

Representative Christine F. Watkins proposes the following substitute bill:

LICENSE PLATE PLACEMENT AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Christine F. Watkins

Senate Sponsor: Daniel McCay

LONG TITLE

General Description:

This bill removes the requirement to have two license plates displayed and requires only one license plate be obtained and displayed on a vehicle.

Highlighted Provisions:

This bill:

- ▶ removes the requirement that two license plates be issued and displayed;
- ▶ requires only one license plate be displayed on the rear of the vehicle;
- ▶ provides exceptions for certain commercial vehicles; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

⠠→ [~~This bill provides a special effective date.~~] None ←⠠

Utah Code Sections Affected:

AMENDS:

13-48-103, as enacted by Laws of Utah 2011, Chapter 357

41-1a-108, as renumbered and amended by Laws of Utah 1992, Chapter 1

41-1a-221, as last amended by Laws of Utah 2018, Chapter 20



- 26 [41-1a-232](#), as enacted by Laws of Utah 2013, Chapter 391
- 27 [41-1a-401](#), as last amended by Laws of Utah 2018, Chapters 260 and 454
- 28 [41-1a-402](#), as last amended by Laws of Utah 2018, Chapters 20 and 262
- 29 [41-1a-404](#), as last amended by Laws of Utah 2015, Chapters 81 and 412
- 30 [41-1a-407](#), as last amended by Laws of Utah 2018, Chapter 20
- 31 [41-1a-410](#), as last amended by Laws of Utah 1993, Chapter 222
- 32 [41-1a-411](#), as last amended by Laws of Utah 2016, Chapter 49
- 33 [41-1a-412](#), as renumbered and amended by Laws of Utah 1992, Chapter 1
- 34 [41-1a-413](#), as last amended by Laws of Utah 2018, Chapter 454
- 35 [41-1a-416](#), as last amended by Laws of Utah 2008, Chapter 382
- 36 [41-1a-418](#), as last amended by Laws of Utah 2018, Chapters 39, 99, and 260
- 37 [41-1a-419](#), as last amended by Laws of Utah 2018, Chapter 260
- 38 [41-1a-421](#), as last amended by Laws of Utah 2018, Chapter 39
- 39 [41-1a-422](#), as last amended by Laws of Utah 2018, Chapters 39, 260, and 415
- 40 [41-1a-701](#), as last amended by Laws of Utah 2018, Chapter 454
- 41 [41-1a-703](#), as last amended by Laws of Utah 2018, Chapter 454
- 42 [41-1a-704](#), as last amended by Laws of Utah 2015, Chapter 412
- 43 [41-1a-1105](#), as last amended by Laws of Utah 1998, Chapter 281
- 44 [41-1a-1211](#), as last amended by Laws of Utah 2015, Chapter 119
- 45 [41-3-105](#), as last amended by Laws of Utah 2018, Chapter 387
- 46 [41-3-209](#), as last amended by Laws of Utah 2018, Chapter 387
- 47 [41-3-210](#), as last amended by Laws of Utah 2018, Chapter 387
- 48 [41-3-702](#), as last amended by Laws of Utah 2018, Chapter 387
- 49 [41-3-803](#), as last amended by Laws of Utah 2000, Chapter 86
- 50 [41-6a-403](#), as last amended by Laws of Utah 2008, Chapter 382
- 51 [41-12a-303](#), as last amended by Laws of Utah 2001, Chapter 85
- 52 [41-12a-602](#), as enacted by Laws of Utah 1985, Chapter 242

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

55 Section 1. Section **13-48-103** is amended to read:

56 **13-48-103. Motor vehicle rental company -- Fee disclosure and collection**

57 **requirements.**

58 (1) A motor vehicle rental company may include separately stated surcharges, fees, or
59 charges in a rental agreement, including:

60 (a) motor vehicle license cost recovery fees;

61 (b) airport access fees;

62 (c) airport concession fees; and

63 (d) all applicable taxes.

64 (2) If a motor vehicle rental company includes a motor vehicle license cost recovery
65 fee as a separately stated charge in a rental transaction, the amount of the fee shall represent the
66 motor vehicle rental company's good-faith estimate of the motor vehicle rental company's daily
67 charge as calculated by the motor vehicle rental company to recover its actual total annual
68 motor vehicle titling, registration, obtaining [~~license plates~~] a license plate, and motor vehicle
69 inspection and emission costs.

70 (3) If the total amount of the motor vehicle license cost recovery fees collected by a
71 motor vehicle rental company under this section in any calendar year exceeds the motor vehicle
72 rental company's actual costs to license, title, register, and obtain license plates for the motor
73 vehicles and have the motor vehicles pass inspections and emissions for that calendar year, the
74 motor vehicle rental company shall retain the excess amount and adjust the estimated average
75 per motor vehicle license cost recovery fee for the following calendar year by the
76 corresponding amount.

77 Section 2. Section **41-1a-108** is amended to read:

78 **41-1a-108. Division inspection of applications for registration, certificate of title,**
79 **or license plate.**

80 (1) The division shall examine and determine the genuineness, regularity, and legality
81 of each application for:

82 (a) registration of a vehicle;

83 (b) a certificate of title for a vehicle, vessel, or outboard motor;

84 (c) [~~license plates~~] a license plate; and

85 (d) any other request lawfully made to the division.

86 (2) The division may investigate or require additional information on any application
87 or request necessary to implement this chapter.

88 (3) When the division is satisfied as to the genuineness, regularity, and legality of an
89 application and that the applicant is entitled to register the vehicle and to the issuance of a
90 certificate of title, the division shall register the vehicle, issue a certificate of title and issue
91 ~~[license plates]~~ a license plate.

92 Section 3. Section **41-1a-221** is amended to read:

93 **41-1a-221. Registration of vehicles of political subdivisions or state -- Expiration**
94 **of registration -- Certification of information -- Failure to comply.**

95 (1) (a) An entity referred to in Subsection **41-1a-407**(1) shall register each vehicle that
96 it owns, operates, or leases.

97 (b) This section does not apply to unmarked vehicles referred to in Section **41-1a-407**.

98 (2) A registration card and license plate issued to an entity under this section or
99 Subsection **41-1a-407**(1) are in full force and effect until the vehicle is no longer owned or
100 operated by that entity.

101 (3) (a) If the owner of a vehicle subject to the provisions of this section transfers or
102 assigns title or interest in the vehicle, the registration of that vehicle expires.

103 (b) The transferor shall remove the license ~~[plates]~~ plate and within 20 days from the
104 date of transfer:

105 (i) destroy the license ~~[plates]~~ plate; or

106 (ii) forward the license ~~[plates]~~ plate to the division to be destroyed.

107 (4) A violation of this section is an infraction.

108 Section 4. Section **41-1a-232** is amended to read:

109 **41-1a-232. Special rental company vehicle registration decals and license plates.**

110 (1) As used in this section:

111 (a) "Rental agreement" has the same meaning as defined in Section **31A-22-311**.

112 (b) "Rental company" has the same meaning as defined in Section **31A-22-311**.

113 (c) "Rental fleet" means more than 25 motor vehicles that are:

114 (i) owned by a rental company;

115 (ii) offered for rental without a hired driver through a rental agreement; and

116 (iii) designated by the registered owner of the motor vehicle as a rental fleet vehicle at
117 the time of registration.

118 (2) (a) Beginning on the date that the division has implemented the division's GenTax

119 system, an owner that registers a motor vehicle under Section 41-1a-215 or 41-1a-215.5 may
 120 obtain an alternative special registration card and registration decals for the license [plates]
 121 plate if the motor vehicle is:

- 122 (i) owned by a rental company; and
- 123 (ii) maintained in the rental company's rental fleet.

124 (b) The registration card and registration decals for the license [plates] plate issued
 125 under Subsection (2)(a) are valid for the life of the motor vehicle while the motor vehicle is
 126 maintained in the rental fleet.

127 (3) (a) An owner that receives the alternative special registration card and registration
 128 decals for the license [plates] plate issued under this section shall:

- 129 (i) renew the registration in accordance with Section 41-1a-216; and
- 130 (ii) comply with all the prerequisites for registration or registration renewal under
 131 Section 41-1a-203.

132 (b) Notwithstanding the registration renewals requirement under Subsection
 133 41-1a-216(2)(b), the alternative special registration card and registration decals issued under
 134 this section do not expire and are valid for the life of the motor vehicle while the motor vehicle
 135 is maintained in the rental fleet.

136 (4) If the registration renewal requirements under Subsection (3)(a) are not complied
 137 with, the registration is suspended or revoked.

138 Section 5. Section 41-1a-401 is amended to read:

139 **41-1a-401. License plates -- Number of plates -- Reflectorization -- Indicia of**
 140 **registration in lieu of or used with plates.**

141 (1) (a) Except as provided in [~~Subsection (1)(c)~~] Subsections (1)(c) ~~and~~ and, ~~(d)~~,
 141a ~~and (e)~~, and (e), the division

142 upon registering a vehicle shall issue to the owner:

- 143 (i) one license plate for a motorcycle, trailer, or semitrailer;
- 144 (ii) one decal for a park model recreational vehicle, in lieu of a license plate, which
 145 shall be attached in plain sight to the rear of the park model recreational vehicle;
- 146 (iii) one decal for a camper, in lieu of a license plate, which shall be attached in plain
 147 sight to the rear of the camper; and
- 148 (iv) [~~two identical license plates~~] one license plate for every other vehicle.
- 149 (b) The license plate or decal issued under Subsection (1)(a) is for the particular

150 vehicle registered and may not be removed during the term for which the license plate or decal
151 is issued or used upon any other vehicle than the registered vehicle.

152 (c) (i) Notwithstanding Subsections (1)(a) and (b) and except as provided in Subsection
153 (1)(c)(ii), the division, upon registering a motor vehicle that has been sold, traded, or the
154 ownership of which has been otherwise released, shall transfer the license plate issued to the
155 person applying to register the vehicle if:

156 (A) the previous registered owner has included the license plate as part of the sale,
157 trade, or ownership release; and

158 (B) the person applying to register the vehicle applies to transfer the license plate to the
159 new registered owner of the vehicle.

160 (ii) The division may not transfer a personalized or special group license plate to a new
161 registered owner under this Subsection (1)(c) if the new registered owner does not meet the
162 qualification or eligibility requirements for that personalized or special group license plate
163 under Sections [41-1a-410](#) through [41-1a-422](#).

164 (d) (i) For a vehicle described in Section [41-1a-301](#), the division upon registering a
165 vehicle shall issue a license plate or set of license plates as provided in that section.

166 (ii) For any vehicle that meets the definition of an intrastate commercial vehicle as
167 defined in Section [72-9-102](#), the division upon registering a vehicle shall issue two license
168 plates.

168a **Ĥ→ (e) The division upon registering a vehicle may, until inventory of license plate sets is**
168b **exhausted, but no later than December 31, 2019, issue a set of two plates. ←Ĥ**

169 (2) The division may receive applications for registration renewal, renew registration,
170 and issue a new license [~~plates~~] plate or decals at any time prior to the expiration of
171 registration.

