

1 **OFF-HIGHWAY VEHICLE REGISTRATION**

2 **PROVISIONS**

3 2004 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Thomas V. Hatch**

6

7 **LONG TITLE**

8 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ requires the Motor Vehicle Division to assign an off-highway vehicle registration
14 number to each registered off-highway vehicle;
- 15 ▶ requires the owner of an off-highway vehicle to affix and display the off-highway
16 vehicle registration number assigned by the Motor Vehicle Division;
- 17 ▶ provides requirements for readability and display of off-highway vehicle registration
18 numbers and registration stickers;
- 19 ▶ requires a registered off-highway vehicle to have a registration sticker that uniquely
20 identifies the off-highway vehicle;
- 21 ▶ requires replacement of lost or illegible off-highway vehicle registration stickers;
- 22 ▶ prohibits a person from altering or defacing a registration sticker, registration card,
23 permit, or off-highway vehicle registration number issued for an off-highway
24 vehicle;
- 25 ▶ requires the replacement of a lost, stolen, or illegible registration sticker issued for
26 an off-highway vehicle;
- 27 ▶ repeals provisions making a violation of off-highway vehicle related rules made by



28 the Board of Parks and Recreation a class C misdemeanor; and
29 ▶ makes technical changes.

30 **Monies Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 This bill takes effect on July 1, 2004.

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **41-22-3**, as last amended by Chapter 23, Laws of Utah 2001

37 **41-22-4**, as last amended by Chapter 1, Laws of Utah 1986, Second Special Session

38 **41-22-7**, as last amended by Chapter 1, Laws of Utah 1986, Second Special Session

39 **41-22-8**, as last amended by Chapter 163, Laws of Utah 1987

40 **41-22-17**, as last amended by Chapter 241, Laws of Utah 1991

41 ENACTS:

42 **41-22-3.1**, Utah Code Annotated 1953

43 **41-22-5.1**, Utah Code Annotated 1953



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

46 Section 1. Section **41-22-3** is amended to read:

47 **41-22-3. Registration of vehicles -- Application -- Issuance of sticker and card --**
48 **Proof of property tax payment -- Records.**

49 (1) (a) Unless exempted under Section 41-22-9, a person may not operate or transport
50 and an owner may not give another person permission to operate or transport any off-highway
51 vehicle on any public land, trail, street, or highway in this state unless the off-highway vehicle
52 ~~[has been]~~ is registered under this chapter for the current year.

53 (b) Unless exempted under Section 41-22-9, a dealer may not sell an off-highway
54 vehicle which can be used or transported on any public land, trail, street, or highway in this
55 state, unless ~~[it has been]~~ the off-highway vehicle is registered or is in the process of being
56 registered under this chapter for the current year.

57 (2) The owner of ~~[any]~~ an off-highway vehicle ~~[requiring]~~ subject to registration under
58 this chapter shall ~~[file an application for registration with]~~ apply to the Motor Vehicle Division

59 for registration on forms approved by [it] the Motor Vehicle Division.

60 (3) Each application for registration of an off-highway vehicle shall be accompanied
61 by:

62 (a) evidence of ownership, a title, or a manufacturer's certificate of origin, and a bill of
63 sale showing ownership, make, model, horsepower or displacement, and serial number;

64 (b) the past ~~[certificate of]~~ registration card; or

65 (c) the fee for a duplicate.

66 (4) (a) Upon each annual registration, the Motor Vehicle Division shall issue
67 ~~[numbered stickers to be affixed to the vehicles as prescribed by the board]~~ a registration
68 sticker and a registration card~~[, which shall be available for inspection on the vehicle at all~~
69 ~~times]~~ for each off-highway vehicle registered.

70 (b) The registration sticker shall:

71 (i) contain a unique number using numbers, letters, or combination of numbers and
72 letters to identify the off-highway vehicle for which it is issued;

73 (ii) be affixed to the off-highway vehicle for which it is issued in a plainly visible
74 position as prescribed by rule of the board under Section 41-22-5.1; and

75 (iii) be maintained free of foreign materials and in a condition to be clearly legible.

76 (c) At all times, a registration card shall be kept with the off-highway vehicle and shall
77 be available for inspection by a law enforcement officer.

78 (5) ~~(a) [The Motor Vehicle Division, before issuing]~~ An applicant for a registration
79 card [and] or registration [stickers, shall require from each applicant] sticker shall provide the
80 Motor Vehicle Division a certificate, described under Subsection (5)(b), from the county
81 assessor of the county in which the off-highway vehicle has situs for taxation.

82 (b) The certificate required under Subsection (5)(a) shall state one of the following:

83 ~~[(a)]~~ (i) the property tax on the off-highway vehicle for the current year has been paid;

84 ~~[(b)]~~ (ii) in the county assessor's opinion, the tax is a lien on real property sufficient to
85 secure the payment of the tax; or

86 ~~[(c)]~~ (iii) the off-highway vehicle is exempt by law from payment of property tax for
87 the current year.

88 (6) (a) All records of the division made or kept ~~[pursuant to]~~ under this section shall be
89 classified by the Motor Vehicle Division in the same manner as motor vehicle records are

90 classified under Section 41-1a-116.

