

SB0139S03 compared with SB0139S02

~~text~~ shows text that was in SB0139S02 but was deleted in SB0139S03.

text shows text that was not in SB0139S02 but was inserted into SB0139S03.

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Senator Wayne A. Harper proposes the following substitute bill:

TRANSPORTATION FUNDING REVISIONS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Johnny Anderson

LONG TITLE

General Description:

This bill modifies motor vehicle registration provisions.

Highlighted Provisions:

This bill:

- ▶ provides definitions;
- ▶ amends the Clean Fuels and Vehicle Technology Fund to authorize fund monies to be used to provide grants for the purchase of vehicle refueling equipment for a private sector business vehicle or a government vehicle;
- ▶ enacts an electric ~~motor~~ vehicle administration fee to be paid at the time application is made for registration or renewal of registration of an electric ~~motor~~ vehicle;
- ▶ requires the revenue from the electric ~~motor~~ vehicle administration fee be

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deposited in the Clean Fuels and Vehicle Technology Fund to provide grants to establish charging stations for electric vehicles and other clean fuel vehicle technology initiatives;

- ▶ increases motor vehicle registration fees for certain electric ~~{motor}~~ vehicles of 12,000 pounds or less gross laden weight;
- ▶ provides that the increased portion of certain registration fees shall be deposited in the Transportation Investment Fund of 2005;
- ▶ amends the penalty amount that is collected from an issuing dealer for a temporary permit that is outstanding after 45 days from the date it is issued; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on January 1, 2015.

Utah Code Sections Affected:

AMENDS:

19-1-403, as last amended by Laws of Utah 2011, Chapter 303

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

41-1a-1201, as last amended by Laws of Utah 2012, Chapters 207, 207, 356, 356, 397
and last amended by Coordination Clause, Laws of Utah 2012, Chapter 397

41-1a-1206, as last amended by Laws of Utah 2012, Chapters 356, 356, 397 and last
amended by Coordination Clause, Laws of Utah 2012, Chapter 397

41-3-301, as last amended by Laws of Utah 2008, Chapter 382

41-3-302, as last amended by Laws of Utah 2008, Chapter 382

ENACTS:

41-1a-1225, Utah Code Annotated 1953

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

Section 1. Section **19-1-403** is amended to read:

19-1-403. Clean Fuels and Vehicle Technology Fund -- Contents -- Loans or grants made with fund money.

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(1) (a) There is created a revolving fund known as the Clean Fuels and Vehicle Technology Fund.

(b) The fund consists of:

~~[(i)]~~ (i) electric vehicle administration fees deposited in accordance with Section 41-1a-1225;

~~[(ii)]~~ (ii) appropriations to the fund;

~~[(iii)]~~ (iii) other public and private contributions made under Subsection (1)(c);

~~[(iv)]~~ (iv) interest earnings on cash balances; and

~~[(v)]~~ (v) all money collected for loan repayments and interest on loans.

(c) The department may accept contributions from other public and private sources for deposit into the fund.

(2) (a) Except as provided in Subsection (3), the department may make a loan or a grant with money available in the fund for:

(i) the conversion of a private sector business vehicle or a government vehicle to use a clean fuel, if certified by the Air Quality Board under Subsection 19-1-405(1)(a);

(ii) the purchase of:

(A) an OEM vehicle for use as a private sector business vehicle or government vehicle;

or

(B) a vehicle, certified by the Air Quality Board under Subsection 19-1-405(1)(d), for use as a private sector business vehicle or government vehicle;

(iii) the retrofit, certified by the Air Quality Board under Subsection 19-1-405(1)(d), of a private sector business vehicle or government vehicle;

(iv) a fuel system, certified by the Air Quality Board under Subsection 19-1-405(1)(d), for a private sector business vehicle or government vehicle; or

(v) a state match of a federal or nonfederal grant for any item under this Subsection

(2)(a).

(b) The amount of a loan for any vehicle under Subsection (2)(a)(i) or (2)(a)(ii)(A) may not exceed:

(i) the actual cost of the vehicle conversion;

(ii) the incremental cost of purchasing the OEM vehicle; or

(iii) the cost of purchasing the OEM vehicle if there is no documented incremental

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cost.