172 (3) (a) (i) All license plates to be manufactured and issued by the division shall be
173 treated with a fully reflective material on the plate face that provides effective and dependable
174 reflective brightness during the service period of the license plate.

175 (ii) For a historical support special group license plate created under this part, the
176 division shall procure reflective material to satisfy the requirement under Subsection (3)(a)(i)
177 as soon as such material is available at a reasonable cost.

178 (b) The division shall prescribe all license plate material specifications and establish
179 and implement procedures for conforming to the specifications.

180 (c) The specifications for the materials used such as the aluminum plate substrate, the

181 reflective sheeting, and glue shall be drawn in a manner so that at least two manufacturers may
182 qualify as suppliers.

183 (d) The granting of contracts for the materials shall be by public bid.

184 (4) (a) The commission may issue, adopt, and require the use of indicia of registration
185 it considers advisable in lieu of or in conjunction with license plates as provided in this part.

186 (b) All provisions of this part relative to license plates apply to these indicia of
187 registration, so far as the provisions are applicable.

188 (5) A violation of this section is an infraction.

189 Section 6. Section **41-1a-402** is amended to read:

190 **41-1a-402. Required colors, numerals, and letters -- Expiration.**

191 (1) Each license plate shall have displayed on it:

192 (a) the registration number assigned to the vehicle for which it is issued;

193 (b) the name of the state; and

194 (c) unless exempted by Section [41-1a-301](#) or [41-1a-407](#), a registration decal showing
195 the date of expiration displayed in accordance with Subsection (6).

196 (2) If registration is extended by affixing a registration decal to the license plate, the
197 expiration date of the decal governs the expiration date of the license plate.

198 (3) Except as provided in Subsection (4), each original license plate that is not one of
199 the special group license plates issued under Section [41-1a-418](#) shall be:

200 (a) a statehood centennial license plate with the same color, design, and slogan as the
201 plates issued in conjunction with the statehood centennial;

202 (b) a Ski Utah license plate; or

203 (c) an In God We Trust license plate.

204 (4) Beginning on the date that the division determines the existing inventories of
205 statehood centennial license plates and Ski Utah license plates are exhausted, each license plate
206 that is not one of the special group license plates issued under Section [41-1a-418](#) shall:

207 (a) (i) display the "Life Elevated" slogan; and

208 (ii) have a color and design approved by the 57th Legislature in the 2007 General
209 Session that features:

210 (A) a skier with the "Greatest Snow on Earth" slogan; or

211 (B) Delicate Arch;

212 (b) be an In God We Trust license plate; or

213 (c) beginning on the date that the division determines the existing inventories of decals
214 for an apportioned vehicle described in Section 41-1a-301 are exhausted, be a distinctive
215 license plate displaying the word "apportioned" or the abbreviation "APP."

216 (5) (a) Except as provided under Subsection 41-1a-215(2) and Section 41-1a-216,
217 ~~[license plates]~~ a license plate shall be renewed annually.

218 (b) (i) The division shall issue the vehicle owner a month decal and a year decal upon
219 the vehicle's first registration with the division.

220 (ii) The division shall issue the vehicle owner only a year decal upon subsequent
221 renewals of registration to validate registration renewal.

222 (6) The decals issued in accordance with Subsection (5) shall be applied as follows:

223 (a) for ~~[license plates]~~ a license plate issued beginning in 1974 through 1985, decals
224 displayed on a license [plates] plate with black lettering on a white background shall be applied
225 to the lower left-hand corner of the ~~[rear of the license plate vehicles]~~ license plate;

226 (b) decals displayed on ~~[statehood centennial license plates and on Ski Utah license~~
227 ~~plates]~~ a statehood centennial license plate and on a Ski Utah license plate issued in accordance
228 with Subsection (3) shall be applied to the upper left-hand corner of the ~~[rear]~~ license plate;

229 (c) decals displayed on special group license plates issued in accordance with Section
230 41-1a-418 shall be applied to the upper right-hand corner of the license plate unless there is a
231 plate indentation on the upper left-hand corner of the license plate;

232 (d) decals displayed on ~~[license plates]~~ a license plate with the "Life Elevated" slogan
233 issued in accordance with Subsection (4) shall be applied in the upper left-hand corner for the
234 month decal and the upper right-hand corner for the year decal;

235 (e) decals displayed on ~~[license plates]~~ a license plate with the "In God We Trust"
236 slogan issued in accordance with Subsection (4)(b) shall be applied in the upper right-hand
237 corner of the ~~[rear]~~ license plate unless there is a plate indentation on the upper left-hand corner
238 of the license plate;

239 (f) decals issued for motorcycles shall be applied to the upper corner of the license
240 plate opposite the word "Utah"; and

241 (g) decals displayed on ~~[license plates]~~ a license plate issued under Section 41-1a-416
242 shall be applied as appropriate for the year of the plate.

243 (7) (a) The month decal issued in accordance with Subsection (5) shall be displayed on
244 the license plate in the left position.

245 (b) The year decal issued in accordance with Subsection (5) shall be displayed on the
246 license plate in the right position.

247 (8) The current year decal issued in accordance with Subsection (5) shall be placed
248 over or in place of the previous year decal.

249 (9) If a license plate, month decal, or year decal is lost or destroyed, a replacement shall
250 be issued upon application and payment of the fees required under Section 41-1a-1211 or
251 41-1a-1212.

252 (10) (a) A violation of this section is an infraction.

253 (b) A court shall waive a fine for a violation under this section if:

254 (i) the registration for the vehicle was current at the time of the citation; and

255 (ii) the person to whom the citation was issued provides, within 21 business days,
256 evidence that the license plate and decals are properly displayed in compliance with this
257 section.

258 Section 7. Section 41-1a-404 is amended to read:

259 **41-1a-404. Location and position of plates -- Visibility of plates -- Exceptions.**

260 [~~(1) License plates issued for a vehicle other than a motorcycle, trailer, or semitrailer~~
261 ~~shall be attached to the vehicle, one in the front and the other in the rear.]~~

262 [~~(2)~~] (1) The license plate issued for a motorcycle, trailer, [~~or~~] semitrailer, or other
263 vehicle shall be attached to the rear of the motorcycle, trailer, [~~or~~] semitrailer, or vehicle.

264 [~~(3)~~] (2) Except as provided in Subsection [~~(5)~~] (3), a license plate shall at all times be:

265 (a) securely fastened:

266 (i) in a horizontal position to the vehicle for which it is issued to prevent the plate from
267 swinging;

268 (ii) at a height of not less than 12 inches from the ground, measuring from the bottom
269 of the plate; and

270 (iii) in a place and position to be clearly visible; and

271 (b) maintained:

272 (i) free from foreign materials; and

273 (ii) in a condition to be clearly legible.

274 ~~[(4) Enforcement by a state or local law enforcement officer of the requirement under~~
275 ~~Subsection (1) to attach a license plate to the front of a vehicle shall be only as a secondary~~
276 ~~action when the vehicle has been detained for a suspected violation by any person in the~~
277 ~~vehicle of Title 41, Motor Vehicles, other than the requirement under Subsection (1) to attach a~~
278 ~~license plate to the front of the vehicle, or for another offense.]~~

279 [(5)] (3) The provisions of Subsections [(3)] (2)(a)(iii) and [(3)] (2)(b) do not apply to a
280 license plate that is obscured exclusively by one or more of the following devices or by the
281 cargo the device is carrying, if the device is installed according to manufacturer specifications
282 or generally accepted installation practices:

- 283 (a) a trailer hitch;
- 284 (b) a wheelchair lift or wheelchair carrier;
- 285 (c) a trailer being towed by the vehicle;
- 286 (d) a bicycle rack, ski rack, or luggage rack; or
- 287 (e) a similar cargo carrying device.

288 [(6)] (4) A violation of this section is an infraction.

289 Section 8. Section 41-1a-407 is amended to read:

290 **41-1a-407. Plates issued to political subdivisions or state -- Use of "EX" letters --**
291 **Confidential information.**

292 (1) Except as provided in Subsection (2), each municipality, board of education, school
293 district, state institution of learning, county, other governmental division, subdivision, or
294 district, and the state shall:

- 295 (a) place a license plate displaying the letters, "EX" on every vehicle owned and
296 operated by it or leased for its exclusive use; and
- 297 (b) display an identification mark designating the vehicle as the property of the entity
298 in a conspicuous place on both sides of the vehicle.

299 (2) The entity need not display the "EX" license plate or the identification mark
300 required by Subsection (1) if:

- 301 (a) the vehicle is in the direct service of the governor, lieutenant governor, attorney
302 general, state auditor, or state treasurer of Utah;
- 303 (b) the vehicle is used in official investigative work where secrecy is essential;
- 304 (c) the vehicle is used in an organized Utah Highway Patrol operation that is:

- 305 (i) conducted within a county of the first or second class as defined under Section
306 17-50-501, unless no more than one unmarked vehicle is used for the operation;
- 307 (ii) approved by the Commissioner of Public Safety;
- 308 (iii) of a duration of 14 consecutive days or less; and
- 309 (iv) targeted toward careless driving, aggressive driving, and accidents involving:
- 310 (A) violations of Title 41, Chapter 6a, Part 5, Driving Under the Influence and
311 Reckless Driving;
- 312 (B) speeding violations for exceeding the posted speed limit by 21 or more miles per
313 hour;
- 314 (C) speeding violations in a reduced speed school zone under Section 41-6a-604;
- 315 (D) violations of Section 41-6a-1002 related to pedestrian crosswalks; or
- 316 (E) violations of Section 41-6a-702 related to lane restrictions;
- 317 (d) the vehicle is provided to an official of the entity as part of a compensation package
318 allowing unlimited personal use of that vehicle;
- 319 (e) the personal security of the occupants of the vehicle would be jeopardized if the
320 "EX" license plate were in place; or
- 321 (f) the vehicle is used in routine enforcement on a state highway with four or more
322 lanes involving:
- 323 (i) violations of Section 41-6a-701 related to operating a vehicle on the right side of a
324 roadway;
- 325 (ii) violations of Section 41-6a-702 related to left lane restrictions;
- 326 (iii) violations of Section 41-6a-704 related to overtaking and passing vehicles
327 proceeding in the same direction;
- 328 (iv) violations of Section 41-6a-711 related to following a vehicle at a safe distance;
329 and
- 330 (v) violations of Section 41-6a-804 related to turning and changing lanes.
- 331 (3) Plates issued to Utah Highway Patrol vehicles may bear the capital letters "UHP," a
332 beehive logo, and the call number of the trooper to whom the vehicle is issued.
- 333 (4) (a) The commission shall issue "EX" and "UHP" plates.
- 334 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
335 commission shall make rules establishing the procedure for application for and distribution of

336 the plates.

337 (5) For a vehicle that qualifies for an "EX" or "UHP" license [~~plates~~] plate, the entity is
338 not required to display the month or year registration decals described in Section 41-1a-402.