91 (b) Division records are available for inspection in the same manner as motor vehicle
92 records ~~[pursuant to]~~ under Section 41-1a-116.

93 Section 2. Section **41-22-3.1** is enacted to read:

94 **41-22-3.1. Off-highway vehicle registration number -- Assignment -- Display.**

95 (1) Beginning on July 1, 2004, the Motor Vehicle Division shall assign an off-highway
96 vehicle registration number to each off-highway vehicle registered under Section 41-22-3.

97 (2) The off-highway vehicle registration number shall be:

98 (a) a unique number using numbers, letters, or combination of numbers and letters to
99 identify the off-highway vehicle;

100 (b) assigned to the off-highway vehicle for the useful life of the off-highway vehicle or
101 until the ownership of the off-highway vehicle changes, whichever occurs first;

102 (c) assigned by the Motor Vehicle Division in consultation with the division; and

103 (d) printed on the registration card.

104 (3) The owner of an off-highway vehicle shall:

105 (a) affix and display the off-highway vehicle registration number assigned under
106 Subsection (1) on the off-highway vehicle in a manner that is plainly visible from a distance of
107 at least 50 feet during daylight by position, size, and color as prescribed by rule of the board
108 under Section 41-22-5.1; and

109 (b) maintain the off-highway vehicle registration number in a condition that is free of
110 foreign materials and clearly legible.

111 Section 3. Section **41-22-4** is amended to read:

112 **41-22-4. Falsification of documents unlawful -- Alteration or removal of serial**
113 **number unlawful -- Display of sticker.**

114 ~~[(1) No person may]~~ A person may not:

115 (1) knowingly falsify an application for registration, affidavit of ownership, or bill of
116 sale for any off-highway vehicle~~[- (2) No person may];~~

117 (2) alter, deface, or remove any manufacturer's serial number on any off-highway
118 vehicle~~[- (3) No person may];~~

119 (3) use or permit the use or display of any registration sticker, registration card, ~~[or]~~
120 permit, or off-highway vehicle registration number upon an off-highway vehicle or in the

121 operation of any off-highway vehicle other than the vehicle for which it was issued or assigned;
 122 or

123 (4) alter or deface a registration sticker, registration card, permit, or off-highway
 124 vehicle registration number issued or assigned to an off-highway vehicle.

125 Section 4. Section **41-22-5.1** is enacted to read:

126 **41-22-5.1. Rules of board relating to display of registration stickers.**

127 In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
 128 board shall make rules for the display of:

129 (1) a registration sticker on an off-highway vehicle in accordance with Section
 130 41-22-3; and

131 (2) an off-highway vehicle registration number in accordance with Section 41-22-3.1.

132 Section 5. Section **41-22-7** is amended to read:

133 **41-22-7. Duplicate registration cards and registration stickers.**

134 (1) If a [~~certificate of~~] registration card is lost or destroyed, or if an owner changes [~~his~~]
 135 the owner's address from [~~that~~] the address shown on [~~his certificate of~~] the owner's registration
 136 card, the owner shall, within 15 days, apply for a duplicate [~~certificate~~] registration card.

137 (2) If a registration sticker is lost, stolen, or becomes illegible, the owner of the
 138 off-highway vehicle shall immediately apply for and obtain a replacement registration sticker.

139 Section 6. Section **41-22-8** is amended to read:

140 **41-22-8. Registration fees.**

141 (1) The board shall establish the fees which shall be paid in accordance with this
 142 chapter, subject to the following:

143 ~~[(1)]~~ (a) The fee for each registration may not exceed \$10.

144 ~~[(2)]~~ (b) The fee for each duplicate [~~certificate of~~] registration card may not exceed \$2.

145 ~~[(3)]~~ (c) The fee for each duplicate [~~numbered stickers~~] registration sticker may not
 146 exceed \$4.

147 ~~[(4)]~~ (2) [No] A fee may not be charged for an off-highway [~~vehicles which are~~]
 148 vehicle that is owned and operated by the United States Government, this state, or its political
 149 subdivisions.

150 Section 7. Section **41-22-17** is amended to read:

151 **41-22-17. Penalties for violations.**

152 (1) [~~Unless another penalty is provided for in this chapter or elsewhere in the laws of~~
153 ~~this state, any person who violates any provision of this chapter or the rules promulgated under~~
154 ~~this chapter, upon conviction,] Except as otherwise provided, a person who violates the
155 provisions of this chapter is guilty of a class C misdemeanor.~~

156 (2) The division may revoke or suspend the registration of any off-highway vehicle
157 whose application for registration has been falsified. The owner shall surrender to the division,
158 within 15 days of suspension or revocation, [~~any~~] the suspended or revoked [~~certificate of~~
159 ~~registration card~~ and [~~stickers~~] registration sticker.

160 Section 8. **Effective date.**

161 This bill takes effect on July 1, 2004.

Legislative Review Note
as of 2-3-04 5:17 PM

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

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0166

Off-Highway Vehicle Registrations Provisions

09-Feb-04

12:55 PM

State Impact

Provisions of this bill can be handled within existing budgets.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst