

41-22-33 Fees for safety and education program -- Penalty -- Unlawful acts.

- (1)
- (a) A fee set by the board in accordance with Section 63J-1-504 shall be added to the registration fee required to register an off-highway vehicle under Section 41-22-8 to help fund the off-highway vehicle safety and education program.
 - (b) The division may also collect a fee set by the board in accordance with Section 63J-1-504 from each person who:
 - (i) receives the training and takes the knowledge and skills test for off-highway vehicle use; or
 - (ii) takes the knowledge and skills test for off-highway vehicle use.
 - (c) If the board modifies the fee under Subsection (1)(a), the modification shall take effect on the first day of the calendar quarter after 90 days from the day on which the board provides the State Tax Commission:
 - (i) notice from the board stating that the board will modify the fee; and
 - (ii) a copy of the fee modification.
- (2)
- (a) To help defray instructors' costs, the division may reimburse volunteer certified off-highway vehicle safety instructors up to \$6 for each student who receives the training and takes the knowledge and skills test.
 - (b) On or before the 10th day of each calendar month, volunteer off-highway vehicle safety instructors shall report to the division all fees collected and students trained and shall accompany the report with all money received for off-highway vehicle training.
 - (c) If a volunteer off-highway vehicle safety instructor intentionally or negligently fails to pay the amount due, the division may assess a penalty of 20% of the amount due. All delinquent payments shall bear interest at the rate of 1% per month. If the amount due is not paid because of bad faith or fraud, the division shall assess a penalty of 100% of the total due together with interest.
 - (d) All fees collected from students shall be kept separate and apart from private funds of the instructor and shall at all times belong to the state. In case of an assignment for the benefit of creditors, receivership, or bankruptcy, the state shall have a preferred claim against the instructor, receiver, or trustee for all money owing the state for training and shall not be stopped from asserting the claim by reason of commingling of funds or otherwise.
 - (e) A person may not:
 - (i) willfully misdate an off-highway vehicle education safety certificate;
 - (ii) issue an incomplete certificate; or
 - (iii) issue a receipt in lieu of a certificate.

Amended by Chapter 183, 2009 General Session