections ~~[(6)]~~ (7)(b)(ii)(A) through (C).

845 (c) The length of a vessel:

846 (i) (A) for a new vessel, is the length:

847 (I) listed on the manufacturer's statement of origin if the length of the vessel measured
848 under Subsection ~~[(6)]~~ (7)(b) is equal to the length of the vessel listed on the manufacturer's
849 statement of origin; or

850 (II) listed on a form submitted to the commission by a dealer in accordance with
851 Subsection [~~(6)~~] (7)(d) if the length of the vessel measured under Subsection [~~(6)~~] (7)(b) is not
852 equal to the length of the vessel listed on the manufacturer's statement of origin; or
853 (B) for a vessel other than a new vessel, is the length:
854 (I) corresponding to the model number if the length of the vessel measured under
855 Subsection [~~(6)~~] (7)(b) is equal to the length of the vessel determined by reference to the model
856 number; or
857 (II) listed on a form submitted to the commission by an owner of the vessel in
858 accordance with Subsection [~~(6)~~] (7)(d) if the length of the vessel measured under Subsection
859 [~~(6)~~] (7)(b) is not equal to the length of the vessel determined by reference to the model
860 number; and
861 (ii) (A) is determined at the time of the:
862 (I) first registration as defined in Section 41-1a-102 that occurs on or after January 1,
863 2006; or
864 (II) first renewal of registration that occurs on or after January 1, 2006; and
865 (B) may be determined after the time described in Subsection [~~(6)~~] (7)(c)(ii)(A) only if
866 the commission requests that a dealer or an owner submit a form to the commission in
867 accordance with Subsection [~~(6)~~] (7)(d).
868 (d) (i) A form under Subsection [~~(6)~~] (7)(c) shall:
869 (A) be developed by the commission;
870 (B) be provided by the commission to:
871 (I) a dealer; or
872 (II) an owner of a vessel;
873 (C) provide for the reporting of the length of a vessel;
874 (D) be submitted to the commission at the time the length of the vessel is determined in
875 accordance with Subsection [~~(6)~~] (7)(c)(ii);
876 (E) be signed by:
877 (I) if the form is submitted by a dealer, that dealer; or
878 (II) if the form is submitted by an owner of the vessel, an owner of the vessel; and
879 (F) include a certification that the information set forth in the form is true.
880 (ii) A certification made under Subsection [~~(6)~~] (7)(d)(i)(F) is considered as if made

881 under oath and subject to the same penalties as provided by law for perjury.

882 (iii) (A) A dealer or an owner that submits a form to the commission under Subsection
883 [~~(6)~~] (7)(c) is considered to have given the dealer's or owner's consent to an audit or review by:

- 884 (I) the commission;
- 885 (II) the county assessor; or
- 886 (III) the commission and the county assessor.

887 (B) The consent described in Subsection [~~(6)~~] (7)(d)(iii)(A) is a condition to the
888 acceptance of any form.

889 [~~(7)~~] (8) (a) A county that collected a qualifying payment from a qualifying person
890 during the refund period shall issue a refund to the qualifying person as described in Subsection
891 [~~(7)~~] (8)(b) if:

- 892 (i) the difference described in Subsection [~~(7)~~] (8)(b) is \$1 or more; and
- 893 (ii) the qualifying person submitted a form in accordance with Subsections [~~(7)~~] (8)(c)
894 and (d).

895 (b) The refund amount shall be calculated as follows:

- 896 (i) for a qualifying vehicle, the refund amount is equal to the difference between:
897 (A) the qualifying payment the qualifying person paid on the qualifying vehicle during
898 the refund period; and

899 (B) the amount of the statewide uniform fee:

- 900 (I) for that qualifying vehicle; and
- 901 (II) that the qualifying person would have been required to pay:
902 (Aa) during the refund period; and
903 (Bb) in accordance with this section had Laws of Utah 2006, Fifth Special Session,
904 Chapter 3, Section 1, been in effect during the refund period; and

905 (ii) for a qualifying watercraft, the refund amount is equal to the difference between:

- 906 (A) the qualifying payment the qualifying person paid on the qualifying watercraft
907 during the refund period; and

908 (B) the amount of the statewide uniform fee:

- 909 (I) for that qualifying watercraft;
- 910 (II) that the qualifying person would have been required to pay:
911 (Aa) during the refund period; and

912 (Bb) in accordance with this section had Laws of Utah 2006, Fifth Special Session,
913 Chapter 3, Section 1, been in effect during the refund period.

914 (c) Before the county issues a refund to the qualifying person in accordance with
915 Subsection [~~(7)~~] (8)(a) the qualifying person shall submit a form to the county to verify the
916 qualifying person is entitled to the refund.

