

Senator Wayne A. Harper proposes the following substitute bill:

MOTOR VEHICLE ENFORCEMENT DIVISION ACCOUNT

AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Johnny Anderson

LONG TITLE

General Description:

This bill enacts and amends provisions relating to the Motor Vehicle Enforcement Division Temporary Permit Restricted Account.

Highlighted Provisions:

This bill:

- ▶ creates the Motor Vehicle Enforcement Division Temporary Permit Restricted Account;
- ▶ specifies the revenue sources for the Motor Vehicle Enforcement Division Temporary Permit Restricted Account;
- ▶ specifies the uses of funds in the Motor Vehicle Enforcement Division Temporary Permit Restricted Account;
- ▶ requires that certain temporary permit fees be deposited into the Motor Vehicle Enforcement Division Temporary Permit Restricted Account rather than being used as dedicated credits for the costs of the Motor Vehicle Enforcement Division;
- ▶ provides that appropriations from the Motor Vehicle Enforcement Division Temporary Permit Restricted Account to the Tax Commission are nonlapsing; and
- ▶ makes technical corrections.



26 **Money Appropriated in this Bill:**

27 This bill appropriates in fiscal year 2016:

28 ▶ to the Utah State Tax Commission - Tax Administration as a one-time
29 appropriation:

30 • from the General Fund Restricted - Motor Vehicle Enforcement Division
31 Temporary Permit Restricted Account, \$3,764,500.

32 • from Dedicated Credits Revenue, (\$3,764,500).

33 **Other Special Clauses:**

34 This bill provides a special effective date.

35 **Utah Code Sections Affected:**

36 AMENDS:

37 **41-3-601**, as last amended by Laws of Utah 2010, Chapter 391

38 **63J-1-602.2**, as last amended by Laws of Utah 2013, Chapter 338

39 ENACTS:

40 **41-3-110**, Utah Code Annotated 1953



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

43 Section 1. Section **41-3-110** is enacted to read:

44 **41-3-110. Motor Vehicle Enforcement Division Temporary Permit Restricted**
45 **Account.**

46 (1) As used in this section, "account" means the Motor Vehicle Enforcement Division
47 Temporary Permit Restricted Account created by this section.

48 (2) There is created within the General Fund a restricted account known as the Motor
49 Vehicle Enforcement Division Temporary Permit Restricted Account.

50 (3) (a) The account shall be funded from the fees deposited into the account in
51 accordance with Section **41-3-601**.

52 (b) The fees described in Subsection (3)(a) shall be paid to the division, which shall
53 deposit them into the account.

54 (4) The Legislature ~~shall~~ may ~~may~~ appropriate the funds in the account to the
54a commission to
55 cover the costs of the division.

56 (5) In accordance with Section **63J-1-602.2**, appropriations made to the commission

57 from the account are nonlapsing.

58 Section 2. Section **41-3-601** is amended to read:

59 **41-3-601. Fees.**

60 (1) [~~To pay for administering and enforcing this chapter, the~~] The administrator shall
61 collect fees determined by the commission under Section **63J-1-504** for each of the following:

- 62 (a) new motor vehicle dealer's license;
- 63 (b) used motor vehicle dealer's license;
- 64 (c) new motorcycle, off-highway vehicle, and small trailer dealer;
- 65 (d) used motorcycle, off-highway vehicle, and small trailer dealer;
- 66 (e) motor vehicle salesperson's license;
- 67 (f) motor vehicle salesperson's transfer or reissue fee;
- 68 (g) motor vehicle manufacturer's license;
- 69 (h) motor vehicle transporter's license;
- 70 (i) motor vehicle dismantler's license;
- 71 (j) motor vehicle crusher's license;
- 72 (k) motor vehicle remanufacturer's license;
- 73 (l) body shop's license;
- 74 (m) distributor or factory branch and distributor branch's license;
- 75 (n) representative's license;
- 76 (o) dealer plates;
- 77 (p) dismantler plates;
- 78 (q) manufacturer plates;
- 79 (r) transporter plates;
- 80 (s) damaged plate replacement;
- 81 (t) in-transit permits;
- 82 (u) loaded demonstration permits;
- 83 (v) additional place of business;
- 84 (w) special equipment dealer's license;
- 85 (x) temporary permits; and
- 86 (y) temporary sports event registration certificates.

