

Part 13 Offenses and Penalties

41-1a-1301 Unpaid fees and penalty -- Lien -- Seizure and sale.

- (1)
- (a) Every registration fee and penalty not paid by the due date is a lien upon all:
 - (i) the unexempt personal property of the owner or operator of the vehicle, vessel, or outboard motor; and
 - (ii) interest or equity of the owner or operator in all personal property, including vehicles, vessels, or outboard motors used by the owner or operator in the conduct or operation of his business.
 - (b) The properties and vehicles, vessels, or outboard motors may be held under warrant, issued by the commission, and sold in accordance with the law applicable to personal property taxes.
- (2) Delinquency is a ground for the issuance of a writ of attachment against the owner or operator.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-1302 Infraction.

A violation of any provision of this chapter is an infraction, unless otherwise provided.

Amended by Chapter 412, 2015 General Session

41-1a-1303 Driving without registration or certificate of title.

- (1) Except as provided in Section 41-1a-211 or 41-1a-1303.5, a person may not drive or move, or an owner may not knowingly permit to be driven or moved upon any highway any vehicle of a type required to be registered in this state:
- (a) that is not properly registered or for which a certificate of title has not been issued or applied for; or
 - (b) for which the required fee has not been paid.
- (2) Subject to Subsection 53-8-209(3), a violation of this section is an infraction.

Amended by Chapter 351, 2020 General Session

41-1a-1303.5 Driving without registration or certificate of title -- Class C misdemeanor.

- (1)
- (a) A violation of Subsection 41-1a-202(3), related to registration of vehicles after establishing residency, is a class C misdemeanor and, except as provided in Subsection (1)(b), has a minimum fine of \$1,000.
 - (b) A court may not dismiss an action brought for a violation of Subsection 41-1a-202(3) merely because the defendant has obtained the appropriate registration subsequent to violating the section. The court may, however, reduce the fine to \$200 if the violator presents evidence at the time of the hearing that:
 - (i) the vehicle is currently registered properly; and
 - (ii) the violation has not existed for more than one year.
- (2) A court may require proof of proper motor vehicle registration as part of any sentence imposed under this section.

Amended by Chapter 412, 2015 General Session

41-1a-1304 Operating motor vehicle, trailer, or semitrailer in excess of registered gross laden weight -- Infraction.

It is an infraction for a person to operate, or cause to be operated, a motor vehicle, trailer, or semitrailer, or combination of them the gross laden weight of which is in excess of the gross laden weight for which the motor vehicle, trailer, or semitrailer, or combination of vehicles is registered.

Amended by Chapter 412, 2015 General Session

41-1a-1305 License plate and registration card violations -- Class C misdemeanor.

It is a class C misdemeanor:

- (1) to break, injure, interfere with, or remove from any vehicle any seal, lock, or device on it for holding or displaying any license plate or registration card attached for denoting registration and identity of the vehicle;
- (2) to remove from any registered vehicle the license plate or registration card issued or attached to it for its registration;
- (3) to place or display any license plate or registration card upon any other vehicle than the one for which it was issued by the division;
- (4) to use or permit the use or display of any license plate, registration card, or permit upon or in the operation of any vehicle other than that for which it was issued;
- (5) to operate upon any highway of this state any vehicle required by law to be registered without having the license plate or plates securely attached, except that the registration card issued by the division to all trailers and semitrailers shall be carried in the towing vehicle;
- (6) for any weighmaster to knowingly make any false entry in his record of weights of vehicles subject to registration or to knowingly report to the commission or division any false information regarding the weights;
- (7) for any inspector, officer, agent, employee, or other person performing any of the functions required for the registration or operation of vehicles subject to registration, to do, permit, cause, connive at, or permit to be done any act with the intent, or knowledge that the probable effect of the act would be to injure any person, deprive him of his property, or to injure or defraud the state with respect to its revenues relating to title or registration of vehicles;
- (8) for any person to combine or conspire with another to do, attempt to do, or cause or allow any of the acts in this chapter classified as a misdemeanor;
- (9) to operate any motor vehicle with a camper mounted on it upon any highway without displaying a current registration decal in clear sight upon the rear of the camper, issued by the county assessor of the county in which the camper has situs for taxation;
- (10) to manufacture, use, display, or sell any facsimile or reproduction of any license plate issued by the division or any article that would appear to be a substitute for a license plate; or
- (11) to fail to return to the division any registration card, license plate or plates, registration decal, permit, or title that has been canceled, suspended, voided, or revoked.