(c) The amount of a grant for any vehicle under Subsection (2)(a)(i) or (2)(a)(ii)(A) may not exceed:

(i) 50% of the actual cost of the vehicle conversion minus the amount of any tax credit claimed under Section 59-7-605 or 59-10-1009 for the vehicle for which a grant is requested; or

(ii) 50% of the incremental cost of purchasing an OEM vehicle minus the amount of any tax credit claimed under Section 59-7-605 or 59-10-1009 for the vehicle for which a grant is requested.

(d) (i) Except as provided in Subsection (3) and subject to the availability of money in the fund, the department may make a loan or grant for the purchase of vehicle refueling equipment for a private sector business vehicle or a government vehicle.

(ii) The maximum amount loaned or granted per installation of refueling equipment may not exceed the actual cost of the refueling equipment.

~~[(iii) Except as provided in Subsection (3) and subject to the availability of money in the fund, the department may make a grant for a state match of a federal or nonfederal grant for the purchase of vehicle refueling equipment for a private sector business vehicle or a government vehicle.]~~

~~[(3) The department may not make a loan or grant under this part for an electric-hybrid vehicle.]~~

~~[(4)]~~ (3) The department may:

(a) reimburse itself for the costs incurred in administering the fund from:

(i) the fund; or

(ii) application fees; and

(b) establish an application fee for a loan or grant from the fund by following the procedures and requirements of Section 63J-1-504.

~~[(5)]~~ (4) (a) The fund balance may not exceed \$10,000,000.

(b) Interest on cash balances and repayment of loans in excess of the amount necessary to maintain the fund balance at \$10,000,000 shall be deposited in the General Fund.

~~[(6)]~~ (5) (a) Loans made from money in the fund shall be supported by loan documents evidencing the intent of the borrower to repay the loan.

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(b) The original loan documents shall be filed with the Division of Finance and a copy shall be filed with the department.

Section 2. 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 vehicles as operated and certified to by a weighmaster.

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

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

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

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

- (a) rebuilt and restored to operation;
- (b) flooded and restored to operation; or
- (c) not restored to operation.

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

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

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

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

- (a) as a carrier for hire, compensation, or profit; or
- (b) as a carrier to transport the vehicle owner's goods or property in furtherance of the owner's commercial enterprise.

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

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

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

(14) "Electric vehicle" means a motor vehicle that is powered solely by an electric motor drawing current from a rechargeable energy storage system.

~~[(14)]~~ (15) "Essential parts" means all integral and body parts of a vehicle of a type required to be registered in this state, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of operation.

~~[(15)]~~ (16) "Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

~~[(16)]~~ (17) (a) "Farm truck" means a truck used by the owner or operator of a farm solely for his own use in the transportation of:

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

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

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

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

~~[(17)]~~ (18) "Fleet" means one or more commercial vehicles.

~~[(18)]~~ (19) "Foreign vehicle" means a vehicle of a type required to be registered, brought into this state from another state, territory, or country other than in the ordinary course of business by or through a manufacturer or dealer, and not registered in this state.

~~[(19)]~~ (20) "Gross laden weight" means the actual weight of a vehicle or combination of vehicles, equipped for operation, to which shall be added the maximum load to be carried.

~~[(20)]~~ (21) "Highway" or "street" means the entire width between property lines of

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every way or place of whatever nature when any part of it is open to the public, as a matter of right, for purposes of vehicular traffic.

~~[(21)]~~ (22) (a) "Identification number" means the identifying number assigned by the manufacturer or by the division for the purpose of identifying the vehicle, vessel, or outboard motor.

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

~~[(22)]~~ (23) "Implement of husbandry" means every vehicle designed or adapted and used exclusively for an agricultural operation and only incidentally operated or moved upon the highways.

~~[(23)]~~ (24) (a) "In-state miles" means the total number of miles operated in this state during the preceding year by fleet power units.

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

~~[(24)]~~ (25) "Interstate vehicle" means any commercial vehicle operated in more than one state, province, territory, or possession of the United States or foreign country.

~~[(25)]~~ (26) "Jurisdiction" means a state, district, province, political subdivision, territory, or possession of the United States or any foreign country.

~~[(26)]~~ (27) "Lienholder" means a person with a security interest in particular property.

~~[(27)]~~ (28) "Manufactured home" means a transportable factory built housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

~~[(28)]~~ (29) "Manufacturer" means a person engaged in the business of constructing, manufacturing, assembling, producing, or importing new or unused vehicles, vessels, or outboard motors for the purpose of sale or trade.

~~[(29)]~~ (30) "Mobile home" means a transportable factory built housing unit built prior

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to June 15, 1976, in accordance with a state mobile home code which existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code).

~~[(30)]~~ (31) "Motorboat" has the same meaning as provided in Section 73-18-2.

~~[(31)]~~ (32) "Motorcycle" means a motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground.

~~[(32)]~~ (33) (a) "Motor vehicle" means a self-propelled vehicle intended primarily for use and operation on the highways.

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

~~[(33)]~~ (34) (a) "Nonresident" means a person who is not a resident of this state as defined by Section 41-1a-202, and who does not engage in intrastate business within this state and does not operate in that business any motor vehicle, trailer, or semitrailer within this state.

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

~~[(34)]~~ (35) "Odometer" means a device for measuring and recording the actual distance a vehicle travels while in operation, but does not include any auxiliary odometer designed to be periodically reset.

~~[(35)]~~ (36) "Off-highway implement of husbandry" has the same meaning as provided in Section 41-22-2.

~~[(36)]~~ (37) "Off-highway vehicle" has the same meaning as provided in Section 41-22-2.

~~[(37)]~~ (38) "Operate" means to drive or be in actual physical control of a vehicle or to navigate a vessel.

~~[(38)]~~ (39) "Outboard motor" means a detachable self-contained propulsion unit, excluding fuel supply, used to propel a vessel.

~~[(39)]~~ (40) (a) "Owner" means a person, other than a lienholder, holding title to a vehicle, vessel, or outboard motor whether or not the vehicle, vessel, or outboard motor is subject to a security interest.

(b) If a vehicle is the subject of an agreement for the conditional sale or installment

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sale or mortgage of the vehicle with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or mortgagor, or if the vehicle is the subject of a security agreement, then the conditional vendee, mortgagor, or debtor is considered the owner for the purposes of this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) In making ~~[his]~~ a determination under Subsection ~~[(57)]~~ (58)(a), the division director shall give special consideration to:

(i) a make of motor vehicle that is no longer manufactured;

(ii) a make or model of motor vehicle produced in limited or token quantities;

(iii) a make or model of motor vehicle produced as an experimental vehicle or one designed exclusively for educational purposes or museum display; or

(iv) a motor vehicle of any age or make that has not been substantially altered or modified from original specifications of the manufacturer and because of its significance is being collected, preserved, restored, maintained, or operated by a collector or hobbyist as a leisure pursuit.

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

~~[(58)]~~ (60) (a) "Special mobile equipment" means every vehicle:

(i) not designed or used primarily for the transportation of persons or property;

(ii) not designed to operate in traffic; and

(iii) only incidentally operated or moved over the highways.

(b) "Special mobile equipment" includes:

(i) farm tractors;

(ii) off-road motorized construction or maintenance equipment including backhoes, bulldozers, compactors, graders, loaders, road rollers, tractors, and trenchers; and

(iii) ditch-digging apparatus.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 3. Section **41-1a-1201** is amended to read:

41-1a-1201. Disposition of fees.

(1) All fees received and collected under this part shall be transmitted daily to the state treasurer.

(2) Except as provided in Subsections (3), (6), and (7) and Sections 41-1a-422, 41-1a-1220, 41-1a-1221, and 41-1a-1223 all fees collected under this part shall be deposited in the Transportation Fund.

