

HB0057S01 compared with HB0057

{Omitted text} shows text that was in HB0057 but was omitted in HB0057S01
inserted text shows text that was not in HB0057 but was inserted into HB0057S01

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LONG TITLE

General Description:

This bill makes technical changes including standardization of vehicle weight definitions and usage, exempting street-legal all-terrain vehicles from certain provisions, correcting a sales tax earmark, and various technical and cleanup changes.

Highlighted Provisions:

This bill:

- standardizes terms used to refer to the weight of a vehicle for consistency throughout the code;
 - allows alternative registration term provisions to apply to rental car fleets;
 - discontinues the issuance of special interest vehicle license plates {~~while allowing those currently with a special interest vehicle license plate to continue to use the license plate~~} ;
 - amends the definition of "rack" to only include those in operation before a certain date;
 - amends provisions related to vehicle titles;
 - amends provisions related to consignment sales of motor vehicles and motor vehicle auction
enses;
 -

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strikes language requiring owner's or operator's security for a vehicle merely registered in the state but not operated on a highway;

- 24 ▶ codifies a definition related to motor fuel tax;
- 25 ▶ grants rulemaking authority to the Department of Transportation to accommodate vehicles
- 26 registered for a two-year term to participate in the road usage charge program;
- 27 ▶ exempts a street-legal all-terrain vehicle from certain emissions inspection fees and odometer
- 28 requirements;
- 29 ▶ makes technical changes to various code sections related to motor vehicles and license plates to
- 30 provide clarity and correct mistakes;
- 31 ▶ corrects a technical drafting error in a sales tax earmark; and
- 32 ▶ makes technical changes.

Money Appropriated in this Bill:

30 None

Other Special Clauses:

32 This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

- 35 **41-1a-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 285
- 36 **41-1a-202 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 294
- 37 **41-1a-213 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 456
- 38 **41-1a-215.5 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 279
- 39 **41-1a-225 (Effective 05/06/26)**, as last amended by Laws of Utah 1999, Chapter 217
- 40 **41-1a-229 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 234
- 41 **41-1a-233 (Effective 05/06/26)**, as enacted by Laws of Utah 2025, Chapter 349
- 42 **41-1a-301 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 234
- 43 **41-1a-401 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 247
- 44 **41-1a-504 (Effective 05/06/26)**, as enacted by Laws of Utah 1992, Chapter 1
- 45 **41-1a-901 (Effective 07/01/26)**, as renumbered and amended by Laws of Utah 1992, Chapter 1
- 47 **41-1a-902 (Effective 05/06/26)**, as last amended by Laws of Utah 2020, Chapter 377
- 48 **41-1a-1201 (Effective 07/01/26) (Partially Repealed 07/01/29)**, as last amended by Laws of Utah 2025, Chapter 279

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50 **41-1a-1205 (Effective 05/06/26)**, as renumbered and amended by Laws of Utah 1992, Chapter 1
52 **41-1a-1206 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapters 215, 279
54 **41-1a-1207 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 234
55 **41-1a-1210 (Effective 07/01/26)**, as repealed and reenacted by Laws of Utah 1993, Chapter 222
57 **41-1a-1219 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 279
58 **41-1a-1223 (Effective 07/01/26)**, as last amended by Laws of Utah 2020, Chapter 83
59 **41-1a-1304 (Effective 05/06/26)**, as last amended by Laws of Utah 2015, Chapter 412
60 **41-1a-1601 (Effective 05/06/26), as last amended by Laws of Utah 2025, First Special
Session, Chapter 9**

64 **{41-1a-1607 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 247}**

62 **41-3-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 280
63 **41-3-201 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 36
64 **41-3-202 (Effective 05/06/26)**, as last amended by Laws of Utah 2019, Chapter 424
65 **41-3-210 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 370
66 **41-3-301 (Effective 05/06/26)**, as last amended by Laws of Utah 2008, Chapter 382
67 **41-3-407 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 234
68 **41-3-501 (Effective 05/06/26)**, as last amended by Laws of Utah 2019, Chapter 424
69 **41-3-802 (Effective 05/06/26)**, as last amended by Laws of Utah 1995, Chapter 7
70 **41-3-803 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 302
71 **41-6a-102 (Effective 05/06/26) (Partially Repealed 07/01/27)**, as last amended by Laws of Utah
2025, Chapters 220, 471

73 **41-6a-1507 (Effective 05/06/26), as last amended by Laws of Utah 2009, Chapter 171**

74 **41-6a-1509 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 285
75 **41-6a-1629 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 459
76 **41-6a-1633 (Effective 05/06/26)**, as last amended by Laws of Utah 2015, Chapters 412, 454
78 **41-6a-1636 (Effective 05/06/26)**, as last amended by Laws of Utah 2015, Chapter 412

79 **41-12a-301 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 294

80 **41-22-2 (Effective 05/06/26) (Partially Repealed 07/01/27)**, as last amended by Laws of Utah
2025, Chapter 285

82 **53-3-905 (Effective 05/06/26)**, as last amended by Laws of Utah 2012, Chapter 397

83 **59-2-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 234

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84 **59-2-402 (Effective 05/06/26)**, as last amended by Laws of Utah 2007, Chapter 210
85 **59-12-103 (Effective 07/01/26)**, as last amended by Laws of Utah 2025, Chapter 285
86 **59-13-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2015, Chapter 275
87 **72-1-213.1 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 452

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

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

91 **41-1a-102. Definitions.**

95 As used in this chapter:

96 (1) "Actual miles" means the actual distance a vehicle has traveled while in operation.
97 [(2) "Actual weight" means the actual unladen weight of a vehicle or combination of vehicles as
98 operated and certified to by a weighmaster.]

99 [(3)] (2) "All-terrain type I vehicle" means the same as that term is defined in Section 41-22-2.

100 [(4)] (3) "All-terrain type II vehicle" means the same as that term is defined in Section 41-22-2.

101 [(5)] (4) "All-terrain type III vehicle" means the same as that term is defined in Section 41-22-2.

102 [(6)] (5) "Alternative fuel vehicle" means:

103 (a) an electric motor vehicle;

104 (b) a hybrid electric motor vehicle;

105 (c) a plug-in hybrid electric motor vehicle; or

106 (d) a motor vehicle powered exclusively by a fuel other than:

107 (i) motor fuel;

108 (ii) diesel fuel;

109 (iii) natural gas; or

110 (iv) propane.

111 [(7)] (6) "Amateur radio operator" means a person licensed by the Federal Communications

112 Commission to engage in private and experimental two-way radio operation on the amateur band
113 radio frequencies.

114 [(8)] (7) "Autocycle" means the same as that term is defined in Section 53-3-102.

115 [(9)] (8) "Automated driving system" means the same as that term is defined in Section 41-26-102.1.

116 [(10)] (9) "Branded title" means a title certificate that is labeled:

117 (a) rebuilt and restored to operation;

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- 121 (b) flooded and restored to operation; or
122 (c) not restored to operation.
- 123 [({11})] (10) "Camper" means a 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.
- 127 [({12})] (11) "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.
- 130 [({13})] (12) "Certified scale weigh ticket" means a weigh ticket that has been issued by a weighmaster.
- 132 [({14})] (13) "Commercial vehicle" means a motor vehicle, trailer, or semitrailer used or maintained for the transportation of persons or property that operates:
- 134 (a) as a carrier for hire, compensation, or profit; or
135 (b) as a carrier to transport the vehicle owner's goods or property in furtherance of the owner's commercial enterprise.
- 137 [({15})] (14) "Commission" means the State Tax Commission.
- 138 [({16})] (15) "Consumer price index" means the same as that term is defined in Section 59-13-102.
- 140 [({17})] (16) "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.
- 145 [({18})] (17) "Diesel fuel" means the same as that term is defined in Section 59-13-102.
- 146 [({19})] (18) "Division" means the Motor Vehicle Division of the commission, created in Section 41-1a-106.
- 148 [({20})] (19) "Dynamic driving task" means the same as that term is defined in Section 41-26-102.1.
- 150 [({21})] (20) "Electric motor vehicle" means a motor vehicle that is powered solely by an electric motor drawing current from a rechargeable energy storage system.
- 152 [({22})] (21) "Essential parts" means the 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 the vehicle's appearance, model, type, or mode of operation.
- 156 [({23})] (22) "Farm tractor" means a motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

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- 158 [({24})] (23)
- (a) "Farm truck" means a truck used by the owner or operator of a farm solely for the owner's or operator's own use in the transportation of:
- 160 (i) farm products, including livestock and its products, poultry and its products, floricultural and horticultural products;
- 162 (ii) farm supplies, including tile, fence, and any other thing or commodity used in agricultural, floricultural, horticultural, livestock, and poultry production; and
- 164 (iii) livestock, poultry, and other animals and things used for breeding, feeding, or other purposes connected with the operation of a farm.
- 166 (b) "Farm truck" does not include the operation of trucks by commercial processors of agricultural products.
- 168 [({25})] (24) "Fleet" means:
- 169 (a) one or more commercial vehicles; or
- 170 (b) for purposes of Section 41-1a-215, one or more personal vehicles.
- 171 [({26})] (25) "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.
- 174 [({27}) "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.]
- 176 (26) "Gross combined weight rating" means the sum of gross vehicle weight rating of a vehicle and the weight of any trailer attached to the vehicle and fully loaded.
- 178 (27) "Gross vehicle weight rating" means the same as that term is defined in Section 59-2-102.
- 180 (28) "Highway" or "street" means the entire width between property lines of 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.
- 183 (29) "Hybrid electric motor vehicle" means a motor vehicle that draws propulsion energy from onboard sources of stored energy that are both:
- 185 (a) an internal combustion engine or heat engine using consumable fuel; and
- 186 (b) a rechargeable energy storage system where energy for the storage system comes solely from sources onboard the vehicle.
- 188 (30)

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- (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.
- 191 (b) "Identification number" includes a vehicle identification number, state assigned identification number, hull identification number, and motor serial number.
- 193 (31) "Implement of husbandry" means a vehicle designed or adapted and used exclusively for an agricultural operation and only incidentally operated or moved upon the highways.
- 195 (32)
 - (a) "In-state miles" means the total number of miles operated in this state during the preceding year by fleet power units.
 - 197 (b) If a fleet is 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.
- 200 (33) "Interstate vehicle" means a commercial vehicle operated in more than one state, province, territory, or possession of the United States or foreign country.
- 202 (34) "Jurisdiction" means a state, district, province, political subdivision, territory, or possession of the United States or any foreign country.
- 204 (35) "Lienholder" means a person with a security interest in particular property.
- 205 (36) "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.
- 213 (37) "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.
- 216 (38) "Military vehicle" means a vehicle of any size or weight that was manufactured for use by armed forces and that is maintained in a condition that represents the vehicle's military design and markings regardless of current ownership or use.

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- (39) "Mobile home" means a transportable factory built housing unit built prior 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).
- 222 (40) "Motor fuel" means the same as that term is defined in Section 59-13-102.
- 223 (41)
- 225 (a) "Motor vehicle" means a self-propelled vehicle intended primarily for use and operation on the highways.
- 226 (b) "Motor vehicle" includes a roadable aircraft and a street-legal all-terrain vehicle.
- 227 (c) "Motor vehicle" does not include:
- 228 (i) an off-highway vehicle; or
- 229 (ii) a motor assisted scooter as defined in Section 41-6a-102.
- 230 (42) "Motorboat" means the same as that term is defined in Section 73-18c-102.
- 231 (43) "Motorcycle" means:
- 233 (a) 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; or
- 234 (b) an autocycle.
- 235 (44) "Natural gas" means a fuel of which the primary constituent is methane.
- 239 (45)
- 239 (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.
- 244 (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 a 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.
- 247 (46) "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.
- 249 (47) "Off-highway implement of husbandry" means the same as that term is defined in Section 41-22-2.
- 250 (48) "Off-highway vehicle" means the same as that term is defined in Section 41-22-2.
- 250 (49)
- 250 (a) "Operate" means:

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- 251 (i) to navigate a vessel; or
- 252 (ii) collectively, the activities performed in order to perform the entire dynamic driving task for a given motor vehicle by:
 - 254 (A) a human driver as defined in Section 41-26-102.1; or
 - 255 (B) an engaged automated driving system.
- 256 (b) "Operate" includes testing of an automated driving system.
- 257 (50) "Original issue license plate" means a license plate that is of a format and type issued by the state in the same year as the model year of a vehicle that is a model year 1973 or older.
- 260 (51) "Outboard motor" means a detachable self-contained propulsion unit, excluding fuel supply, used to propel a vessel.
- 262 (52)
 - (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.
 - 265 (b) If a vehicle is the subject of an agreement for the conditional sale or installment 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.
 - 271 (c) If a vehicle is the subject of an agreement to lease, the lessor is considered the owner until the lessee exercises the lessee's option to purchase the vehicle.
- 273 (53) "Park model recreational vehicle" means a unit that:
 - 274 (a) is designed and marketed as temporary living quarters for recreational, camping, travel, or seasonal use;
 - 276 (b) is not permanently affixed to real property for use as a permanent dwelling;
 - 277 (c) requires a special highway movement permit for transit; and
 - 278 (d) is built on a single chassis mounted on wheels with a gross trailer area not exceeding 400 square feet in the setup mode.
- 280 (54) "Personal vehicle" means a vehicle that is not a commercial vehicle.
- 281 (55) "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.

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- 284 (56)
(a) "Pickup truck" means a two-axle motor vehicle with motive power manufactured, remanufactured, or materially altered to provide an open cargo area.
- 286 (b) "Pickup truck" includes a motor vehicle with the open cargo area covered with a camper, camper shell, tarp, removable top, or similar structure.
- 288 (57) "Plug-in hybrid electric motor vehicle" means a hybrid electric motor vehicle that has the capability to charge the battery or batteries used for vehicle propulsion from an off-vehicle electric source, such that the off-vehicle source cannot be connected to the vehicle while the vehicle is in motion.
- 292 (58) "Pneumatic tire" means a tire in which compressed air is designed to support the load.
- 293 (59) "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.
- 298 (60) "Public garage" means a 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.
- 300 (61) "Receipt of surrender of ownership documents" means the receipt of surrender of ownership documents described in Section 41-1a-503.
- 302 (62) "Reconstructed vehicle" means a 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.
- 305 (63) "Recreational vehicle" means the same as that term is defined in Section 13-14-102.
- 306 (64) "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.
- 310 (65) "Registration decal" means the decal issued by the division that is evidence of compliance with the division's registration requirements.
- 312 (66)
(a) "Registration year" means a 12 consecutive month period commencing with the completion of the applicable registration criteria.

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- 314 (b) For administration of a multistate agreement for proportional registration the division may prescribe
a different 12-month period.
- 316 (67) "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.
- 319 (68) "Replica vehicle" means:
320 (a) a street rod that meets the requirements under Subsection 41-21-1(3)(a)(i)(B); or
321 (b) a custom vehicle that meets the requirements under Subsection 41-6a-1507(1)(a)(i)(B).
- 323 (69) "Restored-modified vehicle" means a motor vehicle that has been restored and modified with
modern parts and technology, including emission control technology and an on-board diagnostic
system.
- 326 (70) "Road tractor" means a 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.
- 329 (71) "Roadable aircraft" means the same as that term is defined in Section 72-10-102.
- 330 (72) "Sailboat" means the same as that term is defined in Section 73-18-2.
- 331 (73) "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.
- 334 (74) "Semitrailer" means the same as the term "trailer."
- 335 (75) "Shipping weight" means the weight of the vehicle when it is built without any optional equipment
as reported by the manufacturer, except that if a shipping weight is not reported by the manufacturer
of a vehicle, the division may determine the shipping weight using the best information available.
- 339 [(75)] (76) "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
or Part 16, Sponsored Special Group License Plates.
- 342 [(76){ } {(77)} }]
(a) "Special interest vehicle" means a vehicle used for general transportation purposes and that is:
344 [(i) 20 years or older from the current year; or]
345 [(ii) a make or model of motor vehicle recognized by the division director as having unique interest
or historic value.]

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[(b) In making a determination {F} under Subsection (76)(a){J} whether a vehicle is a special interest vehicle}, the division director shall give special consideration to:J

[(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.]

{F(77){J} {(78)}}

(a) "Special mobile equipment" means a 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.

{F(78){J} {(79)}} "Specially constructed vehicle" means a 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.

{F(79){J} {(80)}}

(a) "Standard license plate" means a license plate for general issue described in Subsection 41-1a-402(1).

(b) "Standard license plate" includes a license plate for general issue that the division issues before January 1, 2024.

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{(80){}} {(81){}} "State impound yard" means a yard for the storage of a vehicle, vessel, or outboard motor that meets the requirements of rules made by the commission as described in Subsection 41-1a-1101(7).

379 { (81){}} {(82){}} "Street-legal all-terrain vehicle" or "street-legal ATV" means the same as that term is defined in Section 41-6a-102.

381 { (82){}} {(83){}} "Symbol decal" means the decal that is designed to represent a special group and displayed on a special group license plate.

383 { (83){}} {(84){}} "Title" means the right to or ownership of a vehicle, vessel, or outboard motor.

384 { (84){}} {(85){}}

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

386 (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.

389 { (85){}} {(86){}} "Tow truck motor carrier" means the same as that term is defined in Section 72-9-102.

391 { (86){}} {(87){}} "Tow truck operator" means the same as that term is defined in Section 72-9-102.

392 { (87){}} {(88){}} "Trailer" means a vehicle:

393 (a) without motive power; and

394 (b) designed for:

395 (i) carrying persons or property; and

396 (ii) being drawn by a motor vehicle.

397 { (88){}} {(89){}} "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.

399 { (89){}} {(90){}} "Transferor" means a person who transfers the person's ownership in property by sale, gift, or any other means except by creation of a security interest.

401 { (90){}} {(91){}} "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.

405 { (91){}} {(92){}} "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.

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408 {f(92){ } { (93)} } "Vehicle" includes a motor vehicle, trailer, semitrailer, off-highway vehicle, camper, park model recreational vehicle, manufactured home, and mobile home.

410 {f(93){ } { (94)} } "Vessel" means the same as that term is defined in Section 73-18-2.

411 {f(94){ } { (95)} } "Vintage vehicle" means the same as that term is defined in Section 41-21-1.

412 {f(95){ } { (96)} } "Waters of this state" means the same as that term is defined in Section 73-18-2.

413 {f(96){ } { (97)} } "Weighmaster" means a person, association of persons, or corporation permitted to weigh vehicles under this chapter.

412 Section 2. Section **41-1a-202** is amended to read:

41-1a-202. Definitions -- Vehicles exempt from registration -- Registration of vehicles after establishing residency.

418 (1) As used in this section:

419 (a) "Designated agent" means the same as that term is defined in Section 41-12a-803.

420 (b) "Domicile" means the place:

421 (i) where an individual has a fixed permanent home and principal establishment;

422 (ii) to which the individual if absent, intends to return; and

423 (iii) in which the individual and his family voluntarily reside, not for a special or temporary purpose, but with the intention of making a permanent home.

425 (c)

426 (i) "Resident" means any of the following:

427 (A) an individual who:

428 (I) has established a domicile in this state;

430 (II) regardless of domicile, remains in this state for an aggregate period of six months or more during any calendar year;

432 (III) engages in a trade, profession, or occupation in this state or who accepts employment in other than seasonal work in this state and who does not commute into the state;

433 (IV) declares himself to be a resident of this state for the purpose of obtaining a driver license or motor vehicle registration; or

435 (V) declares himself a resident of Utah to obtain privileges not ordinarily extended to nonresidents, including going to school, or placing children in school without paying nonresident tuition or fees; or

438

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(B) any individual, partnership, limited liability company, firm, corporation, association, or other entity that:

440 (I) maintains a main office, branch office, or warehouse facility in this state and that bases and operates
a motor vehicle in this state; or

442 (II) operates a motor vehicle in intrastate transportation for other than seasonal work.

444 (ii) "Resident" does not include any of the following:

445 (A) a member of the military temporarily stationed in Utah;

446 (B) an out-of-state student, as classified by the institution of higher education, enrolled with the
equivalent of seven or more quarter hours, regardless of whether the student engages in a trade,
profession, or occupation in this state or accepts employment in this state; and

450 (C) an individual domiciled in another state or a foreign country that:

451 (I) is engaged in public, charitable, educational, or religious services for a government agency or an
organization that qualifies for tax-exempt status under Internal Revenue Code Section 501(c)(3);

454 (II) is not compensated for services rendered other than expense reimbursements; and

456 (III) is temporarily in Utah for a period not to exceed 24 months.

457 (iii) Notwithstanding Subsections (1)(c)(i) and (ii), "resident" includes the owner of a vehicle equipped
with an automated driving system as defined in Section 41-26-102.1 if the vehicle is physically
present in the state for more than 30 consecutive days in a calendar year.

461 (2)

462 (a) Registration under this chapter is not required for any:

462 (i) vehicle registered in another state and owned by a nonresident of the state or operating under
a temporary registration permit issued by the division or a dealer authorized by this chapter,
driven or moved upon a highway in conformance with the provisions of this chapter relating to
manufacturers, transporters, dealers, lien holders, or interstate vehicles;

467 (ii) vehicle driven or moved upon a highway only for the purpose of crossing the highway from one
property to another;

469 (iii) implement of husbandry, whether of a type otherwise subject to registration or not, that is only
incidentally operated or moved upon a highway;

471 (iv) special mobile equipment;

472 (v) vehicle owned or leased by the federal government;

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- (vi) motor vehicle not designed, used, or maintained for the transportation of passengers for hire or for the transportation of property if the motor vehicle is registered in another state and is owned and operated by a nonresident of this state;
 - (vii) vehicle [~~or combination of vehicles~~]designed, used, or maintained for the transportation of persons for hire or for the transportation of property if the vehicle[~~or combination of vehicles~~] is registered in another state and is owned and operated by a nonresident of this state and if the vehicle[~~or combination of vehicles~~] has a gross [~~laden weight~~] vehicle weight rating of 26,000 pounds or less;
 - (viii) trailer of 750 pounds or less [~~unladen~~] shipping weight and not designed, used, and maintained for hire for the transportation of property or person;
 - (ix) single-axle trailer unless that trailer is:
 - (A) a commercial vehicle;
 - (B) a trailer designed, used, and maintained for hire for the transportation of property or person; or
 - (C) a travel trailer, camping trailer, or fifth wheel trailer of 750 pounds or more [~~laden weight~~] gross vehicle weight rating;
 - (x) manufactured home or mobile home;
 - (xi) off-highway vehicle currently registered under Section 41-22-3 if the off-highway vehicle is:
 - (A) being towed;
 - (B) operated on a street or highway designated as open to off-highway vehicle use; or
 - (C) operated in the manner prescribed in Subsections 41-22-10.3(1) through (3);
 - (xii) off-highway implement of husbandry operated in the manner prescribed in Subsections 41-22-5.5(3) through (5);
 - (xiii) modular and prebuilt homes conforming to the uniform building code and presently regulated by the United States Department of Housing and Urban Development that are not constructed on a permanent chassis;
 - (xiv) electric assisted bicycle defined under Section 41-6a-102;
 - (xv) motor assisted scooter defined under Section 41-6a-102; or
 - (xvi) electric personal assistive mobility device defined under Section 41-6a-102.
- (b) For purposes of an implement of husbandry as described in Subsection (2)(a)(iii), incidental operation on a highway includes operation that is:
- (i) transportation of raw agricultural materials or other agricultural related operations; and

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- 508 (ii) limited to 100 miles round trip on a highway.
- 509 (3)
- 513 (a) Unless otherwise exempted under Subsection (2), registration under this chapter is required for any
motor vehicle, combination of vehicles, trailer, semitrailer, vintage vehicle, or restored-modified
vehicle within 60 days of the owner establishing residency in this state.
- 517 (b)
- 522 (i) The commission may contract with a designated agent described in Chapter 12a, Part 8, Uninsured
Motorist Identification Database Program, to determine the address for which a contract for owner's
or operator's security pertaining to a certain vehicle or vessel is tied.
- 526 (ii) If the information provided by the designated agent under Subsection (3)(b)(i) indicates that the
owner of a vehicle or vessel is a resident of this state, the commission may investigate to ensure
compliance with this chapter, Chapter 22, Off-highway Vehicles, Title 59, Chapter 12, Sales and
Use Tax Act, and Title 73, Chapter 18, State Boating Act.
- 527 (c) If the commission's investigation described in Subsection (3)(b)(ii) determines that the owner of the
vehicle or vessel is not in compliance with this chapter, Chapter 22, Off-highway Vehicles, Title 59,
Chapter 12, Sales and Use Tax Act, or Title 73, Chapter 18, State Boating Act, the commission:
- 531 (i) may impose a penalty on the owner of the vehicle or vessel of \$150; and
- 536 (ii) shall provide notice of noncompliance to the owner of the vehicle or vessel and allow 60 days after
the date on which the notice was issued for the owner of the vehicle or vessel to comply with the
provisions identified in the commission's investigation described in Subsection (3)(b)(ii).
- 537 (d) If the owner of a vehicle or vessel fails to comply as directed within the time period described in
Subsection (3)(c), the commission created in Section 41-3-104 may impose on the owner of the
vehicle or vessel a penalty equal to the greater of:
- 540 (i) if the commission finds there was an underpayment of tax under Title 59, Chapter 12, Sales and Use
Tax Act, a penalty as provided in Subsection 59-1-401(7); or
- 536 (ii) \$500.
- 537 (e) Upon making a record of the commission's actions, and upon reasonable cause shown, the
commission may waive, reduce, or compromise any penalty imposed under Subsection (3)(c) or (3)
(d).
- 540 (f)

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- (i) The commission shall deposit money from a penalty under Subsections (3)(c)(i) and (3)(d)(ii) for failure to properly register or title a vehicle or vessel pursuant to this chapter, Chapter 22, Off-highway Vehicles, or Title 73, Chapter 18, State Boating Act, into the Uninsured Motorist Identification Restricted Account created in Section 41-12a-806.
- 545 (ii) The commission shall deposit money from a penalty under this Subsection (3)(d)(i) for failure to pay a sales and use tax under Title 59, Chapter 12, Sales and Use Tax Act, into the General Fund.
- 548 (4) A motor vehicle that is registered under Section 41-3-306 is exempt from the registration requirements of this part for the time period that the registration under Section 41-3-306 is valid.
- 551 (5) A vehicle that has been issued a nonrepairable certificate may not be registered under this chapter.
- 550 Section 3. Section **41-1a-213** is amended to read:
41-1a-213. Contents of registration cards.
 - 555 (1) As used in this section:
 - 556 (a) "Health care professional" means the same as that term is defined in Section 53-3-207.
 - 557 (b) "Invisible condition" means the same as that term is defined in Section 53-3-207.
 - 558 (c) "Invisible condition identification decal" means the decal created by the division that incorporates the invisible condition identification symbol.
 - 560 (d) "Invisible condition identification symbol" means the same as that term is defined in Section 53-3-207.
 - 562 (2) The registration card shall be delivered to the owner and shall contain:
 - 563 (a) the date issued;
 - 564 (b) the name of the owner;
 - 565 (c) a description of the vehicle registered including the year, the make, the identification number, and the license plate assigned to the vehicle;
 - 567 (d) the expiration date; and
 - 568 (e) other information as determined by the commission.
 - 569 (3) If a vehicle is leased for a period in excess of 45 days, the registration shall contain:
 - 570 (a) the owner's name; and
 - 571 (b) the name of the lessee.
 - 572 (4) On all vehicles registered under Subsections 41-1a-1206(1)(d) and (1)(e), the registration card shall also contain the ~~gross laden weight~~ gross vehicle weight rating as given in the application for registration.

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- 575 (5)
- (a) Except as provided in Subsection (5)(b), a new registration card issued by the commission on or after November 1, 2013, may not display the address of the owner or the lessee on the registration card.
- 578 (b) A new registration card issued by the commission under one of the following provisions shall display the address of the owner or the lessee on the registration card:
- 581 (i) Section 41-1a-301 for a vehicle; or
- 582 (ii) Section 73-18-7 for a vessel.
- 583 (6)
- (a) Except as provided in Subsection (6)(d)(ii), the division shall include on a vehicle owner's vehicle registration database record in the division's vehicle registration database an invisible condition identification symbol if:
- 586 (i)
- (A) the vehicle owner or an individual who is a regular driver of or passenger in the vehicle owner's vehicle has an invisible condition; or
- 588 (B) an individual with an invisible condition resides at the vehicle driver's residence; and
- 590 (ii) the vehicle owner submits to the commission a request on a form prescribed by the commission.
- 592 (b) A vehicle owner shall include in a request described in Subsection (6)(a):
- 593 (i) if the request is for an individual other than the vehicle owner, a declaration that the individual is:
- 595 (A) a regular driver of or passenger in the vehicle; or
- 596 (B) a resident at the vehicle driver's residence;
- 597 (ii) written verification from a health care professional that the vehicle owner or other individual described in Subsection (6)(a)(i) has an invisible condition; and
- 599 (iii) a waiver of liability signed by the individual with the invisible condition or the individual's legal representative for the release of any medical information to:
- 601 (A) the commission;
- 602 (B) any person who has access to the individual's medical information as recorded on the vehicle owner's vehicle registration database record or the Utah Criminal Justice Information System; and
- 605 (C) any other person who may view or receive notice of the individual's medical information by seeing the vehicle owner's vehicle registration database record or the individual's information in the Utah Criminal Justice Information System.

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- 608 (c) As part of the form described in Subsection (6)(a) and (b), the commission shall advise the individual signing the waiver of liability that by submitting the signed waiver, the individual consents to the release of the individual with an invisible condition's medical information to any person described in Subsections (6)(b)(iii)(A) through (C), even if the person is otherwise ineligible to access the individual with an invisible condition's medical information under state or federal law.
- 614 (d)
- 615 (i) The division:
- 615 (A) may not charge a fee to include an invisible condition identification symbol on a vehicle owner's vehicle registration database record; and
- 617 (B) shall confirm with the Division of Professional Licensing that the health care professional described in Subsection (6)(b)(ii) holds a current state license.
- 619 (ii) If the division is unable to confirm that the health care professional described in Subsection (6)(b)(ii) holds a current state license, the division shall deny the request described in Subsection (6)(a).
- 622 (e) The inclusion of an invisible condition identification symbol on a vehicle owner's vehicle registration database record in accordance with this section does not confer any legal rights or privileges on the vehicle owner or the individual with an invisible condition, including parking privileges for individuals with disabilities under Section 41-1a-414.
- 627 (7)
- 627 (a) For each individual who qualifies under this section to include an invisible condition identification symbol in a vehicle owner's vehicle registration database record, the division shall:
- 630 (i) include in the division's vehicle registration database a brief description of the nature of the individual's invisible condition linked to the vehicle owner's vehicle registration database record; and
- 633 (ii) provide an invisible condition identification decal that may be affixed to the vehicle owner's vehicle, and instructions on where the invisible condition identification decal may be placed on the vehicle, which the vehicle owner may affix to the vehicle at the vehicle owner's discretion.
- 637 (b) The division shall provide the brief description described in Subsection (7)(a)(i) to the Utah Criminal Justice Information System.
- 639 (c) Except as provided in Subsection (7)(b), the division may not release the information described in Subsection (7)(a)(i).
- 641

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- (8) Within 30 days after the day on which the division receives a vehicle owner's written request, the division shall:
- 643 (a) remove the invisible condition identification symbol and brief description described in Subsection
(7) from a vehicle owner's vehicle registration database record in the division's vehicle registration database; and
- 646 (b) provide the updated vehicle registration database record to the Utah Criminal Justice Information System.
- 648 (9) As provided in Section 63G-2-302, the information described in Subsection (6)(a) is a private record for purposes of Title 63G, Chapter 2, Government Records Access and Management Act.
- 648 Section 4. Section **41-1a-215.5** is amended to read:
- 649 **41-1a-215.5. Alternative term registration.**
- 653 (1) Subject to the requirements of this section, a person may register a motorcycle or motor vehicle of 14,000 pounds or less gross ~~laden weight~~ vehicle weight rating for a six-month period that begins on the first day of the calendar month of registration and expires on the last day of the sixth month of registration.
- 657 (2)
- 660 (a) A person may register the following types of vehicles for a 24-month period that begins the first day of the calendar month of registration and expires on the last day of the 24th month of registration:
- 661 (i) a trailer;
- 661 (ii) an electric motor vehicle;
- 662 (iii) an off-highway vehicle as described in Section 41-22-3; or
- 663 (iv) a street-legal all-terrain vehicle as described in Section 41-6a-1509 and Section 41-22-3.
- 665 (b) An interstate apportioned vehicle registered in accordance with Section 41-1a-301 is not eligible for a 24-month registration.
- 667 (c) To register a vehicle for a 24-month period as provided in this Subsection (2), the person is required to pay double the amount of any tax or fee that would be due for the same vehicle registered for a 12-month period.
- 670 (3) If the last day of the registration period falls on a day in which the appropriate state or county offices are not open for business, the registration of the vehicle is extended to midnight of the next business day.
- 673 (4) A registration under this section is subject to this chapter.

