

PARK MODEL RECREATIONAL VEHICLES

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jim Nielson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Motor Vehicle Act.

Highlighted Provisions:

This bill:

- ▶ modifies the definition provision to address park model recreational vehicles; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-1a-102, as last amended by Laws of Utah 2013, Chapter 266

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

Section 1. Section **41-1a-102** is amended to read:

41-1a-102. Definitions.

As used in this chapter:

- (1) "Actual miles" means the actual distance a vehicle has traveled while in operation.
- (2) "Actual weight" means the actual unladen weight of a vehicle or combination of



28 vehicles as operated and certified to by a weighmaster.

29 (3) "All-terrain type I vehicle" has the same meaning provided in Section [41-22-2](#).

30 (4) "All-terrain type II vehicle" has the same meaning provided in Section [41-22-2](#).

31 (5) "Amateur radio operator" means any person licensed by the Federal
32 Communications Commission to engage in private and experimental two-way radio operation
33 on the amateur band radio frequencies.

34 (6) "Branded title" means a title certificate that is labeled:

35 (a) rebuilt and restored to operation;

36 (b) flooded and restored to operation; or

37 (c) not restored to operation.

38 (7) "Camper" means any structure designed, used, and maintained primarily to be
39 mounted on or affixed to a motor vehicle that contains a floor and is designed to provide a
40 mobile dwelling, sleeping place, commercial space, or facilities for human habitation or for
41 camping.

42 (8) "Certificate of title" means a document issued by a jurisdiction to establish a record
43 of ownership between an identified owner and the described vehicle, vessel, or outboard motor.

44 (9) "Certified scale weigh ticket" means a weigh ticket that has been issued by a
45 weighmaster.

46 (10) "Commercial vehicle" means a motor vehicle, trailer, or semitrailer used or
47 maintained for the transportation of persons or property that operates:

48 (a) as a carrier for hire, compensation, or profit; or

49 (b) as a carrier to transport the vehicle owner's goods or property in furtherance of the
50 owner's commercial enterprise.

51 (11) "Commission" means the State Tax Commission.

52 (12) "Dealer" means a person engaged or licensed to engage in the business of buying,
53 selling, or exchanging new or used vehicles, vessels, or outboard motors either outright or on
54 conditional sale, bailment, lease, chattel mortgage, or otherwise or who has an established
55 place of business for the sale, lease, trade, or display of vehicles, vessels, or outboard motors.

56 (13) "Division" means the Motor Vehicle Division of the commission, created in
57 Section [41-1a-106](#).

58 (14) "Essential parts" means all integral and body parts of a vehicle of a type required

59 to be registered in this state, the removal, alteration, or substitution of which would tend to
60 conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of
61 operation.

62 (15) "Farm tractor" means every motor vehicle designed and used primarily as a farm
63 implement for drawing plows, mowing machines, and other implements of husbandry.

64 (16) (a) "Farm truck" means a truck used by the owner or operator of a farm solely for
65 his own use in the transportation of:

66 (i) farm products, including livestock and its products, poultry and its products,
67 floricultural and horticultural products;

68 (ii) farm supplies, including tile, fence, and every other thing or commodity used in
69 agricultural, floricultural, horticultural, livestock, and poultry production; and

70 (iii) livestock, poultry, and other animals and things used for breeding, feeding, or
71 other purposes connected with the operation of a farm.

72 (b) "Farm truck" does not include the operation of trucks by commercial processors of
73 agricultural products.

74 (17) "Fleet" means one or more commercial vehicles.

75 (18) "Foreign vehicle" means a vehicle of a type required to be registered, brought into
76 this state from another state, territory, or country other than in the ordinary course of business
77 by or through a manufacturer or dealer, and not registered in this state.

78 (19) "Gross laden weight" means the actual weight of a vehicle or combination of
79 vehicles, equipped for operation, to which shall be added the maximum load to be carried.

80 (20) "Highway" or "street" means the entire width between property lines of every way
81 or place of whatever nature when any part of it is open to the public, as a matter of right, for
82 purposes of vehicular traffic.

83 (21) (a) "Identification number" means the identifying number assigned by the
84 manufacturer or by the division for the purpose of identifying the vehicle, vessel, or outboard
85 motor.