917 (d) (i) A form under Subsection [~~(7)~~] (8)(c) or [~~(8)~~] (9) shall:

918 (A) be developed by the commission;

919 (B) be provided by the commission to the counties;

920 (C) be provided by the county to the qualifying person or tangible personal property
921 owner;

922 (D) provide for the reporting of the following:

923 (I) for a qualifying vehicle:

924 (Aa) the type of qualifying vehicle; and

925 (Bb) the amount of cubic centimeters displacement;

926 (II) for a qualifying watercraft:

927 (Aa) the length of the qualifying watercraft;

928 (Bb) the age of the qualifying watercraft; and

929 (Cc) the type of qualifying watercraft;

930 (E) be signed by the qualifying person or tangible personal property owner; and

931 (F) include a certification that the information set forth in the form is true.

932 (ii) A certification made under Subsection [~~(7)~~] (8)(d)(i)(F) is considered as if made
933 under oath and subject to the same penalties as provided by law for perjury.

934 (iii) (A) A qualifying person or tangible personal property owner that submits a form to
935 a county under Subsection [~~(7)~~] (8)(c) or [~~(8)~~] (9) is considered to have given the qualifying
936 person's consent to an audit or review by:

937 (I) the commission;

938 (II) the county assessor; or

939 (III) the commission and the county assessor.

940 (B) The consent described in Subsection [~~(7)~~] (8)(d)(iii)(A) is a condition to the
941 acceptance of any form.

942 (e) The county shall make changes to the commission's records with the information

943 received by the county from the form submitted in accordance with Subsection [~~(7)~~] (8)(c).

944 [~~(8)~~] (9) A county shall change its records regarding an item of qualifying tangible
945 personal property if the tangible personal property owner submits a form to the county in
946 accordance with Subsection [~~(7)~~] (8)(d).

947 [~~(9)~~] (10) (a) For purposes of this Subsection [~~(9)~~] (10), "owner of tangible personal
948 property" means a person that was required to pay a uniform statewide fee:

- 949 (i) during the refund period;
- 950 (ii) in accordance with this section; and
- 951 (iii) on an item of tangible personal property subject to the uniform statewide fees
952 imposed by this section.

953 (b) A county that collected revenues from uniform statewide fees imposed by this
954 section during the refund period shall notify an owner of tangible personal property:

- 955 (i) of the tangible personal property classification changes made to this section
956 pursuant to Laws of Utah 2006, Fifth Special Session, Chapter 3, Section 1;
- 957 (ii) that the owner of tangible personal property may obtain and file a form to modify
958 the county's records regarding the owner's tangible personal property; and
- 959 (iii) that the owner may be entitled to a refund pursuant to Subsection [~~(7)~~] (8).

960 Section 15. Section **63J-1-602.2** is amended to read:

961 **63J-1-602.2. List of nonlapsing funds and accounts -- Title 31 through Title 45.**

- 962 (1) Appropriations from the Technology Development Restricted Account created in
963 Section 31A-3-104.
- 964 (2) Appropriations from the Criminal Background Check Restricted Account created in
965 Section 31A-3-105.
- 966 (3) Appropriations from the Captive Insurance Restricted Account created in Section
967 31A-3-304, except to the extent that Section 31A-3-304 makes the money received under that
968 section free revenue.
- 969 (4) Appropriations from the Title Licensee Enforcement Restricted Account created in
970 Section 31A-23a-415.
- 971 (5) Appropriations from the Health Insurance Actuarial Review Restricted Account
972 created in Section 31A-30-115.
- 973 (6) Appropriations from the Insurance Fraud Investigation Restricted Account created

974 in Section 31A-31-108.

975 (7) Funding for a new program or agency that is designated as nonlapsing under
976 Section 36-24-101.

977 (8) Appropriations from the Oil and Gas Conservation Account created in Section
978 40-6-14.5.

979 (9) Appropriations from the Electronic Payment Fee Restricted Account created by
980 Section 41-1a-121 to the Motor Vehicle Division.

981 (10) Funds available to the Tax Commission under Section 41-1a-1201 for the:

982 (a) purchase and distribution of license plates and decals[-]; and

983 (b) administration and enforcement of motor vehicle registration requirements.

984 Section 16. Section **72-2-118** is amended to read:

985 **72-2-118. Centennial Highway Fund Restricted Account.**

986 (1) There is created a restricted account entitled the Centennial Highway Fund
987 Restricted Account within the Transportation Investment Fund of 2005 created by Section
988 72-2-124.

989 (2) The account consists of money generated from the following revenue sources:

990 (a) any voluntary contributions received for the construction, major reconstruction, or
991 major renovation of state or federal highways;

992 (b) appropriations made to the fund by the Legislature;

993 (c) registration fees designated under [~~Subsection~~] Section 41-1a-1201[~~(6)(a)~~]; and

994 (d) the sales and use tax amounts provided for in Section 59-12-103.

995 (3) (a) The account shall earn interest.

996 (b) All interest earned on account money shall be deposited into the account.

997 (4) The executive director may use account money, as prioritized by the Transportation
998 Commission, only to pay the costs of construction, major reconstruction, or major renovation
999 to state and federal highways.