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(3) Funds generated under Subsections 41-1a-1211(1)(b)(ii), (6)(b)(ii), and (7) and Section 41-1a-1212 may be used by the commission to cover the costs incurred in issuing license plates under Part 4, License Plates and Registration Indicia.

(4) In accordance with Section 63J-1-602.2, all funds available to the commission for the purchase and distribution of license plates and decals are nonlapsing.

(5) (a) Except as provided in Subsections (3) and (5)(b) and Section 41-1a-1205, the expenses of the commission in enforcing and administering this part shall be provided for by legislative appropriation from the revenues of the Transportation Fund.

(b) Three dollars of the registration fees imposed under Subsections 41-1a-1206(2)(a) and (b) for each vehicle registered for a six-month registration period under Section 41-1a-215.5 may be used by the commission to cover the costs incurred in enforcing and administering this part.

(6) (a) The following portions of the registration fees imposed under Section 41-1a-1206 for each vehicle shall be deposited in the Transportation Investment Fund of 2005 created under Section 72-2-124:

(i) \$30 of the registration fees imposed under Subsections 41-1a-1206(1)(a), (1)(b)(i), (1)(f), (3), and (6);

(ii) \$21 of the registration fees imposed under Subsections 41-1a-1206(1)(c)(i) and (1)(c)(ii);

(iii) \$2.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(ii);

(iv) \$23 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(i);

(v) \$24.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(i); ~~and~~

(vi) \$1 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(ii)[-]; and

(vii) \$70 of the registration fee imposed under Subsection 41-1a-1206(1)(b)(ii).

(b) The following portions of the registration fees collected for each vehicle registered for a six-month registration period under Section 41-1a-215.5 shall be deposited in the Transportation Investment Fund of 2005 created by Section 72-2-124:

(i) \$23.25 of ~~each~~ the registration fee ~~collected~~ imposed under Subsection 41-1a-1206(2)(a); ~~and~~

(ii) \$23 of ~~each~~ the registration fee ~~collected~~ imposed under Subsection 41-1a-1206(2)(b)(i)[-]; and

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(iii) \$53 of the registration fee imposed under Subsection 41-1a-1206(2)(b)(ii).

(7) (a) Ninety-four cents of each registration fee imposed under Subsections 41-1a-1206(1)(a) and (b) for each vehicle shall be deposited in the Public Safety Restricted Account created in Section 53-3-106.

(b) Seventy-one cents of each registration fee imposed under Subsections 41-1a-1206(2)(a) and (b) for each vehicle registered for a six-month registration period under Section 41-1a-215.5 shall be deposited in the Public Safety Restricted Account created in Section 53-3-106.

Section 4. Section **41-1a-1206** is amended to read:

41-1a-1206. Registration fees -- Fees by gross laden weight.

(1) Except as provided in Subsections (2) and (3), at the time application is made for registration or renewal of registration of a vehicle or combination of vehicles under this chapter, a registration fee shall be paid to the division as follows:

(a) \$44.50 for each motorcycle;

(b) (i) \$43 for each motor vehicle of 12,000 pounds or less gross laden weight, excluding ~~motorcycles~~ ~~for electric~~ motor vehicles ~~not registered under Section 41-1a-301~~ described in Subsections (1)(a) and (1)(b)(ii); or

(ii) \$83 for each electric ~~motor~~ vehicle not registered under Section 41-1a-301;

(c) unless the semitrailer or trailer is exempt from registration under Section 41-1a-202 or is registered under Section 41-1a-301:

(i) \$31 for each trailer or semitrailer over 750 pounds gross unladen weight; or

(ii) \$28.50 for each commercial trailer or commercial semitrailer of 750 pounds or less gross unladen weight;

(d) (i) \$53 for each farm truck over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; plus

(ii) \$9 for each 2,000 pounds over 14,000 pounds gross laden weight;

(e) (i) \$69.50 for each motor vehicle or combination of motor vehicles, excluding farm trucks, over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; plus

(ii) \$19 for each 2,000 pounds over 14,000 pounds gross laden weight; and

(f) \$45 for each vintage vehicle that is less than 40 years old.

(2) At the time application is made for registration or renewal of registration of a

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vehicle under this chapter for a six-month registration period under Section 41-1a-215.5, a registration fee shall be paid to the division as follows:

- (a) \$33.50 for each motorcycle; and
- (b) (i) \$32.50 for each motor vehicle of 12,000 pounds or less gross laden weight, excluding ~~motorcycles~~ ~~for electric~~ motor vehicles ~~not registered under Section 41-1a-301~~ described in Subsections (2)(a) and (2)(b)(ii); or
- (ii) \$62.50 for each electric ~~motor~~ vehicle not registered under Section 41-1a-301.
- (3) (a) The initial registration fee for a vintage vehicle that is 40 years old or older is \$40.
- (b) A vintage vehicle that is 40 years old or older is exempt from the renewal of registration fees under Subsection (1).
- (c) A vehicle with a Purple Heart special group license plate issued in accordance with Section 41-1a-421 is exempt from the registration fees under Subsection (1).
- (4) If a motor vehicle is operated in combination with a semitrailer or trailer, each motor vehicle shall register for the total gross laden weight of all units of the combination if the total gross laden weight of the combination exceeds 12,000 pounds.
- (5) (a) Registration fee categories under this section are based on the gross laden weight declared in the licensee's application for registration.
- (b) Gross laden weight shall be computed in units of 2,000 pounds. A fractional part of 2,000 pounds is a full unit.
- (6) The owner of a commercial trailer or commercial semitrailer may, as an alternative to registering under Subsection (1)(c), apply for and obtain a special registration and license plate for a fee of \$130.
- (7) Except as provided in Section 41-6a-1642, a truck may not be registered as a farm truck unless:
 - (a) the truck meets the definition of a farm truck under Section 41-1a-102; and
 - (b) (i) the truck has a gross vehicle weight rating of more than 12,000 pounds; or
 - (ii) the truck has a gross vehicle weight rating of 12,000 pounds or less and the owner submits to the division a certificate of emissions inspection or a waiver in compliance with Section 41-6a-1642.
- (8) A violation of Subsection (7) is a class B misdemeanor that shall be punished by a

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fine of not less than \$200.

(9) Trucks used exclusively to pump cement, bore wells, or perform crane services with a crane lift capacity of five or more tons, are exempt from 50% of the amount of the fees required for those vehicles under this section.

Section 5. Section **41-1a-1225** is enacted to read:

41-1a-1225. Electric {motor} vehicle administration fee -- Exemption -- Deposit.

(1) (a) Except as provided in Subsections (1)(b) and (c), at the time application is made for registration or renewal of registration of an electric {motor} vehicle under this chapter, the applicant shall pay an electric {motor} vehicle administration fee of \$10 on each electric {motor} vehicle.

(b) Except as provided in Subsection (1)(c), at the time application is made for registration or renewal of registration of an electric {motor} vehicle for a six-month registration period under Section 41-1a-215.5, the applicant shall pay an electric {motor} vehicle administration fee of \$7.50 on each electric {motor} vehicle.

(c) The following are exempt from the fee required under Subsection (1)(a) or (b):

(i) a commercial vehicle registered as part of a fleet under Section 41-1a-222 or Section 41-1a-301;

(ii) a motor vehicle that is exempt from the registration fee under Section 41-1a-1209 or Subsection 41-1a-419(3); and

(iii) a motor vehicle with a Purple Heart special group license plate issued in accordance with Section 41-1a-421.

(2) The revenue generated under this section shall be deposited in the Clean Fuels and Vehicle Technology Fund created in Section 19-1-403 to provide grants to establish charging stations for electric vehicles and other clean fuel vehicle technology initiatives.

Section 6. Section **41-3-301** is amended to read:

41-3-301. Sale by dealer, sale by auction -- Temporary permit -- Delivery of certificate of title or origin -- Notice to division.

(1) (a) (i) Each dealer licensed under Part 2, Licensing, upon the sale and delivery of any motor vehicle for which a temporary permit is issued under Section 41-3-302 shall within 45 days submit a certificate of title or manufacturer's certificate of origin for that motor vehicle, endorsed according to law, to the Motor Vehicle Division, accompanied by all documents

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required to obtain a new certificate of title and registration in the new owner's name.