339 (6) (a) Information shall be confidential for vehicles that are not required to display the
340 "EX" license plate or the identification mark under Subsections (2)(a), (b), (d), and (e).

341 (b) (i) If a law enforcement officer's identity must be kept secret, the law enforcement
342 officer's agency head may request in writing that the division remove the license plate
343 information of the officer's personal vehicles from all public access files and place it in a
344 confidential file until the assignment is completed.

345 (ii) The agency head shall notify the division when the assignment is completed.

346 (7) A peace officer engaged in an organized operation under Subsection (2)(c) shall be
347 in a uniform clearly identifying the law enforcement agency the peace officer is representing
348 during the operation.

349 Section 9. Section 41-1a-410 is amended to read:

350 **41-1a-410. Eligibility for personalized plates.**

351 (1) A person who is the registered owner of a vehicle not subject to registration under
352 Section 41-1a-301, registered with the division, or who applies for an original registration of a
353 vehicle not subject to registration under Section 41-1a-301, may upon payment of the fee
354 prescribed in Section 41-1a-1211 apply to the division for a personalized license [~~plates~~] plate.

355 (2) Application shall be made in accordance with Section 41-1a-411.

356 (3) [~~The personalized plates~~] A personalized license plate shall be affixed to the
357 vehicle for which registration is sought in lieu of [~~the regular license plates~~] a regular license
358 plate.

359 (4) [~~Personalized license plates~~] A personalized license plate shall be issued only to the
360 registered owner of the vehicle on which they are to be displayed.

361 Section 10. Section 41-1a-411 is amended to read:

362 **41-1a-411. Application for personalized plates -- Refusal authorized.**

363 (1) An applicant for a personalized license [~~plates~~] plate or renewal of the [~~plates~~] plate
364 shall file an application for the [~~plates~~] plate in the form and by the date the division requires,
365 indicating the combination of letters, numbers, or both requested as a registration number.

366 (2) (a) Except as provided in Subsection (3), the division may refuse to issue any

367 combination of letters, numbers, or both that may carry connotations offensive to good taste
368 and decency or that would be misleading.

369 (b) The division may refuse to issue a combination of letters, numbers, or both as a
370 registration number if that same combination is already in use as a registration number on an
371 existing license plate.

372 (3) (a) Except as provided in Subsection (2)(b) or (3)(b), the division may not refuse a
373 combination of letters, numbers, or both as a registration number if:

374 (i) the license plate is an honor special group license plate as described in Section
375 41-1a-421; and

376 (ii) the combination of letters, numbers, or both refers to:

377 (A) a year related to military service;

378 (B) a military branch; or

379 (C) an official achievement, badge, or honor received for military service.

380 (b) If an applicant requests a combination containing only numbers, the division may
381 refuse the combination if the combination includes less than four numerical digits.

382 Section 11. Section 41-1a-412 is amended to read:

383 **41-1a-412. Design of personalized plates.**

384 The personalized license [plates] plate shall be the same color and design as a regular
385 license [plates] plate designed for the type of vehicle being licensed and shall consist of
386 numbers, letters, or any combination as fixed by the division, provided that there are no
387 conflicts with existing or anticipated license plate series.

388 Section 12. Section 41-1a-413 is amended to read:

389 **41-1a-413. Personalized plates -- Sale of vehicle -- Transfer of plates -- Release of**
390 **priority.**

391 Except as provided in Subsection 41-1a-401(1)(c), if a person who has been issued a
392 personalized license [plates] plate sells, trades, or otherwise releases ownership of the vehicle
393 for which the personalized license [plates have] plate has been issued, that person shall
394 immediately:

395 (1) apply to display the license [plates] plate on a different vehicle owned by the
396 person; or

397 (2) surrender the license [plates] plate to the division and release [his] the person's

398 priority to the letters and numbers displayed on the personalized license plates.

399 Section 13. Section **41-1a-416** is amended to read:

400 **41-1a-416. Original issue license plates -- Alternative stickers -- Rulemaking.**

401 (1) The owner of a motor vehicle that is a model year 1973 or older may apply to the
402 division for permission to display an original issue license plate of a format and type issued by
403 the state in the same year as the model year of the vehicle.

404 (2) The owner of a motor vehicle who desires to display an original issue license
405 ~~[plates]~~ plate instead of a license ~~[plates]~~ plate issued under Section **41-1a-401** shall:

406 (a) complete an application on a form provided by the division;

407 (b) supply and submit the original license ~~[plates]~~ plate that the owner desires to
408 display to the division for approval; and

409 (c) pay the fees prescribed in Sections **41-1a-1206** and **41-1a-1211**.

410 (3) The division, prior to approval of an application under this section, shall determine
411 that the original issue license ~~[plates]~~ plate:

412 (a) ~~[are]~~ is of a format and type issued by the state for use on a motor vehicle in this
413 state;

414 (b) ~~[have]~~ has numbers and characters that are unique and do not conflict with existing
415 license plate series in this state;

416 (c) ~~[are]~~ is legible, durable, and otherwise in a condition that serves the purposes of this
417 chapter, except that the original issue license ~~[plates are]~~ plate is exempt from the provision of
418 Section **41-1a-401** regarding reflectorization and Section **41-1a-403** regarding legibility from
419 100 feet; and

420 (d) ~~[are]~~ is from the same year of issue as the model year of the motor vehicle on which
421 they are to be displayed.

422 (4) An owner of a motor vehicle displaying an original issue license ~~[plates]~~ plate
423 approved under this section is not exempt from any other requirement of this chapter except as
424 specified under this section.

425 (5) (a) An owner of a motor vehicle currently registered in this state whose original
426 issue license ~~[plates are]~~ plate is not approved by the division because of the requirement in
427 Subsection (3)(b) may apply to the division for a sticker to allow the temporary display of the
428 original issue license ~~[plates]~~ plate if:

- 429 (i) the [~~plates otherwise comply~~] plate otherwise complies with this section;
- 430 (ii) the [~~plates are~~] plate is only displayed when the motor vehicle is used for
431 participating in motor vehicle club activities, exhibitions, tours, parades, and similar activities
432 and [~~are~~] is not used for general daily transportation;
- 433 (iii) the license [~~plates~~] plate and registration issued under this chapter for normal use
434 of the motor vehicle on the highways of this state [~~are~~] is kept in the motor vehicle and shown
435 to a peace officer on request; and
- 436 (iv) the sticker issued by the division under this subsection is properly affixed to the
437 face of the original issue license plate.
- 438 (b) The sticker issued under this section shall be the size and form customarily
439 furnished by the division.
- 440 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
441 division may make rules for the implementation of this section.
- 442 Section 14. Section **41-1a-418** is amended to read:
- 443 **41-1a-418. Authorized special group license plates.**
- 444 (1) The division shall only issue a special group license [~~plates~~] plate in accordance
445 with this section through Section [41-1a-422](#) to a person who is specified under this section
446 within the categories listed as follows:
- 447 (a) a disability special group license [~~plates~~] plate issued in accordance with Section
448 [41-1a-420](#);
- 449 (b) an honor special group license [~~plates~~] plate, as in a war hero, which [~~plates are~~]
450 plate is issued for a:
- 451 (i) survivor of the Japanese attack on Pearl Harbor;
- 452 (ii) former prisoner of war;
- 453 (iii) recipient of a Purple Heart;
- 454 (iv) disabled veteran;
- 455 (v) recipient of a gold star award issued by the United States Secretary of Defense; or
- 456 (vi) recipient of a campaign or combat theater award determined by the Department of
457 Veterans and Military Affairs;
- 458 (c) a unique vehicle type special group license [~~plates~~] plate, as for historical,
459 collectors value, or other unique vehicle type, which [~~plates are~~] plate is issued for:

- 460 (i) a special interest vehicle;
- 461 (ii) a vintage vehicle;
- 462 (iii) a farm truck; or
- 463 (iv) (A) until Subsection (1)(c)(iv)(B) or (4) applies, a vehicle powered by clean fuel as
- 464 defined in Section 59-13-102; or
- 465 (B) beginning on the effective date of rules made by the Department of Transportation
- 466 authorized under Subsection 41-6a-702(5)(b) and until Subsection (4) applies, a vehicle
- 467 powered by clean fuel that meets the standards established by the Department of Transportation
- 468 in rules authorized under Subsection 41-6a-702(5)(b);
- 469 (d) a recognition special group license [~~plates~~] plate, which [~~plates are~~] plate is issued
- 470 for:
 - 471 (i) a current member of the Legislature;
 - 472 (ii) a current member of the United States Congress;
 - 473 (iii) a current member of the National Guard;
 - 474 (iv) a licensed amateur radio operator;
 - 475 (v) a currently employed, volunteer, or retired firefighter until June 30, 2009;
 - 476 (vi) an emergency medical technician;
 - 477 (vii) a current member of a search and rescue team;
 - 478 (viii) a current honorary consulate designated by the United States Department of
 - 479 State; or
 - 480 (ix) an individual supporting commemoration and recognition of women's suffrage; or
- 481 (e) a support special group license [~~plates~~] plate, as for a contributor to an institution or
- 482 cause, which [~~plates are~~] plate is issued for a contributor to:
 - 483 (i) an institution's scholastic scholarship fund;
 - 484 (ii) the Division of Wildlife Resources;
 - 485 (iii) the Department of Veterans and Military Affairs;
 - 486 (iv) the Division of Parks and Recreation;
 - 487 (v) the Department of Agriculture and Food;
 - 488 (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;
 - 489 (vii) the Boy Scouts of America;
 - 490 (viii) spay and neuter programs through No More Homeless Pets in Utah;

- 491 (ix) the Boys and Girls Clubs of America;
- 492 (x) Utah public education;
- 493 (xi) programs that provide support to organizations that create affordable housing for
494 those in severe need through the Division of Real Estate;
- 495 (xii) the Department of Public Safety;
- 496 (xiii) programs that support Zion National Park;
- 497 (xiv) beginning on July 1, 2009, programs that provide support to firefighter
498 organizations;
- 499 (xv) programs that promote bicycle operation and safety awareness;
- 500 (xvi) programs that conduct or support cancer research;
- 501 (xvii) programs that create or support autism awareness;
- 502 (xviii) programs that create or support humanitarian service and educational and
503 cultural exchanges;
- 504 (xix) until September 30, 2017, programs that conduct or support prostate cancer
505 awareness, screening, detection, or prevention;
- 506 (xx) programs that support and promote adoptions;
- 507 (xxi) programs that create or support civil rights education and awareness;
- 508 (xxii) programs that support issues affecting women and children through an
509 organization affiliated with a national professional men's basketball organization;
- 510 (xxiii) programs that strengthen youth soccer, build communities, and promote
511 environmental sustainability through an organization affiliated with a professional men's soccer
512 organization;
- 513 (xxiv) programs that support children with heart disease;
- 514 (xxv) programs that support the operation and maintenance of the Utah Law
515 Enforcement Memorial;
- 516 (xxvi) programs that provide assistance to children with cancer;
- 517 (xxvii) programs that promote leadership and career development through agricultural
518 education; or
- 519 (xxviii) the Utah State Historical Society.
- 520 (2) (a) The division may not issue a new type of special group license plate or decal
521 unless the division receives:

522 (i) (A) a private donation for the start-up fee established under Section 63J-1-504 for
523 the production and administrative costs of providing the new special group license plates or
524 decals; or

525 (B) a legislative appropriation for the start-up fee provided under Subsection
526 (2)(a)(i)(A); and

527 (ii) beginning on January 1, 2012, and for the issuance of a support special group
528 license plate authorized in Section 41-1a-422, at least 500 completed applications for the new
529 type of support special group license plate or decal to be issued with all fees required under this
530 part for the support special group license plate or decal issuance paid by each applicant.