86 (b) "Identification number" includes a vehicle identification number, state assigned
87 identification number, hull identification number, and motor serial number.

88 (22) "Implement of husbandry" means every vehicle designed or adapted and used
89 exclusively for an agricultural operation and only incidentally operated or moved upon the

90 highways.

91 (23) (a) "In-state miles" means the total number of miles operated in this state during
92 the preceding year by fleet power units.

93 (b) If fleets are composed entirely of trailers or semitrailers, "in-state miles" means the
94 total number of miles that those vehicles were towed on Utah highways during the preceding
95 year.

96 (24) "Interstate vehicle" means any commercial vehicle operated in more than one
97 state, province, territory, or possession of the United States or foreign country.

98 (25) "Jurisdiction" means a state, district, province, political subdivision, territory, or
99 possession of the United States or any foreign country.

100 (26) "Lienholder" means a person with a security interest in particular property.

101 (27) "Manufactured home" means a transportable factory built housing unit constructed
102 on or after June 15, 1976, according to the Federal Home Construction and Safety Standards
103 Act of 1974 (HUD Code), in one or more sections, which, in the traveling mode, is eight body
104 feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more
105 square feet, and which is built on a permanent chassis and designed to be used as a dwelling
106 with or without a permanent foundation when connected to the required utilities, and includes
107 the plumbing, heating, air-conditioning, and electrical systems.

108 (28) "Manufacturer" means a person engaged in the business of constructing,
109 manufacturing, assembling, producing, or importing new or unused vehicles, vessels, or
110 outboard motors for the purpose of sale or trade.

111 (29) "Mobile home" means a transportable factory built housing unit built prior to June
112 15, 1976, in accordance with a state mobile home code which existed prior to the Federal
113 Manufactured Housing and Safety Standards Act (HUD Code).

114 (30) "Motorboat" has the same meaning as provided in Section [73-18-2](#).

115 (31) "Motorcycle" means a motor vehicle having a saddle for the use of the rider and
116 designed to travel on not more than three wheels in contact with the ground.

117 (32) (a) "Motor vehicle" means a self-propelled vehicle intended primarily for use and
118 operation on the highways.

119 (b) "Motor vehicle" does not include an off-highway vehicle.

120 (33) (a) "Nonresident" means a person who is not a resident of this state as defined by

121 Section 41-1a-202, and who does not engage in intrastate business within this state and does
122 not operate in that business any motor vehicle, trailer, or semitrailer within this state.

123 (b) A person who engages in intrastate business within this state and operates in that
124 business any motor vehicle, trailer, or semitrailer in this state or who, even though engaging in
125 interstate commerce, maintains any vehicle in this state as the home station of that vehicle is
126 considered a resident of this state, insofar as that vehicle is concerned in administering this
127 chapter.

128 (34) "Odometer" means a device for measuring and recording the actual distance a
129 vehicle travels while in operation, but does not include any auxiliary odometer designed to be
130 periodically reset.

131 (35) "Off-highway implement of husbandry" has the same meaning as provided in
132 Section 41-22-2.

133 (36) "Off-highway vehicle" has the same meaning as provided in Section 41-22-2.

134 (37) "Operate" means to drive or be in actual physical control of a vehicle or to
135 navigate a vessel.

136 (38) "Outboard motor" means a detachable self-contained propulsion unit, excluding
137 fuel supply, used to propel a vessel.

138 (39) (a) "Owner" means a person, other than a lienholder, holding title to a vehicle,
139 vessel, or outboard motor whether or not the vehicle, vessel, or outboard motor is subject to a
140 security interest.

141 (b) If a vehicle is the subject of an agreement for the conditional sale or installment
142 sale or mortgage of the vehicle with the right of purchase upon performance of the conditions
143 stated in the agreement and with an immediate right of possession vested in the conditional
144 vendee or mortgagor, or if the vehicle is the subject of a security agreement, then the
145 conditional vendee, mortgagor, or debtor is considered the owner for the purposes of this
146 chapter.

147 (c) If a vehicle is the subject of an agreement to lease, the lessor is considered the
148 owner until the lessee exercises his option to purchase the vehicle.

149 (40) "Park model recreational vehicle" means a unit that:

150 (a) is designed and marketed as temporary living quarters for recreational, camping,
151 travel, or seasonal use;

- 152 (b) is not permanently affixed to real property for use as a permanent dwelling;
- 153 (c) requires a special highway movement permit for transit; and
- 154 (d) is built on a single chassis mounted on wheels with a gross trailer area not
- 155 exceeding 400 square feet in the setup mode.

156 ~~[(40)]~~ (41) "Personalized license plate" means a license plate that has displayed on it a
157 combination of letters, numbers, or both as requested by the owner of the vehicle and assigned
158 to the vehicle by the division.

159 ~~[(41)]~~ (42) (a) "Pickup truck" means a two-axle motor vehicle with motive power
160 manufactured, remanufactured, or materially altered to provide an open cargo area.

161 (b) "Pickup truck" includes motor vehicles with the open cargo area covered with a
162 camper, camper shell, tarp, removable top, or similar structure.

163 ~~[(42)]~~ (43) "Pneumatic tire" means every tire in which compressed air is designed to
164 support the load.

165 ~~[(43)]~~ (44) "Preceding year" means a period of 12 consecutive months fixed by the
166 division that is within 16 months immediately preceding the commencement of the registration
167 or license year in which proportional registration is sought. The division in fixing the period
168 shall conform it to the terms, conditions, and requirements of any applicable agreement or
169 arrangement for the proportional registration of vehicles.

170 ~~[(44)]~~ (45) "Public garage" means every building or other place where vehicles or
171 vessels are kept and stored and where a charge is made for the storage and keeping of vehicles
172 and vessels.

173 ~~[(45)]~~ (46) "Receipt of surrender of ownership documents" means the receipt of
174 surrender of ownership documents described in Section [41-1a-503](#).

175 ~~[(46)]~~ (47) "Reconstructed vehicle" means every vehicle of a type required to be
176 registered in this state that is materially altered from its original construction by the removal,
177 addition, or substitution of essential parts, new or used.

178 ~~[(47)]~~ (48) "Recreational vehicle" has the same meaning as provided in Section
179 [13-14-102](#).

180 ~~[(48)]~~ (49) "Registration" means a document issued by a jurisdiction that allows
181 operation of a vehicle or vessel on the highways or waters of this state for the time period for
182 which the registration is valid and that is evidence of compliance with the registration

183 requirements of the jurisdiction.

184 ~~[(49)]~~ (50) (a) "Registration year" means a 12 consecutive month period commencing
185 with the completion of all applicable registration criteria.

186 (b) For administration of a multistate agreement for proportional registration the
187 division may prescribe a different 12-month period.

188 ~~[(50)]~~ (51) "Repair or replacement" means the restoration of vehicles, vessels, or
189 outboard motors to a sound working condition by substituting any inoperative part of the
190 vehicle, vessel, or outboard motor, or by correcting the inoperative part.

191 ~~[(51)]~~ (52) "Replica vehicle" means:

192 (a) a street rod that meets the requirements under Subsection 41-21-1(1)(a)(i)(B); or

193 (b) a custom vehicle that meets the requirements under Subsection
194 41-6a-1507(1)(a)(i)(B).

195 ~~[(52)]~~ (53) "Road tractor" means every motor vehicle designed and used for drawing
196 other vehicles and constructed so it does not carry any load either independently or any part of
197 the weight of a vehicle or load that is drawn.

198 ~~[(53)]~~ (54) "Sailboat" has the same meaning as provided in Section 73-18-2.

199 ~~[(54)]~~ (55) "Security interest" means an interest that is reserved or created by a security
200 agreement to secure the payment or performance of an obligation and that is valid against third
201 parties.

202 ~~[(55)]~~ (56) "Semitrailer" means every vehicle without motive power designed for
203 carrying persons or property and for being drawn by a motor vehicle and constructed so that
204 some part of its weight and its load rests or is carried by another vehicle.

205 ~~[(56)]~~ (57) "Special group license plate" means a type of license plate designed for a
206 particular group of people or a license plate authorized and issued by the division in accordance
207 with Section 41-1a-418.