Amended by Chapter 33, 2023 General Session

41-1a-1306 Abuse of persons with disabilities parking privileges -- Revocation of special plate or transferable ID card -- Fine.

A person with a disability who abuses the rights and privileges conferred under Section 41-1a-414 or allows an individual who is not a person with a disability to use those parking

privileges may have the person's disability special group license plate, temporary removable windshield placard, removable windshield placard, temporary wheelchair user placard, or wheelchair user placard revoked by the division.

Amended by Chapter 41, 2017 General Session

41-1a-1307 Operation of motor vehicles, trailers, or semitrailers without payment of fees -- Infraction.

- (1) It is an infraction for a person to operate a motor vehicle, trailer, or semitrailer upon the highways without having paid the title and registration or transfer fees and taxes required by law.
- (2) In addition to any other penalty, the owner of a motor vehicle, trailer, or semitrailer operated in violation of this section shall pay a penalty equal to title and registration fees in addition to any other fee required under this chapter.
- (3) A court may require proof of proper vehicle registration as part of any sentence imposed under this section.

Amended by Chapter 412, 2015 General Session

41-1a-1309 Boarding with intent to commit injury to motor vehicle, trailer, or semitrailer -- Class C misdemeanor.

It is a class C misdemeanor for a person with intent to commit any criminal mischief, injury, or other crime to:

- (1) climb into or upon a motor vehicle, trailer, or semitrailer, whether it is in motion or at rest;
- (2) attempt to manipulate any of the levers, starting mechanism, brakes, or other mechanism or device of a motor vehicle, trailer, or semitrailer while the same is at rest and unattended; or
- (3) set in motion any motor vehicle, trailer, or semitrailer while the same is at rest and unattended.

Amended by Chapter 229, 2007 General Session

41-1a-1310 Failure to deliver title -- Odometer offenses.

- (1) It is an infraction for any person to:
 - (a) fail to properly endorse and deliver a valid certificate of title to a vehicle, vessel, or outboard motor to a transferee or owner lawfully entitled to it in accordance with Section 41-1a-702, except as provided for under Sections 41-3-301, 41-1a-519, and 41-1a-709; or
 - (b) fail to give an odometer disclosure statement to the transferee as required by Section 41-1a-902.
- (2) It is a class B misdemeanor to:
 - (a) operate, or cause to be operated, a motor vehicle knowing that the odometer is disconnected or nonfunctional, except while moving the motor vehicle to a place of repair;
 - (b) offer for sale, sell, use, or install on any part of a motor vehicle or on an odometer in a motor vehicle any device that causes the odometer to register miles or kilometers other than the true miles or kilometers driven as registered by the odometer within the manufacturer's designed tolerance;
 - (c) fail to adjust an odometer or affix a notice as required by Section 41-1a-906 regarding the adjustment;
 - (d) remove, alter, or cause to be removed or altered any notice of adjustment affixed to a motor vehicle as required by Section 41-1a-906; or

- (e) accept or give an incomplete odometer statement when an odometer statement is required under Section 41-1a-902.
- (3) It is a class C misdemeanor to fail to record the odometer reading on the certificate of title at the time of transfer.

Amended by Chapter 412, 2015 General Session

41-1a-1313 Third degree felony to possess motor vehicle, trailer, semitrailer, or parts without identification number -- Presumption of knowledge.

