

1 **NONRESIDENT USER FEE FOR**
2 **OFF-HIGHWAY VEHICLE USERS**

3 2004 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: DeMar Bud Bowman**

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Motor Vehicles Code to amend off-highway vehicle registration
10 and nonresident user fees provisions.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ amends the snowmobile nonresident user fee to include all off-highway vehicles;
14 ▶ provides that all off-highway vehicles, not just snowmobiles, that are owned by
15 nonresidents and are displaying a Utah off-highway vehicle user fee decal are
16 exempt from registration;
17 ▶ eliminates the off-highway vehicle registration exemption for nonresidents; and
18 ▶ makes technical changes.

19 **Monies Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 This bill takes effect on July 1, 2004.

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **41-22-9**, as last amended by Chapter 30, Laws of Utah 2000

26 **41-22-35**, as enacted by Chapter 1, Laws of Utah 1999



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

29 Section 1. Section **41-22-9** is amended to read:

30 **41-22-9. Vehicles exempt from registration.**

31 The following off-highway vehicles are exempt from the registration requirements of
32 this chapter:

33 (1) vehicles that are currently registered for highway use, have a valid motor vehicle
34 safety inspection sticker or certificate, and on which the required safety equipment has not been
35 subsequently modified;

36 [~~(2) off-highway vehicles, except snowmobiles, that are not in the state more than 14~~
37 ~~days in any year and are owned by a nonresident;~~]

38 [~~(3) snowmobiles~~] (2) off-highway vehicles that are owned by a nonresident and that
39 are displaying a current annual [~~snowmobile~~] off-highway vehicle user fee decal in accordance
40 with Section 41-22-35;

41 [~~(4)~~] (3) off-highway vehicles sold by a dealer to a person who is not a resident of this
42 state;

43 [~~(5)~~] (4) off-highway implements of husbandry operated in the manner prescribed by
44 Subsections 41-22-5.5(3) through (5); and

45 [~~(6)~~] (5) new off-highway vehicles being transported to an off-highway vehicle
46 dealership by the dealer, employee of the dealership, or agent for the dealership.

47 Section 2. Section **41-22-35** is amended to read:

48 **41-22-35. Off-highway vehicle user fee -- Decal -- Agents -- Penalty for fraudulent**
49 **issuance of decal -- Deposit and use of fee revenue.**

50 (1) (a) Except as provided in Subsection (1)(b), any nonresident owning [~~a~~
51 ~~snowmobile~~] an off-highway vehicle who operates or gives another person permission to
52 operate the [~~snowmobile~~] off-highway vehicle on any public land, trail, street, or highway in
53 this state shall pay an annual [~~snowmobile~~] off-highway vehicle user fee.

54 (b) [~~A snowmobile~~] An off-highway vehicle registered in a state that offers reciprocal
55 operating privileges to Utah residents pursuant to rules [~~of~~] made by the board is exempt from
56 the annual [~~snowmobile~~] off-highway vehicle user fee.

57 (2) The [~~snowmobile~~] off-highway vehicle user fee [~~shall be~~] is \$30.

58 [~~(3) The board may establish procedures for the payment of snowmobile user fees by~~

59 rule.]

60 [(4)] (3) The person paying the fee shall:

61 (a) receive a decal indicating the fee has been paid[. ~~The decal shall be displayed on~~
62 ~~the snowmobile in accordance with rules of the board.~~]; and

63 (b) display the decal on the off-highway vehicle in accordance with rules made by the
64 board.

65 (4) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
66 board may make rules establishing:

67 (a) procedures for:

68 (i) the payment of off-highway vehicle user fees; and

69 (ii) the display of a decal on an off-highway vehicle as required under Subsection (3);

70 and

71 (b) eligibility requirements for reciprocal operating privileges for out-of-state users.

72 (5) (a) ~~[Snowmobile]~~ Off-highway vehicle user fees may be collected by the division
73 or agents of the division.

74 (b) An agent shall retain 10% of all ~~[snowmobile]~~ off-highway vehicle user fees
75 collected.

76 (c) The division may require agents to obtain a bond in a reasonable amount.

77 (d) On or before the tenth day of each month, each agent shall:

78 (i) report all sales to the division; and

79 (ii) submit all ~~[snowmobile]~~ off-highway vehicle user fees collected less the
80 remuneration provided in Subsection (5)(b).

81 (e) (i) If an agent fails to pay the amount due, the division may assess a penalty of 20%
82 of the amount due.

83 (ii) Delinquent payments shall bear interest at the rate of 1% per month.

84 (iii) If the amount due is not paid because of bad faith or fraud, the division shall assess
85 a penalty of 100% of the total amount due together with interest.

86 (f) All fees collected by an agent, except the remuneration provided in Subsection
87 (5)(b), shall:

88 (i) be kept separate and apart from the private funds of the agent; and

89 (ii) belong to the state ~~[of Utah]~~.

90 (g) An agent may not issue [~~a snowmobile~~] an off-highway vehicle user fee decal to
91 any person unless the person furnishes evidence that the person is a nonresident.

92 (h) A violation of any provision of this Subsection (5) is a class B misdemeanor and
93 may be cause for revocation of the agent authorization.

94 (6) Revenue generated by [~~snowmobile~~] off-highway vehicle user fees shall be:

95 (a) deposited in the Off-highway Vehicle Account created in Section 41-22-19; and

96 (b) used for the construction, improvement, operation, or maintenance of [~~snowmobile~~]
97 off-highway vehicle trails.

98 Section 3. **Effective date.**

99 This bill takes effect on July 1, 2004.

Legislative Review Note
as of 12-9-03 9:42 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel