

**PENALTY FOR USE OF DYED DIESEL**

2001 GENERAL SESSION

STATE OF UTAH

**Sponsor: Dan R. Eastman**

**This act modifies the Revenue and Taxation Code to provide certain penalties for using certain untaxed diesel fuel.**

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

ENACTS:

**59-13-320.5**, Utah Code Annotated 1953

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

Section 1. Section **59-13-320.5** is enacted to read:

**59-13-320.5. Use of dyed diesel on highways prohibited -- Penalty.**

(1) A person may not operate a motor vehicle on a highway if a fuel supply tank of the motor vehicle contains dyed diesel fuel, unless:

(a) permitted under federal law;

(b) (i) the motor vehicle is used on the highway only to travel from one parcel of land owned or operated by the owner to another parcel of land owned or operated by the owner; and

(ii) the motor vehicle's travel on the highway is necessary for furtherance of agricultural purposes; or

(c) the motor vehicle is special mobile equipment, as defined in Section 41-1a-102, including off-road motorized construction or maintenance equipment, that is only incidentally operated or moved on a highway in connection with a construction project.

(2) A person who violates Subsection (1) shall pay a penalty assessed by the commission as follows:

(a) the greater of \$500 or \$5 per gallon of dyed diesel fuel within each fuel supply tank of the motor vehicle, based on the maximum storage capacity of each fuel supply tank; or

(b) for a second and subsequent offense, the greater of \$1,000 or \$10 per gallon of dyed diesel fuel within each fuel supply tank of the motor vehicle, based on the maximum storage capacity of each fuel supply tank.

(3) The penalty imposed under this section:

(a) is in addition to any other taxes, interest, or penalties imposed under this chapter; and

(b) shall be deposited in the Transportation Fund.

(4) Upon making a record of its actions, and upon reasonable cause shown, the commission may waive, reduce, or compromise the penalty imposed under this section.