208 ~~[(57)]~~ (58) (a) "Special interest vehicle" means a vehicle used for general
209 transportation purposes and that is:

210 (i) 20 years or older from the current year; or

211 (ii) a make or model of motor vehicle recognized by the division director as having
212 unique interest or historic value.

213 (b) In making ~~his~~ a determination under Subsection ~~[(57)]~~ (58)(a), the division

214 director shall give special consideration to:

- 215 (i) a make of motor vehicle that is no longer manufactured;
- 216 (ii) a make or model of motor vehicle produced in limited or token quantities;
- 217 (iii) a make or model of motor vehicle produced as an experimental vehicle or one
218 designed exclusively for educational purposes or museum display; or
- 219 (iv) a motor vehicle of any age or make that has not been substantially altered or
220 modified from original specifications of the manufacturer and because of its significance is
221 being collected, preserved, restored, maintained, or operated by a collector or hobbyist as a
222 leisure pursuit.

223 [~~58~~] (59) (a) "Special mobile equipment" means every vehicle:

- 224 (i) not designed or used primarily for the transportation of persons or property;
 - 225 (ii) not designed to operate in traffic; and
 - 226 (iii) only incidentally operated or moved over the highways.
- 227 (b) "Special mobile equipment" includes:
- 228 (i) farm tractors;
 - 229 (ii) off-road motorized construction or maintenance equipment including backhoes,
230 bulldozers, compactors, graders, loaders, road rollers, tractors, and trenchers; and
 - 231 (iii) ditch-digging apparatus.

232 (c) "Special mobile equipment" does not include a commercial vehicle as defined
233 under Section [72-9-102](#).

234 [~~59~~] (60) "Specially constructed vehicle" means every vehicle of a type required to be
235 registered in this state, not originally constructed under a distinctive name, make, model, or
236 type by a generally recognized manufacturer of vehicles, and not materially altered from its
237 original construction.

238 [~~60~~] (61) "Title" means the right to or ownership of a vehicle, vessel, or outboard
239 motor.

240 [~~61~~] (62) (a) "Total fleet miles" means the total number of miles operated in all
241 jurisdictions during the preceding year by power units.

242 (b) If fleets are composed entirely of trailers or semitrailers, "total fleet miles" means
243 the number of miles that those vehicles were towed on the highways of all jurisdictions during
244 the preceding year.

245 [~~(62)~~] (63) "Trailer" means a vehicle without motive power designed for carrying
246 persons or property and for being drawn by a motor vehicle and constructed so that no part of
247 its weight rests upon the towing vehicle.

248 [~~(63)~~] (64) "Transferee" means a person to whom the ownership of property is
249 conveyed by sale, gift, or any other means except by the creation of a security interest.

250 [~~(64)~~] (65) "Transferor" means a person who transfers his ownership in property by
251 sale, gift, or any other means except by creation of a security interest.

252 [~~(65)~~] (66) "Travel trailer," "camping trailer," or "fifth wheel trailer" means a portable
253 vehicle without motive power, designed as a temporary dwelling for travel, recreational, or
254 vacation use that does not require a special highway movement permit when drawn by a
255 self-propelled motor vehicle.

256 [~~(66)~~] (67) "Truck tractor" means a motor vehicle designed and used primarily for
257 drawing other vehicles and not constructed to carry a load other than a part of the weight of the
258 vehicle and load that is drawn.

259 [~~(67)~~] (68) "Vehicle" includes a motor vehicle, trailer, semitrailer, off-highway vehicle,
260 park model recreational vehicle, manufactured home, and mobile home.

261 [~~(68)~~] (69) "Vessel" has the same meaning as provided in Section [73-18-2](#).

262 [~~(69)~~] (70) "Vintage vehicle" has the same meaning as provided in Section [41-21-1](#).

263 [~~(70)~~] (71) "Waters of this state" has the same meaning as provided in Section [73-18-2](#).

264 [~~(71)~~] (72) "Weighmaster" means a person, association of persons, or corporation
265 permitted to weigh vehicles under this chapter.

Legislative Review Note
as of 2-11-14 9:31 AM

Office of Legislative Research and General Counsel