531 (b) (i) Beginning on January 1, 2012, each participating organization shall collect and
532 hold applications for support special group license plates or decals authorized in Section
533 41-1a-422 on or after January 1, 2012, until it has received at least 500 applications.

534 (ii) Once a participating organization has received at least 500 applications, it shall
535 submit the applications, along with the necessary fees, to the division for the division to begin
536 working on the design and issuance of the new type of support special group license plate or
537 decal to be issued.

538 (iii) Beginning on January 1, 2012, the division may not work on the issuance or design
539 of a new support special group license plate or decal authorized in Section 41-1a-422 until the
540 applications and fees required under this Subsection (2) have been received by the division.

541 (iv) The division shall begin issuance of a new support special group license plate or
542 decal authorized in Section 41-1a-422 on or after January 1, 2012, no later than six months
543 after receiving the applications and fees required under this Subsection (2).

544 (c) (i) Beginning on July 1, 2009, the division may not renew a motor vehicle
545 registration of a motor vehicle that has been issued a firefighter recognition special group
546 license plate unless the applicant is a contributor as defined in Subsection
547 41-1a-422(1)(a)(ii)(D) to the Firefighter Support Restricted Account.

548 (ii) A registered owner of a vehicle that has been issued a firefighter recognition
549 special group license plate prior to July 1, 2009, upon renewal of the owner's motor vehicle
550 registration shall:

551 (A) be a contributor to the Firefighter Support Restricted Account as required under
552 Subsection (2)(c)(i); or

553 (B) replace the firefighter recognition special group license plate with a new license
554 plate.

555 (3) Beginning on July 1, 2011, if a support special group license plate or decal type
556 authorized in Section 41-1a-422 and issued on or after January 1, 2012, has fewer than 500
557 license plates issued each year for a three consecutive year time period that begins on July 1,
558 the division may not issue that type of support special group license plate or decal to a new
559 applicant beginning on January 1 of the following calendar year after the three consecutive year
560 time period for which that type of support special group license plate or decal has fewer than
561 500 license plates issued each year.

562 (4) Beginning on July 1, 2011, the division may not issue to an applicant a unique
563 vehicle type license plate for a vehicle powered by clean fuel under Subsection (1)(c)(iv).

564 (5) (a) Beginning on October 1, 2017, the division may not issue a new prostate cancer
565 support special group license plate.

566 (b) A registered owner of a vehicle that has been issued a prostate cancer support
567 special group license plate before October 1, 2017, may renew the owner's motor vehicle
568 registration, with the contribution allocated as described in Section 41-1a-422.

569 Section 15. Section 41-1a-419 is amended to read:

570 **41-1a-419. Plate design -- Vintage vehicle certification and registration --**

571 **Personalized special group license plates -- Rulemaking.**

572 (1) (a) The design and maximum number of numerals or characters on a special group
573 license [plates] plate shall be determined by the division in accordance with the requirements
574 under Subsection (1)(b).

575 (b) (i) Except as provided in Subsection (1)(b)(ii), each special group license plate
576 shall display:

577 (A) the word Utah;

578 (B) the name or identifying slogan of the special group;

579 (C) a symbol decal not exceeding two positions in size representing the special group;

580 and

581 (D) the combination of letters, numbers, or both uniquely identifying the registered
582 vehicle.

583 (ii) The division, in consultation with the Utah State Historical Society, shall design

584 the historical support special group license plate, which shall:

585 (A) have a black background;

586 (B) have white characters; and

587 (C) display the word Utah.

588 (2) (a) The division shall, after consultation with a representative designated by the
589 special group, specify the word or words comprising the special group name and the symbol
590 decal to be displayed upon the special group license plates.

591 (b) A special group license plate symbol decal may not be redesigned:

592 (i) unless the division receives a redesign fee established by the division under Section
593 63J-1-504; and

594 (ii) more frequently than every five years.

595 (c) (i) Except as provided in Subsection (2)(c)(ii), a special group license plate symbol
596 decal may not be reordered unless the division receives a symbol decal reorder fee established
597 by the division under Section 63J-1-504.

598 (ii) A recognition special group license plate symbol decal for a currently employed,
599 volunteer, or retired firefighter issued in accordance with Subsection 41-1a-418(1)(d)(v) that is
600 reordered on or after July 1, 2007, but on or before June 30, 2008, is exempt from the symbol
601 decal reorder fee authorized under Subsection (2)(c)(i).

602 (3) [~~The license plates~~] A license plate issued for horseless carriages prior to July 1,
603 1992, [~~are~~] is valid without renewal as long as the vehicle is owned by the registered owner and
604 the license [~~plates~~] plate may not be recalled by the division.

605 (4) A person who meets the criteria established under Sections 41-1a-418 through
606 41-1a-422 for issuance of a special group license [~~plates~~] plate may make application in the
607 same manner provided in Sections 41-1a-410 and 41-1a-411 for a personalized special group
608 license [~~plates~~] plate.

609 (5) The commission shall make rules in accordance with Title 63G, Chapter 3, Utah
610 Administrative Rulemaking Act, to:

611 (a) establish qualifying criteria for persons to receive, renew, or surrender special group
612 license plates; and

613 (b) establish the maximum number of numerals or characters for special group license
614 plates.

615 Section 16. Section **41-1a-421** is amended to read:

616 **41-1a-421. Honor special group license plates -- Personal identity requirements.**

617 (1) (a) The requirements of this Subsection (1) apply to a vehicle displaying a:

618 (i) survivor of the Japanese attack on Pearl Harbor license plate;

619 (ii) former prisoner of war license plate;

620 (iii) Purple Heart license plate;

621 (iv) disabled veteran license plate; or

622 (v) campaign or combat theater award license plate.

623 (b) The vehicle shall be titled in the name of the veteran or the veteran and spouse.

624 (c) Upon the death of the veteran, the surviving spouse may, upon application to the
625 division, retain the special group license plate decal so long as the surviving spouse remains
626 unmarried.

627 (d) The division shall require the surviving spouse to make a sworn statement that the
628 surviving spouse is unmarried before renewing the registration under this section.

629 (2) Proper evidence of a Purple Heart is either:

630 (a) a membership card in the Military Order of the Purple Heart; or

631 (b) an original or certificate in lieu of the applicant's military discharge form, DD-214,
632 issued by the National Personnel Records Center.

633 (3) The Purple Heart license [~~plates~~] plate shall bear:

634 (a) the words "Purple Heart" at the bottom of the plate;

635 (b) a logo substantially depicting a Purple Heart award; and

636 (c) the letter and number combinations assigned by the division.

637 (4) Proper evidence that a person is a disabled veteran is a written document issued by
638 a military entity certifying that the person is disabled as a result of service in a branch of the
639 United States Military.

640 (5) A disabled veteran seeking a disabled veteran license plate shall request the
641 Department of Veterans and Military Affairs to provide the verification required under
642 Subsection (4).

643 (6) (a) An applicant for a gold star license plate shall submit written documentation
644 that the applicant is a recipient of a gold star award issued by the United States Secretary of
645 Defense.

646 (b) Written documentation under Subsection (6)(a) may include any of the following:

647 (i) a death certificate;

648 (ii) documentation showing classification of death as listed by the United States

649 Secretary of Defense;

650 (iii) a casualty report;

651 (iv) a telegram from the United States Secretary of Defense or one of the branches of
652 the United States armed forces; or

653 (v) other documentation that verifies the applicant meets the requirements of
654 Subsection (6)(a).

655 (7) An applicant for a campaign or combat theater award special group license plate
656 shall:

657 (a) be a contributor in accordance with Subsections 41-1a-422(1)(a)(i)(B) and
658 (1)(a)(ii)(A); and

659 (b) submit a form to the division obtained from the Department of Veterans and
660 Military Affairs which verifies that the applicant qualifies for the campaign or combat theater
661 award special group license plate requested.

662 (8) Each campaign or combat theater award special group license plate authorized by
663 the Department of Veterans and Military Affairs shall be considered a new special group
664 license plate and require the payment of the fees associated with newly authorized special
665 group license plates.

666 Section 17. Section 41-1a-422 is amended to read:

667 **41-1a-422. Support special group license plates -- Contributor -- Voluntary**
668 **contribution collection procedures.**

669 (1) As used in this section:

670 (a) (i) Except as provided in Subsection (1)(a)(ii), "contributor" means a person who
671 has donated or in whose name at least \$25 has been donated to:

672 (A) a scholastic scholarship fund of a single named institution;

673 (B) the Department of Veterans and Military Affairs for veterans programs;

674 (C) the Division of Wildlife Resources for the Wildlife Resources Account created in
675 Section 23-14-13, for conservation of wildlife and the enhancement, preservation, protection,
676 access, and management of wildlife habitat;

- 677 (D) the Department of Agriculture and Food for the benefit of conservation districts;
- 678 (E) the Division of Parks and Recreation for the benefit of snowmobile programs;
- 679 (F) the Guardian Ad Litem Services Account and the Children's Museum of Utah, with
680 the donation evenly divided between the two;
- 681 (G) the Boy Scouts of America for the benefit of a Utah Boy Scouts of America
682 council as specified by the contributor;
- 683 (H) No More Homeless Pets in Utah for distribution to organizations or individuals
684 that provide spay and neuter programs that subsidize the sterilization of domestic animals;
- 685 (I) the Utah Alliance of Boys and Girls Clubs, Inc. to provide and enhance youth
686 development programs;
- 687 (J) the Utah Association of Public School Foundations to support public education;
- 688 (K) the Utah Housing Opportunity Restricted Account created in Section [61-2-204](#) to
689 assist people who have severe housing needs;
- 690 (L) the Public Safety Honoring Heroes Restricted Account created in Section [53-1-118](#)
691 to support the families of fallen Utah Highway Patrol troopers and other Department of Public
692 Safety employees;
- 693 (M) the Division of Parks and Recreation for distribution to organizations that provide
694 support for Zion National Park;
- 695 (N) the Firefighter Support Restricted Account created in Section [53-7-109](#) to support
696 firefighter organizations;
- 697 (O) the Share the Road Bicycle Support Restricted Account created in Section
698 [72-2-127](#) to support bicycle operation and safety awareness programs;
- 699 (P) the Cancer Research Restricted Account created in Section [26-21a-302](#) to support
700 cancer research programs;
- 701 (Q) Autism Awareness Restricted Account created in Section [53F-9-401](#) to support
702 autism awareness programs;
- 703 (R) Humanitarian Service and Educational and Cultural Exchange Restricted Account
704 created in Section [9-17-102](#) to support humanitarian service and educational and cultural
705 programs;
- 706 (S) Prostate Cancer Support Restricted Account created in Section [26-21a-303](#) for
707 programs that conduct or support prostate cancer awareness, screening, detection, or prevention

708 until September 30, 2017, and beginning on October 1, 2017, upon renewal of a prostate cancer
709 support special group license plate, to the Cancer Research Restricted Account created in
710 Section [26-21a-302](#) to support cancer research programs;

711 (T) the Choose Life Adoption Support Restricted Account created in Section
712 [62A-4a-608](#) to support programs that promote adoption;

713 (U) the Martin Luther King, Jr. Civil Rights Support Restricted Account created in
714 Section [9-18-102](#);

715 (V) the National Professional Men's Basketball Team Support of Women and Children
716 Issues Restricted Account created in Section [62A-1-202](#);

717 (W) the Utah Law Enforcement Memorial Support Restricted Account created in
718 Section [53-1-120](#);

719 (X) the Children with Cancer Support Restricted Account created in Section
720 [26-21a-304](#) for programs that provide assistance to children with cancer;

721 (Y) the National Professional Men's Soccer Team Support of Building Communities
722 Restricted Account created in Section [9-19-102](#);

723 (Z) the Children with Heart Disease Support Restricted Account created in Section
724 [26-58-102](#);

725 (AA) the Utah Intracurricular Student Organization Support for Agricultural Education
726 and Leadership Restricted Account created in Section [4-42-102](#);

727 (BB) the Division of Wildlife Resources for the Support for State-Owned Shooting
728 Ranges Restricted Account created in Section [23-14-13.5](#), for the creation of new, and
729 operation and maintenance of existing, state-owned firearm shooting ranges; or

730 (CC) the Utah State Historical Society to further the mission and purpose of the Utah
731 State Historical Society.

732 (ii) (A) For a veterans special group license plate, "contributor" means a person who
733 has donated or in whose name at least a \$25 donation at the time of application and \$10 annual
734 donation thereafter has been made.

735 (B) For a Utah Housing Opportunity special group license plate, "contributor" means a
736 person who:

737 (I) has donated or in whose name at least \$30 has been donated at the time of
738 application and annually after the time of application; and

739 (II) is a member of a trade organization for real estate licensees that has more than
740 15,000 Utah members.

741 (C) For an Honoring Heroes special group license plate, "contributor" means a person
742 who has donated or in whose name at least \$35 has been donated at the time of application and
743 annually thereafter.

744 (D) For a firefighter support special group license plate, "contributor" means a person
745 who:

746 (I) has donated or in whose name at least \$15 has been donated at the time of
747 application and annually after the time of application; and

748 (II) is a currently employed, volunteer, or retired firefighter.

749 (E) For a cancer research special group license plate, "contributor" means a person who
750 has donated or in whose name at least \$35 has been donated at the time of application and
751 annually after the time of application.

752 (F) For a Martin Luther King, Jr. Civil Rights Support special group license plate,
753 "contributor" means a person who has donated or in whose name at least \$35 has been donated
754 at the time of application and annually thereafter.

755 (G) For a Utah Law Enforcement Memorial Support special group license plate,
756 "contributor" means a person who has donated or in whose name at least \$35 has been donated
757 at the time of application and annually thereafter.

758 (b) "Institution" means a state institution of higher education as defined under Section
759 [53B-3-102](#) or a private institution of higher education in the state accredited by a regional or
760 national accrediting agency recognized by the United States Department of Education.

761 (2) (a) An applicant for an original or renewal collegiate special group license [~~plates~~
762 plate] under Subsection (1)(a)(i) must be a contributor to the institution named in the
763 application and present the original contribution verification form under Subsection (2)(b) or
764 make a contribution to the division at the time of application under Subsection (3).

765 (b) An institution with a support special group license plate shall issue to a contributor
766 a verification form designed by the commission containing:

767 (i) the name of the contributor;

768 (ii) the institution to which a donation was made;

769 (iii) the date of the donation; and

770 (iv) an attestation that the donation was for a scholastic scholarship.
771 (c) The state auditor may audit each institution to verify that the money collected by the
772 institutions from contributors is used for scholastic scholarships.
773 (d) After an applicant has been issued a collegiate license [~~plates~~] plate or renewal
774 decals, the commission shall charge the institution whose plate was issued[;] a fee determined
775 in accordance with Section 63J-1-504 for management and administrative expenses incurred in
776 issuing and renewing the collegiate license [~~plates~~] plate.
777 (e) If the contribution is made at the time of application, the contribution shall be
778 collected, treated, and deposited as provided under Subsection (3).
779 (3) (a) An applicant for an original or renewal support special group license [~~plates~~]
780 plate under this section must be a contributor to the sponsoring organization associated with
781 the license plate.
782 (b) This contribution shall be:
783 (i) unless collected by the named institution under Subsection (2), collected by the
784 division;
785 (ii) considered a voluntary contribution for the funding of the activities specified under
786 this section and not a motor vehicle registration fee;
787 (iii) deposited into the appropriate account less actual administrative costs associated
788 with issuing the license [~~plates~~] plate; and
789 (iv) for a firefighter special group license plate, deposited into the appropriate account
790 less:
791 (A) the costs of reordering firefighter special group license plate decals; and
792 (B) the costs of replacing a recognition special group license [~~plates~~] plate with a new
793 license [~~plates~~] plate under Subsection 41-1a-1211(13).
794 (c) The donation described in Subsection (1)(a) must be made in the 12 months prior to
795 registration or renewal of registration.
796 (d) The donation described in Subsection (1)(a) shall be a one-time donation made to
797 the division when issuing an original:
798 (i) snowmobile license [~~plates~~] plate; or
799 (ii) conservation license [~~plates~~] plate.
800 (4) [~~Veterans license plates~~] A veterans license plate shall display one of the symbols

801 representing the Army, Navy, Air Force, Marines, Coast Guard, or American Legion.

802 Section 18. Section **41-1a-701** is amended to read:

803 **41-1a-701. Transfer by owner -- Removal of plates.**

804 (1) (a) If the owner of a registered vehicle transfers the title or interest to the vehicle
805 the registration of the vehicle expires.

806 (b) Unless an owner has included the transfer of a license plate as part of a sale, trade,
807 or ownership release of a vehicle, the owner shall remove the license [~~plates~~] plate from the
808 transferred vehicle.

809 (2) (a) If an owner does not transfer a license plate to a person as part of a sale, trade, or
810 ownership release of a vehicle, within 20 days from the date of transfer the owner shall forward
811 the [~~plates~~] plate to the division to be destroyed or may have the [~~plates~~] plate assigned to
812 another vehicle, subject to the rules of the division.

813 (b) If an owner transfers a license plate as part of a sale, trade, or ownership release of
814 a vehicle, the new registered owner of the transferred vehicle shall apply to the division to have
815 the [~~plates~~] plate assigned to the new registered owner.

816 (3) A violation of this section is an infraction.

817 Section 19. Section **41-1a-703** is amended to read:

818 **41-1a-703. New owner to secure new registration and new certificate of title.**

819 (1) The transferee, before operating or permitting the operation of a transferred vehicle
820 on a highway, shall:

821 (a) present to the division the certificate of registration and the certificate of title,
822 properly endorsed;

823 (b) apply for a new certificate of title and obtain a new registration for the transferred
824 vehicle, as upon an original registration, except as permitted under Sections [41-1a-223](#),
825 [41-1a-520](#), and [41-1a-704](#); and

826 (c) apply to the division to have the license [~~plates~~] plate assigned to the new registered
827 owner of the transferred vehicle if the license [~~plates were~~] plate was included as part of the
828 sale, trade, or ownership release of the transferred vehicle.

829 (2) A violation of this section is an infraction.

830 Section 20. Section **41-1a-704** is amended to read:

831 **41-1a-704. Transfer by operation of law.**

832 (1) Except as provided under Subsection (2), if the title or interest of an owner in or to
833 a registered vehicle passes to another person other than by voluntary transfer:

834 (a) the registration of the vehicle expires; and

835 (b) the vehicle may not be operated upon a highway until the person entitled to
836 possession of the vehicle applies for and obtains a valid registration or temporary permit.

837 (2) (a) A vehicle under Subsection (1) may be operated on the highways by the person
838 entitled to its possession or his legal representative, for a distance not exceeding 75 miles, upon
839 displaying on the vehicle the license [~~plates~~] plate issued to the former owner.

840 (b) If title is vested in a person holding a lien or encumbrance on the vehicle, the new
841 title holder may apply to the Motor Vehicle Enforcement Division for [~~special plates~~] a special
842 plate issued under Section 41-3-505 to transporters and may operate the repossessed vehicle
843 under the special plate for the purposes of:

844 (i) transporting the vehicle to a garage or warehouse; or

845 (ii) demonstrating the vehicle for sale.

846 (3) A violation of this section is an infraction.

847 Section 21. Section 41-1a-1105 is amended to read:

848 **41-1a-1105. Records to be kept by public garage, impound lot, or impound yard.**

849 (1) (a) Each person engaged in the business of operating a public garage, impound lot,
850 or impound yard shall keep a record of every vehicle, vessel, or outboard motor stored in it for
851 compensation for a period longer than 12 hours.

852 (b) The record shall include:

853 (i) the name and address of the person storing the vehicle, vessel, or outboard motor;

854 (ii) a brief description of the vehicle, vessel, or outboard motor, including the name or
855 make, identification number, and license number shown by the license [~~plates~~] plate; and

856 (iii) the mileage shown on the vehicle's odometer both upon arrival at and upon its
857 release from the public garage, impound lot, or impound yard, if the vehicle is equipped with
858 an odometer.

859 (2) Every record kept under Subsection (1) shall be open to inspection by any peace
860 officer.

861 Section 22. Section 41-1a-1211 is amended to read:

862 **41-1a-1211. License plate fees -- Application fees for issuance and renewal of**

863 **personalized and special group license plates -- Replacement fee for license plates --**
864 **Postage fees.**

865 (1) (a) Except as provided in Subsections (11), (12), (13), and (14), a license plate fee
866 established in accordance with Section 63J-1-504 shall be paid to the division for the issuance
867 of any new license plate under Part 4, License Plates and Registration Indicia.

868 (b) The license plate fee shall be deposited as follows:

869 (i) \$1 in the Transportation Fund; and

870 (ii) the remainder of the fee charged under Subsection (1)(a), as provided in Section
871 41-1a-1201.

872 (2) An applicant for original issuance of [~~personalized license plates~~] a personalized
873 license plate issued under Section 41-1a-410 shall pay a \$50 per [~~set~~] license plate application
874 fee in addition to the fee required in Subsection (1).

875 (3) Beginning July 1, 2003, a person who applies for a special group license plate shall
876 pay a \$5 fee for the original [~~set of license plates~~] license plate in addition to the fee required
877 under Subsection (1).