87 (2) (a) To pay for training certified vehicle inspectors and enforcement under Sections

88 41-1a-1001 through 41-1a-1008, the State Tax Commission shall establish and the
89 administrator shall collect inspection fees determined by the commission under Section
90 63J-1-504.

91 (b) The division shall use fees collected under Subsection (2)(a) as dedicated credits to
92 be used toward the costs of the division.

93 (3) (a) At the time of application, the administrator shall collect a fee of \$200 for each
94 salvage vehicle buyer license.

95 (b) The administrator may retain a portion of the fee under Subsection (3)(a) to offset
96 the administrator's actual costs of administering and enforcing salvage vehicle buyer licenses.

97 ~~[(4) The division shall use fees collected under Subsections (1)(x) and (y) as dedicated~~
98 ~~credits to be used toward the costs of the division.]~~

99 (4) A fee imposed under Subsection (1)(x) or (y):

100 (a) shall be deposited into the Motor Vehicle Enforcement Division Temporary Permit
101 Restricted Account created by Section 41-3-110; and

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

103 Section 3. Section 63J-1-602.2 is amended to read:

104 **63J-1-602.2. List of nonlapsing funds and accounts -- Title 31 through Title 45.**

105 (1) Appropriations from the Technology Development Restricted Account created in
106 Section 31A-3-104.

107 (2) Appropriations from the Criminal Background Check Restricted Account created in
108 Section 31A-3-105.

109 (3) Appropriations from the Captive Insurance Restricted Account created in Section
110 31A-3-304, except to the extent that Section 31A-3-304 makes the money received under that
111 section free revenue.

112 (4) Appropriations from the Title Licensee Enforcement Restricted Account created in
113 Section 31A-23a-415.

114 (5) Appropriations from the Health Insurance Actuarial Review Restricted Account
115 created in Section 31A-30-115.

116 (6) Appropriations from the Insurance Fraud Investigation Restricted Account created
117 in Section 31A-31-108.

118 (7) Appropriations from the Underage Drinking Prevention Media and Education

119 Campaign Restricted Account created in Section 32B-2-306.

120 (8) The Youth Development Organization Restricted Account created in Section
121 35A-8-1903.

122 (9) The Youth Character Organization Restricted Account created in Section
123 35A-8-2003.

124 (10) Funding for a new program or agency that is designated as nonlapsing under
125 Section 36-24-101.

126 (11) Appropriations from the Oil and Gas Conservation Account created in Section
127 40-6-14.5.

128 (12) Appropriations from the Electronic Payment Fee Restricted Account created by
129 Section 41-1a-121 to the Motor Vehicle Division.

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

131 (a) purchase and distribution of license plates and decals; and

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

133 (14) Appropriations from the Motor Vehicle Enforcement Division Temporary Permit
134 Restricted Account created by Section 41-3-110 to the Tax Commission.

135 Section 4. **Appropriation.**

136 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the
137 following sums of money are appropriated from resources not otherwise appropriated, or
138 reduced from amounts previously appropriated, out of the funds or accounts indicated for the
139 fiscal year beginning July 1, 2015 and ending June 30, 2016. These are additions to amounts
140 previously appropriated for fiscal year 2016.

141 To Utah State Tax Commission - Tax Administration

142 From General Fund Restricted - Motor Vehicle Enforcement Division

143 Temporary Permit Restricted Account \$3,764,500

144 From Dedicated Credits Revenue (\$3,764,500)

145 Section 5. **Effective date.**

146 This bill takes effect on July 1, 2015.