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671 Section 5. Section **41-1a-225** is amended to read:

672 **41-1a-225. Foreign vehicle compliance with federal law -- English translation -- Temporary
permit.**

677 (1) Before a vehicle with a gross vehicle weight rating of less than 6,000 pounds that was not originally manufactured for sale in the United States may be registered in this state, the applicant shall provide at the time of registration, a signed statement certifying that the vehicle complies with all federal laws and regulations applicable to the vehicle.

681 (2) If the certificate of title, manufacturer's certificate of origin, or other document purported to evidence ownership is not printed in the English language, the applicant shall obtain a certified translation of that document in the English language and provide it to the division at the time of registration.

685 (3) The division may issue the applicant a temporary permit, not to exceed 120 days, as provided in Section 41-1a-211, pending compliance with federal emission and safety standards.

685 Section 6. Section **41-1a-229** is amended to read:

686 **41-1a-229. Display of vehicle weight rating.**

690 (1) Each vehicle registered by gross [~~laden weight~~] vehicle weight rating and exceeding 14,000 pounds of gross [~~laden weight~~] vehicle weight rating shall have the gross [~~laden weight~~] vehicle weight rating for which it is registered painted, stenciled, or shown by decal upon both the left and right sides of the vehicle, in a conspicuous place, in letters of a reasonable size as determined by the commission.

695 (2) If vehicles are registered in combination, the gross [~~laden weight~~] combined weight rating for which the combination of vehicles is registered shall be displayed upon the power unit.

698 [(3) ~~An owner or operator of a vehicle or combination of vehicles may not display a gross laden weight other than that shown on the certificate of registration of the vehicle.~~]

700 [(4)] (3) A park model recreational vehicle is exempt from this section.

701 [(5)] (4) A violation of this section is an infraction.

699 Section 7. Section **41-1a-233** is amended to read:

700 **41-1a-233. Conditional registration for new commercial motor vehicles.**

705 (1) As used in this part:

706 (a) "Manufacturer's statement of origin" means a statement or certificate from the motor vehicle manufacturer that shows:

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- 708 (i) the date of sale from the manufacturer to the first purchaser;
- 709 (ii) the name of the first purchaser;
- 710 (iii) a description of the motor vehicle, including the year, make, model, and vehicle identification
number; and
- 712 (iv) a certification that the motor vehicle was new when sold to the first purchaser.
- 713 (b) "Passenger rental car establishment" means an establishment described in NAICS subsector 532111
of the 2022 North American Industry Classification System of the federal Executive Office of the
President, Office of Management and Budget.
- 716 (c) "Qualified identification number inspector" means the same as it is described in Section 41-1a-802.
- 718 (2) The division may issue a conditional registration for a new motor vehicle that is a commercial
vehicle if:
- 720 (a) the owner:
- 721 (i) is a passenger rental car establishment;
- 722 (ii) has not received a manufacturer statement of origin;
- 723 (iii) is entitled to a manufacturer statement of origin;
- 724 (iv) has physical possession of the vehicle; and
- 725 (v) has paid all applicable taxes and fees for the vehicle; and
- 726 (b) a qualified identification number inspector has:
- 727 (i) physically inspected the identification number of the motor vehicle; and
- 728 (ii) made a record of the identification number inspection on a form approved by the division.
- 730 (3)
- 731 (a) A conditional registration issued under Subsection (2) shall be in effect:
- 732 (i) for a period of 12 months beginning with the first day of the calendar month of registration and
does not expire until the last day of the same month in the following year[.] ; or
- 734 (ii) for a vehicle registered for an alternative registration period described in Section 41-1a-215.5,
for a period corresponding with the term of an alternative registration and does not expire until
the last day of the final month of the registration term.
- 738 (b) An owner of a vehicle with a conditional registration may not renew the registration until a Utah
title is obtained for the vehicle.
- 740 (c) A vehicle with a conditional registration under this section may not be sold or transferred without
first obtaining a Utah title.

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- 742 (4) If a Utah title is not issued for a vehicle within 10 months of the beginning of the month in which a
743 conditional registration is issued for the vehicle, the division shall:
744 (a) revoke the conditional registration for the vehicle; and
745 (b) not allow the vehicle to be registered in the state until a Utah title is obtained for the vehicle.
747 (5) A commercial vehicle that is issued a conditional registration as provided in this section is subject
748 to the same fees that would apply to the commercial vehicle if the registration was not a conditional
749 registration.
750 (6) A person shall submit a request for a conditional registration in a form prescribed by the division.
752 (7) A conditional registration under this section may not be issued to a vehicle subject to apportioned
753 registration under Section 41-1a-301.

751 Section 8. Section **41-1a-301** is amended to read:

41-1a-301. Apportioned registration and licensing of interstate vehicles.

- 757 (1) For purposes of this section, "registrant" means an owner or operator of one or more commercial
758 vehicles operating in two or more jurisdictions applying for apportioned registration and licensing of
759 a commercial vehicle.
760 (2)
761 (a) An owner or operator of a fleet of commercial vehicles based in this state and operating in two
762 or more jurisdictions may register commercial vehicles for operation under the International
763 Registration Plan or the Uniform Vehicle Registration Proration and Reciprocity Agreement by
764 filing an application with the division.
765 (b) The application shall include information that identifies the vehicle owner, the vehicle, the miles
766 traveled in each jurisdiction, and other information pertinent to the registration of apportioned
767 vehicles.
768 (c) The division may not grant apportioned registration for vehicles operated exclusively in this state.
769 (3)
770 (a) If no operations were conducted during the preceding year, in computing fees due:
771 (i) the application shall contain a statement of the proposed operations; and
772 (ii) the division shall determine fees based on average per vehicle distance requirements under the
773 International Registration Plan.
774 (b) At renewal, the registrant shall use the actual mileage from the preceding year in computing fees
775 due each jurisdiction.

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- 775 (4) The division shall determine the registration fee for apportioned vehicles as follows:
- 776 (a) divide the in-jurisdiction miles by the total miles generated during the preceding year;
- 777 (b) total the fees for each vehicle based on the fees prescribed in Section 41-1a-1206; and
- 778 (c) multiply the sum obtained under Subsection (4)(b) by the quotient obtained under Subsection (4)(a).
- 780 (5) The registrant may list trailers or semitrailers of apportioned fleets separately as "trailer fleets" on the application, with the fees paid according to the total distance those trailers were towed in all jurisdictions during the preceding year mileage reporting period.
- 783 (6)
- 784 (a)
- 785 (i) When the registrant has paid the proper fees and cleared the property tax or in lieu fee under Section 41-1a-206 or 41-1a-207, the division shall issue a registration card and license plate for each unit listed on the application.
- 786 (ii) The owner or operator shall carry an original registration in each vehicle at all times.
- 788 (b) The owner or operator may carry original registration cards for trailers or semitrailers in the power unit.
- 790 (c)
- 791 (i) In lieu of a permanent registration card or license plate, the division may issue one temporary permit authorizing operation of new or unlicensed vehicles until the permanent registration is completed.
- 793 (ii) Once a temporary permit is issued:
- 794 (A) neither the registrant nor the division may cancel the registration process; and
- 795 (B) the division shall complete registration and the registrant shall pay the fees and any property tax or in lieu fee due for the vehicle for which the permit was issued.
- 798 (iii) The division may not issue temporary permits for renewals.
- 799 (d)
- 800 (i) The division shall issue one distinctive license plate for apportioned vehicles.
- 801 (ii) The owner or operator shall display the plate on the front of an apportioned truck tractor or power unit or on the rear of any other apportioned vehicle.
- 802 (iii)
- 803 (A) The division shall issue distinctive decals or a distinctive license plate displaying the word "apportioned" or the abbreviation "APP" for each apportioned vehicle.
- 805 (B) A registrant of an apportioned vehicle is not required to display a registration decal.

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- 807 (iv) At the request of a registrant of an apportioned vehicle, the division may issue a second license plate, for a total of two, to display on both the front and rear of the apportioned vehicle.
- 810 (e) The division shall charge a nonrefundable administrative fee, determined by the commission pursuant to Section 63J-1-504, for each temporary permit, registration, or both.
- 813 (7) Vehicles that are apportionally registered are fully registered for intrastate and interstate movements, providing the registrant has secured proper interstate and intrastate authority.
- 816 (8)
- 819 (a) The division shall register vehicles added to an apportioned fleet after the beginning of the registration year by applying the quotient under Subsection (4)(a) for the original application to the fees due for the remainder of the registration year.
- (b)
- (i) The owner shall maintain and submit complete annual mileage for each vehicle in each jurisdiction, showing all miles operated by the lessor and lessee.
- (ii) The fiscal mileage reporting period begins July 1, and continues through June 30 of the year immediately preceding the calendar year in which the registration year begins.
- (c)
- (i) An owner-operator, who is a lessor, may register the vehicle in the name of the owner-operator.
- (ii) The identification plates and registration card shall be the property of the lessor and may reflect both the owner-operator's name and that of the carrier as lessee.
- (iii) The division shall allocate the fees according to the operational records of the owner-operator.
- (d)
- (i) At the option of the lessor, the lessee may register a leased vehicle.
- (ii) If a lessee is the registrant of a leased vehicle, both the lessor's and lessee's name shall appear on the registration.
- (iii) The division shall allocate the fees according to the records of the carrier.
- (9)
- (a) When the division has accepted an application for apportioned registration, the registrant shall preserve the records on which the application is based for a period of three years after the close of the registration year.
- (b) Upon request for audit as to accuracy of computations, payments, and assessments for deficiencies, or allowances for credits, the registrant shall provide the records to the division.

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- 840 (c) The division may not make an assessment for deficiency or claim for credit for any period for which
records are no longer required.
- 842 (d) The division may assess interest in the amount prescribed by Section 59-1-402 from the date due
until paid on deficiencies found due after audit.
- 844 (e) Registrants with deficiencies are subject to the penalties under Section 59-1-401.
- 845 (f) The division may enter into agreements with other International Registration Plan jurisdictions for
joint audits.
- 847 (10)
(a) Except as provided in Subsection (10)(b), the division shall deposit all state fees collected under this
section in the Transportation Fund.
- 849 (b) The commission may use the following fees as a dedicated credit to cover the costs of electronic
credentialing as provided in Section 41-1a-303:
(i) \$5 of each temporary registration permit fee paid under Subsection (13)(a)(i) for a single unit; and
(ii) \$10 of each temporary registration permit fee paid under Subsection (13)(a)(ii) for multiple units.
- 851 (11) If registration is for less than a full year, the division shall assess fees for apportioned registration
according to Section 41-1a-1207.
- 857 (a)
(i) If the registrant is replacing a vehicle for one withdrawn from the fleet and the new vehicle is of the
same gross vehicle weight rating category as the replaced vehicle, the registrant shall file a
supplemental application.
(ii) If the registrant is replacing a vehicle for one withdrawn from the fleet and the new vehicle is
heavier than the replaced vehicle, the division shall assess additional registration fees.
(iii) If the registrant is replacing a vehicle for one withdrawn from the fleet, the division shall issue a
new registration card.
- 860 (b) If a vehicle is withdrawn from an apportioned fleet during the period for which it is registered,
the registrant shall notify the division and surrender the registration card and license plate of the
withdrawn vehicle.
- 868 (12)
(a) An out-of-state carrier with an apportionally registered vehicle who has not presented a certificate
of property tax or in lieu fee as required by Section 41-1a-206 or 41-1a-207, shall pay, at the time of
registration, a proportional part of an equalized highway use tax computed as follows:

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- 872 (i) Multiply the number of vehicles or combination of vehicles registered in each [weight] gross combined weight rating class by the equivalent tax figure from the following tables:

875	[Vehicle or Combination Registered	Age of Vehicle	Equivalent Tax
	<u>Weight] Gross</u>		
	<u>Combined Weight</u>		
876	14,000 pounds or less	12 or more years	\$10
877	14,000 pounds or less	9 or more years but less than 12 years	\$50
878	14,000 pounds or less	6 or more years but less than 9 years	\$80
879	14,000 pounds or less	3 or more years but less than 6 years	\$110
880	14,000 pounds or less	Less than 3 years	\$150
881	[Vehicle or Combination Registered	Equivalent	Tax
	<u>Weight] Gross Combined Weight</u>		
	<u>Rating</u>		
882	14,001 - 18,000 pounds		\$150
883	18,001 - 34,000 pounds		200
884	34,001 - 48,000 pounds		300
885	48,001 - 64,000 pounds		450
886	64,001 pounds and over		600

- 887 (ii) Multiply the equivalent tax value for the total fleet determined under Subsection (12)(a)(i) by the fraction computed under Subsection (4) for the apportioned fleet for the registration year.

- 890 (b) For registration described in Subsection (12)(a), the division shall assess fees as provided in Section 41-1a-1207.

892 (13)

- (a) Commercial vehicles meeting the registration requirements of another jurisdiction may, as an alternative to full or apportioned registration, secure a temporary registration permit for a period not to exceed 96 hours or until they leave the state, whichever is less, for a fee of:

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896 (i) \$25 for a single unit; and

897 (ii) \$50 for multiple units.

898 (b) A state temporary permit or registration fee is not required from nonresident owners or operators of vehicles or combination of vehicles having a gross [laden weight] combined weight rating of 26,000 pounds or less for each single unit or combination.

901 (14) The division may not register a park model recreational vehicle under this section.

902 (15) A violation of this section is an infraction.

900 Section 9. Section **41-1a-401** is amended to read:

901 **41-1a-401. License plates -- Number of plates -- Reflectorization -- Indicia of registration in lieu of or used with plates.**

906 (1)

908 (a) Except as provided in Subsections (1)(c), (d), and (e), the division upon registering a vehicle shall issue to the owner:

909 (i) one license plate for a motorcycle, trailer, or semitrailer;

912 (ii) one registration decal for a park model recreational vehicle, in lieu of a license plate, which shall be attached in plain sight to the rear of the park model recreational vehicle;

914 (iii) one registration decal for a camper, in lieu of a license plate, which shall be attached in plain sight to the rear of the camper; and

915 (iv) one license plate for every other vehicle.

919 (b) The license plate or registration decal issued under Subsection (1)(a) is for the particular vehicle registered and may not be removed during the term for which the license plate or registration decal is issued or used upon any other vehicle than the registered vehicle.

923 (c)

925 (i) Notwithstanding Subsections (1)(a) and (b) and except as provided in Subsection (1)(c)(ii), the division, upon registering a motor vehicle that has been sold, traded, or the ownership of which has been otherwise released, shall transfer the license plate issued to the person applying to register the vehicle if:

923 (A) the previous registered owner has included the license plate as part of the sale, trade, or ownership release; and

925 (B) the person applying to register the vehicle applies to transfer the license plate to the new registered owner of the vehicle.

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- 927 (ii) The division may not transfer a personalized or special group license plate to a new registered owner under this Subsection (1)(c) if the new registered owner does not meet the qualification or eligibility requirements for that personalized or special group license plate under this part or Part 16, Sponsored Special Group License Plates.
- 932 (d)
- (i) For a vehicle described in Section 41-1a-301, the division upon registering a vehicle shall issue a license plate or set of license plates as provided in that section.
- 934 (ii) ~~[For] Except for a street-legal all-terrain vehicle, a motorcycle, or a trailer, for any vehicle not described in Subsection (1)(d)(i), at the request of the registrant, the division upon registering a vehicle may issue two license plates, for display on both the front and rear of the vehicle.~~
- 938 (e) The division upon registering a vehicle may, until inventory of license plate sets is exhausted, but no later than December 31, 2025, issue a set of two plates.
- 940 (f) The division shall ensure that license plates are distributed from a central location as soon as practicable, but no later than July 1, 2025.
- 942 (2) The division may receive applications for registration renewal, renew registration, and issue a new license plate or registration decal at any time prior to the expiration of registration.
- 945 (3)
- (a)
- (i) Except as provided in Subsection (3)(a)(ii), all license plates to be manufactured and issued by the division shall be treated with a fully reflective material on the plate face that provides effective and dependable reflective brightness during the service period of the license plate.
- 949 (ii) Notwithstanding Subsection (3)(a)(i), a historical support special group license plate may be treated with a place face that is partially reflective and provides effective and dependable reflective brightness during the service period of the license plate.
- 953 (b) The division shall prescribe all license plate material specifications and establish and implement procedures for conforming to the specifications.
- 955 (c) The specifications for the materials used such as the aluminum plate substrate, the reflective sheeting, and glue shall be drawn in a manner so that at least two manufacturers may qualify as suppliers.
- 958 (d) The granting of contracts for the materials shall be by public bid.
- 959 (4)

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- (a) The commission may issue, adopt, and require the use of indicia of registration it considers advisable in lieu of or in conjunction with license plates as provided in this part.
- 962 (b) All provisions of this part relative to license plates apply to these indicia of registration, so far as the provisions are applicable.
- 964 (5) A violation of this section is an infraction.

962 Section 10. Section **41-1a-504** is amended to read:

963 **41-1a-504. Exceptions to title requirements for vehicles.**

968 Each vehicle operated in this state is subject to the titling provisions of this part except:

- 969 (1) special mobile equipment;
- 970 (2) a vehicle owned or leased by the federal government;
- 971 (3) a trailer of 750 pounds or less [~~unladen~~] shipping weight and not designed, used, and maintained for hire for the transportation of property or persons; and
- 972 (4) modular and prebuilt homes conforming to the Uniform Building Code and presently regulated by the United States Department of Housing and Urban Development that are not constructed on a permanent chassis.

972 Section 11. Section **41-1a-901** is amended to read:

973 **41-1a-901. Odometer required.**

- 977 (1) [—Each] Except as provided in Subsection (2), each motor vehicle required to be registered under this chapter shall be equipped with a properly functioning odometer.

- 979 (2) Subsection (1) does not apply to a street-legal all-terrain vehicle.

977 Section 12. Section **41-1a-902** is amended to read:

978 **41-1a-902. Odometer disclosure statement -- Contents -- Receipt -- Exceptions.**

- 983 (1) Each motor vehicle certificate of title, at the time it is issued to the transferee, shall contain:
 - 985 (a) the mileage disclosed by the transferor when ownership of the motor vehicle was transferred; and
 - 987 (b) a space for the information required to be disclosed under this section at the time of future transfer of ownership.
- 989 (2) At the time of any sale or transfer of a motor vehicle, the transferor shall furnish to the transferee a written odometer disclosure statement in a form prescribed by the division. This statement shall be signed and certified as to its truthfulness by the transferor, stating:
 - 993 (a) the date of transfer;
 - 994 (b) the transferor's name and address;

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- 995 (c) the transferee's name and address;
- 996 (d) the identity of the motor vehicle, including its make, model, year, body type, and identification
number;
- 998 (e) the odometer reading at the time of transfer, not including tenths of miles or tenths of kilometers;
- 1000 (f)
- 1002 (i) that to the best of the transferor's knowledge, the odometer reading reflects the amount of miles or
kilometers the motor vehicle has actually been driven;
- 1004 (ii) that the odometer reading reflects the amount of miles or kilometers in excess of the designed
mechanical odometer limit; or
- 1005 (iii) that the odometer reading is not the actual amount of miles or kilometers; and
- 1007 (g) a warning to alert the transferee if a discrepancy exists between the odometer reading and the actual
mileage.
- 1012 (3)
- 1015 (a) Each transferee of a motor vehicle shall acknowledge receipt of the odometer disclosure statement
required by Subsection (2) by signing it, and the transferor shall deliver to the transferee the original
odometer disclosure statement. Both the transferor and the transferee shall retain a legible copy of
the odometer disclosure statement for not less than four years.
- 1017 (b) A dealer who is required under Section 41-3-301 to title and register a motor vehicle sold to a
customer shall surrender the original odometer disclosure statement to the division and deliver a
copy to the transferee.
- 1020 (4) Notwithstanding the requirements of this section, the odometer mileage need not be disclosed by a
transferor of:
- 1021 (a) a single motor vehicle having a manufacturer specified gross [laden] vehicle weight rating of more
than 16,000 pounds, or a motor vehicle registered in this state for a gross [laden weight] vehicle
weight rating of 18,000 pounds or more;
- 1023 (b) a motor vehicle that is 20 years old or older;
- 1024 (c) a motor vehicle sold directly by the manufacturer to any agency of the United States in conformity
with contractual specifications; or
- 1023 (d) a new motor vehicle prior to its first transfer for purposes other than resale.
- 1024 (5) If the motor vehicle has not been titled or if the certificate of title does not contain a space for the
information required, the written disclosure shall be executed as a separate document.

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- 1027 (6) A person may not sign an odometer disclosure statement as both the transferor and the transferee in
the same transaction.
- 1026 Section 13. Section **41-1a-1201** is amended to read:
- 1027 **41-1a-1201. Disposition of fees.**
- 1031 (1) All fees received and collected under this part shall be transmitted daily to the state treasurer.
- 1033 (2) ~~[Except as provided in Subseetions (3), (5), (6), (7), (8), and (9) and Sections 41-1a-1205, 41-1a-1220, 41-1a-1221, 41-1a-1222, 41-1a-1223, and 41-1a-1603,] Except as otherwise specified,~~
all fees collected under this part shall be deposited into the Transportation Fund.
- 1037 (3) Funds generated under Subsections ~~[41-1a-1211(1)(b)(ii), (6)(b)(ii)]~~ 41-1a-1211(1)(b)(iii), (6)
(b)(iii), (7), and (9), and Section 41-1a-1212 shall be deposited into the License Plate Restricted
Account created in Section 41-1a-122.
- 1040 (4)
- 1044 (a) Except as provided in Subsections (3) and (4)(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.
- 1048 (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.
- 1051 (c) Fifty cents of the registration fee imposed under Subsection 41-1a-1206(1)(i) for each vintage
vehicle that has a model year of 1983 or newer may be used by the commission to cover the costs
incurred in enforcing and administering this part.
- 1054 (5)
- 1056 (a) The following portions of the registration fees imposed under Section 41-1a-1206 for each vehicle
shall be deposited into the Transportation Investment Fund of 2005 created in Section 72-2-124:
- 1058 (i) \$30 of the registration fees imposed under Subsections 41-1a-1206(1)(a), (1)(b), (1)(f), (4), and
(7);
- 1059 (ii) \$21 of the registration fees imposed under Subsections 41-1a-1206(1)(c)(i) and (1)(c)(ii);
- 1060 (iii) \$2.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(ii);
- 1061 (iv) \$23 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(i);
- 1061 (v) \$24.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(i);
- 1061 (vi) \$1 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(ii); and

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- 1062 (vii) \$17 of the registration fee imposed under Subsection 41-1a-1206(1)(j).
- 1063 (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 into the Transportation Investment Fund of 2005 created in Section 72-2-124:
- 1066 (i) \$23.25 of each registration fee collected under Subsection 41-1a-1206(2)(a)(i); and
- 1067 (ii) \$23 of each registration fee collected under Subsection 41-1a-1206(2)(a)(ii).
- 1068 (6)
- 1069 (a) Ninety-four cents of each registration fee imposed under Subsections 41-1a-1206(1)(a) and (b) for each vehicle shall be deposited into the Public Safety Restricted Account created in Section 53-3-106.
- 1071 (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 into the Public Safety Restricted Account created in Section 53-3-106.
- 1075 (7)
- 1076 (a) One dollar of each registration fee imposed under Subsections 41-1a-1206(1)(a) and (b) for each vehicle shall be deposited into the Motor Vehicle Safety Impact Restricted Account created in Section 53-8-214.
- 1078 (b) One dollar 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 into the Motor Vehicle Safety Impact Restricted Account created in Section 53-8-214.
- 1082 (8) Fifty cents of each registration fee imposed under Subsection 41-1a-1206(1)(a) for each motorcycle shall be deposited into the Brain and Spinal Cord Injury Fund created in Section 26B-1-318.
- 1085 (9)
- 1086 (a) Beginning on January 1, 2024, subject to Subsection (9)(b), \$2 of each registration fee imposed under Section 41-1a-1206 shall be deposited into the Rural Transportation Infrastructure Fund created in Section 72-2-133.
- 1088 (b) Beginning on January 1, 2025, and each January 1 thereafter, the amount described in Subsection (9)(a) shall be annually adjusted by taking the amount deposited the previous year and adding an amount equal to the greater of:
- 1091 (i) an amount calculated by multiplying the amount deposited by the previous year by the actual percentage change during the previous fiscal year in the Consumer Price Index; and

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- 1094 (ii) 0.
- 1095 (c) The amounts calculated as described in Subsection (9)(b) shall be rounded up to the nearest 1 cent.
- 1097 (10) For a vehicle registered for a 24-month period as provided in Section 41-1a-215.5, the deposits
under this section are double the amounts due for a 12-month registration of the same vehicle.
- 1100 (11) The following amounts shall be deposited as dedicated credits into the Transportation Fund to be
used by the Driver License Division for the Motorcycle Rider Education Program described in Title
53, Chapter 3, Part 9, Motorcycle Rider Education Program:
- 1103 (a) \$5 of the annual registration fee imposed for each registered motorcycle under Subsection
41-1a-1206(1)(a); and
- 1105 (b) \$4 of the six-month registration fee imposed for each registered motorcycle under Subsection
41-1a-1206(2)(a).
- 1104 Section 14. Section **41-1a-1205** is amended to read:
- 1105 **41-1a-1205. Disposition of driver education fee -- Expense appropriation.**
- 1110 (1) The automobile driver education [tax] fee collected under Section 41-1a-1204 shall be placed to the
credit of the Automobile Driver Education Tax Account within the Uniform School Fund.
- 1113 (2) The necessary expenses of the commission incurred in the administration and collection of the
[tax] fee shall be paid from its legislative appropriation in the General Fund, which fund shall be
reimbursed by a transfer for the expenses from the legislative appropriation of the Uniform School
Fund.
- 1114 Section 15. Section **41-1a-1206** is amended to read:
- 1115 **41-1a-1206. Registration fees -- Fees by weight rating.**
- 1119 (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:
- 1122 (a) \$46.00 for each motorcycle;
- 1123 (b) \$44 for each motor vehicle of 14,000 pounds or less gross [laden weight] combined weight rating,
excluding motorcycles;
- 1125 (c) unless the semitrailer or trailer is exempt from registration under Section 41-1a-202 or is registered
under Section 41-1a-301:
- 1127 (i) \$31 for each trailer or semitrailer over 750 pounds [gross unladen] shipping weight; or
- 1129

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- (ii) \$28.50 for each commercial trailer or commercial semitrailer of 750 pounds or less [gross unladen] shipping weight;
- 1131 (d)
 - (i) \$53 for each farm truck over 14,000 pounds, but not exceeding 16,000 pounds gross [laden weight] combined weight rating; plus
- 1133 (ii) \$9 for each 2,000 pounds over 16,000 pounds gross [laden weight] combined weight rating;
- 1135 (e)
 - (i) \$69.50 for each motor vehicle or combination of motor vehicles, excluding farm trucks, over 14,000 pounds, but not exceeding 16,000 pounds gross [laden weight] combined weight rating; plus
- 1138 (ii) \$19 for each 2,000 pounds over 16,000 pounds gross [laden weight] combined weight rating;
- 1140 (f)
 - (i) \$69.50 for each park model recreational vehicle over 14,000 pounds, but not exceeding 16,000 pounds gross [laden weight] combined weight rating; plus
- 1142 (ii) \$19 for each 2,000 pounds over 16,000 pounds gross [laden weight] combined weight rating;
- 1144 (g) \$45 for each vintage vehicle that has a model year of 1983 or newer;
- 1145 (h) in addition to the fee described in Subsection (1)(b):
 - (i) an amount equal to the road usage charge cap described in Section 72-1-213.1 for:
 - (A) each electric motor vehicle; and
 - (B) Each motor vehicle not described in this Subsection (1)(h) that is fueled exclusively by a source other than motor fuel, diesel fuel, natural gas, or propane;
- 1151 (ii) \$21.75 for each hybrid electric motor vehicle; and
- 1152 (iii) \$56.50 for each plug-in hybrid electric motor vehicle;
- 1153 (i) in addition to the fee described in Subsection (1)(g), for a vintage vehicle that has a model year of 1983 or newer, 50 cents; and
- 1155 (j) \$28.50 for each roadable aircraft.
- 1156 (2)
 - (a) At the time application is made for registration or renewal of registration of a 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:
 - (i) \$34.50 for each motorcycle; and

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(ii) \$33.50 for each motor vehicle of 14,000 pounds or less gross [laden weight] combined weight rating, excluding motorcycles.

1162 (b) In addition to the fee described in Subsection (2)(a)(ii), for registration or renewal of registration of a 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:

1165 (i) an amount equal to the road usage charge cap described in Section 72-1-213.1 for:

1166 (A) each electric motor vehicle; and

1167 (B) each motor vehicle not described in this Subsection (2)(b) that is fueled exclusively by a source other than motor fuel, diesel fuel, natural gas, or propane;

1170 (ii) \$16.50 for each hybrid electric motor vehicle; and

1171 (iii) \$43.50 for each plug-in hybrid electric motor vehicle.

1172 (3)

1173 (a) Beginning on January 1, 2024, at the time of registration:

1173 (i) in addition to the amounts described in Subsections (1)(a), (1)(b), (1)(c)(i), (1)(c)(ii), (1)(d)(i), (1)(e)(i), (1)(f)(i), (1)(g), (1)(h), (4)(a), and (7), the individual shall also pay an additional \$7 as part of the registration fee; and

1176 (ii) in addition to the amounts described in Subsection (2)(a), the individual shall also pay an additional \$5 as part of the registration fee.

