

Effective 1/1/2026

Part 20
Recovery Fee for Rental of Heavy Equipment

59-2-2001 Definitions.

As used in this part:

- (1)
 - (a) "Heavy equipment" means tangible personal property that:
 - (i) is owned by a qualified rental business for purposes of renting;
 - (ii) is utilized or designed for construction, earthmoving, or industrial operations; and
 - (iii) is portable and transferable to the location in which the heavy equipment is used.
 - (b) "Heavy equipment" includes:
 - (i) lift equipment;
 - (ii) material handling equipment;
 - (iii) cranes;
 - (iv) pumps;
 - (v) generators;
 - (vi) compressors;
 - (vii) portable power equipment;
 - (viii) heating, ventilation, and air conditioning equipment;
 - (ix) portable worksite offices and containers;
 - (x) tank trailers; and
 - (xi) self-propelled equipment.
- (2) "Multicounty Appraisal Trust" means the same as that term is defined in Section 59-2-1601.
- (3) "Qualified rental business" means a business entity located in this state:
 - (a) that is classified within one of the following NAICS codes of the 2022 North American Industry Classification System of the federal Executive Office of the President, Office of Management and Budget:
 - (i) NAICS Code 532310, General Rental Centers; or
 - (ii) NAICS Code 532412, Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing; and
 - (b) for which 51% or more of the business entity's total annual revenue is derived from the rental of heavy equipment.
- (4) "Recovery fee" means the fee authorized in Subsection 59-2-2002(1).
- (5) "Rental" means the same as the terms "lease" or "rental" are defined in Section 59-12-102.
- (6)
 - (a) "Rental charge" means the amount charged to a renter by a qualified rental business for the rental of heavy equipment.
 - (b) "Rental charge" does not include any additional charges separate from the actual cost of the rental transaction, including costs required for delivery, insurance, or a waiver of liability.
- (7) "Renter" means the person to which a qualified rental business rents heavy equipment.

Enacted by Chapter 432, 2025 General Session

59-2-2002 Recovery fee for rental of heavy equipment -- Commission study and report.

- (1) A qualified rental business may charge to a renter a fee in an amount equal to 1.5% of the rental charge for each item of heavy equipment rented in this state.

- (2) A recovery fee under Subsection (1):
 - (a) shall be separately stated on the invoice or receipt for the rental transaction; and
 - (b) is not subject to a sales and use tax under Chapter 12, Sales and Use Tax Act.
- (3) A qualified rental business may not charge a recovery fee to a renter that is a governmental entity as defined in Section 59-2-511.
- (4) Any amount of recovery fees collected by a qualified rental business during a calendar year shall be used as reimbursement for property taxes paid by the qualified rental business on heavy equipment in the same calendar year.
- (5)
 - (a) The commission shall:
 - (i) in coordination with county assessors and the Multicounty Appraisal Trust, conduct a study to determine the need for adjustment to the rate authorized under Subsection (1) for purposes of property tax reimbursement; and
 - (ii) on or before September 30, 2027, provide to the Revenue and Taxation Interim Committee an electronic report of the results of the study required under Subsection (5)(a)(i), including any recommendations, based on information received by the commission, for legislative changes to the rate authorized under Subsection (1).
 - (b) A county assessor or the Multicounty Appraisal Trust shall, upon request by the commission, provide to the commission any information necessary to complete the study required under Subsection (5)(a)(i).

Enacted by Chapter 432, 2025 General Session