

MOTOR VEHICLE ENFORCEMENT DIVISION

AMENDMENTS

2005 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Paul Ray

Senate Sponsor: Dan R. Eastman

LONG TITLE

General Description:

This bill modifies the Motor Vehicle Business Regulation Act by increasing certain temporary permit and certificate fees and requiring the fee increase to be used for certain purposes.

Highlighted Provisions:

This bill:

- ▶ increases the fee for a temporary permit or a temporary sports event registration certificate by 75 cents;
- ▶ requires that the fee increase be used for increased enforcement of the Motor Vehicle Business Regulation Act;
- ▶ authorizes the administrator of the Motor Vehicle Enforcement Division to contract with a public prosecutor for increased prosecution; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on July 1, 2005.

Utah Code Sections Affected:

AMENDS:

41-3-105, as last amended by Chapter 86, Laws of Utah 2000

41-3-603, as enacted by Chapter 12, Laws of Utah 2001, First Special Session

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

Section 1. Section **41-3-105** is amended to read:

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

(1) The administrator may make rules to carry out the purposes of this chapter and Sections 41-1a-1001 through 41-1a-1007 according to the procedures and requirements of Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

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

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

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

- (i) this chapter;
- (ii) Title 41, Chapter 1a, Motor Vehicle Act;
- (iii) any law concerning motor vehicle fraud; or
- (iv) any rule made by the administrator.

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

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

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

(c) Each application for a license shall contain:

- (i) if the applicant is an individual, the name and residence address of the applicant and the trade name, if any, under which he intends to conduct business;
- (ii) if the applicant is a partnership, the name and residence address of each partner,

whether limited or general, and the name under which the partnership business will be conducted;

(iii) if the applicant is a corporation, the name of the corporation, and the name and residence address of each of its principal officers and directors;

(iv) a complete description of the principal place of business, including:

(A) the municipality, with the street and number, if any;

(B) if located outside of any municipality, a general description so that the location can be determined; and

(C) any other places of business operated and maintained by the applicant in conjunction with the principal place of business; and

(v) if the application is for a new motor vehicle dealer's license, the name of each motor vehicle the applicant has been enfranchised to sell or exchange, the name and address of the manufacturer or distributor who has enfranchised the applicant, and the names and addresses of the individuals who will act as salespersons under authority of the license.

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

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

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

(c) The administrator may make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, determining allowable size and shape of signs or devices, their lettering and other details, and their location.

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

(b) Notices of all meetings shall be sent to each member not fewer than five days prior to

the meeting.

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

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

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

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

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

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

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

Section 2. Section **41-3-603** is amended to read:

41-3-603. Fees for temporary permits and temporary sports event registration certificates -- Dedicated credits -- Use of fees.

(1) A [~~dealer shall pay to the division a~~] fee of [~~\$6~~] \$6.75 shall be paid to the division for each of the following [~~the division issues to the dealer~~]:

(a) a temporary permit under Section 41-3-302; or

(b) a temporary sports event registration certificate under Section 41-3-306.

(2) The division may use fees collected under Subsection (1) as dedicated credits to be used toward the costs of the division.

(3) The division shall use 75 cents of the fees collected under Subsection (1) as dedicated credits for increased enforcement of this chapter.

Section 3. **Effective date.**

This bill takes effect on July 1, 2005.