878 (4) An applicant for original issuance of personalized special group license plates shall
879 pay the license plate application fees required in Subsection (2) in addition to the license plate
880 fees and license plate application fees established under Subsections (1) and (3).

881 (5) An applicant for renewal of [~~personalized license plates~~] a personalized license
882 plate issued under Section 41-1a-410 shall pay a \$10 per ~~Ĥ~~→ [~~set~~] ←~~Ĥ~~ application fee.

883 (6) (a) The division may charge a fee established under Section 63J-1-504 to recover
884 the costs for the replacement of any license plate issued under Part 4, License Plates and
885 Registration Indicia.

886 (b) The license plate fee shall be deposited as follows:

887 (i) \$1 in the Transportation Fund; and

888 (ii) the remainder of the fee charged under Subsection (6)(a), as provided in Section
889 41-1a-1201.

890 (7) The division may charge a fee established under Section 63J-1-504 to recover its
891 costs for the replacement of decals issued under Section 41-1a-418.

892 (8) The division may charge a fee established under Section 63J-1-504 to recover the
893 cost of issuing stickers under Section 41-1a-416.

894 (9) In addition to any other fees required by this section, the division shall assess a fee
895 established under Section 63J-1-504 to cover postage expenses if a new or replacement license
896 ~~[plates are]~~ plate is mailed to the applicant.

897 (10) The fees required under this section are separate from and in addition to
898 registration fees required under Section 41-1a-1206.

899 (11) (a) An applicant for a license plate issued under Section 41-1a-407 is not subject
900 to the license plate fee under Subsection (1).

901 (b) An applicant for a Purple Heart special group license plate issued in accordance
902 with Section 41-1a-421 is exempt from the fees under Subsections (1), (3), and (7).

903 (12) A person is exempt from the fee under Subsection (1) or (6) if the person:

904 (a) was issued a clean fuel special group license plate in accordance with Section
905 41-1a-418 prior to the effective date of rules made by the Department of Transportation under
906 Subsection 41-6a-702(5)(b);

907 (b) beginning on the effective date of rules made by the Department of Transportation
908 authorized under Subsection 41-6a-702(5)(b), is no longer eligible for a clean fuel special
909 group license plate under the rules made by the Department of Transportation; and

910 (c) upon renewal or reissuance, is required to replace the clean fuel special group
911 license plate with a new license plate.

912 (13) Until June 30, 2011, a person is exempt from the license plate fee under
913 Subsection (1) or (6) if the person:

914 (a) was issued a firefighter recognition special group license plate in accordance with
915 Section 41-1a-418 prior to July 1, 2009;

916 (b) upon renewal of the person's vehicle registration on or after July 1, 2009, is not a
917 contributor to the Firefighter Support Restricted Account as required under Section 41-1a-418;
918 and

919 (c) is required to replace the firefighter special group license plate with a new license
920 plate in accordance with Section 41-1a-418.

921 (14) A person is not subject to the license plate fee under Subsection (1) if the person
922 presents official documentation that the person is a recipient of the Purple Heart Award issued:

923 (a) by a recognized association representing peace officers who:

924 (i) receives a salary from a federal, state, county, or municipal government or any

925 subdivision of the state; and

926 (ii) works in the state; or

927 (b) in accordance with Subsection 41-1a-421(2).

928 Section 23. Section 41-3-105 is amended to read:

929 **41-3-105. Administrator's powers and duties -- Administrator and investigators**
930 **to be law enforcement officers.**

931 (1) The administrator may make rules to carry out the purposes of this chapter and
932 Sections 41-1a-1001 through 41-1a-1007 according to the procedures and requirements of Title
933 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

937 (b) The administrator, assistant administrator, and all investigators shall be law
938 enforcement officers certified by peace officer standards and training as required by Section
939 53-13-103.

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

941 (i) this chapter;

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

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

944 (iv) any rule made by the administrator.

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

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

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

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

951 (i) if the applicant is an individual, the name and residence address of the applicant and
952 the trade name, if any, under which the applicant intends to conduct business;

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

- 956 (iii) if the applicant is a corporation, the name of the corporation, and the name and
957 residence address of each of its principal officers and directors;
- 958 (iv) a complete description of the principal place of business, including:
959 (A) the municipality, with the street and number, if any;
960 (B) if located outside of any municipality, a general description so that the location can
961 be determined; and
962 (C) any other places of business operated and maintained by the applicant in
963 conjunction with the principal place of business;
- 964 (v) if the application is for a new motor vehicle dealer's license, the name of each
965 motor vehicle the applicant has been enfranchised to sell or exchange, the name and address of
966 the manufacturer or distributor who has enfranchised the applicant, and the name and address
967 of each individual who will act as a salesperson under authority of the license;
- 968 (vi) at least five years of business history;
969 (vii) the federal tax identification number issued to the dealer;
970 (viii) the sales and use tax license number issued to the dealer under Title 59, Chapter
971 12, Sales and Use Tax Act; and
972 (ix) if the application is for a direct-sale manufacturer's license:
973 (A) the name of each line-make the applicant will sell, display for sale, or offer for sale
974 or exchange;
975 (B) the name and address of each individual who will act as a direct-sale manufacturer
976 salesperson under authority of the license;
977 (C) a complete description of the direct-sale manufacturer's authorized service center,
978 including the address and any other place of business the applicant operates and maintains in
979 conjunction with the authorized service center;
980 (D) a sworn statement that the applicant complies with each qualification for a
981 direct-sale manufacturer under this chapter;
982 (E) a sworn statement that if at any time the applicant fails to comply with a
983 qualification for a direct-sale manufacturer under this chapter, the applicant will inform the
984 division in writing within 10 business days after the day on which the noncompliance occurs;
985 and
986 (F) an acknowledgment that if the applicant fails to comply with a qualification for a

987 direct-sale manufacturer under this chapter, the administrator will deny, suspend, or revoke the
988 applicant's direct-sale manufacturer license in accordance with Section 41-3-209.

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

991 (6) (a) The administrator may require that a licensee erect or post signs or devices on
992 the licensee's principal place of business and any other sites, equipment, or locations operated
993 and maintained by the licensee in conjunction with the licensee's business.

994 (b) The signs or devices shall state the licensee's name, principal place of business,
995 type and number of licenses, and any other information that the administrator considers
996 necessary to identify the licensee.

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

1000 (7) (a) The administrator shall provide for quarterly meetings of the advisory board and
1001 may call special meetings.

1002 (b) Notices of all meetings shall be sent to each member not fewer than five days
1003 before the meeting.

1004 (8) The administrator, the officers and inspectors of the division designated by the
1005 commission, and peace officers shall:

1006 (a) make arrests upon view and without warrant for any violation committed in their
1007 presence of any of the provisions of this chapter, or Title 41, Chapter 1a, Motor Vehicle Act;

1008 (b) when on duty, upon reasonable belief that a motor vehicle, trailer, or semitrailer is
1009 being operated in violation of any provision of Title 41, Chapter 1a, Motor Vehicle Act, require
1010 the driver of the vehicle to stop, exhibit the person's driver license and the registration card
1011 issued for the vehicle, and submit to an inspection of the vehicle, the license [~~plates~~] plate, and
1012 registration card;

1013 (c) serve all warrants relating to the enforcement of the laws regulating the operation of
1014 motor vehicles, trailers, and semitrailers;

1015 (d) investigate traffic accidents and secure testimony of any witnesses or persons
1016 involved; and

1017 (e) investigate reported thefts of motor vehicles, trailers, and semitrailers.

1018 (9) The administrator may contract with a public prosecutor to provide additional
1019 prosecution of this chapter.

1020 Section 24. Section **41-3-209** is amended to read:

1021 **41-3-209. Administrator's findings -- Suspension and revocation of license.**

1022 (1) If the administrator finds that an applicant is not qualified to receive a license, a
1023 license may not be granted.

1024 (2) (a) If the administrator finds that there is reasonable cause to deny, suspend, or
1025 revoke a license issued under this chapter, the administrator shall deny, suspend, or revoke the
1026 license.

1027 (b) Reasonable cause for denial, suspension, or revocation of a license includes, in
1028 relation to the applicant or license holder or any of the applicant or license holder's partners,
1029 officers, or directors:

1030 (i) lack of a principal place of business or authorized service center as required by this
1031 chapter;

1032 (ii) lack of a sales tax license required under Title 59, Chapter 12, Sales and Use Tax
1033 Act;

1034 (iii) lack of a bond in effect as required by this chapter;

1035 (iv) current revocation or suspension of a dealer, dismantler, auction, or salesperson
1036 license issued in another state;

1037 (v) nonpayment of required fees;

1038 (vi) making a false statement on any application for a license under this chapter or for a
1039 special license [~~plates~~] plate;

1040 (vii) a violation of any state or federal law involving motor vehicles;

1041 (viii) a violation of any state or federal law involving controlled substances;

1042 (ix) charges filed with any county attorney, district attorney, or U.S. attorney in any
1043 court of competent jurisdiction for a violation of any state or federal law involving motor
1044 vehicles;

1045 (x) a violation of any state or federal law involving fraud;

1046 (xi) a violation of any state or federal law involving a registerable sex offense under
1047 Section [77-41-106](#);

1048 (xii) having had a license issued under this chapter revoked within five years from the

1049 date of application; or

1050 (xiii) failure to comply with any applicable qualification or requirement imposed under
1051 this chapter.

1052 (c) Any action taken by the administrator under Subsection (2)(b)(ix) shall remain in
1053 effect until a final resolution is reached by the court involved or the charges are dropped.

1054 (3) If the administrator finds that an applicant is not qualified to receive a license under
1055 this section, the administrator shall provide the applicant written notice of the reason for the
1056 denial.

1057 (4) If the administrator finds that the license holder has been convicted by a court of
1058 competent jurisdiction of violating any of the provisions of this chapter or any rules made by
1059 the administrator, or finds other reasonable cause, the administrator may, by complying with
1060 the emergency procedures of Title 63G, Chapter 4, Administrative Procedures Act:

1061 (a) suspend the license on terms and for a period of time the administrator finds
1062 reasonable; or

1063 (b) revoke the license.

1064 (5) (a) After suspending or revoking a license, the administrator may take reasonable
1065 action to:

1066 (i) notify the public that the licensee is no longer in business; and

1067 (ii) prevent the former licensee from violating the law by conducting business without
1068 a license.

1069 (b) Action under Subsection (5)(a) may include signs, banners, barriers, locks,
1070 bulletins, and notices.

1071 (c) Any business being conducted incidental to the business for which the former
1072 licensee was licensed may continue to operate subject to the preventive action taken under this
1073 subsection.

