

Representative Ron Bigelow proposes to substitute the following bill:

MOTOR VEHICLE UNIFORM FEES

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Ron Bigelow

AN ACT RELATING TO THE PROPERTY TAX ACT; AMENDING AN ANNUAL UNIFORM FEE IMPOSED ON CERTAIN VEHICLES; AMENDING AN ANNUAL EQUIVALENT TAX IMPOSED ON CERTAIN VEHICLES; AND PROVIDING AN EFFECTIVE DATE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

41-1a-301, as last amended by Chapters 8 and 322, Laws of Utah 1998

59-2-405.1, as enacted by Chapter 322, Laws of Utah 1998

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

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

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

(1) (a) An owner or operator of a fleet of commercial vehicles based in this state and operating in two or more jurisdictions may register commercial vehicles for operation under the International Registration Plan or the Uniform Vehicle Registration Proration and Reciprocity Agreement by filing an application with the division.

(b) The application shall include information that identifies the vehicle owner, the vehicle, the miles traveled in each jurisdiction, and other information pertinent to the registration of apportioned vehicles.

(c) Vehicles operated exclusively in this state may not be apportioned.

(2) (a) If no operations were conducted during the preceding year, the application shall contain a statement of the proposed operations and an estimate of annual mileage for each jurisdiction.

26 (b) The division may adjust the estimate if the division is not satisfied with its correctness.

27 (c) At renewal, the registrant shall use the actual mileage from the preceding year in
28 computing fees due each jurisdiction.

29 (3) The registration fee for apportioned vehicles shall be determined as follows:

30 (a) divide the in-jurisdiction miles by the total miles generated during the preceding year;

31 (b) total the fees for each vehicle based on the fees prescribed in Section 41-1a-1206; and

32 (c) multiply the sum obtained under Subsection (3)(b) by the quotient obtained under
33 Subsection (3)(a).

34 (4) Trailers or semitrailers of apportioned fleets may be listed separately as "trailer fleets"
35 with the fees paid according to the total distance those trailers were towed in all jurisdictions
36 during the preceding year mileage reporting period.

37 (5) (a) (i) When the proper fees have been paid and the property tax or in lieu fee has been
38 cleared under Section 41-1a-206 or 41-1a-207, a registration card, annual decal, and where
39 necessary, license plate, will be issued for each unit listed on the application.

40 (ii) An original registration must be carried in each vehicle at all times.

41 (b) Original registration cards for trailers or semitrailers may be carried in the power unit.

42 (c) (i) In lieu of a permanent registration card or license plate, the division may issue one
43 temporary permit authorizing operation of new or unlicensed vehicles until the permanent
44 registration is completed.

45 (ii) Once a temporary permit is issued, the registration process may not be cancelled.
46 Registration must be completed and the fees and any property tax or in lieu fee due must be paid
47 for the vehicle for which the permit was issued.

48 (iii) Temporary permits may not be issued for renewals.

49 (d) (i) The division shall issue one distinctive license plate that displays the letters APP
50 for apportioned vehicles.

51 (ii) The plate shall be displayed on the front of an apportioned truck tractor or power unit
52 or on the rear of any apportioned vehicle.

53 (iii) Distinctive decals displaying the word "apportioned" and the month and year of
54 expiration shall be issued for each apportioned vehicle.

55 (e) A nonrefundable administrative fee, determined by the Tax Commission pursuant to
56 Section 63-38-3.2, shall be charged for each temporary permit, registration, or both.

57 (6) Vehicles that are apportionally registered are fully registered for intrastate and
58 interstate movements, providing the proper interstate and intrastate authority has been secured.

59 (7) (a) Vehicles added to an apportioned fleet after the beginning of the registration year
60 shall be registered by applying the quotient under Subsection (3)(a) for the original application to
61 the fees due for the remainder of the registration year.

62 (b) (i) The owner shall maintain and submit complete annual mileage for each vehicle in
63 each jurisdiction, showing all miles operated by the lessor and lessee.

64 (ii) The fiscal mileage reporting period begins July 1, and continues through June 30 of
65 the year immediately preceding the calendar year in which the registration year begins.

66 (c) (i) An owner-operator, who is a lessor, may be the registrant and the vehicle may be
67 registered in the name of the owner-operator.

68 (ii) The identification plates and registration card shall be the property of the lessor and
69 may reflect both the owner-operator's name and that of the carrier as lessee.

70 (iii) The allocation of fees shall be according to the operational records of the
71 owner-operator.

72 (d) (i) The lessee may be the registrant of a leased vehicle at the option of the lessor.

73 (ii) If a lessee is the registrant of a leased vehicle, both the lessor's and lessee's name shall
74 appear on the registration.

75 (iii) The allocation of fees shall be according to the records of the carrier.

76 (8) (a) Any registrant whose application for apportioned registration has been accepted
77 shall preserve the records on which the application is based for a period of three years after the
78 close of the registration year.

79 (b) The records shall be made available to the division upon request for audit as to
80 accuracy of computations, payments, and assessments for deficiencies, or allowances for credits.

81 (c) An assessment for deficiency or claim for credit may not be made for any period for
82 which records are no longer required.

83 (d) Interest in the amount prescribed by Section 59-1-402 shall be assessed or paid from
84 the date due until paid on deficiencies found due after audit.