1178 (b)

1178 (i) Beginning on January 1, 2019, the commission shall, on January 1, annually adjust the registration fees described in Subsections (1)(a), (1)(b), (1)(c)(i), (1)(c)(ii), (1)(d)(i), (1)(e)(i), (1)(f)(i), (1)(g), (1)(j), (2)(a), (3)(a), (4)(a), and (7), by taking the registration fee rate for the previous year and adding an amount equal to the greater of:

1183 (A) an amount calculated by multiplying the registration fee of the previous year by the actual percentage change during the previous fiscal year in the Consumer Price Index; and

1186 (B) 0.

1187 (ii) Beginning on January 1, 2024, the commission shall, on January 1, annually adjust the registration fees described in Subsections (1)(h)(ii) and (iii) and (2)(b)(ii) and (iii) by taking the registration fee rate for the previous year and adding an amount equal to the greater of:

1191 (A) an amount calculated by multiplying the registration fee of the previous year by the actual percentage change during the previous fiscal year in the Consumer Price Index; and

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- 1194 (B) 0.
- 1195 (c) The amounts calculated as described in Subsection (3)(b) shall be rounded up to the nearest 25 cents.
- 1197 (4)
- 1199 (a) The initial registration fee for a vintage vehicle that has a model year of 1982 or older is \$40.
- 1201 (b) A vintage vehicle that has a model year of 1982 or older is exempt from the renewal of registration fees under Subsection (1).
- 1204 (c) A vehicle with a Purple Heart special group license plate issued on or before December 31, 2023, or issued in accordance with Part 16, Sponsored Special Group License Plates, is exempt from the registration fees under Subsection (1).
- 1205 (d) A camper is exempt from the registration fees under Subsection (1).
- 1209 (5) If a motor vehicle is operated in combination with a semitrailer or trailer, [each] a motor vehicle shall register for the total gross [laden weight] combined weight rating of all units of the combination if the total gross [laden weight] combined weight rating of the combination exceeds 14,000 pounds.
- 1211 (6)
- 1213 (a) Registration fee categories under this section are based on the gross [laden weight] combined weight rating declared in the licensee's application for registration.
- 1215 (b)
- 1217 (i) Gross [laden weight] combined weight rating shall be computed in units of 2,000 pounds.
- 1219 (ii) [A] For purposes of Subsection (6)(b)(i), a fractional part of 2,000 pounds is a full unit.
- 1221 (7) The owner of a trailer described in Section 41-1a-228 may, as an alternative to registering under Subsection (1)(c), apply for and obtain a special registration and license plate, as provided in Section 41-1a-228, for a fee of \$130.
- 1223 (8) For a vehicle registered for a 24-month period as provided in Section 41-1a-215.5, the fee amounts are double the amounts due for a 12-month registration of the same vehicle.
- 1225 (9) Except as provided in Section 41-6a-1642, a truck may not be registered as a farm truck unless:
- 1227 (a) the truck meets the definition of a farm truck under Section 41-1a-102; and
- 1229 (b)
- 1231 (i) the truck has a gross vehicle weight rating of more than 14,000 pounds; or

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- (ii) the truck has a gross vehicle weight rating of 14,000 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.
- 1227 (10) A violation of Subsection (9) is an infraction that shall be punished by a fine of not less than \$200.
- 1229 (11) A motor vehicle registered as a street-legal all-terrain vehicle is:
 - 1230 (a) subject to the registration and other fees described in Section 41-22-9; and
 - 1231 (b) not required to pay an additional registration fee under this section.
- 1232 (12) 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.

1232 Section 16. Section **41-1a-1207** is amended to read:

41-1a-1207. Reduced fees for portion of year.

If a motor vehicle exceeding 14,000 pounds gross [~~laden weight~~] vehicle weight rating is registered for less than a 12-month registration period, the registration fees are:

- 1239 (1) for not more than three months, 30% of the regular registration fee;
- 1240 (2) for in excess of three months but not more than six months, 60% of the regular registration fee;
- 1242 (3) for in excess of six months and not more than nine months, 90% of the regular registration fee; and
- 1244 (4) for anything in excess of nine months but not more than 12 months, the entire registration fee.

1243 Section 17. Section **41-1a-1210** is amended to read:

41-1a-1210. Fees for original and duplicate certificates of title.

- 1249 (1) A fee of \$6 shall be paid to the division for the issuance of each original and duplicate certificate of title for a vehicle, vessel, or outboard motor that is not issued through electronic means.
- 1252 (2) Upon availability of an electronic title from the division, a fee of \$3 shall be paid to the division for the issuance of each electronic original certificate of title or electronic duplicate certificate of title for a vehicle, vessel, or outboard motor.

1252 Section 18. Section **41-1a-1219** is amended to read:

41-1a-1219. Motor carrier fee.

- 1257 (1) At the time application is made for registration or renewal of registration of a motor vehicle or combination of motor vehicles over 14,000 pounds gross [~~laden weight~~] combined weight rating, the applicant shall pay a motor carrier fee of \$6 for each motor vehicle or combination of motor vehicles.
- 1261 (2) This fee is in addition to the registration fees under Subsections 41-1a-1206(1)(d) and (e).

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1262 (3) For a vehicle registered for a 24-month period as provided in Section 41-1a-215.5, the fee amounts
1262 under this section are double the amounts due for the same vehicle registered for a 12-month period.

1262 Section 19. Section **41-1a-1223** is amended to read:

1263 **41-1a-1223. Local emissions compliance fee -- Exemptions -- Transfer -- County ordinance --**

Notice.

1268 (1)

1269 (a)

1270 (i) A county legislative body of a county that is required to utilize a motor vehicle emissions
1270 inspection and maintenance program or in which an emissions inspection and maintenance
1270 program is necessary to attain or maintain any national ambient air quality standard in
1270 accordance with Section 41-6a-1642 may impose a local emissions compliance fee of up to:

1271 (A) \$3 on each motor vehicle registration within the county for a motor vehicle registration
1271 under Section 41-1a-215; or

1272 (B) \$2.25 on each motor vehicle registration within the county for a six-month registration
1272 period under Section 41-1a-215.5.

1273 (ii) A fee imposed under Subsection (1)(a)(i) shall be set in whole dollar \$0.25 increments.

1274 (b) If imposed under Subsection (1)(a)(i), at the time application is made for registration or renewal
1274 of registration of a motor vehicle under this chapter, the applicant shall pay the local emissions
1274 compliance fee established by the county legislative body.

1275 (c) The following are exempt from the fee required under Subsection (1)(a)(i):

1276 (i) a motor vehicle that is exempt from the registration fee under Section 41-1a-1209 or Subsection
1276 41-1a-419(3);

1277 (ii) a commercial vehicle with an apportioned registration under Section 41-1a-301;[-and]

1278 (iii) an electric motor vehicle[.] ; and

1279 (iv) a street-legal all-terrain vehicle.

1280 (2) The revenue generated from the fees collected under this section shall be transferred to the county
1280 that imposed the fee.

1281 (3) To impose or change the amount of a fee under this section, the county legislative body shall pass an
1281 ordinance:

1282 (a) approving the fee;

1283 (b) setting the amount of the fee; and

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- 1294 (c) providing an effective date for the fee as provided in Subsection (4).
- 1295 (4)
- 1299 (a) If a county legislative body enacts, changes, or repeals a fee under this section, the enactment,
1300 change, or repeal shall take effect on January 1 if the commission receives notice meeting the
1301 requirements of Subsection (4)(b) from the county prior to October 1.
- 1302 (b) The notice described in Subsection (4)(a) shall:
- 1303 (i) state that the county will enact, change, or repeal a fee under this section;
(ii) include a copy of the ordinance imposing the fee; and
(iii) if the county enacts or changes the fee under this section, state the amount of the fee.
- 1302 Section 20. Section **41-1a-1304** is amended to read:
- 1303 **41-1a-1304. Operating motor vehicle, trailer, or semitrailer in excess of registered gross
combined weight rating -- Infraction.**

It is an infraction for a person to operate, or cause to be operated, a motor vehicle, trailer, or semitrailer, or combination of them the gross [laden weight] combined weight rating of which is in excess of the gross [laden weight] combined weight rating for which the motor vehicle, trailer, or semitrailer, or combination of vehicles is registered.

Section 21. Section 41-1a-1601 is amended to read:

41-1a-1601. Definitions.

As used in this part:

- 1312 (1) "Applicant" means a registered owner who submits an application to obtain or renew a sponsored
1313 special group license plate in accordance with this part.
- 1314 (2)
- 1315 (a) "Charitable purpose" means:
- 1316 (i) relief of the poor, the distressed, or the underprivileged;
1317 (ii) advancement of religion;
1318 (iii) advancement of education or science;
1319 (iv) erecting or maintaining a public building, monument, or work;
1320 (v) reducing the burdens of government;
1321 (vi) reducing neighborhood tensions;
1322 (vii) eliminating prejudice and discrimination;
1323 (viii) defending human rights and civil rights secured by law; or

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- 1323 (ix) combating community deterioration and juvenile delinquency.
- 1324 (b) "Charitable purpose" does not include providing, encouraging, or paying for the costs of obtaining
an abortion.
- 1326 (3) "Collegiate special group license plate" means a sponsored special group license plate issued to a
contributor to an institution.
- 1328 (4) "Contributor" means an applicant who contributes the required contribution to a sponsoring
organization for a sponsored special group license plate.
- 1330 (5) "Corporate brand sponsored special group license plate" means a sponsored special group license
plate with a sponsoring organization that is a private business.
- 1332 (6)
- 1334 (a) "Existing special group license plate" means a special group license plate that the division issues
before January 1, 2024.
- 1336 (b) "Existing special group license plate" does not include a special group license plate described in
Subsection 41-1a-418(1)(a) or (b).
- 1338 (7) "Existing state agency recognition special group license plate" means an existing special group
license plate issued to a registered owner who:
- 1339 (a) has a special license that supports or furthers a government purpose;
- 1340 (b) has received an honor that supports or furthers a government purpose;
- 1341 (c) has achieved an accomplishment that supports or furthers a government purpose; or
- 1342 (d) holds an elected office.
- 1343 (8) "Institution" means:
- 1344 (a) an institution of higher education as defined in Section 53H-1-101; or
- 1345 (b) a private postsecondary educational institution as defined in Section 53H-1-101.
- 1346 (9) "Major league sport" means the same as that term is defined in Section 11-70-101.
- 1347 (10)
- 1349 (a) "Private nonprofit organization" means a private nonprofit organization that:
- 1350 (i) qualifies as being tax exempt under Section 501(c)(3) of the Internal Revenue Code; and
- 1352 (ii) has a charitable purpose.
- 1350 (b) "Private nonprofit organization" does not include an organization that provides, encourages, or pays
for the costs of obtaining an abortion.

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- (11) "Private nonprofit special group license plate" means a sponsored special group license plate issued to a contributor to a private nonprofit organization.
- (12) "Required contribution" means:
- (a) the minimum annual contribution amount established under Subsection 41-1a-1603(4)(a)(iii); or
- (b) if the sponsoring organization establishes a minimum annual contribution amount in accordance with Subsection 41-1a-1603(4)(b) that is greater than the minimum required contribution amount established under Subsection 41-1a-1603(4)(a)(iii), the amount the sponsoring organization establishes.
- (13) "Special group license plate" means:
- (a) a collegiate special group license plate;
- (b) a private nonprofit special group license plate;
- (c) a corporate brand sponsored special group license plate;
- (d) a major league sports team sponsored special group license plate;
- (e) a sponsored special group license plate;
- (f) a state agency recognition special group license plate; or
- (g) a state agency support special group license plate.
- (14) "Sponsored special group license plate" means a license plate:
- (a) designed for and associated with a sponsoring organization; and
- (b) issued to an applicant in accordance with this part.
- (15) "Sponsoring organization" means an institution, a private nonprofit organization, a private business, or a state agency that is or seeks to be associated with a sponsored special group license plate created under this part.
- (16) "State agency recognition special group license plate" means a sponsored special group license plate issued to an applicant who:
- (a) has a special license that supports or furthers a government purpose;
- (b) has received an honor that supports or furthers a government purpose;
- (c) has achieved an accomplishment that supports or furthers a government purpose; or
- (d) holds an elected office.
- (17)
- (a) "State agency support special group license plate" means[~~:]~~

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[~~(i)~~] a sponsored special group license plate issued to a contributor to a state agency to support a specific state agency program[; or] .

~~[~~(ii)~~ an existing special group license plate issued for a special interest vehicle.]~~

(b) "State agency support special group license plate" includes a cancer support license plate created by an act of the Legislature before December 31, 2022.

~~{Section 21. Section 41-1a-1607 is amended to read: }~~

41-1a-1607. State agency special group license plates.

(1) A sponsoring organization that is a state agency:

(a) shall only use funds received through the sponsored special group license plate program for the implementation or administration of the state agency's designated program; and

(b) may not direct funds received through the sponsored special group license plate program to a nongovernmental entity.

(2)

(a) For a classic support special group license plate described in Section 41-1a-419, the division shall require each applicant to pay a \$25 contribution to obtain the classic support special group license plate.

(b) The division shall transfer revenue from the classic support special group license plate into the General Fund.

(3)

(a) Beginning on May 6, 2026, the division may not issue a special interest vehicle support special group license plate.

(b) An individual using a valid special interest vehicle support special group license plate on or before May 5, 2026, may continue to use the special interest support special group license plate.

Section 22. Section **41-3-102** is amended to read:

41-3-102. Definitions.

As used in this chapter:

(1) "Administrator" means the motor vehicle enforcement administrator.

(2)

(a) "Affiliate" means a person that:

(i) manufactures, distributes, sells, or leases new motor vehicles; and

(ii) directly or indirectly, through one or more intermediaries:

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- 1336 (A) possesses control over a person specified;
- 1337 (B) is controlled by a person specified; or
- 1338 (C) shares common control with a person specified.
- 1339 (b) As used in this Subsection (2), "control" includes the power to direct or cause the direction of the management and policies of any person through ownership, contractual rights, or other means.
- 1342 (3) "Agent" means a person other than a holder of any dealer's or salesperson's license issued under this chapter, that for salary, commission, or compensation of any kind, negotiates in any way for the sale, purchase, order, or exchange of three or more motor vehicles for any other person in any 12-month period.
- 1346 (4) "Auction" means a dealer engaged in the business of auctioning motor vehicles, either owned or consigned, to the general public.
- 1348 (5) "Authorized service center" means an entity that:
 - 1349 (a) is in the business of repairing exclusively the motor vehicles of the same line-make as the motor vehicles a single direct-sale manufacturer manufactures;
 - 1351 (b) the direct-sale manufacturer described in Subsection (5)(a) authorizes to complete warranty repair work for motor vehicles that the direct-sale manufacturer sells, displays for sale, or offers for sale or exchange; and
 - 1354 (c) conducts business primarily from an enclosed commercial repair facility that is permanently located in the state.
- 1356 (6) "Body shop" means a person engaged in rebuilding, restoring, repairing, or painting the body of motor vehicles for compensation.
- 1358 (7) "Commission" means the State Tax Commission.
- 1359 (8) "Crusher" means a person that crushes or shreds motor vehicles subject to registration under Chapter 1a, Motor Vehicle Act, to reduce the useable materials and metals to a more compact size for recycling.
- 1362 (9)
 - 1363 (a) "Dealer" means a person:
 - (i) for which the business in whole or in part involves selling new, used, or new and used motor vehicles or off-highway vehicles; and
 - 1365 (ii) that sells, displays for sale, or offers for sale or exchange three or more new or used motor vehicles or off-highway vehicles in any 12-month period.

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- 1367 (b) "Dealer" includes a representative or consignee of any dealer.
- 1368 (10) "Direct-sale manufacturer" means a person:
- 1369 (a) that is both a manufacturer and a dealer;
- 1370 (b) that is:
- 1371 (i) an electric vehicle manufacturer; or
- 1372 (ii) a low-volume manufacturer;
- 1373 (c) that is not a franchise holder;
- 1374 (d) that is domiciled in the United States; and
- 1375 (e) whose chief officers direct, control, and coordinate the person's activities as a direct-sale manufacturer from a physical location in the United States.
- 1377 (11) "Direct-sale manufacturer salesperson" means an individual who for a salary, commission, or compensation of any kind, is employed either directly, indirectly, regularly, or occasionally by a direct-sale manufacturer to sell, purchase, or exchange or to negotiate for the sale, purchase, or exchange of a motor vehicle manufactured by the direct-sale manufacturer who employs the individual.
- 1382 (12)
- 1383 (a) "Dismantler" means a person engaged in the business of dismantling motor vehicles subject to registration under Chapter 1a, Motor Vehicle Act, for the resale of parts or for salvage.
- 1385 (b) "Dismantler" includes a person that dismantles three or more motor vehicles in any 12-month period.
- 1387 (13) "Distributor" means a person that has a franchise from a manufacturer of motor vehicles to distribute motor vehicles within this state and that in whole or in part sells or distributes new motor vehicles to dealers or that maintains distributor representatives.
- 1390 (14) "Distributor branch" means a branch office similarly maintained by a distributor for the same purposes a factory branch is maintained.
- 1392 (15) "Distributor representative" means a person and each officer and employee of the person engaged as a representative of a distributor or distributor branch of motor vehicles to make or promote the sale of the distributor or the distributor branch's motor vehicles, or for supervising or contacting dealers or prospective dealers of the distributor or the distributor branch.
- 1397 (16) "Division" means the Motor Vehicle Enforcement Division created in Section 41-3-104.
- 1398

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- (17) "Electric vehicle manufacturer" means a person that, in this state, sells, displays for sale, or offers for sale or exchange only new motor vehicles of the person's own line-make that are:
- 1401 (a) exclusively propelled through the use of electricity, a hydrogen fuel cell, or another non-fossil fuel source;
- 1403 (b)
- 1405 (i) passenger vehicles with a gross vehicle weight rating of 14,000 pounds or less; or
- 1406 (ii) trucks with a gross vehicle weight rating of 14,000 pounds or less; and
- 1407 (c) manufactured by the person.
- 1410 (18) "Factory branch" means a branch office maintained by a person that manufactures or assembles motor vehicles for sale to distributors, motor vehicle dealers, or that directs or supervises the factory branch's representatives.
- 1415 (19) "Factory representative" means a person and each officer and employee of the person engaged as a representative of a manufacturer of motor vehicles or by a factory branch to make or promote the sale of the manufacturer's or factory branch's motor vehicles, or for supervising or contacting the dealers or prospective dealers of the manufacturer or the factory branch.
- 1417 (20) "Fleet transaction" means a licensee's sale of one or more motor vehicles to a manufacturer-approved current fleet customer under the manufacturer's fleet program.
- 1417 (21)
- 1420 (a) "Franchise" means a contract or agreement between a dealer and a manufacturer of new motor vehicles or a manufacturer's distributor or factory branch by which the dealer is authorized to sell any specified make or makes of new motor vehicles.
- 1424 (b) "Franchise" includes a contract or agreement described in Subsection (21)(a) regardless of whether the contract or agreement is subject to Title 13, Chapter 14, New Automobile Franchise Act, Title 13, Chapter 35, Powersport Vehicle Franchise Act, or neither.
- 1425 (22)
- 1426 (a) "Franchise holder" means a manufacturer that:
- 1427 (i) previously had a franchised dealer in the United States;
- 1429 (ii) currently has a franchised dealer in the United States;
- (iii) is a successor to another manufacturer that previously had or currently has a franchised dealer in the United States;
- (iv) that is a material owner of, is an affiliate of, or has any ownership by:

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- 1430 (A) another manufacturer that previously or currently has a franchised dealer; or
1431 (B) another franchise holder;
1432 (v) is under legal or common ownership, or practical control, with another manufacturer that
previously had or currently has a franchised dealer in the United States;
1433 (vi) is in a partnership, joint venture, or similar arrangement for production of a commonly owned
line-make with another manufacturer that previously had or currently has a franchised dealer in
the United States; or
1434 (vii) is a manufacturer otherwise described in Subsection (22)(b) if, after July 1, 2018, the
manufacturer, or the manufacturer through an affiliate, acquires or expands an interest in:
1441 (A) any other manufacturer that is not exclusively an electric vehicle manufacturer; or
1443 (B) a dealership that deals exclusively in electric vehicles manufactured by any other manufacturer.
1445 (b) "Franchise holder" does not include a manufacturer described in Subsection (22)(a), if as of July 1,
2018, the manufacturer had legal or practical common ownership or common control of:
1448 (i) a dealership of the manufacturer's line-make in this state; or
1449 (ii) a franchised dealer of the manufacturer's line-make in this state.
1450 (23) "Gross vehicle weight rating" means the same as that term is defined in Section 59-2-102.
1452 [23] (24) "Low-volume manufacturer" means a manufacturer who:
1453 (a) in this state, sells, displays for sale, or offers for sale or exchange only new motor vehicles of the
person's own line make that are:
1455 (i)
1456 (A) passenger vehicles with a gross vehicle weight rating of 14,000 pounds or less; or
1457 (B) trucks with a gross vehicle weight rating of 14,000 pounds or less; and
1458 (ii) manufactured by the person; and
1459 (b) constructs no more than 325 new motor vehicles in any 12-month period.
1460 [24] (25) "Line-make" means motor vehicles that are offered for sale, lease, or distribution under a
common name, trademark, service mark, or brand name of the manufacturer.
1462 [25] (26) "Manufacturer" means a person engaged in the business of constructing or assembling new
motor vehicles, ownership of which is customarily transferred by a manufacturer's statement or
certificate of origin, or a person that constructs three or more new motor vehicles in any 12-month
period.

1466

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[~~(26)~~] (27) "Material owner" means a person that possesses, directly or indirectly, the power to direct, or cause the direction of, the management, policies, or activities of another person:

- 1469 (a) through ownership of voting securities;
- 1470 (b) by contract or credit arrangement; or
- 1471 (c) in another way not described in Subsections [~~(26)(a)~~] (27)(a) and (b).

1472 [~~(27)~~] (28)

1473 (a) "Motor vehicle" means a vehicle that is:

- 1473 (i) self-propelled;
- 1474 (ii) a trailer;
- 1475 (iii) a travel trailer;
- 1476 (iv) a semitrailer;
- 1477 (v) an off-highway vehicle; or
- 1478 (vi) a small trailer.

1479 (b) "Motor vehicle" does not include:

- 1480 (i) mobile homes as defined in Section 41-1a-102;
- 1481 (ii) trailers of 750 pounds or less [~~unladen~~] shipping weight;
- 1482 (iii) a farm tractor or other machine or tool used in the production, harvesting, or care of a farm product; and
- 1484 (iv) park model recreational vehicles as defined in Section 41-1a-102.

1485 [~~(28)~~] (29) "Motorcycle" means the same as that term is defined in Section 41-1a-102.

1486 [~~(29)~~] (30) "New motor vehicle" means a motor vehicle that:

- 1487 (a) has never been titled or registered; and
- 1488 (b) for a motor vehicle that is not a trailer, travel trailer, or semitrailer, has been driven less than 7,500 miles.

1490 [~~(30)~~] (31) "Off-highway vehicle" means the same as that term is defined in Section 41-22-2.

1491 [~~(31)~~] (32) "Pawnbroker" means a person whose business is to lend money on security of personal property deposited with the pawnbroker.

1493 [~~(32)~~] (33)

1494 (a) "Principal place of business" means a site or location in this state:

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- (i) devoted exclusively to the business for which the dealer, manufacturer, remanufacturer, transporter, dismantler, crusher, or body shop is licensed, and businesses incidental to the dealer, manufacturer, remanufacturer, transporter, dismantler, crusher, or body shop;
 - 1498 (ii) sufficiently bounded by fence, chain, posts, or otherwise marked to definitely indicate the boundary and to admit a definite description with space adequate to permit the display of three or more new, or new and used, or used motor vehicles and sufficient parking for the public; and
 - 1502 (iii) that includes a permanent enclosed building or structure large enough to accommodate the office of the establishment and to provide a safe place to keep the books and other records of the business, at which the principal portion of the business is conducted and the books and records kept and maintained.
- 1506 (b) "Principal place of business" means, with respect to a direct-sale manufacturer, the direct-sale manufacturer's showroom, which shall comply with the requirements of Subsection (32)(a).
- 1509 ~~[33]~~ (34) "Remanufacturer" means a person that:
- 1510 (a) reconstructs used motor vehicles subject to registration under Chapter 1a, Motor Vehicle Act, to change the body style and appearance of the motor vehicle;
- 1512 (b) constructs or assembles motor vehicles from used or new and used motor vehicle parts; or
- 1514 (c) reconstructs, constructs, or assembles three or more motor vehicles in any 12-month period.
- 1516 ~~[34]~~ (35) "Salesperson" means an individual who for a salary, commission, or compensation of any kind, is employed either directly, indirectly, regularly, or occasionally by any new motor vehicle dealer or used motor vehicle dealer to sell, purchase, or exchange or to negotiate for the sale, purchase, or exchange of motor vehicles.
- 1521 ~~[35]~~ (36) "Semitrailer" means the same as that term is defined in Section 41-1a-102.
- 1522 (37) "Shipping weight" means the same as that term is defined in Section 41-1a-102.
- 1523 ~~[36]~~ (38) "Showroom" means a site or location in the state that a direct-sale manufacturer uses for the direct-sale manufacturer's business, including the display and demonstration of new motor vehicles that are exclusively of the same line-make that the direct-sale manufacturer manufactures.
- 1527 ~~[37]~~ (39) "Small trailer" means a trailer that has ~~[an unladen]~~ a shipping weight of:
- 1528 (a) more than 750 pounds; and
- 1529 (b) less than 2,000 pounds.
- 1530 ~~[38]~~ (40) "Special equipment" includes a truck mounted crane, cherry picker, material lift, post hole digger, and a utility or service body.

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- 1532 [({39})] (41) "Special equipment dealer" means a new or new and used motor vehicle dealer engaged in the business of buying new incomplete motor vehicles with a gross vehicle weight rating of 12,000 or more pounds and installing special equipment on the incomplete motor vehicle.
- 1536 [({40})] (42) "Trailer" means the same as that term is defined in Section 41-1a-102.
- 1537 [({41})] (43) "Transporter" means a person engaged in the business of transporting motor vehicles as described in Section 41-3-202.
- 1539 [({42})] (44) "Travel trailer" means the same as that term is defined in Section 41-1a-102.
- 1540 [({43})] (45) "Used motor vehicle" means a vehicle that:
- 1541 (a) has been titled and registered to a purchaser other than a dealer; or
- 1542 (b) for a motor vehicle that is not a trailer, travel trailer, or semitrailer, has been driven 7,500 or more miles.
- 1544 [({44})] (46) "Wholesale motor vehicle auction" means a dealer primarily engaged in the business of auctioning consigned motor vehicles to dealers or dismantlers that are licensed by this or any other jurisdiction.
- 1605 Section 23. Section **41-3-201** is amended to read:
- 1606 **41-3-201. Licenses required -- Restitution -- Education.**
- 1549 (1) As used in this section, "new applicant" means a person who is applying for a license that the person has not been issued during the previous licensing year.
- 1551 (2) A person may not act as any of the following without having procured a license issued by the administrator:
- 1553 (a) [a-]dealer;
- 1554 (b) salvage vehicle buyer;
- 1555 (c) salesperson;
- 1556 (d) manufacturer;
- 1557 (e) transporter;
- 1558 (f) dismantler;
- 1559 (g) distributor;
- 1560 (h) factory branch and representative;
- 1561 (i) distributor branch and representative;
- 1562 (j) crusher;
- 1563 (k) remanufacturer; or

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- 1564 (l) body shop.
- 1565 (3)
- (a) Except as provided in Subsection (3)(c), a person may not bid on or purchase a vehicle with a nonrepairable or salvage certificate as defined in Section 41-1a-1001 at or through a motor vehicle auction unless the person is a licensed salvage vehicle buyer.
- 1569 (b) Except as provided in Subsection (3)(c), a person may not offer for sale, sell, or exchange a vehicle with a nonrepairable or salvage certificate as defined in Section 41-1a-1001 at or through a motor vehicle auction except to a licensed salvage vehicle buyer.
- 1573 (c) A person may offer for sale, sell, or exchange a vehicle with a nonrepairable or salvage certificate as defined in Section 41-1a-1001 at or through a motor vehicle auction:
- 1576 (i) to an out-of-state or out-of-country purchaser not licensed under this section, but that is authorized to do business in the domestic or foreign jurisdiction in which the person is domiciled or registered to do business;
- 1579 (ii) subject to the restrictions in Subsection (3)(d), to an in-state purchaser not licensed under this section that:
- 1581 (A) has a valid business license in Utah; and
- 1582 (B) has a Utah sales tax license; and
- 1583 (iii) to a crusher.
- 1584 (d)
- (i) An operator of a motor vehicle auction shall verify that an in-state purchaser not licensed under this section has the licenses required in Subsection (3)(c)(ii).
- 1586 (ii) An operator of a motor vehicle auction may only offer for sale, sell, or exchange five vehicles with a salvage certificate as defined in Section 41-1a-1001 at or through a motor vehicle auction in any 12-month period to an in-state purchaser that does not have a salvage vehicle buyer license issued in accordance with Subsection [41-3-202(17)] 41-3-202(18).
- 1591 (iii) The five vehicle limitation under this Subsection (3)(d) applies to each Utah sales tax license and not to each person with the authority to use a sales tax license.
- 1593 (iv) An operator of a motor vehicle auction may not sell a vehicle with a nonrepairable certificate as defined in Section 41-1a-1001 to a purchaser otherwise allowed to purchase a vehicle under Subsection (3)(c)(ii).
- 1596

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- (e) For a vehicle with a salvage certificate purchased under Subsection (3)(c)(ii), an operator of a motor vehicle auction shall:

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- (i) (A) until Subsection (3)(e)(i)(B) applies, make application for a salvage certificate of title on behalf of the Utah purchaser within seven days of the purchase if the purchaser does not have a salvage vehicle buyer license, dealer license, body shop license, or dismantler license issued in accordance with Section 41-3-202; or

1603

- (B) beginning on or after the date that the Motor Vehicle Division has implemented the Motor Vehicle Division's GenTax system, make application electronically, in a form and time period approved by the Motor Vehicle Division, for a salvage certificate of title to be issued in the name of the purchaser;

1608

- (ii) give to the purchaser a disclosure printed on a separate piece of paper that states:

1609

"THIS DISCLOSURE STATEMENT MUST BE GIVEN BY THE SELLER TO THE BUYER
EVERY TIME THIS VEHICLE IS RESOLD WITH A SALVAGE CERTIFICATE

1611

Vehicle Identification Number (VIN)

1612

Year: Make: Model:

1613

SALVAGE VEHICLE--NOT FOR RESALE WITHOUT DISCLOSURE

1614

WARNING: THIS SALVAGE VEHICLE MAY NOT BE SAFE FOR OPERATION UNLESS PROPERLY REPAIRED. SOME STATES MAY REQUIRE AN INSPECTION BEFORE THIS VEHICLE MAY BE REGISTERED. THE STATE OF UTAH MAY REQUIRE THIS VEHICLE TO BE PERMANENTLY BRANDED AS A REBUILT SALVAGE VEHICLE. OTHER STATES MAY ALSO PERMANENTLY BRAND THE CERTIFICATE OF TITLE.