1074 Section 25. Section **41-3-210** is amended to read:

1075 **41-3-210. License holders -- Prohibitions and requirements.**

1076 (1) The holder of any license issued under this chapter may not:

1077 (a) intentionally publish, display, or circulate any advertising that is misleading or
1078 inaccurate in any material fact or that misrepresents any of the products sold, manufactured,
1079 remanufactured, handled, or furnished by a licensee;

1080 (b) intentionally publish, display, or circulate any advertising without identifying the
1081 seller as the licensee by including in the advertisement the full name under which the licensee
1082 is licensed or the licensee's number assigned by the division;

1083 (c) violate this chapter or the rules made by the administrator;

1084 (d) violate any law of the state respecting commerce in motor vehicles or any rule
1085 respecting commerce in motor vehicles made by any licensing or regulating authority of the
1086 state;

1087 (e) engage in business as a new motor vehicle dealer, special equipment dealer, used
1088 motor vehicle dealer, motor vehicle crusher, or body shop without having in effect a bond as
1089 required in this chapter;

1090 (f) act as a dealer, dismantler, crusher, manufacturer, transporter, remanufacturer, or
1091 body shop without maintaining a principal place of business;

1092 (g) unless the licensee is a special equipment dealer who sells a new special equipment
1093 motor vehicle with a gross vehicle weight of 12,000 or more pounds after installing special
1094 equipment on the motor vehicle:

1095 (i) engage in a business respecting the selling or exchanging of new or new and used
1096 motor vehicles for which the licensee is not licensed; and

1097 (ii) unless the licensee is a direct-sale manufacturer, sell or exchange a new motor
1098 vehicle for which the licensee does not have a franchise;

1099 (h) dismantle or transport to a crusher for crushing or other disposition any motor
1100 vehicle without first obtaining a dismantling or junk permit under Section [41-1a-1009](#),
1101 [41-1a-1010](#), or [41-1a-1011](#);

1102 (i) as a new motor vehicle dealer, special equipment dealer, or used motor vehicle
1103 dealer fail to give notice of sales or transfers as required in Section [41-3-301](#);

1104 (j) advertise or otherwise represent, or knowingly allow to be advertised or represented
1105 on the licensee's behalf or at the licensee's place of business, that no down payment is required
1106 in connection with the sale of a motor vehicle when a down payment is required and the buyer
1107 is advised or induced to finance a down payment by a loan in addition to any other loan
1108 financing the remainder of the purchase price of the motor vehicle;

1109 (k) as a crusher, crush or shred a motor vehicle brought to the crusher without
1110 obtaining proper evidence of ownership of the motor vehicle; proper evidence of ownership is

1111 a certificate of title endorsed according to law or a dismantling or junk permit issued under
1112 Section [41-1a-1009](#), [41-1a-1010](#), or [41-1a-1011](#);

1113 (l) as a manufacturer or remanufacturer assemble a motor vehicle that does not comply
1114 with construction, safety, or vehicle identification number standards fixed by law or rule of any
1115 licensing or regulating authority;

1116 (m) as anyone other than a salesperson or a direct-sale manufacturer salesperson
1117 licensed under this chapter, be present on a dealer display space and contact prospective
1118 customers to promote the sale of the dealer's vehicles;

1119 (n) sell, display for sale, or offer for sale motor vehicles at any location other than the
1120 principal place of business or additional places of business licensed under this chapter; this
1121 provision is construed to prevent dealers, salespersons, or any other representative of a
1122 dealership from selling, displaying, or offering motor vehicles for sale from their homes or
1123 other unlicensed locations;

1124 (o) (i) as a dealer, dismantler, body shop, or manufacturer, maintain a principal place of
1125 business or additional place of business that shares any common area with a business or
1126 activity not directly related to motor vehicle commerce; or

1127 (ii) maintain any places of business that share any common area with another dealer,
1128 dismantler, body shop, or manufacturer;

1129 (p) withhold delivery of [~~license plates~~] a license plate obtained by the licensee on
1130 behalf of a customer for any reason, including nonpayment of any portion of the vehicle
1131 purchase price or down payment;

1132 (q) issue a temporary permit for any vehicle that has not been sold by the licensee;

1133 (r) alter a temporary permit in any manner;

1134 (s) operate any principal place of business or additional place of business in a location
1135 that does not comply with local ordinances, including zoning ordinances;

1136 (t) sell, display for sale, offer for sale, or exchange any new motor vehicle if the
1137 licensee does not:

1138 (i) have a new motor vehicle dealer's license or a direct-sale manufacturer's license
1139 under Section [41-3-202](#); and

1140 (ii) unless the licensee is a direct-sale manufacturer, possess a franchise from the
1141 manufacturer of the new motor vehicle sold, displayed for sale, offered for sale, or exchanged

1142 by the licensee;

1143 (u) as a new motor vehicle dealer or used motor vehicle dealer, encourage or conspire
1144 with any person who has not obtained a salesperson's or a direct-sale manufacturer
1145 salesperson's license to solicit for prospective purchasers; or

1146 (v) as a direct-sale manufacturer, engage in business as a direct-sale manufacturer
1147 without having:

1148 (i) an authorized service center; or

1149 (ii) a principal place of business.

1150 (2) (a) If a new motor vehicle is constructed in more than one stage, such as a motor
1151 home, ambulance, or van conversion, the licensee shall advertise, represent, sell, and exchange
1152 the vehicle as the make designated by the final stage manufacturer, except in those specific
1153 situations where the licensee:

1154 (i) possesses a franchise from the initial or first stage manufacturer, presumably the
1155 manufacturer of the motor vehicle's chassis; or

1156 (ii) manufactured the initial or first stage of the motor vehicle.

1157 (b) Sales of multiple stage manufactured motor vehicles shall include the transfer to the
1158 purchaser of a valid manufacturer's statement or certificate of origin from each manufacturer
1159 under Section [41-3-301](#).

1160 (3) Each licensee, except salespersons, shall maintain and make available for
1161 inspection by peace officers and employees of the division:

1162 (a) a record of every motor vehicle bought, or exchanged by the licensee or received or
1163 accepted by the licensee for sale or exchange;

1164 (b) a record of every used part or used accessory bought or otherwise acquired;

1165 (c) a record of every motor vehicle bought or otherwise acquired and wrecked or
1166 dismantled by the licensee;

1167 (d) all buyers' orders, contracts, odometer statements, temporary permit records,
1168 financing records, and all other documents related to the purchase, sale, or consignment of
1169 motor vehicles; and

1170 (e) a record of the name and address of the person to whom any motor vehicle or motor
1171 vehicle body, chassis, or motor vehicle engine is sold or otherwise disposed of and a
1172 description of the motor vehicle by year, make, and vehicle identification number.

- 1173 (4) Each licensee required by this chapter to keep records shall:
1174 (a) be kept by the licensee at least for five years; and
1175 (b) furnish copies of those records upon request to any peace officer or employee of the
1176 division during reasonable business hours.
- 1177 (5) A manufacturer, distributor, distributor representative, or factory representative
1178 may not induce or attempt to induce by means of coercion, intimidation, or discrimination any
1179 dealer to:
- 1180 (a) accept delivery of any motor vehicle, parts, or accessories or any other commodity
1181 or commodities, including advertising material not ordered by the dealer;
1182 (b) order or accept delivery of any motor vehicle with special features, appliances,
1183 accessories, or equipment not included in the list price of the motor vehicle as publicly
1184 advertised by the manufacturer;
1185 (c) order from any person any parts, accessories, equipment, machinery, tools,
1186 appliances, or any other commodity;
1187 (d) enter into an agreement with the manufacturer, distributor, distributor
1188 representative, or factory representative of any of them, or to do any other act unfair to the
1189 dealer by threatening to cancel any franchise or contractual agreement between the
1190 manufacturer, distributor, distributor branch, or factory branch and the dealer;
1191 (e) refuse to deliver to any dealer having a franchise or contractual arrangement for the
1192 retail sale of new and unused motor vehicles sold or distributed by the manufacturer,
1193 distributor, distributor branch or factory branch, any motor vehicle, publicly advertised for
1194 immediate delivery within 60 days after the dealer's order is received; or
1195 (f) unfairly, without regard to the equities of the dealer, cancel the franchise of any
1196 motor vehicle dealer; the nonrenewal of a franchise or selling agreement without cause is a
1197 violation of this subsection and is an unfair cancellation.
- 1198 (6) A dealer may not assist an unlicensed dealer or salesperson in unlawful activity
1199 through active or passive participation in sales, or by allowing use of his facilities or dealer
1200 license number, or by any other means.
- 1201 (7) (a) The holder of any new motor vehicle dealer or direct-sale manufacturer license
1202 issued under this chapter may not sell any new motor vehicle to:
1203 (i) another dealer licensed under this chapter who does not hold a valid franchise for

1204 the make of new motor vehicles sold, unless the selling dealer licenses and titles the new motor
1205 vehicle to the purchasing dealer; or

1206 (ii) any motor vehicle leasing or rental company located within this state, or who has
1207 any branch office within this state, unless the dealer licenses and titles the new motor vehicle to
1208 the purchasing, leasing, or rental company.

1209 (b) Subsection (7)(a)(i) does not apply to the sale of a new incomplete motor vehicle
1210 with a gross vehicle weight of 12,000 or more pounds to a special equipment dealer licensed
1211 under this chapter.

1212 (8) A dealer licensed under this chapter may not take on consignment any new motor
1213 vehicle from anyone other than a new motor vehicle dealer, factory, or distributor who is
1214 licensed and, if required, franchised to distribute or sell that make of motor vehicle in this or
1215 any other state.

1216 (9) A body shop licensed under this chapter may not assist an unlicensed body shop in
1217 unlawful activity through active or passive means or by allowing use of its facilities, name,
1218 body shop number, or by any other means.

1219 (10) A used motor vehicle dealer licensed under this chapter may not advertise, offer
1220 for sale, or sell a new motor vehicle that has been driven less than 7,500 miles by obtaining a
1221 title only to the vehicle and representing it as a used motor vehicle.

1222 (11) (a) Except as provided in Subsection (11)(c), or in cases of undue hardship or
1223 emergency as provided by rule by the division, a dealer or salesperson licensed under this
1224 chapter may not, on consecutive days of Saturday and Sunday, sell, offer for sale, lease, or offer
1225 for lease a motor vehicle.

1226 (b) Each day a motor vehicle is sold, offered for sale, leased, or offered for lease in
1227 violation of Subsection (11)(a) and each motor vehicle sold, offered for sale, leased, or offered
1228 for lease in violation of Subsection (11)(a) shall constitute a separate offense.

1229 (c) The provisions of Subsection (11)(a) shall not apply to a dealer participating in a
1230 trade show or exhibition if:

1231 (i) there are five or more dealers participating in the trade show or exhibition; and

1232 (ii) the trade show or exhibition takes place at a location other than the principal place
1233 of business of one of the dealers participating in the trade show or exhibition.

1234 (12) For purposes of imposing the sales and use tax under Title 59, Chapter 12, Sales

1235 and Use Tax Act, a licensee issuing a temporary permit under Section 41-3-302 shall separately
1236 identify the fees required by Title 41, Chapter 1a, Motor Vehicle Act.

1237 (13) (a) A dismantler or dealer engaged in the business of dismantling motor vehicles
1238 for the sale of parts or salvage shall identify any vehicles or equipment used by the dismantler
1239 or dealer for transporting parts or salvage on the highways.