(ii) Each dealer is responsible and liable for the registration fee for a vehicle described in Subsection (1)(a)(i).

(b) If a temporary permit is not issued, the certificate of title or manufacturer's certificate of origin shall be delivered to the vendee, endorsed according to law, within 48 hours, unless the vendee is a dealer or dismantler in which case the title or manufacturer's certificate of origin shall be delivered within 21 days.

(c) (i) A motor vehicle consigned to an auction and sold is considered sold by the consignor to the auction and then sold by the auction to the consignee.

(ii) Both the consignor and auction are subject to this section.

(d) (i) (A) A motor vehicle consigned to a wholesale motor vehicle auction and sold to a licensed dealer or dismantler is considered sold by the consignor to the licensed dealer or dismantler.

(B) Both the consignor and the wholesale motor vehicle auction are subject to the title delivery requirements of Subsection (1)(b).

(C) The consignor, or the wholesale motor vehicle auction as the consignor's agent, shall endorse the certificate of title according to law. By endorsing the certificate of title as agent of the consignor, the wholesale motor vehicle auction does not become the owner, seller, or assignor of title.

(ii) (A) A wholesale motor vehicle auction may purchase or sell motor vehicles in its own name.

(B) If a wholesale motor vehicle auction purchases or sells a motor vehicle in its own name, the wholesale motor vehicle auction is subject to Subsections (1)(a) and (1)(b).

(2) (a) (i) Each dealer licensed under Part 2, Licensing, upon the sale and delivery of a motor vehicle for which a temporary permit is issued under Section 41-3-302, shall within 45 days give written notice of the sale to the Motor Vehicle Division upon a form provided by the Motor Vehicle Division.

(ii) The notice shall contain:

(A) the date of the sale;

(B) the names and addresses of the dealer and the purchaser;

(C) a description of the motor vehicle;

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(D) the motor vehicle's odometer reading at the time of the sale; and

(E) other information required by the division.

(b) If no temporary permit is issued, the notice shall be filed with the division within 45 days after the sale, and a duplicate copy shall be given to the purchaser at the time of sale, unless the purchaser is a dealer or dismantler.

(c) The administrator may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, providing that the notice required under Subsections (2)(a) and (2)(b) may be filed in electronic form or on magnetic media.

Section 7. Section **41-3-302** is amended to read:

41-3-302. Temporary permits -- Purchasers of motor vehicles -- Penalty for use after expiration -- Sale and rescission.

(1) (a) ~~(i)~~ A dealer or the division may issue a temporary permit.

~~(ii)~~ (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the administrator shall make rules for the issuance of a temporary permit under Subsection (1)(a)~~(i)~~.

~~(iii)~~ (c) The division shall furnish the forms for temporary permits issued by dealers under Subsection (1)(a)~~(i)~~.

~~(b)~~ (2) A dealer may issue a temporary permit to a bona fide purchaser of a motor vehicle for a period not to exceed 45 days on a motor vehicle sold to the purchaser by the dealer.

~~(c) The~~ (3) Except as provided in Subsection (4), the dealer [is responsible and liable for the registration fee of] shall pay a fee of \$50 for each motor vehicle for which [the] a permit is issued under this section.

~~(d) All issued temporary permits that are outstanding after 45 days from the date they are issued are delinquent and a penalty equal to the registration fee shall be collected from the issuing dealer.]~~

~~(2) If a temporary permit is issued by a dealer under this section and the sale of the motor vehicle is subsequently rescinded, the temporary permit may be voided and the issuing dealer is not liable for the registration fee or penalty.]~~

(4) A dealer is not required to pay the fee required under Subsection (3):

(a) if a Utah registration is obtained for the motor vehicle within the time frame

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allowed under Subsection (2); or

(b) if the sale of the motor vehicle for which the temporary permit is issued under this section is subsequently rescinded and the temporary permit is voided.

Section 8. **Effective date.**

This bill takes effect on January 1, 2015.