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- (iii) if applicable, provide evidence to the Motor Vehicle Division of:

1623

- (A) payment of sales taxes on taxable sales in accordance with Section 41-1a-510;

1624

- (B) the identification number inspection required under Section 41-1a-511; and

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- (C) the odometer disclosure statement required under Section 41-1a-902.

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- (f) The Motor Vehicle Division shall include a link to the disclosure statement described in Subsection (3)(e)(ii) on its website.

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- (g) The commission may impose an administrative entrance fee established in accordance with the procedures and requirements of Section 63J-1-504 not to exceed \$10 on a person not holding a license described in Subsection (3)(e)(i) that enters the physical premises of a motor vehicle auction for the purpose of viewing available salvage vehicles prior to an auction.
- 1633 (h) A vehicle sold at or through a motor vehicle auction to an out-of-state purchaser with a nonrepairable or salvage certificate may not be certificated in Utah until the vehicle has been certificated out-of-state.
- 1636 (4)
- 1638 (a) An operator of a motor vehicle auction shall keep a record of the sale of each salvage vehicle.
- 1639 (b) A record described under Subsection (4)(a) shall contain:
- 1640 (i) the purchaser's name and address; and
- 1641 (ii) the year, make, and vehicle identification number for each salvage vehicle sold.
- 1642 (c) An operator of a motor vehicle auction shall:
- 1645 (i) provide the record described in Subsection (4)(a) electronically in a method approved by the division to the division within two business days of the completion of the motor vehicle auction;
- 1647 (ii) retain the record described in this Subsection (4) for five years from the date of sale; and
- 1649 (iii) make a record described in this Subsection (4) available for inspection by the division at the location of the motor vehicle auction during normal business hours.
- 1649 (5)
- 1651 (a) An operator of a motor vehicle auction shall store a salvage vehicle sold at auction in a secure facility until the salvage vehicle is claimed as provided in this section.
- 1654 (b) Beginning at the time of purchase and until the salvage vehicle is claimed, the motor vehicle auction operator may collect a daily storage fee for the secure storage of each salvage vehicle sold at auction.
- 1654 (c) Except as provided in Subsection (5)(d), before releasing possession of a salvage vehicle purchased at a motor vehicle auction to a person not licensed under this part or certified as a tow truck operator under Title 72, Chapter 9, Part 6, Tow Truck Provisions, and if the person claiming the vehicle is a person other than the purchaser of the vehicle, the motor vehicle auction operator shall create a record that shall contain:
- 1660 (i) the name and address, as verified by government issued identification, of the person claiming the vehicle;

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- 1662 (ii) the year, make, and vehicle identification number of the claimed vehicle;
- 1663 (iii) a written statement from the person claiming the vehicle indicating the location where the salvage vehicle will be delivered; and
- 1665 (iv) verification that the claimant has authorization from the purchaser to claim the vehicle.
- 1667 (d) If the salvage vehicle is claimed by a transporter or a tow truck operator, the transporter or the tow truck operator shall submit to the motor vehicle auction operator a written record on any release forms indicating the location where the salvage vehicle will be delivered if delivered within the state.
- 1671 (e) An operator of a motor vehicle auction shall:
- 1672 (i) retain the record described in Subsection (5)(c) for five years from the date of sale; and
- 1674 (ii) make the record available for inspection by the division at the location of the motor vehicle auction during normal business hours.
- 1676 (6)
- 1680 (a) If applicable, an operator of a motor vehicle auction shall comply with the reporting requirements of the National Motor Vehicle Title Information System overseen by the United States Department of Justice if the person sells a vehicle with a salvage certificate to an in-state purchaser under Subsection (3)(c)(ii).
- 1682 (b) The Motor Vehicle Division shall include a link to the National Motor Vehicle Title Information System on its website.
- 1684 (7)
- 1688 (a) An operator of a motor vehicle auction that sells a salvage vehicle to a person that is an out-of-country buyer shall:
- 1689 (i) stamp on the face of the title so as not to obscure the name, date, or mileage statement the words "FOR EXPORT ONLY" in all capital, black letters; and
- 1690 (ii) stamp in each unused reassignment space on the back of the title the words "FOR EXPORT ONLY."
- 1691 (b) The words "FOR EXPORT ONLY" shall be:
- 1692 (i) at least two inches wide; and
- 1693 (ii) clearly legible.

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- (8) A dealer, manufacturer, remanufacturer, transporter, dismantler, crusher, or body shop shall obtain a supplemental license, in accordance with Section 41-3-201.7 for each additional place of business maintained by the licensee.
- 1694 (9)
- (a) A person who has been convicted of any law relating to motor vehicle commerce or motor vehicle fraud may not be issued a license or purchase a vehicle with a salvage or nonrepairable certificate unless full restitution regarding those convictions has been made.
- 1698 (b) An operator of a motor vehicle auction, a dealer, or a consignor may not sell a vehicle with a nonrepairable or salvage certificate to a buyer described in Subsection (9)(a) if the division has informed the operator of the motor vehicle auction, the dealer, or the consignor in writing that the buyer is prohibited from purchasing a vehicle with a nonrepairable or salvage certificate under Subsection (9)(a).
- 1703 (10)
- (a) The division may not issue a license to a new applicant for a new or used motor vehicle dealer license, a direct-sale manufacturer license, a new or used motorcycle dealer license, or a small trailer dealer license unless the new applicant completes an eight-hour orientation class approved by the division that includes education on motor vehicle laws and rules.
- 1708 (b) The approved costs of the orientation class shall be paid by the new applicant.
- 1709 (c) The class shall be completed by the new applicant and the applicant's partners, corporate officers, bond indemnitors, and managers.
- 1711 (d)
- (i) The division shall approve:
- 1712 (A) providers of the orientation class; and
- 1713 (B) costs of the orientation class.
- 1714 (ii) A provider of an orientation class shall submit the orientation class curriculum to the division for approval prior to teaching the orientation class.
- 1716 (iii) A provider of an orientation class shall include in the orientation materials:
- 1717 (A) ethics training;
- 1718 (B) motor vehicle title and registration processes;
- 1719 (C) Department of Insurance requirements relating to motor vehicles;
- 1720 (D) Department of Public Safety requirements relating to motor vehicles;

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- 1721 (E) federal requirements related to motor vehicles as determined by the division; and
1723 (F) any required disclosure compliance forms as determined by the division.
- 1724 (11) A person or purchaser described in Subsection (3)(c)(ii):
- 1725 (a) may not purchase more than five salvage vehicles with a nonrepairable or salvage certificate as
defined in Section 41-1a-1001 in any 12-month period;
- 1727 (b) may not, without first complying with Section 41-1a-705, offer for sale, sell, or exchange more than
two vehicles with a salvage certificate as defined in Section 41-1a-1001 in any 12-month period to a
person not licensed under this section; and
- 1730 (c) may not, without first complying with Section 41-1a-705, offer for sale, sell, or exchange a vehicle
with a nonrepairable certificate as defined in Section 41-1a-1001 to a person not licensed under this
section.
- 1733 (12) An operator of a motor vehicle auction, a dealer, or a consignor may not sell a vehicle with a
nonrepairable or salvage certificate to a buyer described in Subsection (11)(a) if the division has
informed the operator of the motor vehicle auction, the dealer, or the consignor in writing that the
buyer is prohibited from purchasing a vehicle with a nonrepairable or salvage certificate under
Subsection (11)(a).

1796 Section 24. Section **41-3-202** is amended to read:

41-3-202. Licenses -- Classes and scope.

- 1740 (1) A new motor vehicle dealer's license permits the licensee to:
- 1741 (a) offer for sale, sell, or exchange new motor vehicles if the licensee possesses a franchise from the
manufacturer of the motor vehicle offered for sale, sold, or exchanged by the licensee;
- 1744 (b) offer for sale, sell, or exchange used motor vehicles;
- 1745 (c) operate as a body shop; and
- 1746 (d) dismantle motor vehicles.
- 1747 (2) A used motor vehicle dealer's license permits the licensee to:
- 1748 (a) offer for sale, sell, or exchange used motor vehicles;
- 1749 (b) operate as a body shop; and
- 1750 (c) dismantle motor vehicles.
- 1751 (3) A direct-sale manufacturer's license permits the licensee to:
- 1752 (a) offer for sale, sell, or exchange new motor vehicles of the same line-make that the direct-sale
manufacturer manufactures;

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- 1754 (b) offer for sale, sell, or exchange used motor vehicles;
- 1755 (c) operate as a body shop; and
- 1756 (d) dismantle motor vehicles.
- 1757 (4) A new motorcycle, off-highway vehicle, and small trailer dealer's license permits the licensee to:
- 1759 (a) offer for sale, sell, or exchange new motorcycles, off-highway vehicles, or small trailers if the licensee possesses a franchise from the manufacturer of the motorcycle, off-highway vehicle, or small trailer offered for sale, sold, or exchanged by the licensee;
- 1763 (b) offer for sale, sell, or exchange used motorcycles, off-highway vehicles, or small trailers; and
- 1765 (c) dismantle motorcycles, off-highway vehicles, or small trailers.
- 1766 (5) A used motorcycle, off-highway vehicle, and small trailer dealer's license permits the licensee to:
- 1768 (a) offer for sale, sell, or exchange used motorcycles, off-highway vehicles, and small trailers; and
- 1770 (b) dismantle motorcycles, off-highway vehicles, or small trailers.
- 1771 (6)
 - (a) Except as provided in Subsection (6)(b), a salesperson's license permits the licensee to act as a motor vehicle salesperson and is valid for employment with only one dealer at a time.
 - (b) A licensee that has been issued a salesperson's license and that is employed by a dealer that operates as a wholesale motor vehicle auction may be employed by more than one dealer that operates as a wholesale motor vehicle auction at a time.
- 1777 (7)
 - (a) A direct-sale manufacturer salesperson's license permits the licensee to act as a direct-sale manufacturer salesperson for one direct-sales manufacturer.
 - (b) A direct-sale manufacturer salesperson licensee may not simultaneously hold a salesperson's license.
- 1781 (8)
 - (a) A manufacturer's license permits the licensee to construct or assemble motor vehicles subject to registration under Title 41, Chapter 1a, Motor Vehicle Act, at an established place of business and to remanufacture motor vehicles.
 - (b) Under rules the administrator makes, the licensee may issue and install vehicle identification numbers on manufactured motor vehicles.
 - (c) The licensee may franchise and appoint dealers to sell manufactured motor vehicles by notifying the division of the franchise or appointment.
- 1788 (9)

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- (a) A transporter's license permits the licensee to transport or deliver motor vehicles subject to registration under Title 41, Chapter 1a, Motor Vehicle Act, from a manufacturing, assembling, or distributing point or from a dealer, to dealers, distributors, or sales agents of a manufacturer or remanufacturer, to or from detail or repair shops, and to financial institutions or places of storage from points of repossession.
- 1794 (b) The division may not issue or renew a transporter license to an applicant who is not:
 - 1795 (i) licensed under this chapter as a body shop;
 - 1796 (ii) a detail or repair shop;
 - 1797 (iii) a tow truck motor carrier subject to Title 72, Chapter 9, Motor Carrier Safety Act;
 - 1798 (iv) a repossession company;
 - 1799 (v) licensed under this chapter as a dealer or an auction; or
 - 1800 (vi) a finance company.
- 1801 (c) The division may not issue or renew a transporter license unless the applicant provides proof of insurance or other form of security meeting the minimum requirements of Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act.
- 1805 (10) A motor vehicle auction license permits the licensee to:
 - 1806 (a) offer for sale, sell, or exchange used motor vehicles;
 - 1807 (b) operate as a body shop;
 - 1808 (c) dismantle motor vehicles; and
 - 1809 (d) operate a motor vehicle auction.
- 1810 [(10)] (11) A dismantler's license permits the licensee to dismantle motor vehicles subject to registration under Title 41, Chapter 1a, Motor Vehicle Act, for the purpose of reselling parts or for salvage, or selling dismantled or salvage vehicles to a crusher or other dismantler.
- 1814 [(11)] (12) A distributor or factory branch and distributor branch's license permits the licensee to sell and distribute new motor vehicles, parts, and accessories to their franchised dealers.
- 1817 [(12)] (13) A representative's license, for factory representatives or distributor representatives permits the licensee to contact the licensee's authorized dealers for the purpose of making or promoting the sale of motor vehicles, parts, and accessories.
- 1820 [(13)] (14)
 - (a)

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- (i) A remanufacturer's license permits the licensee to construct, reconstruct, assemble, or reassemble motor vehicles subject to registration under Title 41, Chapter 1a, Motor Vehicle Act, from used or new motor vehicles or parts.
- 1823 (ii) Evidence of ownership of parts and motor vehicles used in remanufacture shall be available to the division upon demand.
- 1825 (b) Under rules the administrator makes, the licensee may issue and install vehicle identification numbers on remanufactured motor vehicles.
- 1827 [(14)] (15) A crusher's license permits the licensee to engage in the business of crushing or shredding motor vehicles subject to registration under Title 41, Chapter 1a, Motor Vehicle Act, for the purpose of reducing the useable materials and metals to a more compact size for recycling.
- 1831 [(15)] (16) A body shop's license permits the licensee:
 - 1832 (a) to rebuild, restore, repair, or paint the body of motor vehicles; and
 - 1833 (b) to dismantle motor vehicles.
- 1834 [(16)] (17) A special equipment dealer's license permits the licensee to:
 - 1835 (a) buy incomplete new motor vehicles with a gross vehicle weight rating of 12,000 or more pounds from a new motor vehicle dealer and sell the new vehicle with the special equipment installed without a franchise from the manufacturer;
 - 1838 (b) offer for sale, sell, or exchange used motor vehicles;
 - 1839 (c) operate as a body shop; and
 - 1840 (d) dismantle motor vehicles.
- 1841 [(17)] (18)
 - (a) A salvage vehicle buyer license permits the licensee to bid on or purchase a vehicle with a salvage certificate as defined in Section 41-1a-1001 at any motor vehicle auction.
 - 1844 (b) The division may only issue a salvage vehicle buyer license to a motor vehicle dealer, dismantler, or body shop who qualifies under rules made by the division and is licensed in any state as a motor vehicle dealer, dismantler, or body shop.
 - 1847 (c) The division may not issue more than two salvage vehicle buyer licenses to any one dealer, dismantler, or body shop.
 - 1849 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the administrator shall make rules establishing qualifications of an applicant for a salvage vehicle buyer license. The criteria shall include:

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- 1852 (i) business history;
- 1853 (ii) salvage vehicle qualifications;
- 1854 (iii) ability to properly handle and dispose of environmental hazardous materials associated with
salvage vehicles; and
- 1856 (iv) record in demonstrating compliance with the provisions of this chapter.
- 1915 Section 25. Section **41-3-210** is amended to read:
- 1916 **41-3-210. License holders -- Prohibitions, allowances, and requirements.**
- 1860 (1) The holder of any license issued under this chapter may not:
- 1861 (a) intentionally publish, display, or circulate any advertising that is misleading or inaccurate in any
material fact or that misrepresents any of the products sold, manufactured, remanufactured, handled,
or furnished by a licensee;
- 1864 (b) intentionally publish, display, or circulate any advertising without identifying the seller as the
licensee by including in the advertisement the full name under which the licensee is licensed or the
licensee's number assigned by the division;
- 1867 (c) violate this chapter or the rules made by the administrator;
- 1868 (d) violate any law of the state respecting commerce in motor vehicles or any rule respecting commerce
in motor vehicles made by any licensing or regulating authority of the state;
- 1871 (e) engage in business as a new motor vehicle dealer, special equipment dealer, used motor vehicle
dealer, motor vehicle crusher, or body shop without having in effect a bond as required in this
chapter;
- 1874 (f) act as a dealer, dismantler, crusher, manufacturer, transporter, remanufacturer, or body shop without
maintaining a principal place of business;
- 1876 (g) unless the licensee is a special equipment dealer who sells a new special equipment motor vehicle
with a gross vehicle weight rating of 12,000 or more pounds after installing special equipment on
the motor vehicle:
- 1879 (i) engage in a business respecting the selling or exchanging of new or new and used motor vehicles for
which the licensee is not licensed; and
- 1881 (ii) unless the licensee is a direct-sale manufacturer, sell or exchange a new motor vehicle for which the
licensee does not have a franchise;
- 1883 (h) dismantle or transport to a crusher for crushing or other disposition any motor vehicle without first
obtaining a dismantling or junk permit under Section 41-1a-1009, 41-1a-1010, or 41-1a-1011;

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- 1886 (i) as a new motor vehicle dealer, special equipment dealer, or used motor vehicle dealer fail to give notice of sales or transfers as required in Section 41-3-301;
- 1888 (j) advertise or otherwise represent, or knowingly allow to be advertised or represented on the licensee's behalf or at the licensee's place of business, that no down payment is required in connection with the sale of a motor vehicle when a down payment is required and the buyer is advised or induced to finance a down payment by a loan in addition to any other loan financing the remainder of the purchase price of the motor vehicle;
- 1894 (k) as a crusher, crush or shred a motor vehicle brought to the crusher without obtaining proper evidence of ownership of the motor vehicle; proper evidence of ownership is a certificate of title endorsed according to law or a dismantling or junk permit issued under Section 41-1a-1009, 41-1a-1010, or 41-1a-1011;
- 1898 (l) as a manufacturer or remanufacturer assemble a motor vehicle that does not comply with construction, safety, or vehicle identification number standards fixed by law or rule of any licensing or regulating authority;
- 1901 (m) as anyone other than a salesperson or a direct-sale manufacturer salesperson licensed under this chapter, be present on a dealer display space and contact prospective customers to promote the sale of the dealer's vehicles;
- 1904 (n) subject to Subsection (14), sell, display for sale, or offer for sale motor vehicles at any location other than the principal place of business, or additional places of business licensed under this chapter;
- 1907 (o)
 - (i) as a dealer, dismantler, body shop, or manufacturer, maintain a principal place of business or additional place of business that shares any common area with a business or activity not directly related to motor vehicle commerce; or
 - (ii) maintain any places of business that share any common area with another dealer, dismantler, body shop, or manufacturer;
- 1912 (p) withhold delivery of license plates obtained by the licensee on behalf of a customer for any reason, including nonpayment of any portion of the vehicle purchase price or down payment;
- 1915 (q) issue a temporary permit for any vehicle that has not been sold by the licensee;
- 1916 (r) alter a temporary permit in any manner;
- 1917 (s) operate any principal place of business or additional place of business in a location that does not comply with local ordinances, including zoning ordinances;

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- 1919 (t) sell, display for sale, offer for sale, or exchange any new motor vehicle if the licensee does not:
- 1921 (i) have a new motor vehicle dealer's license or a direct-sale manufacturer's license under Section 41-3-202; and
- 1923 (ii) unless the licensee is a direct-sale manufacturer, possess a franchise from the manufacturer of the new motor vehicle sold, displayed for sale, offered for sale, or exchanged by the licensee;
- 1926 (u) as a new motor vehicle dealer or used motor vehicle dealer, encourage or conspire with any person who has not obtained a salesperson's or a direct-sale manufacturer salesperson's license to solicit for prospective purchasers;
- 1929 (v) as a direct-sale manufacturer, engage in business as a direct-sale manufacturer without having:
- 1931 (i) an authorized service center; or
- 1932 (ii) a principal place of business; or
- 1933 (w) possess a franchise that is not expressed in writing, if the franchise allows the sale or exchange of a new trailer that:
 - 1935 (i) is not designed for human habitation;
 - 1936 (ii) has a gross vehicle weight rating of less than 26,000 pounds; and
 - 1937 (iii) is not designed to carry a motorboat as defined in Section 73-18-2.
- 1938 (2)
 - 1942 (a) If a new motor vehicle is constructed in more than one stage, such as a motor home, ambulance, or van conversion, the licensee shall advertise, represent, sell, and exchange the vehicle as the make designated by the final stage manufacturer, except in those specific situations where the licensee:
 - 1944 (i) possesses a franchise from the initial or first stage manufacturer, presumably the manufacturer of the motor vehicle's chassis; or
 - 1944 (ii) manufactured the initial or first stage of the motor vehicle.
 - 1945 (b) Sales of multiple stage manufactured motor vehicles shall include the transfer to the purchaser of a valid manufacturer's statement or certificate of origin from each manufacturer under Section 41-3-301.
- 1948 (3) Each licensee, except salespersons, shall maintain and make available for inspection by peace officers and employees of the division:
 - 1950 (a) a record of every motor vehicle bought, or exchanged by the licensee or received or accepted by the licensee for sale or exchange;
 - 1952 (b) a record of every used part or used accessory bought or otherwise acquired;

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- 1953 (c) a record of every motor vehicle bought or otherwise acquired and wrecked or dismantled by the licensee;
- 1955 (d) all buyers' orders, contracts, odometer statements, temporary permit records, financing records, and all other documents related to the purchase, sale, or consignment of motor vehicles; and
- 1958 (e) a record of the name and address of the person to whom any motor vehicle or motor vehicle body, chassis, or motor vehicle engine is sold or otherwise disposed of and a description of the motor vehicle by year, make, and vehicle identification number.
- 1961 (4) Each licensee required by this chapter to keep records shall:
- 1962 (a) be kept by the licensee at least for five years; and
- 1963 (b) furnish copies of those records upon request to any peace officer or employee of the division during reasonable business hours.
- 1965 (5)
- 1968 (a) A manufacturer, distributor, distributor representative, or factory representative may not induce or attempt to induce by means of coercion, intimidation, or discrimination any dealer to:
- 1970 (i) accept delivery of any motor vehicle, parts, or accessories or any other commodity or commodities, including advertising material not ordered by the dealer;
- 1973 (ii) order or accept delivery of any motor vehicle with special features, appliances, accessories, or equipment not included in the list price of the motor vehicle as publicly advertised by the manufacturer;
- 1975 (iii) order from any person any parts, accessories, equipment, machinery, tools, appliances, or any other commodity;
- 1980 (iv) enter into an agreement with the manufacturer, distributor, distributor representative, or factory representative of any of them, or to do any other act unfair to the dealer by threatening to cancel any franchise or contractual agreement between the manufacturer, distributor, distributor branch, or factory branch and the dealer;
- 1985 (v) refuse to deliver to any dealer having a franchise or contractual arrangement for the retail sale of new and unused motor vehicles sold or distributed by the manufacturer, distributor, distributor branch or factory branch, any motor vehicle, publicly advertised for immediate delivery within 60 days after the dealer's order is received;

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- (vi) unfairly, without regard to the equities of the dealer, cancel the franchise of any motor vehicle dealer; the nonrenewal of a franchise or selling agreement without cause and written notice is a violation of this subsection and is an unfair cancellation; or
- 1989 (vii) waive or forbear the right of the dealer, if the dealer offers for sale, sells, or exchanges cargo/ utility trailers, to protest the establishment or relocation of a dealer who offers for sale, sells, or exchanges cargo/utility trailers of the same line-make in the relevant market area of the established dealer.
- 1993 (b) For the purpose of Subsection (5)(a)(vii):
- 1994 (i) "Cargo/utility trailer" means a trailer that:
- 1995 (A) is not designed for human habitation;
- 1996 (B) has a gross vehicle weight rating of less than 26,000 pounds; and
- 1997 (C) is not designed to carry a motorboat as defined in Section 73-18-2.
- 1998 (ii) "Relevant market area" means:
- 1999 (A) for a dealership located in a county that has a population of less than 225,000, the county in which the dealership is located and the area within a 15-mile radius of the dealership; or
- 2002 (B) for a dealership located in a county that has a population of 225,000 or more, the area within a 10-mile radius of the dealership.
- 2004 (6) A dealer may not assist an unlicensed dealer or salesperson in unlawful activity through active or passive participation in sales, or by allowing use of his facilities or dealer license number, or by any other means.
- 2007 (7)
 - (a) The holder of any new motor vehicle dealer or direct-sale manufacturer license issued under this chapter may not sell any new motor vehicle to:
 - 2009 (i) another dealer licensed under this chapter who does not hold a valid franchise for the make of new motor vehicles sold, unless the selling dealer licenses and titles the new motor vehicle to the purchasing dealer; or
 - 2012 (ii) any motor vehicle leasing or rental company located within this state, or who has any branch office within this state, unless the dealer licenses and titles the new motor vehicle to the purchasing, leasing, or rental company.
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- (b) Subsection (7)(a)(i) does not apply to the sale of a new incomplete motor vehicle with a gross vehicle weight rating of 12,000 or more pounds to a special equipment dealer licensed under this chapter.
- 2018 (8) A dealer licensed under this chapter may not take on consignment any new motor vehicle from anyone other than a new motor vehicle dealer, factory, or distributor who is licensed and, if required, franchised to distribute or sell that make of motor vehicle in this or any other state.
- 2022 (9) A body shop licensed under this chapter may not assist an unlicensed body shop in unlawful activity through active or passive means or by allowing use of its facilities, name, body shop number, or by any other means.
- 2025 (10) A used motor vehicle dealer licensed under this chapter may not advertise, offer for sale, or sell a new motor vehicle that has been driven less than 7,500 miles by obtaining a title only to the vehicle and representing it as a used motor vehicle.
- 2028 (11)
 - (a) Except as provided in Subsection (11)(c), or in cases of undue hardship or emergency as provided by rule by the division, a dealer or salesperson licensed under this chapter may not, on consecutive days of Saturday and Sunday, sell, offer for sale, lease, or offer for lease a motor vehicle.
- 2032 (b) Each day a motor vehicle is sold, offered for sale, leased, or offered for lease in violation of Subsection (11)(a) and each motor vehicle sold, offered for sale, leased, or offered for lease in violation of Subsection (11)(a) shall constitute a separate offense.
- 2036 (c) The provisions of Subsection (11)(a) shall not apply to a dealer participating in a trade show or exhibition if:
 - 2038 (i) there are five or more dealers participating in the trade show or exhibition; and
 - 2039 (ii) the trade show or exhibition takes place at a location other than the principal place of business of one of the dealers participating in the trade show or exhibition.
- 2041 (12) For purposes of imposing the sales and use tax under Title 59, Chapter 12, Sales and Use Tax Act, a licensee issuing a temporary permit under Section 41-3-302 shall separately identify the fees required by [Title 41, Chapter 1a, Motor Vehicle Act] Chapter 1a, Motor Vehicle Act.
- 2045 (13)
 - (a) A dismantler or dealer engaged in the business of dismantling motor vehicles for the sale of parts or salvage shall identify any vehicles or equipment used by the dismantler or dealer for transporting parts or salvage on the highways.

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- 2048 (b) The identification required under Subsection (13)(a) shall:
- 2049 (i) include the name, address, and license number of the dismantler or dealer; and
- 2050 (ii) be conspicuously displayed on both sides of the vehicle or equipment in clearly legible letters and numerals not less than two inches in height.
- 2052 (14)
- 2053 (a) Subject to Subsection (14)(b), a licensed vehicle dealer may:
- 2055 (i) sell a vehicle to a buyer without the buyer being required to appear in person at one of the dealer's licensed places of business;
- 2057 (ii) collect a buyer's signature or electronic signature on a purchase contract and related purchase documents;
- 2058 (iii) collect payment electronically; and
- 2059 (iv) deliver:
- 2061 (A) a new motor vehicle to a buyer at the buyer's home or place of business, or at one of the dealer's licensed places of business; or
- 2063 (B) a used motor vehicle to a buyer at a location mutually agreed upon by the buyer and the dealer.
- 2065 (b) A vehicle purchase contract is not executed until the contract is countersigned by the licensed dealer at one of the dealer's licensed places of business.
- 2127 (c) Except as provided in this Subsection (14), Subsection (1)(n) is construed to prevent a dealer, salesperson, or any other representative of a dealership from selling, displaying, or offering a motor vehicle for sale from the dealer's, salesperson's, or any other representative's home or other unlicensed location.
- 2128 Section 26. Section **41-3-301** is amended to read:
- 2072 **41-3-301. Sale by dealer, sale by auction -- Temporary permit -- Delivery of certificate of title or origin -- Notice to division.**
- (1)
- (a) 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 required to obtain a new certificate of title and registration in the new owner's name.

