

**MOTOR VEHICLE ENFORCEMENT DIVISION ACCOUNT  
AMENDMENTS**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

House Sponsor: Johnny Anderson

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**LONG TITLE**

**General Description:**

This bill enacts and amends provisions relating to the Motor Vehicle Enforcement Division Temporary Permit Restricted Account.

**Highlighted Provisions:**

This bill:

- ▶ creates the Motor Vehicle Enforcement Division Temporary Permit Restricted Account;
- ▶ specifies the revenue sources for the Motor Vehicle Enforcement Division Temporary Permit Restricted Account;
- ▶ specifies the uses of funds in the Motor Vehicle Enforcement Division Temporary Permit Restricted Account;
- ▶ requires that certain temporary permit fees be deposited into the Motor Vehicle Enforcement Division Temporary Permit Restricted Account rather than being used as dedicated credits for the costs of the Motor Vehicle Enforcement Division;
- ▶ provides that appropriations from the Motor Vehicle Enforcement Division Temporary Permit Restricted Account to the Tax Commission are nonlapsing; and
- ▶ makes technical corrections.

**Money Appropriated in this Bill:**

None



28 **Other Special Clauses:**

29 This bill provides a special effective date.

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **41-3-601**, as last amended by Laws of Utah 2010, Chapter 391

33 **63J-1-602.2**, as last amended by Laws of Utah 2013, Chapter 338

34 ENACTS:

35 **41-3-110**, Utah Code Annotated 1953



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

38 Section 1. Section **41-3-110** is enacted to read:

39 **41-3-110. Motor Vehicle Enforcement Division Temporary Permit Restricted**

40 **Account.**

41 (1) As used in this section, "account" means the Motor Vehicle Enforcement Division  
42 Temporary Permit Restricted Account created by this section.

43 (2) There is created within the General Fund a restricted account known as the Motor  
44 Vehicle Enforcement Division Temporary Permit Restricted Account.

45 (3) (a) The account shall be funded from the fees deposited into the account in  
46 accordance with Section **41-3-601**.

47 (b) The fees described in Subsection (3)(a) shall be paid to the division, which shall  
48 deposit them into the account.

49 (4) The Legislature shall appropriate the funds in the account to the commission to  
50 cover the costs of the division.

51 (5) In accordance with Section **63J-1-602.2**, appropriations made to the commission  
52 from the account are nonlapsing.

53 Section 2. Section **41-3-601** is amended to read:

54 **41-3-601. Fees.**

55 (1) ~~[To pay for administering and enforcing this chapter, the]~~ The administrator shall  
56 collect fees determined by the commission under Section **63J-1-504** for each of the following:

57 (a) new motor vehicle dealer's license;

58 (b) used motor vehicle dealer's license;

- 59 (c) new motorcycle, off-highway vehicle, and small trailer dealer;
  - 60 (d) used motorcycle, off-highway vehicle, and small trailer dealer;
  - 61 (e) motor vehicle salesperson's license;
  - 62 (f) motor vehicle salesperson's transfer or reissue fee;
  - 63 (g) motor vehicle manufacturer's license;
  - 64 (h) motor vehicle transporter's license;
  - 65 (i) motor vehicle dismantler's license;
  - 66 (j) motor vehicle crusher's license;
  - 67 (k) motor vehicle remanufacturer's license;
  - 68 (l) body shop's license;
  - 69 (m) distributor or factory branch and distributor branch's license;
  - 70 (n) representative's license;
  - 71 (o) dealer plates;
  - 72 (p) dismantler plates;
  - 73 (q) manufacturer plates;
  - 74 (r) transporter plates;
  - 75 (s) damaged plate replacement;
  - 76 (t) in-transit permits;
  - 77 (u) loaded demonstration permits;
  - 78 (v) additional place of business;
  - 79 (w) special equipment dealer's license;
  - 80 (x) temporary permits; and
  - 81 (y) temporary sports event registration certificates.
- 82 (2) (a) To pay for training certified vehicle inspectors and enforcement under Sections
- 83 [41-1a-1001](#) through [41-1a-1008](#), the State Tax Commission shall establish and the
- 84 administrator shall collect inspection fees determined by the commission under Section
- 85 [63J-1-504](#).
- 86 (b) The division shall use fees collected under Subsection (2)(a) as dedicated credits to
- 87 be used toward the costs of the division.
- 88 (3) (a) At the time of application, the administrator shall collect a fee of \$200 for each
- 89 salvage vehicle buyer license.

90 (b) The administrator may retain a portion of the fee under Subsection (3)(a) to offset  
91 the administrator's actual costs of administering and enforcing salvage vehicle buyer licenses.

92 [~~(4) The division shall use fees collected under Subsections (1)(x) and (y) as dedicated~~  
93 ~~credits to be used toward the costs of the division.~~]

94 (4) A fee imposed under Subsection (1)(x) or (y):

95 (a) shall be deposited into the Motor Vehicle Enforcement Division Temporary Permit  
96 Restricted Account created by Section 41-3-110; and

97 (b) is not subject to Subsection 63J-2-202(2).

98 Section 3. Section 63J-1-602.2 is amended to read:

99 **63J-1-602.2. List of nonlapsing funds and accounts -- Title 31 through Title 45.**

100 (1) Appropriations from the Technology Development Restricted Account created in  
101 Section 31A-3-104.

102 (2) Appropriations from the Criminal Background Check Restricted Account created in  
103 Section 31A-3-105.

104 (3) Appropriations from the Captive Insurance Restricted Account created in Section  
105 31A-3-304, except to the extent that Section 31A-3-304 makes the money received under that  
106 section free revenue.

107 (4) Appropriations from the Title Licensee Enforcement Restricted Account created in  
108 Section 31A-23a-415.

109 (5) Appropriations from the Health Insurance Actuarial Review Restricted Account  
110 created in Section 31A-30-115.

111 (6) Appropriations from the Insurance Fraud Investigation Restricted Account created  
112 in Section 31A-31-108.

113 (7) Appropriations from the Underage Drinking Prevention Media and Education  
114 Campaign Restricted Account created in Section 32B-2-306.

115 (8) The Youth Development Organization Restricted Account created in Section  
116 35A-8-1903.

117 (9) The Youth Character Organization Restricted Account created in Section  
118 35A-8-2003.

119 (10) Funding for a new program or agency that is designated as nonlapsing under  
120 Section 36-24-101.

- 121 (11) Appropriations from the Oil and Gas Conservation Account created in Section  
122 [40-6-14.5](#).
- 123 (12) Appropriations from the Electronic Payment Fee Restricted Account created by  
124 Section [41-1a-121](#) to the Motor Vehicle Division.
- 125 (13) Funds available to the Tax Commission under Section [41-1a-1201](#) for the:  
126 (a) purchase and distribution of license plates and decals; and  
127 (b) administration and enforcement of motor vehicle registration requirements.
- 128 (14) Appropriations from the Motor Vehicle Enforcement Division Temporary Permit  
129 Restricted Account created by Section [41-3-110](#) to the Tax Commission.
- 130 Section 4. **Effective date.**  
131 This bill takes effect on July 1, 2015.

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**Legislative Review Note**  
as of 12-18-14 12:49 PM

**Office of Legislative Research and General Counsel**