- (1) It is a third degree felony for a person to have in his possession any motor vehicle, trailer, or semitrailer, or any part or parts of a motor vehicle, trailer, or semitrailer, from which any identification number has been removed, defaced, destroyed, obliterated, or so covered as to be concealed, or where the identification number has been altered or changed in any manner.
- (2) A person having possession of any motor vehicle, trailer, or semitrailer or part of them under this section is presumed prima facie to have knowledge of this condition.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-1314 Unauthorized control for extended time.

- (1) Except as provided in Subsection (3), it is a class A misdemeanor for a person to exercise unauthorized control over a motor vehicle that is not his own, without the consent of the owner or lawful custodian, and with the intent to temporarily deprive the owner or lawful custodian of possession of the motor vehicle.
- (2) The consent of the owner or legal custodian of a motor vehicle to its control by the actor is not in any case presumed or implied because of the owner's or legal custodian's consent on a previous occasion to the control of the motor vehicle by the same or a different person.
- (3) Violation of this section is a third degree felony if:
 - (a) the person does not return the motor vehicle to the owner or lawful custodian within 24 hours after the exercise of unlawful control; or
 - (b) regardless of the mental state or conduct of the person committing the offense:
 - (i) the motor vehicle is damaged in an amount of \$500 or more;
 - (ii) the motor vehicle is used to commit a felony; or
 - (iii) the motor vehicle is damaged in any amount to facilitate entry into it or its operation.
- (4) It is not a defense to Subsection (3)(a) that someone other than the person, or an agent of the person, returned the motor vehicle within 24 hours.
- (5) A violation of this section is a lesser included offense of theft under Section 76-6-404, when the theft is of an operable motor vehicle under Subsection 76-6-404(3)(a)(ii).

Amended by Chapter 111, 2023 General Session

41-1a-1315 Third degree felony -- False evidences of title and registration.

- It is a third degree felony for a person with respect to a motor vehicle, trailer, or semitrailer to:
- (1) fraudulently use a false or fictitious name in an application for registration, a certificate of title, or for a duplicate certificate of title;
 - (2) knowingly make a false statement or knowingly conceal a material fact in an application under this chapter;
 - (3) otherwise commit a fraud in an application under this chapter;

- (4) alter with fraudulent intent a certificate of title, registration card, license plate, or permit issued by the division;
- (5) forge or counterfeit a document or license plate purporting to have been issued by the division;
- (6) alter, falsify, or forge an assignment upon a certificate of title;
- (7) hold or use a document or license plate under this chapter knowing it has been altered, forged, or falsified; or
- (8) file an application for a certificate of title providing false lien information, when the person named on the application as lienholder does not hold a valid security interest.

Amended by Chapter 259, 2009 General Session

41-1a-1316 Receiving or transferring stolen motor vehicle, trailer, or semitrailer -- Penalty.

It is a second degree felony for a person:

- (1) with intent to procure or pass title to a motor vehicle, trailer, or semitrailer that he knows or has reason to believe has been stolen or unlawfully taken to receive or transfer possession of the motor vehicle, trailer, or semitrailer from or to another; or
- (2) to have in his possession any motor vehicle, trailer, or semitrailer that he knows or has reason to believe has been stolen or unlawfully taken if he is not a peace officer engaged at the time in the performance of his duty.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-1317 Selling or buying without identification numbers -- Penalty.

It is a second degree felony for a person to knowingly buy, receive, dispose of, sell, offer for sale, or have in his possession any motor vehicle, trailer, semitrailer, or engine removed from a motor vehicle, from which the identification number has been removed, defaced, covered, altered, or destroyed for the purpose of concealing or misrepresenting the identity of the motor vehicle or engine.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-1318 Second degree felony -- Fraudulent alteration of identification number.

- (1) It is a second degree felony for a person with fraudulent intent to:
 - (a) deface, destroy, or alter the identification number or state assigned identification number of a motor vehicle, trailer, or semitrailer;
 - (b) place or stamp, without authority by the division, something other than the original identification or state assigned identification number upon a motor vehicle, trailer, or semitrailer; or
 - (c) sell or offer for sale a motor vehicle, trailer, or semitrailer bearing an altered or defaced identification or state assigned identification number other than the original or the state assigned identification number.
- (2) This section does not prevent any manufacturer, importer, or any agent, other than a dealer, from placing or stamping in the ordinary course of business numbers on motor vehicles, trailers, or semitrailers registered under this chapter.
- (3) This section does not prohibit the restoration by an owner of an original identification number when the restoration is made under permit issued by the division.