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- (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.
- 2082 (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.
- 2084 (ii) Both the consignor and auction are subject to this section.
- 2085 (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.
- 2088 (B) Both the consignor and the [wholesale]motor vehicle auction are subject to the title delivery requirements of Subsection (1)(b).
- 2090 (C) The consignor, or the [wholesale]motor vehicle auction as the consignor's agent, shall endorse the certificate of title according to law.
- 2092 (D) By endorsing the certificate of title as agent of the consignor as described in Subsection (1)(d) (i)(C), the [wholesale]motor vehicle auction does not become the owner, seller, or assignor of title.
- 2095 (ii)
- (A) A [wholesale]motor vehicle auction may purchase or sell motor vehicles in its own name.
- 2097 (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).
- 2100 (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.
- 2104 (ii) The notice shall contain:
- 2105 (A) the date of the sale;

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- 2106 (B) the names and addresses of the dealer and the purchaser;
- 2107 (C) a description of the motor vehicle;
- 2108 (D) the motor vehicle's odometer reading at the time of the sale; and
- 2109 (E) other information required by the division.
- 2110 (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.
- 2113 (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.
- 2174 Section 27. Section **41-3-407** is amended to read:
- 2175 **41-3-407. Definitions.**
- As used in Sections 41-3-406 through 41-3-414:
- 2119 (1) "Buyback vehicle" means a motor vehicle with an alleged nonconformity that has been replaced
or repurchased by a manufacturer as the result of a court judgment, arbitration, or any voluntary
agreement entered into between the manufacturer or its agent and a consumer.
- 2123 (2) "Consumer" means an individual who has entered into an agreement or contract for the transfer,
lease, or purchase of a new motor vehicle other than for the purposes of resale, or sublease, during
the duration of the period defined under Section 13-20-5.
- 2126 (3) "Manufacturer" means any manufacturer, importer, distributor, or anyone who is named as the
warrantor on an express written warranty on a motor vehicle.
- 2128 (4)
- 2129 (a) "Motor vehicle" includes:
- 2131 (i) a motor home, as defined in Section 13-20-2, but only the self-propelled vehicle and chassis; and
- 2131 (ii) a motor vehicle, as defined in Section 41-1a-102.
- 2132 (b) "Motor vehicle" does not include:
- 2133 (i) those portions of a motor home designated, used, or maintained primarily as a mobile dwelling,
office, or commercial space;
- 2135 (ii) farm tractor, motorcycle, road tractor, or truck tractor as defined in Section 41-1a-102;
- 2137 (iii) mobile home as defined in Section 41-1a-102; or
- 2138

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- (iv) any motor vehicle with a gross [laden weight] vehicle weight rating of over 14,000 pounds, except a motor home as defined under Subsection (4)(a)(i).
 - 2140 (5) "Nonconforming vehicle" means a buyback vehicle that has been investigated and evaluated pursuant to Title 13, Chapter 20, New Motor Vehicle Warranties Act, or a similar law of another state or federal government.
 - 2143 (6)
 - (a) "Nonconformity" means a defect, malfunction, or condition that fails to conform to the express warranty, or substantially impairs the use, safety, or value of a motor vehicle.
 - 2146 (b) "Nonconformity" does not include a defect, malfunction, or condition that results from an accident, abuse, neglect, modification, or alteration of a motor vehicle by a person other than the manufacturer, its authorized agent, or a dealer.
 - 2149 (7) "Seller" means any person selling, auctioning, leasing, or exchanging a motor vehicle.
 - 2150 (8) "Violation" means each failure to comply with the obligations imposed by Sections 41-3-406 through 41-3-413. In the case of multiple failures to comply resulting from a single transaction, each failure to comply is a separate violation.
- 2211 Section 28. Section **41-3-501** is amended to read:
- 41-3-501. Special plates -- Dealers -- Dismantlers -- Manufacturers -- Remanufacturers -- Transporters -- Restrictions on use.**
- 2156 (1) Except as provided under this chapter, a dealer may operate or move a motor vehicle displaying a dealer plate issued by the division upon the highways without registering it under Title 41, Chapter 1a, Motor Vehicle Act, if the dealer owns or possesses the motor vehicle by consignment for resale.
 - 2160 (2) A dismantler may operate or move a motor vehicle displaying a dismantler plate issued by the division without registering the motor vehicle as required under Title 41, Chapter 1a, Motor Vehicle Act, upon the highways solely to transport the motor vehicle:
 - 2163 (a) from the place of purchase or legal acquisition to the place of business for dismantling; or
 - 2165 (b) to the place of business of a licensed crusher for disposal.
 - 2166 (3) A manufacturer or remanufacturer may operate or move a manufactured or remanufactured motor vehicle displaying a manufacturer plate issued by the division upon the highways without registering the motor vehicle as required under Title 41, Chapter 1a, Motor Vehicle Act, solely to:
 - 2170 (a) deliver the motor vehicle to a dealer;
 - 2171 (b) demonstrate a motor vehicle to a dealer or prospective dealer; or

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- 2172 (c) conduct manufacturer tests of a motor vehicle.
- 2173 (4)
- 2174 (a) A transporter may operate or move a motor vehicle displaying a transporter plate issued by the division upon the highways without registering the motor vehicle as required under Title 41, Chapter 1a, Motor Vehicle Act, solely:
- 2175 (i) from the point of repossession to a financial institution or to the place of storage, so that a financial institution may provide for operation of a repossessed motor vehicle by a prospective purchaser;
- 2176 (ii) to and from a detail or repair shop for the purpose of detailing or repairing the motor vehicle; or
- 2177 (iii) to a delivery point in, out, or through the state.
- 2178 (b) This subsection does not include loaded motor vehicles subject to the gross ~~laden weight~~ vehicle weight rating provision of Title 41, Chapter 1a, Motor Vehicle Act.
- 2179 (5) Dealer plates may not be used:
- 2180 (a) on a motor vehicle leased or rented for compensation;
- 2181 (b) in lieu of registration, on a motor vehicle sold by the dealer; or
- 2182 (c) on a loaded commercial vehicle over 26,000 pounds gross ~~laden weight~~ vehicle weight rating unless a special loaded demonstration permit is obtained from the division in accordance with Section 41-3-502.
- 2183 Section 29. Section **41-3-802** is amended to read:
- 2184 **41-3-802. Definitions.**
- 2185 As used in this part:
- 2186 (1)
- 2187 (a) "Consignee" means a dealer who accepts vehicles for sale under an agreement that the dealer will pay the consignor for any sold vehicle and will return any unsold vehicles.
- 2188 (b) "Consignee" does not include a ~~wholesale~~ motor vehicle auction licensee except when the consignor is an individual who enters into a consignment transaction primarily for personal, family, or household purposes.
- 2189 (2) "Consignor" means a person who places a vehicle with a consignee for consignment sale.
- 2190 Section 30. Section **41-3-803** is amended to read:
- 2191 **41-3-803. Consignment sales.**
- 2192

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- (1) A consignor may take possession of the consignor's consigned vehicle at any time the consigned vehicle is in the possession of a consignee, provided that the consignor:
- 2205 (a) has notified the consignee in writing that the consignor will take possession of the consigned vehicle; and
- 2207 (b) has paid all outstanding charges owing to the consignee that have been agreed to by the consignor in accordance with Subsection (2).
- 2209 (2) The agreed upon charges under Subsection (1)(b) shall be:
- 2210 (a) stated on a form designed by the department; ~~[and]~~ or
- 2211 (b) included ~~[with the]~~ in a written consignment agreement.
- 2212 (3) A consignee who sells a consigned vehicle shall report to the consignor in writing the exact selling price of the consigned vehicle under either of the following circumstances:
- 2214 (a) the consignor and consignee agree in writing that the consignor shall receive a percentage of the selling price upon the sale of the vehicle; or
- 2216 (b) the consignor and consignee renegotiate in writing the selling price of the vehicle.
- 2217 (4) When a consignee sells a consigned vehicle:
- 2218 (a) the consignee, within seven calendar days of the date of sale, must give written notice to the consignor that the consigned vehicle has been sold; and
- 2220 (b) the consignee, within 21 calendar days of the date of sale, or within 15 calendar days of receiving payment in full for the consigned vehicle, whichever date is earlier, shall remit the payment received to the consignor, unless the agreement to purchase the consigned vehicle has been rescinded before expiration of the 21 days.
- 2224 (5) If the agreement to purchase the consigned vehicle has for any reason been rescinded before the expiration of 21 calendar days of the date of sale, the consignee shall within five calendar days thereafter give written notice to the consignor that the agreement to purchase has been rescinded.
- 2228 (6) Vehicles on consignment shall be driven with the consignee's dealer plates. All other license plates or registration indicia must be removed from the vehicle.
- 2230 (7) Prior to driving a consigned vehicle on the consignee's dealer plates, the consignee and the consignor shall execute a written consignment agreement that states:
- 2232 (a) the party responsible for damage or misuse to a consigned vehicle; and
- 2233 (b) the permitted uses a consignee may make of a consigned vehicle.
- 2234

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- (8) The consignee shall keep the written consignment agreement on file at the consignee's principal place of business.

2294 Section 31. Section **41-6a-102** is amended to read:

2295 **41-6a-102. Definitions.**

2296 As used in this chapter:

- 2297 (1) "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for through vehicular traffic.

- 2298 (2) "All-terrain type I vehicle" means the same as that term is defined in Section 41-22-2.

- 2299 (3) "All-terrain type II vehicle" means the same as that term is defined in Section 41-22-2.

- 2300 (4) "All-terrain type III vehicle" means the same as that term is defined in Section 41-22-2.

- 2301 (5) "Authorized emergency vehicle" includes:

- 2302 (a) a fire department vehicle;

- 2303 (b) a police vehicle;

- 2304 (c) an ambulance; and

- 2305 (d) other publicly or privately owned vehicles as designated by the commissioner of the Department of Public Safety.

- 2306 (6) "Autocycle" means the same as that term is defined in Section 53-3-102.

- 2307 (7)

- 2308 (a) "Bicycle" means a wheeled vehicle:

- 2309 (i) propelled by human power by feet or hands acting upon pedals or cranks;

- 2310 (ii) with a seat or saddle designed for the use of the operator;

- 2311 (iii) designed to be operated on the ground; and

- 2312 (iv) whose wheels are not less than 14 inches in diameter.

- 2313 (b) "Bicycle" includes an electric assisted bicycle.

- 2314 (c) "Bicycle" does not include scooters and similar devices.

- 2315 (8)

- 2316 (a) "Bicycle lane" means a portion of a highway that has been designated by a highway authority through striping, signage, pavement markings, or barriers for the preferential or exclusive use of bicycle, electric assisted bicycle, and motor assisted scooter traffic.

- 2317 (b) "Bicycle lane" does not include shared lanes intended for both motor vehicle and bicycle travel.

- 2318 (9)

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(a) "Bus" means a motor vehicle:

- (i) designed for carrying more than 15 passengers and used for the transportation of persons; or
- (ii) designed and used for the transportation of persons for compensation.

(b) "Bus" does not include a taxicab.

(10)

(a) "Circular intersection" means an intersection that has an island, generally circular in design, located in the center of the intersection where traffic passes to the right of the island.

(b) "Circular intersection" includes:

- (i) roundabouts;
- (ii) rotaries; and
- (iii) traffic circles.

(11) "Class 1 electric assisted bicycle" means an electric assisted bicycle equipped with a motor or electronics that:

- (a) provides assistance only when the rider is pedaling; and
- (b) ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.

(12) "Class 2 electric assisted bicycle" means an electric assisted bicycle equipped with a motor or electronics that:

- (a) may be used exclusively to propel the bicycle; and
- (b) is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.

(13) "Class 3 electric assisted bicycle" means an electric assisted bicycle equipped with a motor or electronics that:

- (a) provides assistance only when the rider is pedaling;
- (b) ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour; and
- (c) is equipped with a speedometer.

(14) "Commissioner" means the commissioner of the Department of Public Safety.

(15) "Controlled-access highway" means a highway, street, or roadway:

- (a) designed primarily for through traffic; and
- (b) to or from which owners or occupants of abutting lands and other persons have no legal right of access, except at points as determined by the highway authority having jurisdiction over the highway, street, or roadway.

(16) "Crosswalk" means:

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- 2298 (a) that part of a roadway at an intersection included within the connections of the lateral lines of the
sidewalks on opposite sides of the highway measured from:
- 2300 (i) (A) the curbs; or
- 2301 (B) in the absence of curbs, from the edges of the traversable roadway; and
- 2302 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway included within the
extension of the lateral lines of the existing sidewalk at right angles to the centerline; or
- 2305 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing
by lines or other markings on the surface.
- 2307 (17) "Department" means the Department of Public Safety.
- 2308 (18) "Direct supervision" means oversight at a distance within which:
- 2309 (a) visual contact is maintained; and
- 2310 (b) advice and assistance can be given and received.
- 2311 (19) "Divided highway" means a highway divided into two or more roadways by:
- 2312 (a) an unpaved intervening space;
- 2313 (b) a physical barrier; or
- 2314 (c) a clearly indicated dividing section constructed to impede vehicular traffic.
- 2315 (20) "Echelon formation" means the operation of two or more snowplows arranged side-by-side or
diagonally across multiple lanes of traffic of a multi-lane highway to clear snow from two or more
lanes at once.
- 2318 (21)
- 2319 (a) "Electric assisted bicycle" means a bicycle with an electric motor that:
- 2320 (i) has a power output of not more than 750 watts;
- 2321 (ii) has fully operable pedals;
- 2322 (iii) has permanently affixed cranks that were installed at the time of the original manufacture;
- 2323 (iv) is fully operable as a bicycle without the use of the electric motor; and
- 2324 (v) is one of the following:
- 2325 (A) a class 1 electric assisted bicycle;
- 2326 (B) a class 2 electric assisted bicycle;
- 2327 (C) a class 3 electric assisted bicycle; or
- 2328 (D) a programmable electric assisted bicycle.

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- 2329 (b) "Electric assisted bicycle" does not include:
- 2330 (i) a moped;
- 2331 (ii) a motor assisted scooter;
- 2332 (iii) a motorcycle;
- 2333 (iv) a motor-driven cycle; or
- 2334 (v) any other vehicle with less than four wheels that is designed, manufactured, intended, or advertised by the seller to have any of the following capabilities or features, or that is modifiable or is modified to have any of the following capabilities or features:
- 2338 (A) has the ability to attain the speed of 20 miles per hour or greater on motor power alone;
- 2340 (B) is equipped with a continuous rated motor power of 750 watts or greater;
- 2341 (C) is equipped with foot pegs for the operator at the time of manufacture, or requires installation of a pedal kit to have operable pedals; or
- 2343 (D) if equipped with multiple operating modes and a throttle, has one or more modes that exceed 20 miles per hour on motor power alone.
- 2345 (22)
- 2346 (a) "Electric personal assistive mobility device" means a self-balancing device with:
- 2347 (i) two nontandem wheels in contact with the ground;
- 2349 (ii) a system capable of steering and stopping the unit under typical operating conditions;
- 2351 (iii) an electric propulsion system with average power of one horsepower or 750 watts;
- 2352 (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and
- 2353 (v) a deck design for a person to stand while operating the device.
- 2354 (b) "Electric personal assistive mobility device" does not include a wheelchair.
- 2355 (23) "Electric unicycle" means a self-balancing personal transportation device that:
- 2356 (a) has a single wheel;
- 2358 (b) is powered by an electric motor that utilizes gyroscopes and accelerometers to stabilize the rider; and
- 2360 (c) is designed for the operator to face in the direction of travel while operating the device.
- 2362 (24) "Explosives" means a chemical compound or mechanical mixture commonly used or intended for the purpose of producing an explosion and that contains any oxidizing and combustive units or other ingredients in proportions, quantities, or packing so that an ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture may cause a sudden generation of

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highly heated gases, and the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of causing death or serious bodily injury.

- 2367 (25) "Farm tractor" means a motor vehicle designed and used primarily as a farm implement, for drawing plows, mowing machines, and other implements of husbandry.
- 2369 (26) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less, as determined by a Tagliabue or equivalent closed-cup test device.
- 2371 (27) "Freeway" means a controlled-access highway that is part of the interstate system as defined in Section 72-1-102.
- 2373 (28)
- 2374 (a) "Golf cart" means a device that:
- 2375 (i) is designed for transportation by players on a golf course;
- 2376 (ii) has not less than three wheels in contact with the ground;
- 2377 (iii) has [an unladen] a shipping weight of less than 1,800 pounds;
- 2378 (iv) is designed to operate at low speeds; and
- 2379 (v) is designed to carry not more than six persons including the driver.
- 2380 (b) "Golf cart" does not include:
- 2381 (i) a low-speed vehicle or an off-highway vehicle;
- 2382 (ii) a motorized wheelchair;
- 2383 (iii) an electric personal assistive mobility device;
- 2384 (iv) an electric assisted bicycle;
- 2385 (v) a motor assisted scooter;
- 2386 (vi) a personal delivery device, as defined in Section 41-6a-1119; or
- 2387 (29) "Gore area" means the area delineated by two solid white lines that is between a continuing lane of a through roadway and a lane used to enter or exit the continuing lane including similar areas between merging or splitting highways.
- 2390 [(30) "Gross weight" means the weight of a vehicle without a load plus the weight of any load on the vehicle.]
- 2392 (30) "Gross vehicle weight rating" means the same as that term is defined in Section 59-2-102.
- 2394 (31) "Hi-rail vehicle" means a roadway maintenance vehicle that is:
- 2395 (a) manufactured to meet Federal Motor Vehicle Safety Standards; and

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- 2396 (b) equipped with retractable flanged wheels that allow the vehicle to travel on a highway or railroad tracks.
- 2398 (32) "Highway" means the entire width between property lines of every way or place of any nature when any part of it is open to the use of the public as a matter of right for vehicular travel.
- 2401 (33) "Highway authority" means the same as that term is defined in Section 72-1-102.
- 2402 (34) "Interdicted person" means the same as that term is defined in Section 32B-1-102.
- 2403 (35)
- 2406 (a) "Intersection" means the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two or more highways that join one another.
- 2407 (b) Where a highway includes two roadways 30 feet or more apart:
- 2409 (i) every crossing of each roadway of the divided highway by an intersecting highway is a separate intersection; and
- 2411 (ii) if the intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of the highways is a separate intersection.
- 2413 (c) "Intersection" does not include the junction of an alley with a street or highway.
- 2415 (36) "Island" means an area between traffic lanes or at an intersection for control of vehicle movements or for pedestrian refuge designated by:
- 2417 (a) pavement markings, which may include an area designated by two solid yellow lines surrounding the perimeter of the area;
- 2419 (b) channelizing devices;
- 2421 (c) curbs;
- 2423 (d) pavement edges; or
- 2425 (e) other devices.
- 2427 (37)
- 2429 (a) "Lane filtering" means, when operating a motorcycle other than an autocycle, the act of overtaking and passing another vehicle that is stopped in the same direction of travel in the same lane.
- 2431 (b) "Lane filtering" does not include lane splitting.
- 2433 (38)

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- (a) "Lane splitting" means, when operating a motorcycle other than an autocycle, the act of riding a motorcycle between clearly marked lanes for traffic traveling in the same direction of travel while traffic is in motion.
- 2427 (b) "Lane splitting" does not include lane filtering.
- 2428 (39) "Law enforcement agency" means the same as that term is as defined in Section 53-1-102.
- 2430 (40) "Limited access highway" means a highway:
 - 2431 (a) that is designated specifically for through traffic; and
 - 2432 (b) over, from, or to which neither owners nor occupants of abutting lands nor other persons have any right or easement, or have only a limited right or easement of access, light, air, or view.
- 2435 (41) "Local highway authority" means the legislative, executive, or governing body of a county, municipal, or other local board or body having authority to enact laws relating to traffic under the constitution and laws of the state.
- 2438 (42)
 - (a) "Low-speed vehicle" means a four wheeled motor vehicle that:
 - 2439 (i) is designed to be operated at speeds of not more than 25 miles per hour; and
 - 2440 (ii) has a capacity of not more than six passengers, including a conventional driver or fallback-ready user if on board the vehicle, as those terms are defined in Section 41-26-102.1.
 - 2443 (b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle.
- 2444 (43) "Metal tire" means a tire, the surface of which in contact with the highway is wholly or partly of metal or other hard nonresilient material.
- 2446 (44)
 - (a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a seat or saddle that is less than 24 inches from the ground as measured on a level surface with properly inflated tires.
 - 2449 (b) "Mini-motorcycle" does not include a moped or a motor assisted scooter.
 - 2450 (c) "Mini-motorcycle" does not include a motorcycle that is:
 - 2451 (i) designed for off-highway use; and
 - 2452 (ii) registered as an off-highway vehicle under Section 41-22-3.
- 2453 (45) "Mobile home" means:
 - 2454 (a) a trailer or semitrailer that is:
 - 2455 (i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping place either permanently or temporarily; and

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- 2457 (ii) equipped for use as a conveyance on streets and highways; or
- 2458 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a mobile home, as defined in Subsection (45)(a), but that is instead used permanently or temporarily for:
- 2461 (i) the advertising, sale, display, or promotion of merchandise or services; or
- 2462 (ii) any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.
- 2464 (46) "Mobility disability" means the inability of a person to use one or more of the person's extremities or difficulty with motor skills, that may include limitations with walking, grasping, or lifting an object, caused by a neuro-muscular, orthopedic, or other condition.
- 2467 (47)
- 2468 (a) "Moped" means a motor-driven cycle having:
- 2469 (i) pedals to permit propulsion by human power; and
- 2470 (ii) a motor that:
- 2471 (A) produces not more than two brake horsepower; and
- 2472 (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour on level ground.
- 2473 (b) If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters and the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.
- 2477 (c) "Moped" does not include:
- 2478 (i) an electric assisted bicycle; or
- 2479 (ii) a motor assisted scooter.
- 2480 (48)
- 2481 (a) "Motor assisted scooter" means a self-propelled device with:
- 2482 (i) at least two wheels in contact with the ground;
- 2483 (ii) a braking system capable of stopping the unit under typical operating conditions;
- 2484 (iii) an electric motor not exceeding 2,000 watts;
- 2485 (iv) either:
- 2486 (A) handlebars and a deck design for a person to stand while operating the device; or
- 2487 (B) handlebars and a seat designed for a person to sit, straddle, or stand while operating the device;
- 2488 (v) a design for the ability to be propelled by human power alone; and

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- 2490 (vi) a maximum speed of 20 miles per hour on a paved level surface.
- 2491 (b) "Motor assisted scooter" does not include:
- 2492 (i) an electric assisted bicycle; or
- 2493 (ii) a motor-driven cycle.
- 2494 (49)
- 2497 (a) "Motor vehicle" means a vehicle that is self-propelled and a vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.
- 2498 (b) "Motor vehicle" does not include:
- 2499 (i) vehicles moved solely by human power;
- 2500 (ii) motorized wheelchairs;
- 2501 (iii) an electric personal assistive mobility device;
- 2502 (iv) an electric assisted bicycle;
- 2503 (v) a motor assisted scooter;
- 2504 (vi) a personal delivery device, as defined in Section 41-6a-1119; or
- 2505 (vii) a mobile carrier, as defined in Section 41-6a-1120.
- 2506 (50) "Motorcycle" means:
- 2508 (a) a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider and designed to travel with not more than three wheels in contact with the ground; or
- 2509 (b) an autocycle.
- 2509 (51)
- 2511 (a) "Motor-driven cycle" means a motorcycle, moped, and a motorized bicycle having:
- 2512 (i) an engine with less than 150 cubic centimeters displacement; or
- 2513 (ii) a motor that produces not more than five horsepower.
- 2514 (b) "Motor-driven cycle" does not include:
- 2515 (i) an electric personal assistive mobility device;
- 2516 (ii) a motor assisted scooter; or
- 2517 (iii) an electric assisted bicycle.
- 2519 (52) "Off-highway implement of husbandry" means the same as that term is defined under Section 41-22-2.
- 2520 (53) "Off-highway motorcycle" means the same as that term is defined in Section 41-22-2.
- 2520 (54) "Off-highway vehicle" means the same as that term is defined under Section 41-22-2.

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- 2521 (55) "Operate" means the same as that term is defined in Section 41-1a-102.
- 2522 (56) "Operator" means:
- 2523 (a) a human driver, as defined in Section 41-26-102.1, that operates a vehicle; or
- 2524 (b) an automated driving system, as defined in Section 41-26-102.1, that operates a vehicle.
- 2526 (57) "Other on-track equipment" means a railroad car, hi-rail vehicle, rolling stock, or other device
operated, alone or coupled with another device, on stationary rails.
- 2528 (58)
- 2530 (a) "Park" or "parking" means the standing of a vehicle, whether the vehicle is occupied or not.
- 2531 (b) "Park" or "parking" does not include:
- 2533 (i) the standing of a vehicle temporarily for the purpose of and while actually engaged in loading or
unloading property or passengers; or
- 2535 (ii) a motor vehicle with an engaged automated driving system that has achieved a minimal risk
condition, as those terms are defined in Section 41-26-102.1.
- 2538 (59) "Peace officer" means a peace officer authorized under Title 53, Chapter 13, Peace Officer
Classifications, to direct or regulate traffic or to make arrests for violations of traffic laws.
- 2539 (60) "Pedestrian" means a person traveling:
- 2540 (a) on foot; or
- 2541 (b) in a wheelchair.
- 2543 (61) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate pedestrians.
- 2547 (62) "Person" means a natural person, firm, copartnership, association, corporation, business trust,
estate, trust, partnership, limited liability company, association, joint venture, governmental agency,
public corporation, or any other legal or commercial entity.
- 2548 (63) "Pole trailer" means a vehicle without motive power:
- 2551 (a) designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or
pole, or by being boomed or otherwise secured to the towing vehicle; and
- 2554 (b) that is ordinarily used for transporting long or irregular shaped loads including poles, pipes, or
structural members generally capable of sustaining themselves as beams between the supporting
connections.
- 2554 (64) "Private road or driveway" means every way or place in private ownership and used for vehicular
travel by the owner and those having express or implied permission from the owner, but not by other
persons.

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- 2557 (65) "Programmable electric assisted bicycle" means an electric assisted bicycle with capability to switch or be programmed to function as a class 1 electric assisted bicycle, class 2 electric assisted bicycle, or class 3 electric assisted bicycle, provided that the electric assisted bicycle fully conforms with the respective requirements of each class of electric assisted bicycle when operated in that mode.
- 2562 (66) "Railroad" means a carrier of persons or property upon cars operated on stationary rails.
- 2563 (67) "Railroad sign or signal" means a sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.
- 2566 (68) "Railroad train" means a locomotive propelled by any form of energy, coupled with or operated without cars, and operated upon rails.
- 2568 (69) "Restored-modified vehicle" means the same as the term defined in Section 41-1a-102.
- 2569 (70) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under circumstances of direction, speed, and proximity that give rise to danger of collision unless one grants precedence to the other.
- 2573 (71)
 - (a) "Roadway" means that portion of highway improved, designed, or ordinarily used for vehicular travel.
 - (b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of them are used by persons riding bicycles or other human-powered vehicles.
 - (c) "Roadway" refers to any roadway separately but not to all roadways collectively, if a highway includes two or more separate roadways.
- 2579 (72) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and that is protected, marked, or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.
- 2582 (73)
 - (a) "School bus" means a motor vehicle that:
 - (i) complies with the color and identification requirements of the most recent edition of "Minimum Standards for School Buses"; and
 - (ii) is used to transport school children to or from school or school activities.
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(b) "School bus" does not include a vehicle operated by a common carrier in transportation of school children to or from school or school activities.

2588 (74) "Self-balancing electric skateboard" means a device similar to a skateboard that:

2589 (a) has a single wheel;

2590 (b) is powered by an electric motor; and

2591 (c) is designed for the operator to face perpendicular to the direction of travel while operating the device.

2593 (75)

(a) "Semitrailer" means a vehicle with or without motive power:

2594 (i) designed for carrying persons or property and for being drawn by a motor vehicle; and

2596 (ii) constructed so that some part of its weight and that of its load rests on or is carried by another vehicle.

2598 (b) "Semitrailer" does not include a pole trailer.

2599 (76) "Shipping weight" means the same as that term is defined in Section 41-1a-102.

2600 [~~76~~] (77) "Shoulder area" means:

2601 (a) that area of the hard-surfaced highway separated from the roadway by a pavement edge line as established in the current approved "Manual on Uniform Traffic Control Devices"; or

2604 (b) that portion of the road contiguous to the roadway for accommodation of stopped vehicles, for emergency use, and for lateral support.

2606 [~~77~~] (78) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

2608 [~~78~~] (79)

(a) "Soft-surface trail" means a marked trail surfaced with sand, rock, or dirt that is designated for the use of a bicycle.

2610 (b) "Soft-surface trail" does not mean a trail:

2611 (i) where the use of a motor vehicle or an electric assisted bicycle is prohibited by a federal law, regulation, or rule; or

2613 (ii) located in whole or in part on land granted to the state or a political subdivision subject to a conservation easement that prohibits the use of a motorized vehicle.

2615 [~~79~~] (80) "Solid rubber tire" means a tire of rubber or other resilient material that does not depend on compressed air for the support of the load.

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- 2617 [80] (81) "Stand" or "standing" means the temporary halting of a vehicle, whether occupied or not, for the purpose of and while actually engaged in receiving or discharging passengers.
- 2620 [81] (82) "Stop" when required means complete cessation from movement.
- 2621 [82] (83) "Stop" or "stopping" when prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when:
- 2623 (a) necessary to avoid conflict with other traffic; or
- 2624 (b) in compliance with the directions of a peace officer or traffic-control device.
- 2625 [83] (84) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, or an off-highway motorcycle, that is modified to meet the requirements of Section 41-6a-1509 to operate on highways in the state in accordance with Section 41-6a-1509.
- 2629 [84] (85) "Street-legal novel vehicle" means a vehicle registered as a novel vehicle under Section 41-27-201 that is modified to meet the requirements of Section 41-6a-1509 to operate on highways in the state in accordance with Section 41-6a-1509.
- 2632 [85] (86) "Tow truck operator" means the same as that term is defined in Section 72-9-102.
- 2633 [86] (87) "Tow truck motor carrier" means the same as that term is defined in Section 72-9-102.
- 2635 [87] (88) "Traffic" means pedestrians, bicyclists, ridden or herded animals, vehicles, and other conveyances either singly or together while using any highway for the purpose of travel.
- 2638 [88] (89) "Traffic signal preemption device" means an instrument or mechanism designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.
- 2640 [89] (90) "Traffic-control device" means a sign, signal, marking, or device not inconsistent with this chapter placed or erected by a highway authority for the purpose of regulating, warning, or guiding traffic.
- 2643 [90] (91) "Traffic-control signal" means a device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.
- 2646 [91] (92)
- 2649 (a) "Trailer" means a vehicle with or 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.
- 2650 (b) "Trailer" does not include a pole trailer.

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[{92}] (93) "Truck" means a motor vehicle designed, used, or maintained primarily for the transportation of property.

2652 [(93)] (94) "Truck tractor" means a motor vehicle:

2653 (a) designed and used primarily for drawing other vehicles; and

2654 (b) constructed to carry a part of the weight of the vehicle and load drawn by the truck tractor.

2656 [(94)] (95) "Two-way left turn lane" means a lane:

2657 (a) provided for vehicle operators making left turns in either direction;

2658 (b) that is not used for passing, overtaking, or through travel; and

2659 (c) that has been indicated by a lane traffic-control device that may include lane markings.

2661 [(95)] (96) "Urban district" means the territory contiguous to and including any street, in which structures devoted to business, industry, or dwelling houses are situated at intervals of less than 100 feet, for a distance of a quarter of a mile or more.

2664 [(96)] (97) "Vehicle" means a device in, on, or by which a person or property is or may be transported or drawn on a highway, except a mobile carrier, as defined in Section 41-6a-1120, or a device used exclusively on stationary rails or tracks.

2667 [(97)] (98) "Wheelie" means a maneuver performed while operating a motorcycle whereby the front wheel of the motorcycle is raised off of the ground.

Section 32. Section 41-6a-1507 is amended to read:

41-6a-1507. Custom vehicles -- Defined -- Compliance with all laws and standards --

Exceptions -- Revocation -- Signed statement required.

2730 (1)

2731 (a) As used in this section, "custom vehicle" means a motor vehicle that:

(i)

2732 (A) is at least 25 years old and of a model year after 1948; or

(B)

2733 (I) was manufactured to resemble a vehicle that is at least 25 years old and of a model year after 1948; and

2734 (II)

2735 (Aa) has been altered from the manufacturer's original design; or

2736 (Bb) has a body constructed of non-original materials; and

(ii) is primarily a collector's item that is used for:

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- 2737 (A) club activities;
- 2738 (B) exhibitions;
- 2739 (C) tours;
- 2740 (D) parades;
- 2741 (E) occasional transportation; and
- 2742 (F) other similar uses.
- 2743 (b) A custom vehicle does not include:
- 2744 (i) a motor vehicle that is used for general, daily transportation; or
- 2745 (ii) a vintage vehicle as defined in Section 41-21-1[; or].
- 2746 [~~(iii) a special interest vehicle as defined in Section 41-1a-102.~~]
- 2747 (2) Except as specified under this section, a custom vehicle shall meet all safety, registration, insurance, fees, and taxes required under this title.
- 2749 (3)
- 2750 (a) Except as provided in Subsection (3)(b), all safety equipment of a custom vehicle shall at least meet the safety standards applicable to the model year of the vehicle being replicated. Any replacement equipment shall comply with the design standards of the replacement equipment's manufacturer.
- 2751 (b) A custom vehicle shall comply with current vehicle brake and stopping standards.
- 2752 (4) A custom vehicle is exempt from motor vehicle emissions inspection and maintenance program requirements under Section 41-6a-1642.
- 2753 (5) The tax commission may revoke or deny the registration of a custom vehicle for failure to comply with this section.
- 2754 (6) The owner of a custom vehicle shall provide a signed statement certifying that the custom vehicle is owned and operated for the purposes enumerated in this section to the safety inspection station in order to qualify for the exceptions provided under this section.

2762 Section 33. Section **41-6a-1509** is amended to read:

2763 **41-6a-1509. Street-legal all-terrain vehicle -- Operation on highways -- Registration and licensing requirements -- Equipment requirements.**

- 2672 (1)
- 2673 (a) Except as provided in Subsection (1)(b), an individual may operate an all-terrain type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, or an off-highway motorcycle, that meets the requirements of this section as a street-legal ATV on a street or highway.

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- 2676 (b) An individual may not operate an all-terrain type I vehicle, all-terrain type II vehicle, or all-terrain type III vehicle, or an off-highway motorcycle, as a street-legal ATV on a highway if:
- 2679 (i) the highway is an interstate system as defined in Section 72-1-102; or
- 2680 (ii) the highway is in a county of the first class and both of the following criterion is met:
- 2682 (A) the highway is near a grade separated portion of the highway; and
- 2683 (B) the highway has a posted speed limit higher than 50 miles per hour.
- 2684 (c) Nothing in this section authorizes the operation of a street-legal ATV in an area that is not open to motor vehicle use.
- 2686 (2)
- 2688 (a) Except as provided in Subsection (2)(b), an individual may operate a vehicle that is registered as a novel vehicle on a street or highway, if the vehicle meets the requirements of this section as a street-legal novel vehicle.
- 2689 (b) An individual may not operate a vehicle registered as a novel vehicle as a street-legal novel vehicle on a highway if:
- 2691 (i) the highway is an interstate system as defined in Section 72-1-102; or
- 2692 (ii) the highway is in a county of the first class and both of the following criterion are met:
- 2694 (A) the highway is near a grade separated portion of the highway; and
- 2695 (B) the highway has a posted speed limit higher than 50 miles per hour.
- 2696 (c) Nothing in this section authorizes the operation of a street-legal novel vehicle in an area that is not open to motor vehicle use.
- 2698 (3) A street-legal ATV shall comply with Section 59-2-405.2, Subsection 41-1a-205(1), Subsection 53-8-205(1)(b), and the same requirements as:
- 2700 (a) a motorcycle for:
- 2701 (i) traffic rules under this chapter;
- 2702 (ii) titling, [odometer statement,] vehicle identification, license plates, and registration, excluding registration fees, under Chapter 1a, Motor Vehicle Act; and
- 2704 (iii) the county motor vehicle emissions inspection and maintenance programs under Section 41-6a-1642;
- 2706 (b) a motor vehicle for:
- 2707 (i) driver licensing under Title 53, Chapter 3, Uniform Driver License Act; and
- 2708

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- (ii) motor vehicle insurance under Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act; and
 - (c) an all-terrain type I or type II vehicle, or an off-highway motorcycle, for off-highway vehicle provisions under Chapter 22, Off-highway Vehicles, and Chapter 3, Motor Vehicle Business Regulation Act, unless otherwise specified in this section.
- (4) A street-legal novel vehicle shall comply with Subsection 41-1a-205(1), Subsection 53-8-205(1)(b), and the requirements for registration as a novel vehicle under Section 41-27-201.
- (5)
- (a) The owner of an all-terrain type I vehicle or an off-highway motorcycle being operated as a street-legal ATV shall ensure that the vehicle is equipped with:
 - (i) one or more headlamps that meet the requirements of Section 41-6a-1603;
 - (ii) one or more tail lamps;
 - (iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate with a white light;
 - (iv) one or more red reflectors on the rear;
 - (v) one or more stop lamps on the rear;
 - (vi) amber or red electric turn signals, one on each side of the front and rear;
 - (vii) a braking system, other than a parking brake, that meets the requirements of Section 41-6a-1623;
 - (viii) a horn or other warning device that meets the requirements of Section 41-6a-1625;
 - (ix) a muffler and emission control system that meets the requirements of Section 41-6a-1626;
 - (x) rearview mirrors on the right and left side of the driver in accordance with Section 41-6a-1627;
 - (xi) a windshield, unless the operator wears eye protection while operating the vehicle;
 - (xii) a speedometer, illuminated for nighttime operation;
 - (xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a seat designed for passengers; and
 - (xiv) tires that:
 - (A) are not larger than the tires that the all-terrain vehicle manufacturer made available for the all-terrain vehicle model; and
 - (B) have at least 2/32 inches or greater tire tread.

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- (b) The owner of an all-terrain type II vehicle or all-terrain type III vehicle being operated as a street-legal all-terrain vehicle or of a vehicle registered as a novel vehicle being operated as a street-legal novel vehicle shall ensure that the vehicle is equipped with:
- (i) two headlamps that meet the requirements of Section 41-6a-1603;
- (ii) two tail lamps;
- (iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate with a white light;
- (iv) one or more red reflectors on the rear;
- (v) two stop lamps on the rear;
- (vi) amber or red electric turn signals, one on each side of the front and rear;
- (vii) a braking system, other than a parking brake, that meets the requirements of Section 41-6a-1623;
- (viii) a horn or other warning device that meets the requirements of Section 41-6a-1625;
- (ix) a muffler and emission control system that meets the requirements of Section 41-6a-1626;
- (x) rearview mirrors on the right and left side of the driver in accordance with Section 41-6a-1627;
- (xi) a windshield, unless the operator wears eye protection while operating the vehicle;
- (xii) a speedometer, illuminated for nighttime operation;
- (xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a seat designed for passengers;
- (xiv) for vehicles with side-by-side or tandem seating, seatbelts for each vehicle occupant;
- (xv) a seat with a height between 20 and 40 inches when measured at the forward edge of the seat bottom; and
- (xvi) tires that:
- (A) do not exceed 44 inches in height; and
- (B) have at least 2/32 inches or greater tire tread.
- (c) The owner of a street-legal all-terrain vehicle is not required to equip the vehicle with wheel covers, mudguards, flaps, or splash aprons.
- (6)
- (a) Subject to the requirements of Subsection (6)(b), an operator of a street-legal all-terrain vehicle, when operating a street-legal all-terrain vehicle on a highway, may not exceed the lesser of:
- (i) the posted speed limit; or
- (ii) 50 miles per hour.

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- 2780 (b) An operator of a street-legal all-terrain vehicle, when operating a street-legal all-terrain vehicle on a highway with a posted speed limit higher than 50 miles per hour, shall:
- 2783 (i) operate the street-legal all-terrain vehicle on the extreme right hand side of the roadway; and
- 2785 (ii) equip the street-legal all-terrain vehicle with a reflector or reflective tape to the front and back of both sides of the vehicle.
- 2787 (7)
- 2789 (a) Subject to the requirements of Subsection (7)(b), an operator of a street-legal novel vehicle, when operating as a street-legal novel vehicle on a highway, may not exceed the lesser of:
- 2790 (i) the posted speed limit; or
- 2791 (ii) 50 miles per hour.
- 2792 (b) An operator of a street-legal novel vehicle, when operating a street-legal novel vehicle on a highway with a posted speed limit higher than 50 miles per hour, shall:
- 2794 (i) operate the street-legal novel vehicle on the extreme right hand side of the roadway; and
- 2796 (ii) equip the street-legal novel vehicle with a reflector or reflective tape to the front and back of both sides of the vehicle.
- 2798 (8)
- 2800 (a) A nonresident operator of an off-highway vehicle that is authorized to be operated on the highways of another state has the same rights and privileges as a street-legal ATV or street-legal novel vehicle that is granted operating privileges on the highways of this state, subject to the restrictions under this section and rules made by the Division of Outdoor Recreation, after notifying the Outdoor Adventure Commission, if the other state offers reciprocal operating privileges to Utah residents.
- 2804 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Division of Outdoor Recreation, after notifying the Outdoor Adventure Commission, shall establish eligibility requirements for reciprocal operating privileges for nonresident users granted under Subsection (8)(a).
- 2808 (9) Nothing in this chapter restricts the owner of an off-highway vehicle from operating the off-highway vehicle in accordance with Section 41-22-10.5.
- 2810 (10) A violation of this section is an infraction.
- 2812 Section 34. Section **41-6a-1629** is amended to read:
- 2814 **41-6a-1629. Vehicles subject to Sections 41-6a-1629 through 41-6a-1633 -- Definitions.**
- 2816 (1) As used in Sections 41-6a-1629 through 41-6a-1633:

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- 2815 (a) "Frame" means the main longitudinal structural members of the chassis of the vehicle or, for vehicles with unitized body construction, the lowest longitudinal structural member of the body of the vehicle.
- 2818 (b) "Frame height" means the vertical distance between the ground and the lowest point on the frame[~~The distance is~~] , measured when the vehicle is unladen and on a level surface.
- 2821 (c) Gross vehicle weight rating" means the same as that term is defined in Section 59-2-102.
- 2823 [(e) "Gross vehicle weight rating (GVWR)" means the original manufacturer's gross vehicle weight rating, whether or not the vehicle is modified by use of parts not originally installed by the original manufacturer.]
- 2826 (d) "Manufacturer" means any person engaged in manufacturing or assembling new motor vehicles utilizing new parts or components, or a person defined as a manufacturer in current applicable Federal Motor Vehicle Safety Standards and Regulations.
- 2830 (e) "Mechanical alteration" or "mechanical lift" means modification or alteration of the axles, chassis, suspension, or body by any means, including tires and wheels, and excluding any load, which affects the frame height of the motor vehicle.
- 2833 (f) "O.E.M." means original equipment manufacturer.
- 2834 (g) "Original equipment" means an item of motor vehicle equipment, including tires, which were installed in or on a motor vehicle or available as an option for the particular vehicle from the original manufacturer at the time of its delivery to the first purchaser.
- 2838 (h)
- 2839 (i) "Wheel track" means the shortest distance between the center of the tire treads on the same axle. On vehicles having dissimilar axle widths, the axle with the widest distance is used for all calculations.
- 2841 (ii) "Wheel track" on a vehicle having dissimilar axle widths, means the shortest distance between the center of the tire treads on the same axle measured on the axle with the widest distance.
- 2844 (2)
- 2845 (a) Except as provided in Subsections (2)(b) and (c), the provisions of Sections 41-6a-1629 through 41-6a-1633 apply to all motor vehicles operated or parked on a highway.
- 2847 (b) The provisions of Sections 41-6a-1629 through 41-6a-1633 do not apply to the following vehicles:
- 2849 (i) implements of husbandry;
- 2850 (ii) farm tractors;
- 2851 (iii) road machinery;

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- 2852 (iv) road rollers; and
- 2853 (v) historical vehicles or horseless carriages that have been restored as near to original condition as is reasonably possible.
- 2855 (c) The provisions of Subsection 41-6a-1631(2) and Sections 41-6a-1632 and 41-6a-1633 do not apply to a street-legal all-terrain vehicle or a street-legal novel vehicle operated in accordance with Section 41-6a-1509.
- 2951 Section 35. Section **41-6a-1633** is amended to read:
- 2952 **41-6a-1633. Mudguards or flaps at rear wheels of trucks, trailers, truck tractors, or altered motor vehicles -- Exemptions.**
- 2861 (1)
- 2862 (a) Except as provided in Subsection (2), when operated on a highway, the following vehicles shall be equipped with wheel covers, mudguards, flaps, or splash aprons behind the rearmost wheels to prevent, as far as practicable, the wheels from throwing dirt, water, or other materials on other vehicles:
- 2865 (i) a vehicle that has been altered:
- 2866 (A) from the original manufacturer's frame height; or
- 2867 (B) in any other manner so that the motor vehicle's wheels may throw dirt, water, or other materials on other vehicles;
- 2869 (ii) any truck with a gross vehicle weight rating of 10,500 pounds or more;
- 2870 (iii) any truck tractor; and
- 2871 (iv) any trailer or semitrailer with ~~[an unladen]~~ a shipping weight of 750 pounds or more.
- 2873 (b) The wheel covers, mudguards, flaps, or splash aprons shall:
- 2874 (i) be at least as wide as the tires they are protecting;
- 2875 (ii) be directly in line with the tires; and
- 2876 (iii) have a ground clearance of not more than 50% of the diameter of a rear-axle wheel, under any conditions of loading of the motor vehicle.
- 2878 (2) Wheel covers, mudguards, flaps, or splash aprons are not required:
- 2879 (a) if the motor vehicle, trailer, or semitrailer is designed and constructed so that the requirements of Subsection (1) are accomplished by means of fenders, body construction, or other means of enclosure;

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- (b) on a vehicle operated or driven during fair weather on well-maintained, hard-surfaced roads if the motor vehicle:
- 2884 (i) was made in America prior to 1935;
- 2885 (ii) is registered as a vintage vehicle; or
- 2886 (iii) is a custom vehicle as defined under Section 41-6a-1507; or
- 2887 (c) on a street-legal all-terrain vehicle.
- 2888 (3) Except as provided in Subsection (2)(b), rear wheels not covered at the top by fenders, bodies, or other parts of the vehicle shall be covered at the top by protective means extending rearward at least to the center line of the rearmost axle.
- 2891 (4) A violation of this section is an infraction.

2985 Section 36. Section **41-6a-1636** is amended to read:

2986 **41-6a-1636. Tires which are prohibited -- Regulatory powers of state transportation department -- Winter use of studs -- Special permits -- Tread depth.**

- 2896 (1) A solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.
- 2898 (2) A person may not operate or move on a highway a motor vehicle, trailer, or semitrailer having a metal tire in contact with the roadway.
- 2900 (3) Except as otherwise provided in this section, a person may not have a tire on a vehicle that is moved on a highway that has on the tire's periphery a block, stud, flange, cleat, or spike or any other protuberances of any material other than rubber which projects beyond the tread of the traction surface of the tire.
- 2904 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department of Transportation may make rules to permit the use of tires on a vehicle having protuberances other than rubber, if the department concludes that protuberances do not:
- 2908 (a) damage the highway significantly; or
- 2909 (b) constitute a hazard to life, health, or property.
- 2910 (5) Notwithstanding any other provision of this section, a person may use:
- 2911 (a) a tire with protuberances consisting of tungsten carbide studs on a vehicle if the studs:
- 2912 (i) are only used during the winter periods of October 15 through December 31 and January 1 through March 31 of each year;
- 2914 (ii) do not project beyond the tread of the traction surface of the tire more than .050 inches; and

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- 2916 (iii) are not used on a vehicle with a maximum gross [weight] vehicle weight rating in excess of 9,000
2917 pounds unless the vehicle is an emergency vehicle or school bus;
- 2918 (b) farm machinery with tires having protuberances which will not injure the highway; and
- 2920 (c) tire chains of reasonable proportions on a vehicle when required for safety because of snow, ice, or
2921 other conditions tending to cause a vehicle to skid.
- 2922 (6) Notwithstanding any other provision of this chapter, a highway authority, for a highway under its
2923 jurisdiction, may issue special permits authorizing the operation on a highway of:
- 2925 (a) farm tractors;
- 2926 (b) other farm machinery; or
- 2927 (c) traction engines or tractors having movable tracks with transverse corrugations on the periphery of
2928 the movable tracks.
- 2929 (7)
- 2930 (a) A person may not operate a vehicle if one or more of the tires in use on the vehicle:
- 2931 (i) is in an unsafe operating condition; or
- 2932 (ii) has a tread depth less than 2/32 inch measured in any two adjacent tread grooves at three
2933 equally spaced intervals around the circumference of the tire.
- 2934 (b) The measurement under Subsection (7)(a) may not be made at the location of any tread wear
2935 indicator, tie bar, hump, or fillet.
- 2936 (8) A person in the business of selling tires may not sell or offer for sale for highway use any tire
2937 prohibited for use under Subsection (7).
- 2938 (9) A violation of this section is an infraction.
- 3032 Section 37. Section **41-12a-301** is amended to read:
- 3033 **41-12a-301. Definitions -- Requirement of owner's or operator's security -- Exceptions.**
- 2942 (1) As used in this section:
- 2943 (a) "Highway" means the same as that term is defined in Section 41-1a-102.
- 2944 (b) "Local education agency" or "LEA" means the same as that term is defined in Section 53E-1-102.
- 2946 (c) "Quasi-public road or parking area" means the same as that term is defined in Section 41-6a-214.
- 2948 (2) Except as provided in Subsection (5):
- 2949 (a) every resident owner of a motor vehicle shall maintain owner's or operator's security in effect at any
2950 time that the motor vehicle is operated on a highway or on a quasi-public road or parking area [or
2951 registered]within the state; and

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- 2952 (b) every nonresident owner of a motor vehicle that has been physically present in this state for:
- 2954 (i) 90 or fewer days during the preceding 365 days shall maintain the type and amount of owner's or operator's security required in his place of residence, in effect continuously throughout the period the motor vehicle remains within Utah; or
- 2958 (ii) more than 90 days during the preceding 365 days shall thereafter maintain owner's or operator's security in effect continuously throughout the period the motor vehicle remains within Utah.
- 2961 (3)
- (a) Except as provided in Subsection (5), the state and all of its political subdivisions and their respective departments, institutions, or agencies shall maintain owner's or operator's security in effect continuously for their motor vehicles.
- 2964 (b) Any other state is considered a nonresident owner of its motor vehicles and is subject to Subsection (2)(b).
- 2966 (4) The United States, any political subdivision of it, or any of its agencies may maintain owner's or operator's security in effect for their motor vehicles.
- 2968 (5) Owner's or operator's security is not required for any of the following:
- 2969 (a) off-highway vehicles registered under Section 41-22-3 when operated either:
- 2970 (i) on a highway designated as open for off-highway vehicle use; or
- 2971 (ii) in the manner prescribed by Subsections 41-22-10.3(1) through (3);
- 2972 (b) off-highway implements of husbandry operated in the manner prescribed by Subsections 41-22-5.5(3) through (5);
- 2974 (c) electric assisted bicycles as defined under Section 41-6a-102;
- 2975 (d) motor assisted scooters as defined under Section 41-6a-102;
- 2976 (e) electric personal assistive mobility devices as defined under Section 41-6a-102; or
- 2977 (f) an LEA, for a school bus that the LEA authorizes a state entity or political subdivision of the state to use.
- 2979 (6) If an LEA authorizes a state entity or political subdivision of the state to use a school bus:
- 2981 (a) the state entity or political subdivision shall maintain owner's or operator's security during the term of the school bus use in an amount that is greater than or equal to any governmental immunity liability limit;
- 2984

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(b) the state entity or the political subdivision shall indemnify and defend the LEA for any claim that arises from the school bus use including a claim directed at the LEA, unless the claim arises from the sole negligence of the LEA; and

2987 (c) if the school district maintains owner's or operator's security for the school bus during the term of school bus use, the owner's and operator's security maintained by the state entity or political subdivision of the state is primary to the owner's and operator's security maintained by the LEA.

3084 Section 38. Section **41-22-2** is amended to read:

41-22-2. Definitions.

As used in this chapter:

2994 (1) "Advisory council" means an advisory council appointed by the Division of Outdoor Recreation that has within the advisory council's duties advising on policies related to the use of off-highway vehicles.

2997 (2) "All-terrain type I vehicle" means any motor vehicle 52 inches or less in width, having [an unladen dry] a shipping weight of 1,500 pounds or less, traveling on three or more low pressure tires, having a seat designed to be straddled by the operator, and designed for or capable of travel over unimproved terrain.

3001 (3)

(a) "All-terrain type II vehicle" means any motor vehicle 80 inches or less in width, traveling on four or more low pressure tires, having a steering wheel, non-straddle seating, a rollover protection system, and designed for or capable of travel over unimproved terrain, and is:

3005 (i) an electric-powered vehicle; or

3006 (ii) a vehicle powered by an internal combustion engine and has [an unladen dry] a shipping weight of 3,500 pounds or less.

3008 (b) "All-terrain type II vehicle" does not include golf carts, any vehicle designed to carry a person with a disability, any vehicle not specifically designed or modified primarily for recreational use on unimproved terrain, or farm tractors as defined under Section 41-1a-102.

3012 (4)

(a) "All-terrain type III vehicle" means any other motor vehicle, not defined in Subsection (2), (3), (13), or (24), designed for or capable of travel over unimproved terrain.

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- (b) "All-terrain type III vehicle" does not include golf carts, any vehicle designed to carry a person with a disability, any vehicle not specifically designed or modified primarily for recreational use on unimproved terrain, or farm tractors as defined under Section 41-1a-102.
- 3019 (5) "Commission" means the Outdoor Adventure Commission.
- 3020 (6) "Cross-country" means across natural terrain and off an existing highway, road, route, or trail.
- 3022 (7) "Dealer" means a person engaged in the business of selling off-highway vehicles at wholesale or retail.
- 3024 (8) "Division" means the Division of Outdoor Recreation.
- 3025 (9) "Low pressure tire" means any pneumatic tire six inches or more in width designed for use on wheels with rim diameter of 14 inches or less and utilizing an operating pressure of 10 pounds per square inch or less as recommended by the vehicle manufacturer.
- 3028 (10) "Manufacturer" means a person engaged in the business of manufacturing off-highway vehicles.
- 3030 (11)
 - (a) "Motor vehicle" means every vehicle which is self-propelled.
 - 3031 (b) "Motor vehicle" includes an off-highway vehicle.
 - 3032 (12) "Motorcycle" means every motor vehicle having a saddle for the use of the operator and designed to travel on not more than two tires.
 - 3034 (13) "Off-highway implement of husbandry" means every all-terrain type I vehicle, all-terrain type II vehicle, all-terrain type III vehicle, off-highway motorcycle, or snowmobile that is used by the owner or the owner's agent for agricultural operations.
 - 3037 (14) "Off-highway motorcycle" means an off-highway vehicle that is a motorcycle and is designed for use primarily off-highway.
 - 3039 (15) "Off-highway vehicle" means any snowmobile, all-terrain type I vehicle, all-terrain type II vehicle, all-terrain type III vehicle, or off-highway motorcycle.
 - 3041 (16)
 - (a) "Off-highway vehicle facility" means a facility or area designated for use by an off-highway vehicle.
 - 3043 (b) "Off-highway vehicle facility" includes a trail, trailhead, storage shed, water and electric infrastructure, or other infrastructure that provides or increases access to an area designated for use by an off-highway vehicle.
 - 3046 (17) "Operate" means to control the movement of or otherwise use an off-highway vehicle.
 - 3047 (18) "Operator" means the person who is in actual physical control of an off-highway vehicle.

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- 3049 (19) "Organized user group" means an off-highway vehicle organization incorporated as a nonprofit corporation in the state under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act, for the purpose of promoting the interests of off-highway vehicle recreation.
- 3053 (20) "Owner" means a person, other than a person with a security interest, having a property interest or title to an off-highway vehicle and entitled to the use and possession of that vehicle.
- 3056 (21) "Public land" means land owned or administered by any federal or state agency or any political subdivision of the state.
- 3058 (22) "Register" means the act of assigning a registration number to an off-highway vehicle.
- 3059 (23) "Roadway" is used as defined in Section 41-6a-102.
- 3060 (24) "Snowmobile" means any motor vehicle designed for travel on snow or ice and steered and supported in whole or in part by skis, belts, cleats, runners, or low pressure tires, and equipped with a saddle or seat for the use of the rider.
- 3063 (25) "Street or highway" means the entire width between boundary lines of every way or place of whatever nature, when any part of it is open to the use of the public for vehicular travel.
- 3066 (26) "Street-legal all-terrain vehicle" or "street-legal ATV" has the same meaning as defined in Section 41-6a-102.
- 3161 Section 39. Section **53-3-905** is amended to read:
- 3162 **53-3-905. Dedication of fees.**
- 3070 [(1) The following shall be deposited as dedicated credits in the Transportation Fund to be used by the division for the program:]
- 3072 [(a) \$5 of the annual registration fee imposed for each registered motorcycle under Subsection 41-1a-1206(1)(a);]
- 3074 [(b) \$4 of the six-month registration fee imposed for each registered motorcycle under Subsection 41-1a-1206(2)(a); and]
- 3076 [(e) \$2.50 of the fee imposed under Section 53-3-105 for an original, renewal, or extension of a motorcycle endorsement.]
- 3078 (1) The division may use the following dedicated credits for the program:
- 3079 (a) the portion of registration fees deposited into the Transportation Fund as described in Subsection 41-1a-1201(11); and
- 3081 (b) \$2.50 of the fee imposed under Section 53-3-105 for an original, renewal, or extension of a motorcycle endorsement.

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- 3083 (2) Appropriations to the program are nonlapsing.
- 3084 (3) Appropriations may not be used for assistance to, advocacy of, or lobbying for any legislation
unless the legislation would enhance or affect the financial status of the program or the program's
continuation.
- 3180 Section 40. Section **59-2-102** is amended to read:
- 3181 **59-2-102. Definitions.**
- As used in this chapter:
- 3090 (1)
- 3092 (a) "Acquisition cost" means any cost required to put an item of tangible personal property into service.
- 3093 (b) "Acquisition cost" includes:
- 3094 (i) the purchase price of a new or used item;
- 3096 (ii) the cost of freight, shipping, loading at origin, unloading at destination, crating, skidding, or any
other applicable cost of shipping;
- 3098 (iii) the cost of installation, engineering, rigging, erection, or assembly, including foundations, pilings,
utility connections, or similar costs; and
- 3099 (iv) sales and use taxes.
- 3103 (2) "Aerial applicator" means aircraft or rotorcraft used exclusively for the purpose of engaging in
dispensing activities directly affecting agriculture or horticulture with an airworthiness certificate
from the Federal Aviation Administration certifying the aircraft or rotorcraft's use for agricultural
and pest control purposes.
- 3106 (3) "Air charter service" means an air carrier operation that requires the customer to hire an entire
aircraft rather than book passage in whatever capacity is available on a scheduled trip.
- 3109 (4) "Air contract service" means an air carrier operation available only to customers that engage the
services of the carrier through a contractual agreement and excess capacity on any trip and is not
available to the public at large.
- 3110 (5) "Aircraft" means the same as that term is defined in Section 72-10-102.
- 3111 (6)
- 3112 (a) Except as provided in Subsection (6)(b), "airline" means an air carrier that:
- 3113 (i) operates:
- 3112 (A) on an interstate route; and
- 3113 (B) on a scheduled basis; and

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- 3114 (ii) offers to fly one or more passengers or cargo on the basis of available capacity on a regularly
3115 scheduled route.
- 3116 (b) "Airline" does not include an:
- 3117 (i) air charter service; or
- 3118 (ii) air contract service.
- 3119 (7) "Assessment roll" or "assessment book" means a permanent record of the assessment of property
3120 as assessed by the county assessor and the commission and may be maintained manually or as
3121 a computerized file as a consolidated record or as multiple records by type, classification, or
3122 categories.
- 3123 (8) "Base parcel" means a parcel of property that was legally:
- 3124 (a) subdivided into two or more lots, parcels, or other divisions of land; or
- 3125 (b)
- 3126 (i) combined with one or more other parcels of property; and
- 3127 (ii) subdivided into two or more lots, parcels, or other divisions of land.
- 3128 (9)
- 3129 (a) "Certified revenue levy" means a property tax levy that provides an amount of ad valorem property
3130 tax revenue equal to the sum of:
- 3131 (i) the amount of ad valorem property tax revenue to be generated statewide in the previous year
3132 from imposing a multicounty assessing and collecting levy, as specified in Section 59-2-1602;
3133 and
- 3134 (ii) the product of:
- 3135 (A) eligible new growth, as defined in Section 59-2-924; and
- 3136 (B) the multicounty assessing and collecting levy certified by the commission for the previous year.
- 3137 (b) For purposes of this Subsection (9), "ad valorem property tax revenue" does not include property tax
3138 revenue received by a taxing entity from personal property that is:
- 3139 (i) assessed by a county assessor in accordance with Part 3, County Assessment; and
- 3140 (ii) semiconductor manufacturing equipment.
- 3141 (c) For purposes of calculating the certified revenue levy described in this Subsection (9), the
3142 commission shall use:
- 3143 (i) the taxable value of real property assessed by a county assessor contained on the assessment roll;
- 3144 (ii) the taxable value of real and personal property assessed by the commission; and

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- 3146 (iii) the taxable year end value of personal property assessed by a county assessor contained on the prior
3147 year's assessment roll.
- 3148 (10) "County-assessed commercial vehicle" means:
- 3149 (a) any commercial vehicle, trailer, or semitrailer that is not apportioned under Section 41-1a-301 and
3150 is not operated interstate to transport the vehicle owner's goods or property in furtherance of the
3151 owner's commercial enterprise;
- 3152 (b) any passenger vehicle owned by a business and used by its employees for transportation as a
3153 company car or vanpool vehicle; and
- 3154 (c) vehicles that are:
- 3155 (i) especially constructed for towing or wrecking, and that are not otherwise used to transport goods,
3156 merchandise, or people for compensation;
- 3157 (ii) used or licensed as taxicabs or limousines;
- 3158 (iii) used as rental passenger cars, travel trailers, or motor homes;
- 3159 (iv) used or licensed in this state for use as ambulances or hearses;
- 3160 (v) especially designed and used for garbage and rubbish collection; or
- 3161 (vi) used exclusively to transport students or their instructors to or from any private, public, or religious
3162 school or school activities.
- 3163 (11) "Eligible judgment" means a final and unappealable judgment or order under Section 59-2-1330:
- 3165 (a) that became a final and unappealable judgment or order no more than 14 months before the day on
3166 which the notice described in Section 59-2-919.1 is required to be provided; and
- 3168 (b) for which a taxing entity's share of the final and unappealable judgment or order is greater than or
3169 equal to the lesser of:
- 3170 (i) \$5,000; or
- 3171 (ii) 2.5% of the total ad valorem property taxes collected by the taxing entity in the previous fiscal year.
- 3173 (12)
- 3175 (a) "Escaped property" means any property, whether personal, land, or any improvements to the
3176 property, that is subject to taxation and is:
- 3177 (i) inadvertently omitted from the tax rolls, assigned to the incorrect parcel, or assessed to the
3178 wrong taxpayer by the assessing authority;
- 3177 (ii) undervalued or omitted from the tax rolls because of the failure of the taxpayer to comply with
3179 the reporting requirements of this chapter; or

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- 3179 (iii) undervalued because of errors made by the assessing authority based upon incomplete or erroneous information furnished by the taxpayer.
- 3181 (b) "Escaped property" does not include property that is undervalued because of the use of a different valuation methodology or because of a different application of the same valuation methodology.
- 3184 (13) (a) "Fair market value" means the amount at which property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or sell and both having reasonable knowledge of the relevant facts.
- 3187 (b) For purposes of taxation, "fair market value" shall be determined using the current zoning laws applicable to the property in question, except in cases where there is a reasonable probability of a change in the zoning laws affecting that property in the tax year in question and the change would have an appreciable influence upon the value.
- 3192 (14) "Geothermal fluid" means water in any form at temperatures greater than 120 degrees centigrade naturally present in a geothermal system.
- 3194 (15) "Geothermal resource" means:
- 3195 (a) the natural heat of the earth at temperatures greater than 120 degrees centigrade; and
- 3196 (b) the energy, in whatever form, including pressure, present in, resulting from, created by, or which may be extracted from that natural heat, directly or through a material medium.
- 3199 (16) (a) "Goodwill" means:
- 3200 (i) acquired goodwill that is reported as goodwill on the books and records that a taxpayer maintains for financial reporting purposes; or
- 3202 (ii) the ability of a business to:
- 3203 (A) generate income that exceeds a normal rate of return on assets and that results from a factor described in Subsection (16)(b); or
- 3205 (B) obtain an economic or competitive advantage resulting from a factor described in Subsection (16)(b).
- 3207 (b) The following factors apply to Subsection (16)(a)(ii):
- 3208 (i) superior management skills;
- 3209 (ii) reputation;
- 3210 (iii) customer relationships;

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- 3211 (iv) patronage; or
- 3212 (v) a factor similar to Subsections (16)(b)(i) through (iv).
- 3213 (c) "Goodwill" does not include:
- 3214 (i) the intangible property described in Subsection (20)(a) or (b);
- 3215 (ii) locational attributes of real property, including:
- 3216 (A) zoning;
- 3217 (B) location;
- 3218 (C) view;
- 3219 (D) a geographic feature;
- 3220 (E) an easement;
- 3221 (F) a covenant;
- 3222 (G) proximity to raw materials;
- 3223 (H) the condition of surrounding property; or
- 3224 (I) proximity to markets;
- 3225 (iii) value attributable to the identification of an improvement to real property, including:
- 3227 (A) reputation of the designer, builder, or architect of the improvement;
- 3228 (B) a name given to, or associated with, the improvement; or
- 3229 (C) the historic significance of an improvement; or
- 3230 (iv) the enhancement or assemblage value specifically attributable to the interrelation of the existing tangible property in place working together as a unit.
- 3232 (17) "Governing body" means:
- 3233 (a) for a county, city, or town, the legislative body of the county, city, or town;
- 3234 (b) for a special district under Title 17B, Limited Purpose Local Government Entities - Special Districts, the special district's board of trustees;
- 3236 (c) for a school district, the local board of education;
- 3237 (d) for a special service district under Title 17D, Chapter 1, Special Service District Act:
- 3238 (i) the legislative body of the county or municipality that created the special service district, to the extent that the county or municipal legislative body has not delegated authority to an administrative control board established under Section 17D-1-301; or
- 3242 (ii) the administrative control board, to the extent that the county or municipal legislative body has delegated authority to an administrative control board established under Section 17D-1-301; or

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- 3245 (e) for a public infrastructure district under Title 17D, Chapter 4, Public Infrastructure District Act, the
public infrastructure district's board of trustees.
- 3247 [(18) "Gross vehicle weight rating" means the maximum gross vehicle weight rating as reported by the
manufacturer of the motor vehicle for the vehicle identification number.]
- 3249 (18) "Gross vehicle weight rating" means the maximum weight a vehicle can carry, including the
weight of the vehicle itself, passengers, cargo, fuel, and trailer tongue weight as reported by
the manufacturer, except that if a gross vehicle weight rating is not reported by the vehicle's
manufacturer, the division may determine the gross vehicle weight rating using the best available
information.
- 3254 (19)
- (a) Except as provided in Subsection (19)(c), "improvement" means a building, structure, fixture, fence,
or other item that is permanently attached to land, regardless of whether the title has been acquired
to the land, if:
- 3257 (i)
- (A) attachment to land is essential to the operation or use of the item; and
- 3258 (B) the manner of attachment to land suggests that the item will remain attached to the land in the same
place over the useful life of the item; or
- 3260 (ii) removal of the item would:
- 3261 (A) cause substantial damage to the item; or
- 3262 (B) require substantial alteration or repair of a structure to which the item is attached.
- 3264 (b) "Improvement" includes:
- 3265 (i) an accessory to an item described in Subsection (19)(a) if the accessory is:
- 3266 (A) essential to the operation of the item described in Subsection (19)(a); and
- 3267 (B) installed solely to serve the operation of the item described in Subsection (19)(a); and
- 3269 (ii) an item described in Subsection (19)(a) that is temporarily detached from the land for repairs and
remains located on the land.
- 3271 (c) "Improvement" does not include:
- 3272 (i) an item considered to be personal property pursuant to rules made in accordance with Section
59-2-107;
- 3274 (ii) a moveable item that is attached to land for stability only or for an obvious temporary purpose;
- 3276 (iii)

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- (A) manufacturing equipment and machinery; or
 - (B) essential accessories to manufacturing equipment and machinery;
 - (iv) an item attached to the land in a manner that facilitates removal without substantial damage to the land or the item; or
 - (v) a transportable factory-built housing unit as defined in Section 59-2-1502 if that transportable factory-built housing unit is considered to be personal property under Section 59-2-1503.
- (20) "Intangible property" means:
- (a) property that is capable of private ownership separate from tangible property, including:
 - (i) money;
 - (ii) credits;
 - (iii) bonds;
 - (iv) stocks;
 - (v) representative property;
 - (vi) franchises;
 - (vii) licenses;
 - (viii) trade names;
 - (ix) copyrights; and
 - (x) patents;
- (b) a low-income housing tax credit;
 - (c) goodwill; or
 - (d) a clean or renewable energy tax credit or incentive, including:
 - (i) a federal renewable energy production tax credit under Section 45, Internal Revenue Code;
 - (ii) a federal energy credit for qualified renewable electricity production facilities under Section 48, Internal Revenue Code;
 - (iii) a federal grant for a renewable energy property under American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, Section 1603; and
 - (iv) a tax credit under Subsection 59-7-614(5).
- (21) "Livestock" means:
- (a) a domestic animal;
 - (b) a fish;
 - (c) a fur-bearing animal;

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- 3310 (d) a honeybee; or
- 3311 (e) poultry.
- 3312 (22) "Low-income housing tax credit" means:
- 3313 (a) a federal low-income housing tax credit under Section 42, Internal Revenue Code; or
- 3314 (b) a low-income housing tax credit under Section 59-7-607 or Section 59-10-1010.
- 3315 (23) "Metalliferous minerals" includes gold, silver, copper, lead, zinc, and uranium.
- 3316 (24) "Mine" means a natural deposit of either metalliferous or nonmetalliferous valuable mineral.
- 3318 (25) "Mining" means the process of producing, extracting, leaching, evaporating, or otherwise removing a mineral from a mine.
- 3320 (26)
- 3322 (a) "Mobile flight equipment" means tangible personal property that is owned or operated by an air charter service, air contract service, or airline and:
- 3323 (i) is capable of flight or is attached to an aircraft that is capable of flight; or
- 3325 (ii) is contained in an aircraft that is capable of flight if the tangible personal property is intended to be used:
- 3326 (A) during multiple flights;
- 3327 (B) during a takeoff, flight, or landing; and
- 3328 (C) as a service provided by an air charter service, air contract service, or airline.
- 3329 (b)
- 3331 (i) "Mobile flight equipment" does not include a spare part other than a spare engine that is rotated at regular intervals with an engine that is attached to the aircraft.
- 3333 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules defining the term "regular intervals."
- 3335 (27) "Nonmetalliferous minerals" includes, but is not limited to, oil, gas, coal, salts, sand, rock, gravel, and all carboniferous materials.
- 3338 (28) "Part-year residential property" means property that is not residential property on January 1 of a calendar year but becomes residential property after January 1 of the calendar year.
- 3339 (29) "Personal property" includes:
- 3341 (a) every class of property as defined in Subsection (30) that is the subject of ownership and is not real estate or an improvement;

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- (b) any pipe laid in or affixed to land whether or not the ownership of the pipe is separate from the ownership of the underlying land, even if the pipe meets the definition of an improvement;
 - (c) bridges and ferries;
 - (d) livestock; and
 - (e) outdoor advertising structures as defined in Section 72-7-502.
- (30)
- (a) "Property" means property that is subject to assessment and taxation according to its value.
 - (b) "Property" does not include intangible property as defined in this section.
- (31)
- (a) "Public utility" means:
 - (i) the operating property of a railroad, gas corporation, oil or gas transportation or pipeline company, coal slurry pipeline company, electrical corporation, sewerage corporation, or heat corporation where the company performs the service for, or delivers the commodity to, the public generally or companies serving the public generally, or in the case of a gas corporation or an electrical corporation, where the gas or electricity is sold or furnished to any member or consumers within the state for domestic, commercial, or industrial use; and
 - (ii) the operating property of any entity or person defined under Section 54-2-1 except water corporations.
 - (b) "Public utility" does not include the operating property of a telecommunications service provider.
- (32)
- (a) Subject to Subsection (32)(b), "qualifying exempt primary residential rental personal property" means household furnishings, furniture, and equipment that:
 - (i) are used exclusively within a dwelling unit that is the primary residence of a tenant;
 - (ii) are owned by the owner of the dwelling unit that is the primary residence of a tenant; and
 - (iii) after applying the residential exemption described in Section 59-2-103, are exempt from taxation under this chapter in accordance with Subsection 59-2-1115(2).
 - (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may by rule define the term "dwelling unit" for purposes of this Subsection (32) and Subsection (35).
- (33) "Real estate" or "real property" includes:
- (a) the possession of, claim to, ownership of, or right to the possession of land;

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- 3376 (b) all mines, minerals, and quarries in and under the land, all timber belonging to individuals or corporations growing or being on the lands of this state or the United States, and all rights and privileges appertaining to these; and
- 3379 (c) improvements.
- 3380 (34)
- 3384 (a) "Relationship with an owner of the property's land surface rights" means a relationship described in Subsection 267(b), Internal Revenue Code, except that the term 25% shall be substituted for the term 50% in Subsection 267(b), Internal Revenue Code.
- 3387 (b) For purposes of determining if a relationship described in Subsection 267(b), Internal Revenue Code, exists, the ownership of stock shall be determined using the ownership rules in Subsection 267(c), Internal Revenue Code.
- 3389 (35)
- 3390 (a) "Residential property," for purposes of the reductions and adjustments under this chapter, means any property used for residential purposes as a primary residence.
- 3391 (b) "Residential property" includes:
- 3392 (i) except as provided in Subsection (35)(b)(ii), includes household furnishings, furniture, and equipment if the household furnishings, furniture, and equipment are:
- 3393 (A) used exclusively within a dwelling unit that is the primary residence of a tenant; and
- 3395 (B) owned by the owner of the dwelling unit that is the primary residence of a tenant; and
- 3397 (ii) if the county assessor determines that the property will be used for residential purposes as a primary residence:
- 3399 (A) property under construction; or
- 3400 (B) unoccupied property.
- 3401 (c) "Residential property" does not include property used for transient residential use.
- 3402 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may by rule define the term "dwelling unit" for purposes of Subsection (32) and this Subsection (35).
- 3405 (36) "Split estate mineral rights owner" means a person that:
- 3406 (a) has a legal right to extract a mineral from property;
- 3407 (b) does not hold more than a 25% interest in:
- 3408 (i) the land surface rights of the property where the wellhead is located; or

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- 3409 (ii) an entity with an ownership interest in the land surface rights of the property where the wellhead is located;
- 3411 (c) is not an entity in which the owner of the land surface rights of the property where the wellhead is located holds more than a 25% interest; and
- 3413 (d) does not have a relationship with an owner of the land surface rights of the property where the wellhead is located.
- 3415 (37)
- 3416 (a) "State-assessed commercial vehicle" means:
- 3418 (i) any commercial vehicle, trailer, or semitrailer that operates interstate or intrastate to transport passengers, freight, merchandise, or other property for hire; or
- 3421 (ii) any commercial vehicle, trailer, or semitrailer that operates interstate and transports the vehicle owner's goods or property in furtherance of the owner's commercial enterprise.
- 3423 (b) "State-assessed commercial vehicle" does not include vehicles used for hire that are specified in Subsection (10)(c) as county-assessed commercial vehicles.
- 3425 (38) "Subdivided lot" means a lot, parcel, or other division of land, that is a division of a base parcel.
- 3427 (39) "Tax area" means a geographic area created by the overlapping boundaries of one or more taxing entities.
- 3429 (40) "Taxable value" means fair market value less any applicable reduction allowed for residential property under Section 59-2-103.
- 3433 (41) "Taxing entity" means any county, city, town, school district, special taxing district, special district under Title 17B, Limited Purpose Local Government Entities - Special Districts, or other political subdivision of the state with the authority to levy a tax on property.
- 3437 (42)
- 3438 (a) "Tax roll" means a permanent record of the taxes charged on property, as extended on the assessment roll, and may be maintained on the same record or records as the assessment roll or may be maintained on a separate record properly indexed to the assessment roll.
- 3439 (b) "Tax roll" includes tax books, tax lists, and other similar materials.
- 3440 (43) "Telecommunications service provider" means the same as that term is defined in Section 59-12-102.
- 3442 Section 41. Section **59-2-402** is amended to read:
- 3443

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59-2-402. Proportional assessment of transitory personal property brought from outside state -- Exemptions -- Reporting requirements -- Penalty for failure to file report -- Claims for rebates and adjustments.

- 3444 (1) If any taxable transitory personal property, other than property exempted under Subsection (2), is brought into the state at any time after the assessment date, a proportional assessment shall be made in accordance with rules adopted by the commission based upon the length of time that the property is in the state, but in no event may the minimum assessment be less than 25% of the full year's assessment.
- 3449 (2) The following property is exempt from proportional assessment under Subsection (1) for the year in which the license fee or tax is paid:
- 3451 (a) property acquired during the calendar year;
- 3452 (b) registered motor vehicles with a gross ~~laden weight~~ vehicle weight rating of 27,000 pounds or less;
- 3454 (c) vehicles that are registered and licensed in another state;
- 3455 (d) property subject to the provisions of Subsection 59-2-405(4);
- 3456 (e) state-assessed commercial vehicles; and
- 3457 (f) a motor home that is:
- 3458 (i) brought into the state for the sole purpose of selling the motor home to a licensed dealer; and
- 3460 (ii) purchased for resale by a person licensed as a dealer under Section 41-3-201.
- 3461 (3) If any taxable transitory personal property is brought into the state at any time during the year, the owner of the property, or the owner's agent, shall immediately secure a personal property report form from the assessor, complete it in all pertinent respects, sign it, and file it with the assessor of the county in which the property is located.
- 3465 (4) If the owner of the taxable transitory personal property, or the owner's agent, fails to secure, complete, and file a personal property report form with the county assessor, the assessor shall estimate the value of the property in accordance with Section 59-2-307. Any failure on the part of the owner or agent to report as required by this subsection subjects the property owner to a penalty of 50% of the amount of tax finally determined to be due.
- 3471 (5) An owner of taxable transitory personal property, except motor vehicles with a gross ~~laden weight~~ vehicle weight rating of 27,000 pounds or less, who has paid taxes on the personal property and who removes the property from the state prior to December, is entitled to a rebate of a proportionate share of the taxes paid as determined by the commission. If a claim for rebate or

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adjustments is filed with the county auditor by December 10, the auditor shall immediately submit the claim with a recommendation to the county executive for its approval or denial. If the claim is not approved prior to the end of the calendar year, or within 30 days after its submission, or if the claim is submitted after December 10, it shall be considered denied, and the owners of the property may file an action in the district court for a refund or an adjustment.

3574 Section 42. Section **59-12-103** is amended to read:

3575 **59-12-103. Sales and use tax base -- Rates -- Effective dates -- Use of sales and use tax
revenue.**

- 3484 (1) A tax is imposed on the purchaser as provided in this part on the purchase price or sales price for amounts paid or charged for the following transactions:
- 3486 (a) retail sales of tangible personal property made within the state;
- 3487 (b) amounts paid for:
- 3488 (i) telecommunications service, other than mobile telecommunications service, that originates and terminates within the boundaries of this state;
- 3490 (ii) mobile telecommunications service that originates and terminates within the boundaries of one state only to the extent permitted by the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.; or
- 3493 (iii) an ancillary service associated with a:
- 3494 (A) telecommunications service described in Subsection (1)(b)(i); or
- 3495 (B) mobile telecommunications service described in Subsection (1)(b)(ii);
- 3496 (c) sales of the following for commercial use:
- 3497 (i) gas;
- 3498 (ii) electricity;
- 3499 (iii) heat;
- 3500 (iv) coal;
- 3501 (v) fuel oil; or
- 3502 (vi) other fuels;
- 3503 (d) sales of the following for residential use:
- 3504 (i) gas;
- 3505 (ii) electricity;
- 3506 (iii) heat;

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- 3507 (iv) coal;
- 3508 (v) fuel oil; or
- 3509 (vi) other fuels;
- 3510 (e) sales of prepared food;
- 3511 (f) except as provided in Section 59-12-104, amounts paid or charged as admission or user fees for theaters, movies, operas, museums, planetariums, shows of any type or nature, exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses, menageries, fairs, races, contests, sporting events, dances, boxing matches, wrestling matches, closed circuit television broadcasts, billiard parlors, pool parlors, bowling lanes, golf, miniature golf, golf driving ranges, batting cages, skating rinks, ski lifts, ski runs, ski trails, snowmobile trails, tennis courts, swimming pools, water slides, river runs, jeep tours, boat tours, scenic cruises, horseback rides, sports activities, or any other amusement, entertainment, recreation, exhibition, cultural, or athletic activity;
- 3521 (g) amounts paid or charged for services for repairs or renovations of tangible personal property, unless Section 59-12-104 provides for an exemption from sales and use tax for:
 - 3524 (i) the tangible personal property; and
 - 3525 (ii) parts used in the repairs or renovations of the tangible personal property described in Subsection (1) (g)(i), regardless of whether:
 - 3527 (A) any parts are actually used in the repairs or renovations of that tangible personal property; or
 - 3529 (B) the particular parts used in the repairs or renovations of that tangible personal property are exempt from a tax under this chapter;
- 3531 (h) except as provided in Subsection 59-12-104(7), amounts paid or charged for assisted cleaning or washing of tangible personal property;
- 3533 (i) amounts paid or charged for short-term rentals of tourist home, hotel, motel, or trailer court accommodations and services;
- 3535 (j) amounts paid or charged for laundry or dry cleaning services;
- 3536 (k) amounts paid or charged for leases or rentals of tangible personal property if within this state the tangible personal property is:
 - 3538 (i) stored;
 - 3539 (ii) used; or
 - 3540 (iii) otherwise consumed;

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- (l) amounts paid or charged for tangible personal property if within this state the tangible personal property is:
 - (i) stored;
 - (ii) used; or
 - (iii) consumed;
 - (m) amounts paid or charged for a sale:
 - (i)
 - (A) of a product transferred electronically; or
 - (B) of a repair or renovation of a product transferred electronically; and
 - (ii) regardless of whether the sale provides:
 - (A) a right of permanent use of the product; or
 - (B) a right to use the product that is less than a permanent use, including a right:
 - (I) for a definite or specified length of time; and
 - (II) that terminates upon the occurrence of a condition; and
 - (n) sales of leased tangible personal property from the lessor to the lessee made in the state.
- (2)
- (a) Except as provided in Subsections (2)(b) through (f), a state tax and a local tax are imposed on a transaction described in Subsection (1) equal to the sum of:
 - (i) a state tax imposed on the transaction at a tax rate equal to the sum of:
 - (A) 4.70%;
 - (B) the rate specified in Subsection (6)(a); and
 - (C) the tax rate the state imposes in accordance with Part 20, Supplemental State Sales and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211 through 59-12-215 is in a city, town, or the unincorporated area of a county in which the state imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and
 - (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the transaction under this chapter other than this part.
 - (b) Except as provided in Subsection (2)(f) or (g) and subject to Subsection (2)(l), a state tax and a local tax are imposed on a transaction described in Subsection (1)(d) equal to the sum of:
 - (i) a state tax imposed on the transaction at a tax rate of 2%; and

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- (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the transaction under this chapter other than this part.
- (c) Except as provided in Subsection (2)(f) or (g), a state tax and a local tax are imposed on amounts paid or charged for food and food ingredients equal to the sum of:
 - (i) a state tax imposed on the amounts paid or charged for food and food ingredients at a tax rate of 1.75%; and
 - (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the amounts paid or charged for food and food ingredients under this chapter other than this part.
- (d) Except as provided in Subsection (2)(f) or (g), a state tax is imposed on amounts paid or charged for fuel to a common carrier that is a railroad for use in a locomotive engine at a rate equal to the sum of the rates described in Subsections (2)(a)(i)(A) and (2)(a)(i)(B).
- (e)
 - (i)
 - (A) The rates described in Subsections (2)(a)(i)(A) and (2)(a)(i)(B) do not apply to car sharing, a car sharing program, a shared vehicle driver, or a shared vehicle owner, for a car sharing or shared vehicle transaction if a shared vehicle owner certifies to the commission, on a form prescribed by the commission, that the shared vehicle is an individual-owned shared vehicle.
 - (B) A shared vehicle owner's certification described in Subsection (2)(e)(i)(A) is required once during the time that the shared vehicle owner owns the shared vehicle.
 - (C) The commission shall verify that a shared vehicle is an individual-owned shared vehicle by verifying that the applicable Utah taxes imposed under this chapter were paid on the purchase of the shared vehicle.
 - (D) The exception under Subsection (2)(e)(i)(A) applies to a certified individual-owned shared vehicle shared through a car-sharing program even if non-certified shared vehicles are also available to be shared through the same car-sharing program.
 - (ii) A tax imposed under Subsection (2)(a)(i)(C) or (2)(a)(ii) applies to car sharing.
 - (iii)
 - (A) A car-sharing program may rely in good faith on a shared vehicle owner's representation that the shared vehicle is an individual-owned shared vehicle certified with the commission as described in Subsection (2)(e)(i).

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- (B) If a car-sharing program relies in good faith on a shared vehicle owner's representation that the shared vehicle is an individual-owned shared vehicle certified with the commission as described in Subsection (2)(e)(i), the car-sharing program is not liable for any tax, penalty, fee, or other sanction imposed on the shared vehicle owner.
- 3609 (iv) If all shared vehicles shared through a car-sharing program are certified as described in Subsection (2)(e)(i)(A) for a tax period, the car-sharing program has no obligation to collect and remit the tax under Subsections (2)(a)(i)(A) and (2)(a)(i)(B) for that tax period.
- 3613 (v) A car-sharing program is not required to list or otherwise identify an individual-owned shared vehicle on a return or an attachment to a return.
- 3615 (vi) A car-sharing program shall:
- 3616 (A) retain tax information for each car-sharing program transaction; and
- 3617 (B) provide the information described in Subsection (2)(e)(vi)(A) to the commission at the commission's request.
- 3619 (f)
- 3622 (i) For a bundled transaction that is attributable to food and food ingredients and tangible personal property other than food and food ingredients, a state tax and a local tax is imposed on the entire bundled transaction equal to the sum of:
- 3623 (A) the tax rates described in Subsection (2)(a)(i); and
- 3623 (B) a local tax imposed on the entire bundled transaction at the sum of the tax rates described in Subsection (2)(a)(ii).
- 3625 (ii) If an optional computer software maintenance contract is a bundled transaction that consists of taxable and nontaxable products that are not separately itemized on an invoice or similar billing document, the purchase of the optional computer software maintenance contract is 40% taxable under this chapter and 60% nontaxable under this chapter.
- 3630 (iii) Subject to Subsection (2)(f)(iv), for a bundled transaction other than a bundled transaction described in Subsection (2)(f)(i) or (ii):
- 3632 (A) if the sales price of the bundled transaction is attributable to tangible personal property, a product, or a service that is subject to taxation under this chapter and tangible personal property, a product, or service that is not subject to taxation under this chapter, the entire bundled transaction is subject to taxation under this chapter unless:

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- (I) the seller is able to identify by reasonable and verifiable standards the tangible personal property, product, or service that is not subject to taxation under this chapter from the books and records the seller keeps in the seller's regular course of business; or
 - (II) state or federal law provides otherwise; or
- 3641 (B) if the sales price of a bundled transaction is attributable to two or more items of tangible personal property, products, or services that are subject to taxation under this chapter at different rates, the entire bundled transaction is subject to taxation under this chapter at the higher tax rate unless:
- 3642 (I) the seller is able to identify by reasonable and verifiable standards the tangible personal property, product, or service that is subject to taxation under this chapter at the lower tax rate from the books and records the seller keeps in the seller's regular course of business; or
- 3643 (II) state or federal law provides otherwise.
- 3644 (iv) For purposes of Subsection (2)(f)(iii), books and records that a seller keeps in the seller's regular course of business includes books and records the seller keeps in the regular course of business for nontax purposes.
- 3645 (g)
- 3646 (i) Except as otherwise provided in this chapter and subject to Subsections (2)(g)(ii) and (iii), if a transaction consists of the sale, lease, or rental of tangible personal property, a product, or a service that is subject to taxation under this chapter, and the sale, lease, or rental of tangible personal property, other property, a product, or a service that is not subject to taxation under this chapter, the entire transaction is subject to taxation under this chapter unless the seller, at the time of the transaction:
- 3647 (A) separately states the portion of the transaction that is not subject to taxation under this chapter on an invoice, bill of sale, or similar document provided to the purchaser; or
- 3648 (B) is able to identify by reasonable and verifiable standards, from the books and records the seller keeps in the seller's regular course of business, the portion of the transaction that is not subject to taxation under this chapter.
- 3649 (ii) A purchaser and a seller may correct the taxability of a transaction if:
- 3650 (A) after the transaction occurs, the purchaser and the seller discover that the portion of the transaction that is not subject to taxation under this chapter was not separately stated on an invoice, bill of sale, or similar document provided to the purchaser because of an error or ignorance of the law; and

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- (B) the seller is able to identify by reasonable and verifiable standards, from the books and records the seller keeps in the seller's regular course of business, the portion of the transaction that is not subject to taxation under this chapter.
- 3675 (iii) For purposes of Subsections (2)(g)(i) and (ii), books and records that a seller keeps in the seller's regular course of business includes books and records the seller keeps in the regular course of business for nontax purposes.
- 3678 (h)
- (i) If the sales price of a transaction is attributable to two or more items of tangible personal property, products, or services that are subject to taxation under this chapter at different rates, the entire purchase is subject to taxation under this chapter at the higher tax rate unless the seller, at the time of the transaction:
- 3682 (A) separately states the items subject to taxation under this chapter at each of the different rates on an invoice, bill of sale, or similar document provided to the purchaser; or
- 3685 (B) is able to identify by reasonable and verifiable standards the tangible personal property, product, or service that is subject to taxation under this chapter at the lower tax rate from the books and records the seller keeps in the seller's regular course of business.
- 3689 (ii) For purposes of Subsection (2)(h)(i), books and records that a seller keeps in the seller's regular course of business includes books and records the seller keeps in the regular course of business for nontax purposes.
- 3692 (i) Subject to Subsections (2)(j) and (k), a tax rate repeal or tax rate change for a tax rate imposed under the following shall take effect on the first day of a calendar quarter:
- 3694 (i) Subsection (2)(a)(i)(A);
- 3695 (ii) Subsection (2)(a)(i)(B);
- 3696 (iii) Subsection (2)(b)(i);
- 3697 (iv) Subsection (2)(c)(i); or
- 3698 (v) Subsection (2)(f)(i)(A).
- 3699 (j)
- (i) A tax rate increase takes effect on the first day of the first billing period that begins on or after the effective date of the tax rate increase if the billing period for the transaction begins before the effective date of a tax rate increase imposed under:
- 3703 (A) Subsection (2)(a)(i)(A);

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- 3704 (B) Subsection (2)(a)(i)(B);
3705 (C) Subsection (2)(b)(i);
3706 (D) Subsection (2)(c)(i); or
3707 (E) Subsection (2)(f)(i)(A).

3708 (ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing statement for the billing period is rendered on or after the effective date of the repeal of the tax or the tax rate decrease imposed under:

3711 (A) Subsection (2)(a)(i)(A);
3712 (B) Subsection (2)(a)(i)(B);
3713 (C) Subsection (2)(b)(i);
3714 (D) Subsection (2)(c)(i); or
3715 (E) Subsection (2)(f)(i)(A).

3716 (k)

3717 (i) For a tax rate described in Subsection (2)(k)(ii), if a tax due on a catalogue sale is computed on the basis of sales and use tax rates published in the catalogue, a tax rate repeal or change in a tax rate takes effect:

3718 (A) on the first day of a calendar quarter; and
3719 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate change.

3720 (ii) Subsection (2)(k)(i) applies to the tax rates described in the following:

3721 (A) Subsection (2)(a)(i)(A);
3722 (B) Subsection (2)(a)(i)(B);
3723 (C) Subsection (2)(b)(i);
3724 (D) Subsection (2)(c)(i); or
3725 (E) Subsection (2)(f)(i)(A).

3726 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission
3727 may by rule define the term "catalogue sale."

3728 (l)

3729 (i) For a location described in Subsection (2)(l)(ii), the commission shall determine the taxable status of
3730 a sale of gas, electricity, heat, coal, fuel oil, or other fuel based on the predominant use of the gas,
3731 electricity, heat, coal, fuel oil, or other fuel at the location.

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(ii) Subsection (2)(l)(i) applies to a location where gas, electricity, heat, coal, fuel oil, or other fuel is furnished through a single meter for two or more of the following uses:

3737 (A) a commercial use;

3738 (B) an industrial use; or

3739 (C) a residential use.

3740 (3)

3741 (a) The commission shall deposit the following state taxes into the General Fund:

3742 (i) the tax imposed by Subsection (2)(a)(i)(A);

3743 (ii) the tax imposed by Subsection (2)(b)(i);

3744 (iii) the tax imposed by Subsection (2)(c)(i);

3745 (iv) the tax imposed by Subsection (2)(d); and

3746 (v) the tax imposed by Subsection (2)(f)(i)(A).

3747 (b) The commission shall distribute the following local taxes to a county, city, or town as provided in
3748 this chapter:

3749 (i) the tax imposed by Subsection (2)(a)(ii);

3750 (ii) the tax imposed by Subsection (2)(b)(ii);

3751 (iii) the tax imposed by Subsection (2)(c)(ii); and

3752 (iv) the tax imposed by Subsection (2)(f)(i)(B).

(4)

3753 (a) Notwithstanding Subsection (3)(a), for each fiscal year the commission shall make the deposits
3754 described in Subsections (4)(b) through (4)(h) from the revenue from the taxes imposed by:

3755 (i) Subsection (2)(a)(i)(A);

3756 (ii) Subsection (2)(b)(i);

3757 (iii) Subsection (2)(c)(i); and

3758 (iv) Subsection (2)(f)(i)(A).

3759 (b) The commission shall deposit 15% of the difference between 1.4543% of the revenue described in
3760 Subsection (4)(a) and the deposits made under Subsection (5)(b), into the Water Rights Restricted
3761 Account created in Section 73-2-1.6.