1000 (5) When the highway general obligation bonds have been paid off and the highway
1001 projects completed that are intended to be paid from revenues deposited in the account as
1002 determined by the Executive Appropriations Committee under Subsection (6)(d), the Division
1003 of Finance shall transfer any existing balance in the account into the Transportation Investment
1004 Fund of 2005 created by Section 72-2-124.

1005 (6) (a) The Division of Finance shall monitor the highway general obligation bonds
1006 that are being paid from revenues deposited in the account.

1007 (b) The department shall monitor the highway construction, major reconstruction, or
1008 major renovation projects that are being paid from revenues deposited in the account.

1009 (c) Upon request by the Executive Appropriations Committee of the Legislature:

1010 (i) the Division of Finance shall report to the committee the status of all highway
1011 general obligation bonds that are being paid from revenues deposited in the account; and

1012 (ii) the department shall report to the committee the status of all highway construction,
1013 major reconstruction, or major renovation projects that are being paid from revenues deposited
1014 in the account.

1015 (d) The Executive Appropriations Committee of the Legislature shall notify the State
1016 Tax Commission, the department, and the Division of Finance when:

1017 (i) all highway general obligation bonds that are intended to be paid from revenues
1018 deposited in the account have been paid off; and

1019 (ii) all highway projects that are intended to be paid from revenues deposited in the
1020 account have been completed.

1021 (7) (a) The Division of Finance shall, from funds that are deposited into the Centennial
1022 Highway Fund Restricted Account, transfer into the Transportation Investment Fund of 2005
1023 created by Section 72-2-124 the amount of funds certified by the Transportation Commission
1024 in accordance with Subsection (7)(b) that are not required to pay:

1025 (i) principal, interest, and issuance costs of bonds issued for projects in the Centennial
1026 Highway Program in the current fiscal year; or

1027 (ii) construction or reconstruction costs for projects in the Centennial Highway
1028 Program in the current fiscal year.

1029 (b) The Division of Finance shall transfer the amount under Subsection (7)(a) when the
1030 Division of Finance receives a written letter from the Transportation Commission certifying the
1031 amount of funds available under Subsection (7)(a).

1032 Section 17. Section **72-2-124** is amended to read:

1033 **72-2-124. Transportation Investment Fund of 2005.**

1034 (1) There is created a special revenue fund entitled the Transportation Investment Fund
1035 of 2005.

1036 (2) The fund consists of money generated from the following sources:

1037 (a) any voluntary contributions received for the maintenance, construction,

1038 reconstruction, or renovation of state and federal highways;

1039 (b) appropriations made to the fund by the Legislature;

1040 (c) the sales and use tax revenues deposited into the fund in accordance with Section

1041 59-12-103; and

1042 (d) registration fees designated under [~~Subsection~~] Section 41-1a-1201[(7)].

1043 [~~(3) When the highway general obligation bonds have been paid off and the highway~~

1044 ~~projects completed that are intended to be paid from revenues deposited in the Centennial~~

1045 ~~Highway Fund Restricted Account as determined by the Executive Appropriations Committee~~

1046 ~~under Subsection 72-2-118(6)(d), the fund shall also consist of money generated from the~~

1047 ~~following sources:]~~

1048 [~~(a) registration fees designated under Subsection 41-1a-1201(6)(a); and]~~

1049 [~~(b) the sales and use tax amounts provided for in Section 59-12-103:]~~

1050 [(4)] (3) (a) The fund shall earn interest.

1051 (b) All interest earned on fund money shall be deposited into the fund.

1052 [(5)] (4) (a) Except as provided in Subsection [(5)] (4)(b), the executive director may

1053 use fund money only to pay:

1054 (i) the costs of maintenance, construction, reconstruction, or renovation to state and

1055 federal highways prioritized by the Transportation Commission through the prioritization

1056 process for new transportation capacity projects adopted under Section 72-1-304;

1057 (ii) the costs of maintenance, construction, reconstruction, or renovation to the highway

1058 projects described in Subsection 63B-18-401(2); and

1059 (iii) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401.

1060 (b) The executive director may use fund money to exchange for an equal or greater

1061 amount of federal transportation funds to be used as provided in Subsection [(5)] (4)(a).

1062 (6) (a) Before bonds authorized by Section 63B-18-401 may be issued in any fiscal

1063 year, the department and the commission shall appear before the Executive Appropriations

1064 Committee of the Legislature and present the amount of bond proceeds that the department

1065 needs to provide funding for the projects identified in Subsection 63B-18-401(2) for the next

1066 fiscal year.

1067 (b) The Executive Appropriations Committee of the Legislature shall review and
1068 comment on the amount of bond proceeds needed to fund the projects.

1069 (7) The Division of Finance shall, from money deposited into the fund, transfer the
1070 amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized by
1071 Section 63B-18-401 in the current fiscal year to the appropriate debt service or sinking fund.

1072 Section 18. **Effective date.**

1073 This bill takes effect on July 1, 2013.

Legislative Review Note
as of 2-1-12 10:42 AM

Office of Legislative Research and General Counsel