Renumbered and Amended by Chapter 1, 1992 General Session

41-1a-1319 Third degree felony -- Odometer violation.

It is a third degree felony for a person, with intent to defraud, to:

- (1) disconnect, turn back, replace, or reset or cause to be disconnected, turned back, replaced, or reset, the odometer of any motor vehicle with the intent to reduce the true number of miles or kilometers indicated on it;
- (2) knowingly sell, transfer, or exchange, or cause to be sold, transferred, or exchanged without the disclosure required by Section 41-1a-902, any motor vehicle on which the odometer has been disconnected, turned back, replaced, or reset; or
- (3) give or cause to be given a false odometer mileage disclosure statement when an odometer statement is required by Section 41-1a-902.

Enacted by Chapter 1, 1992 General Session

41-1a-1320 Tax clearance required to move manufactured home or mobile home.

- (1) A manufactured home or mobile home may not be transported by any person, including its owner, unless a tax clearance has been obtained from the assessor or, if the responsibility to provide a tax clearance has been reassigned under Section 17-16-5.5, the treasurer of the county in which the real property upon which the manufactured home or mobile home was last located showing that all property taxes, including any interest and penalties, have been paid.
- (2) The tax clearance described in Subsection (1):
 - (a) is proof of having paid all property taxes, interest, and penalties; and
 - (b) shall be displayed in a conspicuous place on the rear of the manufactured home or mobile home so as to be plainly visible while in transit.
- (3)
 - (a) Any person, including the owner, who transports a manufactured home or mobile home without a valid tax clearance is:
 - (i) in violation of Section 59-2-309; and
 - (ii) subject to the penalty provisions of Section 59-2-309.
 - (b) In addition to the penalty provided in Subsection (3)(a), any commercial mover who transports any manufactured home or mobile home without a valid tax clearance is guilty of a class B misdemeanor.

Amended by Chapter 39, 2006 General Session

41-1a-1321 Counterfeit airbags.

- (1) As used in this section:
 - (a) "Airbag" means an inflatable passive restraint system component for occupants of motor vehicles which is part of an automobile supplemental restraint system that:
 - (i) operates in the event of a crash; and
 - (ii) meets applicable federal safety standards for the specific make, model, and year of the motor vehicle in which the airbag is installed.
 - (b) "Counterfeit automobile supplemental restraint system component" means a replacement motor vehicle passive restraint system component, including an airbag, that displays an identical or substantially similar mark to the manufacturer's or supplier's genuine trademark without authorization.
 - (c) "Nonfunctional airbag" means a replacement airbag that:
 - (i) was previously deployed or damaged;

- (ii) may not be sold or leased under 49 U.S.C. Sec. 30120(j);
 - (iii) has a fault that is detected by the vehicle diagnostic system after the installation procedure is completed; or
 - (iv) includes any part or object installed in a motor vehicle to mislead the owner or operator of the motor vehicle into believing that a functional airbag has been installed.
 - (d) "Person" includes the owner or lessee of a motor vehicle, a body shop, dealer, remanufacturer, salvage rebuilder, vehicle service maintenance facility, or an entity or individual engaged in the repair of motor vehicles or the replacement or repair of an airbag passive restraint system.
- (2) A person may not, with criminal negligence, manufacture, import, sell, offer for sale, install, or reinstall a counterfeit or nonfunctional airbag.
- (3)
- (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A misdemeanor.
 - (b) A violation of Subsection (2) is a second degree felony if the person causes:
 - (i) serious injury, as defined in Section 76-1-101.5, to an individual;
 - (ii) substantial injury, as defined in Section 76-1-101.5, to an individual; or
 - (iii) the death of an individual.

Enacted by Chapter 229, 2024 General Session