3762 (c) The commission shall deposit 85% of the difference between 1.4543% of the revenue described
3763 in Subsection (4)(a) and the deposits made under Subsection (5)(b), into the Water Resources

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Conservation and Development Fund created in Section 73-10-24 for use by the Division of Water Resources for:

- 3766 (i) preconstruction costs:
- 3767 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73, Chapter 26, Bear River Development Act; and
- 3769 (B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act;
- 3771 (ii) the cost of employing a civil engineer to oversee any project authorized by Title 73, Chapter 26, Bear River Development Act;
- 3773 (iii) the cost of employing a civil engineer to oversee the Lake Powell Pipeline project authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act; and
- 3776 (iv) other uses authorized under Sections 73-10-24, 73-10-25.1, and 73-10-30, and Subsection (5)(b)(iv) (B) after funding the uses specified in Subsections (4)(c)(i) through (iii).
- 3779 (d) The commission shall deposit 1.4543% of the revenue described in Subsection (4)(a) into the Water Infrastructure Restricted Account created in Section 73-10g-103.
- 3781 (e)
- 3784 (i) Subject to Subsection (4)(e)(ii), the commission shall deposit 26.24% of the revenue described in Subsection (4)(a) into the Transportation Investment Fund of 2005 created in Section 72-2-124.
- 3786 [(A) \$1,813,400;]
- 3787 [(B)] (A) the earmark described in Subsection (5)(c); and
- 3788 [(C)] (B) an amount equal to 35% of the revenue generated in the current fiscal year by the portion of the tax imposed on motor and special fuel that is sold, used, or received in the state that exceeds 29.4 cents per gallon.
- 3791 (iii) The amount described in Subsection [(4)(e)(ii)(C)] (4)(e)(ii)(B) shall be annually deposited into the Transit Transportation Investment Fund created in Section 72-2-124.
- 3794 (f) The commission shall deposit .44% of the revenue described in Subsection (4)(a) into the Cottonwood Canyons Transportation Investment Fund created in Section 72-2-124.
- 3797 (g) The commission shall deposit 1% of the revenue described in Subsection (4)(a) into the Commuter Rail Subaccount created in Section 72-2-124.
- 3799

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- (h) The commission shall deposit 1% of the revenue described in Subsection (4)(a) into the Outdoor Adventure Infrastructure Restricted Account created in Section 51-9-902 as follows:
- 3802 (i) into the Outdoor Adventure Infrastructure Restricted Account created in Section 51-9-902, an amount equal to the amount that was deposited into the Outdoor Adventure Infrastructure Restricted Account in fiscal year 2025; and
- 3805 (ii) for any amount exceeding the amount described in Subsection (4)(h)(i), 50% into the Outdoor Adventure Infrastructure Restricted Account and 50% to the Utah Fairpark Area Investment and Restoration District created in Section 11-70-201.
- 3808 (5)
- (a) Notwithstanding Subsection (3)(a), each fiscal year the commission shall make the deposits described in this Subsection (5).
- 3810 (b)
- (i)
- (A) The commission shall deposit \$500,000 to the Department of Natural Resources to be used for watershed rehabilitation or restoration.
- 3812 (B) At the end of each fiscal year, 100% of any unexpended amount described in Subsection (5)(b)(i)(A) shall lapse into the Water Resources Conservation and Development Fund created in Section 73-10-24.
- 3815 (ii) The commission shall deposit \$150,000 to the Division of Water Resources for cloud-seeding projects authorized by Title 73, Chapter 15, Modification of Weather.
- 3818 (iii) The commission shall deposit \$525,000 into the Division of Conservation created in Section 4-46-401 to implement water related programs.
- 3820 (iv) The commission shall deposit \$7,175,000 into the Water Resources Conservation and Development Fund created in Section 73-10-24 for use by the Division of Water Resources:
- 3823 (A) for the uses allowed of the Water Resources Conservation and Development Fund under Section 73-10-24;
- 3825 (B) to conduct hydrologic and geotechnical investigations by the Division of Water Resources in a cooperative effort with other state, federal, or local entities, for the purpose of quantifying surface and ground water resources and describing the hydrologic systems of an area in sufficient detail so as to enable local and state resource managers to plan for and accommodate growth in water use without jeopardizing the resource;

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- 3831 (C) to fund state required dam safety improvements; and
- 3832 (D) to protect the state's interest in interstate water compact allocations, including the hiring of technical
and legal staff.
- 3834 (v) The commission shall deposit \$3,587,500 into the Utah Wastewater Loan Program Subaccount
created in Section 73-10c-5 for use by the Water Quality Board to fund wastewater projects.
- 3837 (vi) The commission shall deposit \$3,587,500 into the Drinking Water Loan Program Subaccount
created in Section 73-10c-5 for use by the Division of Drinking Water to:
- 3840 (A) provide for the installation and repair of collection, treatment, storage, and distribution facilities for
any public water system, as defined in Section 19-4-102;
- 3843 (B) develop underground sources of water, including springs and wells; and
- 3844 (C) develop surface water sources.
- 3845 (vii) The commission shall deposit \$2,450,000 to the Division of Wildlife Resources to:
- 3847 (A) implement the measures described in Subsections 23A-3-214(3)(a) through (d) to protect sensitive
plant and animal species; or
- 3849 (B) award grants, up to the amount authorized by the Legislature in an appropriations act, to political
subdivisions of the state to implement the measures described in Subsections 23A-3-214(3)(a)
through (d) to protect sensitive plant and animal species.
- 3853 (viii) Funds transferred to the Division of Wildlife Resources under Subsection (5)(b)(vii)(A) may not
be used to assist the United States Fish and Wildlife Service or any other person to list or attempt
to have listed a species as threatened or endangered under the Endangered Species Act of 1973, 16
U.S.C. Sec. 1531, et seq.
- 3858 (ix) At the end of each fiscal year, any unexpended amounts described in Subsections (5)(b)(vii)(A) and
(B) shall lapse:
- 3860 (A) 50% into the Water Resources Conservation and Development Fund created in Section 73-10-24;
- 3862 (B) 25% into the Utah Wastewater Loan Program Subaccount created in Section 73-10c-5; and
- 3864 (C) 25% into the Drinking Water Loan Program Subaccount created in Section 73-10c-5.
- 3866 (x) The commission shall allocate \$175,000 to the Division of Water Rights to cover the costs incurred
in hiring legal and technical staff for the adjudication of water rights.
- 3869 (xi) At the end of each fiscal year, any unexpended amounts described in Subsection (5)(b)(x) shall
lapse:
- 3871 (A) 50% into the Water Resources Conservation and Development Fund created in Section 73-10-24;

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- 3873 (B) 25% into the Utah Wastewater Loan Program Subaccount created in Section 73-10c-5; and
- 3875 (C) 25% into the Drinking Water Loan Program Subaccount created in Section 73-10c-5.
- 3877 (c) The commission shall deposit \$45,000,000 into the Active Transportation Investment Fund created in Section 72-2-124.
- 3879 (d) The commission shall deposit \$533,750 into the Qualified Emergency Food Agencies Fund created by and expended in accordance with Section 35A-8-1009.
- 3881 (e) The commission shall deposit \$200,000 into the General Fund as a dedicated credit for the sole use of the Search and Rescue Financial Assistance Program created by and to be expended in accordance with Title 53, Chapter 2a, Part 11, Search and Rescue Act.
- 3885 (6)
- 3886 (a) The rate specified in this Subsection (6) is 0.15%.
- 3886 (b) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year beginning on or after July 1, 2019, annually transfer the amount of revenue collected from the rate described in Subsection (6)(a) on the transactions that are subject to the sales and use tax under Subsection (2)(a)(i)(B) into the Medicaid ACA Fund created in Section 26B-1-315.
- 3891 (7)
- 3891 (a) Notwithstanding Subsection (3)(a) and except as provided in Subsections (11), (12), and (13), and as described in Section 63N-3-610, beginning the first day of a calendar quarter one year after the sales and use tax boundary for a housing and transit reinvestment zone is established under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, the commission, at least annually, shall transfer an amount equal to 15% of the sales and use tax increment from the sales and use tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate, on transactions occurring within an established sales and use tax boundary, as defined in Section 63N-3-602, into the Transit Transportation Investment Fund created in Section 72-2-124.
- 3900 (b) Beginning no sooner than January 1, 2026, notwithstanding Subsection (3)(a), and except as provided in Subsections (11), (12), and (13), and as described in Section 63N-3-610.1, beginning the first day of a calendar quarter after the year set in the proposal and after the sales and use tax boundary for a convention center reinvestment zone is established in a capital city under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, the commission, at least annually, shall transfer an amount equal to 50% of the sales and use tax increment as defined in Section 63N-3-602 from the sales and use tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate,

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on transactions occurring within an established sales and use tax boundary, as defined in Section 63N-3-602, to a convention center public infrastructure district created in accordance with Section 17D-4-202.1 and specified in the convention center reinvestment zone proposal submitted pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.

- 3913 (8) Notwithstanding Subsection (3)(a) and except as provided in Subsections (11), (12), and (13), beginning October 1, 2024 the commission shall transfer to the Utah Fairpark Area Investment and Restoration District, created in Section 11-70-201, the revenue from the sales and use tax imposed by Subsection (2)(a)(i)(A), on transactions occurring within the district sales tax area, as defined in Section 11-70-101.
- 3918 (9)
- 3919 (a) As used in this Subsection (9):
- 3922 (i) "Additional land" means point of the mountain state land described in Subsection 11-59-102(6) (b) that the point of the mountain authority acquires after the point of the mountain authority provides the commission a map under Subsection (9)(c).
- 3924 (ii) "Point of the mountain authority" means the Point of the Mountain State Land Authority, created in Section 11-59-201.
- 3926 (iii) "Point of the mountain state land" means the same as that term is defined in Section 11-59-102.
- 3930 (b) Notwithstanding Subsection (3)(a) and except as provided in Subsections (11), (12), and (13), the commission shall distribute to the point of the mountain authority 50% of the revenue from the sales and use tax imposed by Subsection (2)(a)(i)(A), on transactions occurring on the point of the mountain state land.
- 3933 (c) The distribution under Subsection (9)(b) shall begin the next calendar quarter that begins at least 90 days after the point of the mountain authority provides the commission a map that:
- 3934 (i) accurately describes the point of the mountain state land; and
- 3935 (ii) the point of the mountain authority certifies as accurate.
- 3938 (d) A distribution under Subsection (9)(b) with respect to additional land shall begin the next calendar quarter that begins at least 90 days after the point of the mountain authority provides the commission a map of point of the mountain state land that:
- 3940 (i) accurately describes the point of the mountain state land, including the additional land; and
- 3941 (ii) the point of the mountain authority certifies as accurate.
- (e)

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- (i) Upon the payment in full of bonds secured by the sales and use tax revenue distributed to the point of the mountain authority under Subsection (9)(b), the point of the mountain authority shall immediately notify the commission in writing that the bonds are paid in full.
- 3945 (ii) The commission shall discontinue distributions of sales and use tax revenue under Subsection (9)(b) at the beginning of the calendar quarter that begins at least 90 days after the date that the commission receives the written notice under Subsection (9)(e)(i).
- 3949 (10) Notwithstanding Subsection (3)(a), the amount of state sales tax revenues described in Section 63N-2-503.5 is deposited into the Convention Incentive Fund created in Section 63N-2-503.5.
- 3952 (11)
 - (a) As used in this Subsection (11):
 - 3953 (i) "Applicable percentage" means:
 - 3954 (A) for a housing and transit reinvestment zone created under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, 15% of the revenue from the sales and use tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate for sales occurring within the qualified development zone described in Subsection (11)(a)(ii)(A);
 - 3959 (B) for the Utah Fairpark Area Investment and Restoration District created in Section 11-70-201, the revenue from the sales and use tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate for sales occurring within the qualified development zone described in Subsection (11)(a)(ii)(B); and
 - 3963 (C) for the Point of the Mountain State Land Authority created in Section 11-59-201, 50% of the revenue from sales and use tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate for sales occurring within the qualified development zone described in Subsection (11)(a)(ii)(C).
 - 3967 (ii) "Qualified development zone" means:
 - 3968 (A) the sales and use tax boundary of a housing and transit reinvestment zone created under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Act;
 - 3971 (B) the district sales tax boundary as defined in Section 11-70-101 for the Utah Fairpark Area Investment and Restoration District, created in Section 11-70-201; or
 - 3974 (C) the sales and use tax boundary of point of the mountain state land, as defined in Section 11-59-102, under the Point of the Mountain State Land Authority created in Section 11-59-201.
 - 3977 (iii) "Schedule J sale" means a sale reported on State Tax Commission Form TC-62M, Schedule J or a substantially similar form as designated by the commission.

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- (b) Revenue generated from the applicable percentage by a Schedule J sale within a qualified development zone shall be deposited into the General Fund.
- 3982 (12)
- 3983 (a) As used in Subsections (12) and (13):
- 3983 (i) "Applicable percentage" means, for a convention center reinvestment zone created in a capital city under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, an amount equal to 50% of the sales and use tax increment, as that term is defined in Section 63N-3-602, from the sales and use tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate for sales occurring within the qualified development zone described in Subsection (12)(a)(ii).
- 3989 (ii) "Qualified development zone" means the sales and use tax boundary of a convention center reinvestment zone created in a capital city under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.
- 3992 (iii) "Qualifying construction materials" means construction materials that are:
- 3993 (A) delivered to a delivery outlet within a qualified development zone; and
- 3994 (B) intended to be permanently attached to real property within the qualified development zone.
- 3996 (b) For a sale of qualifying construction materials, the commission shall distribute the product calculated in Subsection (12)(c) to a qualified development zone if the seller of the construction materials:
- 3999 (i) establishes a delivery outlet with the commission within the qualified development zone;
- 4001 (ii) reports the sales of the construction materials to the delivery outlet described in Subsection (12)(b)
- 4001 (i); and
- 4003 (iii) does not report the sales of the construction materials on a simplified electronic return.
- 4005 (c) For the purposes of Subsection (12)(b), the product is equal to:
- 4006 (i) the sales price or purchase price of the qualifying construction materials; and
- 4007 (ii) the applicable percentage.
- 4008 (13)
- 4011 (a) As used in this Subsection (13), "Schedule J sale" means a sale reported on State Tax Commission Form TC-62M, Schedule J, or a substantially similar form as designated by the commission.
- 4011 (b) Revenue generated from the applicable percentage by a Schedule J sale within a qualified development zone shall be distributed into the General Fund.
- 4106 Section 43. Section **59-13-102** is amended to read:

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4107 59-13-102. Definitions.

As used in this chapter:

- 4016 (1) "Aviation fuel" means fuel that is sold at airports and used exclusively for the operation of aircraft.
- 4018 (2) "Clean fuel" means:
 - 4019 (a) the following special fuels:
 - 4020 (i) propane;
 - 4021 (ii) compressed natural gas;
 - 4022 (iii) liquified natural gas;
 - 4023 (iv) electricity; or
 - 4024 (v) hydrogen; or
 - 4025 (b) any motor or special fuel that meets the clean fuel vehicle standards in the federal Clean Air Act Amendments of 1990, Title II.
- 4027 (3) "Commission" means the State Tax Commission.
- 4028 (4) "Consumer Price Index" means the Consumer Price Index for All Urban Consumers as published by the Bureau of Labor Statistics of the United States Department of Labor.
- 4030 (5)
 - 4032 (a) "Diesel fuel" means any liquid that is commonly or commercially known, offered for sale, or used as a fuel in diesel engines.
 - 4032 (b) "Diesel fuel" includes any combustible liquid, by whatever name the liquid may be known or sold, when the liquid is used in an internal combustion engine for the generation of power to operate a motor vehicle licensed to operate on the highway, except fuel that is subject to the tax imposed in Part 2, Motor Fuel, and Part 4, Aviation Fuel, of this chapter.
 - 4037 (6) "Diesel gallon equivalent" means 6.06 pounds of liquified natural gas.
 - 4038 (7) "Distributor" means any person in this state who:
 - 4039 (a) imports or causes to be imported motor fuel for use, distribution, or sale, whether at retail or wholesale;
 - 4041 (b) produces, refines, manufactures, or compounds motor fuel in this state for use, distribution, or sale in this state;
 - 4043 (c) is engaged in the business of purchasing motor fuel for resale in wholesale quantities to retail dealers of motor fuel and who accounts for his own motor fuel tax liability; or
 - 4045 (d) for purposes of Part 4, Aviation Fuel, only, makes retail sales of aviation fuel to:

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- 4046 (i) federally certificated air carriers; and
- 4047 (ii) other persons.
- 4048 (8) "Dyed diesel fuel" means diesel fuel that is dyed in accordance with 26 U.S.C. Sec. 4082 or United States Environmental Protection Agency or Internal Revenue Service regulations and that is considered destined for nontaxable off-highway use.
- 4051 (9) "Exchange agreement" means an agreement between licensed suppliers where one is a position holder in a terminal who agrees to deliver taxable special fuel to the other supplier or the other supplier's customer at the loading rack of the terminal where the delivering supplier holds an inventory position.
- 4055 (10) "Federally certificated air carrier" means a person who holds a certificate issued by the Federal Aviation Administration authorizing the person to conduct an all-cargo operation or scheduled operation, as defined in 14 C.F.R. Sec. 110.2.
- 4058 (11) "Fuels" means any gas, liquid, solid, mixture, or other energy source which is generally used in an engine or motor for the generation of power, including aviation fuel, clean fuel, diesel fuel, motor fuel, and special fuel.
- 4061 (12) "Gasoline gallon equivalent" means:
- 4062 (a) 5.660 pounds of compressed natural gas; or
- 4063 (b) 2.198 pounds of hydrogen.
- 4064 (13) "Highway" means every way or place, of whatever nature, generally open to the use of the public for the purpose of vehicular travel notwithstanding that the way or place may be temporarily closed for the purpose of construction, maintenance, or repair.
- 4067 (14) "Motor fuel" means fuel that is commonly or commercially known or sold as gasoline or gasohol and is used for any purpose, but does not include aviation fuel.
- 4069 (15) "Motor fuels received" means:
- 4070 (a) motor fuels that have been loaded at the refinery or other place into tank cars, placed in any tank at the refinery from which any withdrawals are made directly into tank trucks, tank wagons, or other types of transportation equipment, containers, or facilities other than tank cars, or placed in any tank at the refinery from which any sales, uses, or deliveries not involving transportation are made directly; or
- 4075 (b) motor fuels that have been imported by any person into the state from any other state or territory by tank car, tank truck, pipeline, or any other conveyance at the time when, and the place where, the

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interstate transportation of the motor fuel is completed within the state by the person who at the time of the delivery is the owner of the motor fuel.

4080 (16) "Oil pricing service" means an organization that:
4081 (a) publishes wholesale petroleum prices within the United States;
4082 (b) publishes at least 25,000 rack prices on a daily basis; and
4083 (c) receives daily gasoline and diesel prices from at least 100,000 retail outlets in the United States and Canada.

4085 (17)
4086 (a) "Qualified motor vehicle" means a special fuel-powered motor vehicle used, designed, or maintained for transportation of persons or property which:
4087 (i) has a gross vehicle weight or registered gross vehicle weight exceeding 26,000 pounds;
4088 (ii) has three or more axles regardless of weight; or
4089 (iii) is used in a combination of vehicles when the weight of the combination of vehicles exceeds
4090 26,000 pounds gross vehicle weight.

4092 (b) "Qualified motor vehicle" does not include a recreational vehicle not used in connection with any business activity.
4094 (18) "Rack," as used in Part 3, Special Fuel, means a deck, platform, or open bay which consists of a series of metered pipes and hoses for the delivery or removal of diesel fuel from a refinery or terminal into a motor vehicle, rail car, or vessel.

4097 (19) "Removal," as used in Part 3, Special Fuel, means the physical transfer of diesel fuel from a production, manufacturing, terminal, or refinery facility and includes use of diesel fuel. Removal does not include:

4100 (a) loss by evaporation or destruction; or
4101 (b) transfers between refineries, racks, or terminals.

4102 (20)
4103 (a) "Special fuel" means any fuel regardless of name or character that:
4105 (i) is usable as fuel to operate or propel a motor vehicle upon the public highways of the state; and
4106 (ii) is not taxed under the category of aviation or motor fuel.

4106 (b) Special fuel includes:
4107 (i) fuels that are not conveniently measurable on a gallonage basis; and
4108 (ii) diesel fuel.

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- 4109 (21) "Statewide average rack price of a gallon of motor fuel" means the average rack price of a gallon
of motor fuel determined by calculating the average of the Salt Lake City and Cedar City terminal
prices of the average daily average net closing price of a gallon of branded regular, 10% ethanol, 9.0
Reid Vapor Pressure unleaded motor fuel for each terminal.
- 4114 [(21)] (22) "Supplier," as used in Part 3, Special Fuel, means a person who:
- 4115 (a) imports or acquires immediately upon importation into this state diesel fuel from within or without a
state, territory, or possession of the United States or the District of Columbia;
- 4118 (b) produces, manufactures, refines, or blends diesel fuel in this state;
- 4119 (c) otherwise acquires for distribution or sale in this state, diesel fuel with respect to which there has
been no previous taxable sale or use; or
- 4121 (d) is in a two party exchange where the receiving party is deemed to be the supplier.
- 4122 [(22)] (23) "Terminal," as used in Part 3, Special Fuel, means a facility for the storage of diesel fuel
which is supplied by a motor vehicle, pipeline, or vessel and from which diesel fuel is removed for
distribution at a rack.
- 4125 [(23)] (24) "Two party exchange" means a transaction in which special fuel is transferred between
licensed suppliers pursuant to an exchange agreement.
- 4127 [(24)] (25) "Undyed diesel fuel" means diesel fuel that is not subject to the dyeing requirements in
accordance with 26 U.S.C. Sec. 4082 or United States Environmental Protection Agency or Internal
Revenue Service regulations.
- 4130 [(25)] (26) "Use," as used in Part 3, Special Fuel, means the consumption of special fuel for the
operation or propulsion of a motor vehicle upon the public highways of the state and includes the
reception of special fuel into the fuel supply tank of a motor vehicle.
- 4133 [(26)] (27) "User," as used in Part 3, Special Fuel, means any person who uses special fuel within this
state in an engine or motor for the generation of power to operate or propel a motor vehicle upon the
public highways of the state.
- 4136 [(27)] (28) "Ute tribal member" means an enrolled member of the Ute tribe.
- 4137 [(28)] (29) "Ute tribe" means the Ute Indian Tribe of the Uintah and Ouray Reservation.
- 4138 [(29)] (30) "Ute trust land" means the lands:
- 4139 (a) of the Uintah and Ouray Reservation that are held in trust by the United States for the benefit of:
- 4141 (i) the Ute tribe;
- 4142 (ii) an individual; or

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- 4143 (iii) a group of individuals; or
4144 (b) specified as trust land by agreement between the governor and the Ute tribe meeting the
requirements of Subsections 59-13-201.5(3) and 59-13-301.5(3).

4239 Section 44. Section **72-1-213.1** is amended to read:

72-1-213.1. Road usage charge program.

- 4148 (1) As used in this section:
4149 (a) "Account manager" means an entity under contract with the department to administer and manage
the road usage charge program.
4151 (b) "Alternative fuel vehicle" means:
4152 (i) an electric motor vehicle as defined in Section 41-1a-102; or
4153 (ii) a motor vehicle powered exclusively by a fuel other than:
4154 (A) motor fuel;
4155 (B) diesel fuel;
4156 (C) natural gas; or
4157 (D) propane.
4158 (c) "Payment period" means the interval during which an owner is required to report mileage and pay
the appropriate road usage charge according to the terms of the program.
4161 (d) "Program" means the road usage charge program established and described in this section.
4163 (e) "Road usage charge cap" means the maximum fee charged to a participant in the program for a
registration period.
4165 (f) "Road usage charge rate" means the per-mile usage fee charged to a participant in the program.
4167 (2) There is established a road usage charge program as described in this section.
4168 (3)
4169 (a) The department shall implement and oversee the administration of the program, which shall begin
on January 1, 2020.
4170 (b) To implement and administer the program, the department may contract with an account manager.
4172 (4)
4173 (a) The owner or lessee of an alternative fuel vehicle may apply for enrollment of the alternative fuel
vehicle in the program.

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- (b) If an application for enrollment into the program is approved by the department, the owner or lessee of an alternative fuel vehicle may participate in the program in lieu of paying the fee described in Subsection 41-1a-1206(1)(h) or (2)(b).
- 4177 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and consistent with this section, the department:
- 4179 (a) shall make rules to establish:
- 4180 (i) processes and terms for enrollment into and withdrawal or removal from the program;
- 4182 (ii) payment periods and other payment methods and procedures for the program;
- 4183 (iii) standards for mileage reporting mechanisms for an owner or lessee of an alternative fuel vehicle to report mileage as part of participation in the program;
- 4185 (iv) standards for program functions for mileage recording, payment processing, account management, and other similar aspects of the program;
- 4187 (v) contractual terms between an owner or lessee of an alternative fuel vehicle owner and an account manager for participation in the program;
- 4189 (vi) contractual terms between the department and an account manager, including authority for an account manager to enforce the terms of the program;
- 4191 (vii) procedures to provide security and protection of personal information and data connected to the program, and penalties for account managers for violating privacy protection rules;
- 4194 (viii) penalty procedures for a program participant's failure to pay a road usage charge or tampering with a device necessary for the program;[and]
- 4196 (ix) department oversight of an account manager, including privacy protection of personal information and access and auditing capability of financial and other records related to administration of the program; and
- 4199 (x) procedures to accommodate in the road usage charge program a vehicle registered for a 24-month period as provided in Section 41-1a-215.5; and
- 4201 (b) may make rules to establish:
- 4202 (i) an enrollment cap for certain alternative fuel vehicle types to participate in the program;
- 4204 (ii) a process for collection of an unpaid road usage charge or penalty; or
- 4205 (iii) integration of the program with other similar programs, such as tolling.
- 4206 (6) Revenue generated by the road usage charge program and relevant penalties shall be deposited into the Road Usage Charge Program Special Revenue Fund.

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- 4208 (7)
- 4209 (a) The department may:
- 4209 (i)
- 4212 (A) impose a penalty for failure to timely pay a road usage charge according to the terms of the program or tampering with a device necessary for the program; and
- 4212 (B) request that the Division of Motor Vehicles place a hold on the registration of the owner's or lessee's alternative fuel vehicle for failure to pay a road usage charge or penalty according to the terms of the program;
- 4215 (ii) send correspondence to the owner of an alternative fuel vehicle to inform the owner or lessee of:
- 4217 (A) the road usage charge program, implementation, and procedures;
- 4218 (B) an unpaid road usage charge and the amount of the road usage charge to be paid to the department;
- 4220 (C) the penalty for failure to pay a road usage charge within the time period described in Subsection (7) (a)(iii); and
- 4222 (D) a hold being placed on the owner's or lessee's registration for the alternative fuel vehicle, if the road usage charge and penalty are not paid within the time period described in Subsection (7)(a)(iii), which would prevent the renewal of the alternative fuel vehicle's registration; and
- 4226 (iii) require that the owner or lessee of the alternative fuel vehicle pay the road usage charge to the department within 30 days of the date when the department sends written notice of the road usage charge to the owner or lessee.
- 4229 (b) The department shall send the correspondence and notice described in Subsection (7)(a) to the owner of the alternative fuel vehicle according to the terms of the program.
- 4231 (8)
- 4231 (a) The Division of Motor Vehicles and the department shall share and provide access to information pertaining to an alternative fuel vehicle and participation in the program including:
- 4234 (i) registration and ownership information pertaining to an alternative fuel vehicle;
- 4235 (ii) information regarding the failure of an alternative fuel vehicle owner or lessee to pay a road usage charge or penalty imposed under this section within the time period described in Subsection (7)(a)(iii); and
- 4238 (iii) the status of a request for a hold on the registration of an alternative fuel vehicle.
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- (b) If the department requests a hold on the registration in accordance with this section, the Division of Motor Vehicles may not renew the registration of a motor vehicle under Title 41, Chapter 1a, Part 2, Registration, until the department withdraws the hold request.
- 4243 (9) The owner of an alternative fuel vehicle may apply for enrollment in the program or withdraw from the program according to the terms established by the department pursuant to rules made under Subsection (5).
- 4246 (10) If enrolled in the program, the owner or lessee of an alternative fuel vehicle shall:
- 4247 (a) report mileage driven as required by the department pursuant to Subsection (5);
- 4248 (b) pay the road usage fee for each payment period in accordance with Subsection (5); and
- 4250 (c) comply with all other provisions of this section and other requirements of the program.
- 4252 (11) The department shall submit annually, on or before October 1, to the Transportation Interim Committee, an electronic report that:
- 4254 (a) states for the preceding fiscal year:
- 4255 (i) the amount of revenue collected from the program;
- 4256 (ii) the participation rate in the program; and
- 4257 (iii) the department's costs to administer the program; and
- 4258 (b) provides for the current fiscal year, an estimate of:
- 4259 (i) the revenue that will be collected from the program;
- 4260 (ii) the participation rate in the program; and
- 4261 (iii) the department's costs to administer the program.
- 4262 (12)
- 4263 (a) Beginning on January 1, 2023:
- 4264 (i) the road usage charge rate is 1.0 cent per mile; and
- 4265 (ii) the road usage charge cap is:
- 4266 (A) \$130.25 for an annual registration period; and
- 4267 (B) \$100.75 for a six-month registration period.
- 4268 (b) Beginning on January 1, 2026:
- 4269 (i) the road usage charge rate is 1.25 cents per mile; and
- 4270 (ii) the road usage charge cap is:
- 4271 (A) \$180 for an annual registration period; and
- (B) \$139 for a six-month registration period.

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- 4272 (c) Beginning on January 1, 2032:
- 4273 (i) the road usage charge rate is 1.5 cents per mile, unless the commission establishes a different road
usage charge rate in accordance with Subsection (13); and
- 4275 (ii) the road usage charge cap is:
- 4276 (A) \$240 for an annual registration period; and
- 4277 (B) \$185 for a six-month registration period.
- 4278 (d) Beginning in 2024, the department shall, on January 1, annually adjust the road usage charge rates
described in this Subsection (12) by taking the road usage charge rate for the previous year and
adding an amount equal to the greater of:
- 4281 (i) an amount calculated by multiplying the road usage charge rate of the previous year by the actual
percentage change during the previous fiscal year in the Consumer Price Index as determined by the
State Tax Commission; and
- 4284 (ii) 0.
- 4285 (e) Beginning in 2024, the State Tax Commission shall, on January 1, annually adjust the road usage
charge caps described in this Subsection (12) by taking the road usage charge cap for the previous
year and adding an amount equal to the greater of:
- 4288 (i) an amount calculated by multiplying the road usage charge cap of the previous year by the actual
percentage change during the previous fiscal year in the Consumer Price Index; and
- 4291 (ii) 0.
- 4292 (f) The amounts calculated as described in Subsection (12)(d) shall be rounded up to the nearest .01
cent.
- 4294 (g) The amounts calculated as described in Subsection (12)(e) shall be rounded up to the nearest 25
cents.
- 4296 (h) On or before January 1 of each year, the department shall publish:
- 4297 (i) the adjusted road usage charge rate described in Subsection (12)(d); and
- 4298 (ii) adjusted road usage charge cap described in Subsection (12)(e).
- 4299 (13)
- 4302 (a) Beginning January 1, 2032, the commission may establish by rule made in accordance with Title
63G, Chapter 3, Utah Administrative Rulemaking Act, the road usage charge rate for each type of
alternative fuel vehicle.
- (b)

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(i) Before making rules in accordance with Subsection (13)(a), the commission shall consult with the department regarding the road usage charge rate for each type of alternative fuel vehicle.

4305 (ii) The department shall cooperate with and make recommendations to the commission regarding the road usage charge rate for each type of alternative fuel vehicle.

4401 Section 45. **Effective date.**

Effective Date.

4309 (1) Except as provided in Subsection (2), this bill takes effect May 6, 2026.

4310 (2) The actions affecting the following sections take effect on July 1, 2026:

4311 (a) Section 41-1a-901 (Effective 07/01/26);

4312 (b) Section 41-1a-1201 (Effective 07/01/26) (Partially Repealed 07/01/29);

4313 (c) Section 41-1a-1210 (Effective 07/01/26);

4314 (d) Section 41-1a-1223 (Effective 07/01/26);

4315 (e) Section 41-6a-1509 (Effective 07/01/26); and

4316 (f) Section 59-12-103 (Effective 07/01/26).

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