1240 (b) The identification required under Subsection (13)(a) shall:

1241 (i) include the name, address, and license number of the dismantler or dealer; and

1242 (ii) be conspicuously displayed on both sides of the vehicle or equipment in clearly
1243 legible letters and numerals not less than two inches in height.

1244 Section 26. Section 41-3-702 is amended to read:

1245 **41-3-702. Civil penalty for violation.**

1246 (1) The following are civil violations under this chapter and are in addition to criminal
1247 violations under this chapter:

1248 (a) Level I:

1249 (i) failing to display business license;

1250 (ii) failing to surrender license of salesperson because of termination, suspension, or
1251 revocation;

1252 (iii) failing to maintain a separation from nonrelated motor vehicle businesses at
1253 licensed locations;

1254 (iv) issuing a temporary permit improperly;

1255 (v) failing to maintain records;

1256 (vi) selling a new motor vehicle to a nonfranchised dealer or leasing company without
1257 licensing the motor vehicle;

1258 (vii) special plate violation;

1259 (viii) failing to maintain a sign at a principal place of business; or

1260 (ix) failing to store a salvage vehicle purchased at a motor vehicle auction in a secure
1261 location until the purchaser or a transporter has provided the proper documentation to take
1262 possession of the salvage vehicle.

1263 (b) Level II:

1264 (i) failing to report sale;

1265 (ii) dismantling without a permit;

- 1266 (iii) manufacturing without meeting construction or vehicle identification number
1267 standards;
- 1268 (iv) withholding [~~customer license plates~~] a customer license plate;
- 1269 (v) selling a motor vehicle on consecutive days of Saturday and Sunday; or
- 1270 (vi) failing to record and report the sale of a salvage vehicle at a motor vehicle auction
1271 as described in Section [41-3-201](#).
- 1272 (c) Level III:
- 1273 (i) operating without a principal place of business;
- 1274 (ii) selling a new motor vehicle as a dealer who is not a direct-sale manufacturer
1275 without holding the franchise;
- 1276 (iii) crushing a motor vehicle without proper evidence of ownership;
- 1277 (iv) selling from an unlicensed location;
- 1278 (v) altering a temporary permit;
- 1279 (vi) refusal to furnish copies of records;
- 1280 (vii) assisting an unlicensed dealer or salesperson in sales of motor vehicles;
- 1281 (viii) advertising violation;
- 1282 (ix) failing to separately identify the fees required by Title 41, Chapter 1a, Motor
1283 Vehicle Act;
- 1284 (x) encouraging or conspiring with unlicensed persons to solicit for prospective
1285 purchasers; or
- 1286 (xi) selling, offering for sale, or displaying for sale or exchange a vehicle, vessel, or
1287 outboard motor in violation of Section [41-1a-705](#).
- 1288 (2) (a) The schedule of civil penalties for violations of Subsection (1) is:
- 1289 (i) Level I: \$25 for the first offense, \$100 for the second offense, and \$250 for the third
1290 and subsequent offenses;
- 1291 (ii) Level II: \$100 for the first offense, \$250 for the second offense, and \$1,000 for the
1292 third and subsequent offenses; and
- 1293 (iii) Level III: \$250 for the first offense, \$1,000 for the second offense, and \$5,000 for
1294 the third and subsequent offenses.
- 1295 (b) When determining under this section if an offense is a second or subsequent
1296 offense, only prior offenses committed within the 12 months before the commission of the

1297 current offense may be considered.

1298 (3) The following are civil violations in addition to criminal violations under Section
1299 41-1a-1008:

1300 (a) knowingly selling a salvage vehicle, as defined in Section 41-1a-1001, without
1301 disclosing that the salvage vehicle has been repaired or rebuilt;

1302 (b) knowingly making a false statement on a vehicle damage disclosure statement, as
1303 defined in Section 41-1a-1001; or

1304 (c) fraudulently certifying that a damaged motor vehicle is entitled to an unbranded
1305 title, as defined in Section 41-1a-1001, when it is not.

1306 (4) The civil penalty for a violation under Subsection (3) is:

1307 (a) not less than \$1,000, or treble the actual damages caused by the person, whichever
1308 is greater; and

1309 (b) reasonable attorney fees and costs of the action.

1310 (5) A civil action may be maintained by a purchaser or by the administrator.

1311 Section 27. Section 41-3-803 is amended to read:

1312 **41-3-803. Consignment sales.**

1313 (1) A consignor may take possession of his consigned vehicle at any time the
1314 consigned vehicle is in the possession of a consignee, provided that the consignor:

1315 (a) has notified the consignee in writing that he will take possession of the consigned
1316 vehicle; and

1317 (b) has paid all outstanding charges owing to the consignee that have been agreed to by
1318 the consignor in accordance with Subsection (2).

1319 (2) The agreed upon charges under Subsection (1)(b) shall be:

1320 (a) stated on a form designed by the department; and

1321 (b) included with the written consignment agreement.

1322 (3) A consignee who sells a consigned vehicle shall report to the consignor in writing
1323 the exact selling price of the consigned vehicle under either of the following circumstances:

1324 (a) the consignor and consignee agree in writing that the consignor shall receive a
1325 percentage of the selling price upon the sale of the vehicle; or

1326 (b) the consignor and consignee renegotiate in writing the selling price of the vehicle.

1327 (4) When a consignee sells a consigned vehicle:

1328 (a) the consignee, within seven calendar days of the date of sale, must give written
1329 notice to the consignor that the consigned vehicle has been sold; and

1330 (b) the consignee, within 21 calendar days of the date of sale, or within 15 calendar
1331 days of receiving payment in full for the consigned vehicle, whichever date is earlier, shall
1332 remit the payment received to the consignor, unless the agreement to purchase the consigned
1333 vehicle has been rescinded before expiration of the 21 days.

1334 (5) If the agreement to purchase the consigned vehicle has for any reason been
1335 rescinded before the expiration of 21 calendar days of the date of sale, the consignee shall
1336 within five calendar days thereafter give written notice to the consignor that the agreement to
1337 purchase has been rescinded.

1338 (6) (a) Vehicles on consignment shall be driven with the consignee's dealer [~~plates~~
1339 plate].

1340 (b) All other license plates or registration indicia must be removed from the vehicle.

1341 (7) Prior to driving a consigned vehicle on the consignee's dealer [~~plates~~] plate, the
1342 consignee and the consignor shall execute a written consignment agreement that states:

1343 (a) the party responsible for damage or misuse to a consigned vehicle; and

1344 (b) the permitted uses a consignee may make of a consigned vehicle.

1345 (8) The consignee shall keep the written consignment agreement on file at his principal
1346 place of business.

1347 Section 28. Section **41-6a-403** is amended to read:

1348 **41-6a-403. Vehicle accidents -- Investigation and report of operator security --**
1349 **Agency action if no security -- Surrender of plates -- Penalties.**

1350 (1) (a) Upon request of a peace officer investigating an accident involving a motor
1351 vehicle, the operator of the motor vehicle shall provide evidence of the owner's or operator's
1352 security required under Section [41-12a-301](#).

1353 (b) The evidence of owner's or operator's security includes information specified under
1354 Section [41-12a-303.2](#).

1355 (2) The peace officer shall record on a form approved by the department:

1356 (a) the information provided by the operator;

1357 (b) whether the operator provided insufficient or no information;

1358 (c) whether the officer finds reasonable cause to believe that any information given is

1359 not correct; and

1360 (d) whether other information available to the peace officer indicates that owner's or
1361 operator's security is in effect.

1362 (3) The peace officer shall deposit all completed forms with the peace officer's law
1363 enforcement agency, which shall forward the forms to the department no later than 10 days
1364 after receipt.

1365 (4) (a) The department shall within 10 days of receipt of the forms from the law
1366 enforcement agency take action as follows:

1367 (i) if the operator provided no information under Subsection (1) and other information
1368 available to the peace officer does not indicate that owner's or operator's security is in effect,
1369 the department shall take direct action under Subsection 53-3-221(13); or

1370 (ii) if the peace officer noted or the department determines that there is reasonable
1371 cause to believe that the information given under Subsection (1) is not correct, the department
1372 shall contact directly the insurance company or other provider of security as described in
1373 Section 41-12a-303.2 and request verification of the accuracy of the information submitted as
1374 of the date of the accident.

1375 (b) The department may require the verification under Subsection (4)(a)(ii) to be in a
1376 form specified by the department.

1377 (c) The insurance company or other provider of security shall return the verification to
1378 the department within 30 days of receipt of the request.

1379 (d) If the department does not receive verification within 35 days after sending the
1380 request, or within the 35 days receives notice that the information was not correct, the
1381 department shall take action under Subsection 53-3-221(13).

1382 (5) (a) The owner of a vehicle with an unexpired license [~~plates~~] plate for which
1383 security is not provided as required under this chapter shall return the [~~plates~~] license plate for
1384 the vehicle to the Motor Vehicle Division unless specifically permitted by statute to retain
1385 them.

1386 (b) If the owner fails to return the plates as required, the plates shall be confiscated
1387 under Section 53-3-226.

1388 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1389 department may make rules for the enforcement of this section.

1390 (7) A person is guilty of a class B misdemeanor, and shall be fined not less than \$100,
1391 who:

1392 (a) when requested to provide security information under Subsection (1), or Section
1393 41-12a-303.2, provides false information;

1394 (b) falsely represents to the department that security required under this chapter is in
1395 effect; or

1396 (c) sells a vehicle to avoid the penalties of this section as applicable either to himself or
1397 a third party.

1398 Section 29. Section 41-12a-303 is amended to read:

1399 **41-12a-303. Condition to obtaining registration, license plates, or safety**
1400 **inspection.**

1401 The owner of a motor vehicle required to maintain owner's security under Section
1402 41-12a-301 may be required to swear or affirm, in a manner specified by the State Tax
1403 Commission, or present other reasonable evidence that he has owner's security in effect at the
1404 time of registering, obtaining [~~license plates~~] a license plate for, or a safety inspection of the
1405 motor vehicle.

1406 Section 30. Section 41-12a-602 is amended to read:

1407 **41-12a-602. Filing of false report.**

1408 Any person who gives information required in a report provided for under Section
1409 41-12a-502, knowing or having reason to believe that the information is false, or who shall
1410 forge or, without authority, sign any evidence of proof of owner's or operator's security, or who
1411 files or offers for filing any such evidence of proof, knowing or having reason to believe that it
1412 is forged or signed without authority, or who falsely swears or affirms when obtaining [~~license~~
1413 ~~plates~~] a license plate, a safety inspection, or a registration under Section 41-12a-303, is guilty
1414 of a class A misdemeanor.

1415 ~~Ĥ→ [Section 31. Effective date.~~

1416 ~~———— (1) The amendments to Section 41-1a-404 take effect on May 14, 2019.~~

1417 ~~———— (2) Except as provided in Subsection (1), this bill takes effect on January 1, 2020.] ←Ĥ~~