85 (e) Registrants with deficiencies are subject to the penalties under Section 59-1-401.

86 (f) The division may enter into agreements with other International Registration Plan
87 jurisdictions for joint audits.

88 (9) All state fees collected shall be deposited in the Transportation Fund.

89 (10) If registration is for less than a full year, fees for apportioned registration shall be
 90 assessed according to Section 41-1a-1207.

91 (a) (i) If the registrant is replacing a vehicle for one withdrawn from the fleet and the new
 92 vehicle is of the same weight category as the replaced vehicle, the registrant must file a
 93 supplemental application.

94 (ii) A registration card that transfers the license plate to the new vehicle shall be issued.

95 (iii) When a replacement vehicle is of greater weight than the replaced vehicle, additional
 96 registration fees are due.

97 (b) If a vehicle is withdrawn from an apportioned fleet during the period for which it is
 98 registered, the registrant shall notify the division and surrender the registration card and license
 99 plate of the withdrawn vehicle.

100 (11) (a) An out-of-state carrier with an apportionally registered vehicle who has not
 101 presented a certificate of property tax or in lieu fee as required by Section 41-1a-206 or 41-1a-207,
 102 shall pay, at the time of registration, a proportional part of an equalized highway use tax computed
 103 as follows:

104 (i) Multiply the number of vehicles or combination vehicles registered in each weight class
 105 by the equivalent tax figure from the following tables:

106 Vehicle or Combination

107 Registered Weight	Age of Vehicle	Equivalent Tax
108 12,000 pounds or less	12 or more years	\$10
109 12,000 pounds or less	9 or more years but less than 12 years	[\$50] <u>\$20</u>
110 12,000 pounds or less	6 or more years but less than 9 years	[\$80] <u>\$50</u>
111 12,000 pounds or less	3 or more years but less than 6 years	[\$110] <u>\$125</u>
112 12,000 pounds or less	Less than 3 years	[\$150] <u>\$200</u>

113 Vehicle or Combination	Equivalent
114 Registered Weight	Tax
115 12,001 - 18,000 pounds	\$150
116 18,001 - 34,000 pounds	200
117 34,001 - 48,000 pounds	300
118 48,001 - 64,000 pounds	450

119 64,001 pounds and over 600

120 (ii) Multiply the equivalent tax value for the total fleet determined under Subsection
121 (11)(a)(i) by the fraction computed under Subsection (3) for the apportioned fleet for the
122 registration year.

123 (b) Fees shall be assessed as provided in Section 41-1a-1207.

124 (12) (a) Commercial vehicles meeting the registration requirements of another jurisdiction
125 may, as an alternative to full or apportioned registration, secure a temporary registration permit for
126 a period not to exceed 96 hours or until they leave the state, whichever is less, for a fee of \$20 for
127 a single unit and \$40 for multiple units.

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

131 Section 2. Section **59-2-405.1** is amended to read:

132 **59-2-405.1. Uniform fee on tangible personal property weighing 12,000 pounds or**
133 **less.**

134 (1) The property described in Subsection (2), except Subsection (2)(b)(ii), is exempt from
135 ad valorem property taxes pursuant to Utah Constitution Article XIII, Section 14.

136 (2) (a) Except as provided in Subsection (2)(b), there is levied an annual statewide uniform
137 fee in lieu of the ad valorem tax on:

138 (i) motor vehicles required to be registered with the state that weigh 12,000 pounds or less;
139 and

140 (ii) state-assessed commercial vehicles required to be registered with the state that weigh
141 12,000 pounds or less.

142 (b) The following personal property is exempt from the statewide uniform fee imposed by
143 this section:

144 (i) aircraft;

145 (ii) vintage vehicles as defined in Section 41-21-1; and

146 (iii) personal property that is exempt from state or county ad valorem property taxes under
147 the laws of this state or of the federal government.

148 (3) Beginning on January 1, 1999, the uniform fee under Subsection (2) is as follows:

149 Age of Vehicle Uniform Fee

150	12 or more years	\$10
151	9 or more years but less than 12 years	[\$50] <u>\$20</u>
152	6 or more years but less than 9 years	[\$80] <u>\$50</u>
153	3 or more years but less than 6 years	[\$110] <u>\$125</u>
154	Less than 3 years	[\$150] <u>\$200</u>

155 (4) Notwithstanding Section 59-2-407, property subject to the uniform fee that is brought
 156 into the state and is required to be registered in Utah shall, as a condition of registration, be subject
 157 to the uniform fee unless all property taxes or uniform fees imposed by the state of origin have
 158 been paid for the current calendar year.

159 (5) (a) The revenues collected in each county from the uniform fee shall be distributed by
 160 the county to each taxing entity in which the property described in Subsection (2) is located in the
 161 same proportion in which revenue collected from ad valorem real property tax is distributed.

162 (b) Each taxing entity shall distribute the revenues received under Subsection (5)(a) in the
 163 same proportion in which revenue collected from ad valorem real property tax is distributed.

164 (6) Appeals of the valuation of the tangible personal property described in Subsection (2)
 165 shall be filed pursuant to Section 59-2-1005.

166 **Section 3. Effective date.**

167 This act takes effect on January 1, 2001.