

1 **OPERATION OF NONRESIDENT OWNED**

2 **SNOWMOBILE**

3 2001 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: John W. Hickman**

6 **This act modifies the Motor Vehicle Code by amending the nonresident snowmobile user fee**
7 **provisions. This act takes effect on July 1, 2001.**

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

9 AMENDS:

10 **41-22-9**, as last amended by Chapter 30, Laws of Utah 2000

11 **41-22-35**, as enacted by Chapter 1, Laws of Utah 1999

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

13 Section 1. Section **41-22-9** is amended to read:

14 **41-22-9. Vehicles exempt from registration.**

15 The following off-highway vehicles are exempt from the registration requirements of this
16 chapter:

17 (1) vehicles that are currently registered for highway use, have a valid motor vehicle safety
18 inspection sticker or certificate, and on which the required safety equipment has not been
19 subsequently modified;

20 (2) off-highway vehicles, except snowmobiles, that are not in the state more than 14 days
21 in any year and are owned by a nonresident;

22 (3) snowmobiles that are owned by a nonresident and that are displaying a current [~~annual~~]
23 snowmobile user fee decal in accordance with Section 41-22-35;

24 (4) off-highway vehicles sold by a dealer to a person who is not a resident of this state;

25 (5) off-highway implements of husbandry operated in the manner prescribed by
26 Subsections 41-22-5.5(3) through (5); and

27 (6) new off-highway vehicles being transported to an off-highway vehicle dealership by

28 the dealer, employee of the dealership, or agent for the dealership.

29 Section 2. Section **41-22-35** is amended to read:

30 **41-22-35. Snowmobile user fee -- Decal -- Agents -- Penalty for fraudulent issuance**
31 **of decal -- Deposit and use of fee revenue.**

32 (1) (a) Except as provided in Subsection (1)(b), any nonresident owning a snowmobile
33 who operates or gives another person permission to operate the snowmobile on any public land,
34 trail, street, or highway in this state shall pay [~~an annual~~] a snowmobile user fee.

35 (b) A snowmobile registered in a state that offers reciprocal operating privileges to Utah
36 residents pursuant to rules of the board is exempt from the [~~annual~~] snowmobile user fee.

37 (2) The snowmobile user fee shall be [~~\$30~~];

38 (i) \$5 for a seven-day decal;

39 (ii) \$15 for a 30-day decal; and

40 (iii) \$30 for an annual decal.

41 (3) The board may establish procedures for the payment of snowmobile user fees by rule.

42 (4) The person paying the fee shall receive a decal indicating the fee has been paid. The
43 decal shall be displayed on the snowmobile in accordance with rules of the board.

44 (5) (a) Snowmobile user fees may be collected by the division or agents of the division.

45 (b) An agent shall retain 10% of all snowmobile user fees collected.

46 (c) The division may require agents to obtain a bond in a reasonable amount.

47 (d) On or before the tenth day of each month, each agent shall:

48 (i) report all sales to the division; and

49 (ii) submit all snowmobile user fees collected less the remuneration provided in Subsection

50 (5)(b).

51 (e) (i) If an agent fails to pay the amount due, the division may assess a penalty of 20% of
52 the amount due.

53 (ii) Delinquent payments shall bear interest at the rate of 1% per month.

54 (iii) If the amount due is not paid because of bad faith or fraud, the division shall assess
55 a penalty of 100% of the total amount due together with interest.

56 (f) All fees collected by an agent, except the remuneration provided in Subsection (5)(b),
57 shall:

58 (i) be kept separate and apart from the private funds of the agent; and

59 (ii) belong to the state of Utah.

60 (g) An agent may not issue a snowmobile user fee decal to any person unless the person
61 furnishes evidence that the person is a nonresident.

62 (h) A violation of any provision of this Subsection (5) is a class B misdemeanor and may
63 be cause for revocation of the agent authorization.

64 (6) Revenue generated by snowmobile user fees shall be:

65 (a) deposited in the Off-highway Vehicle Account created in Section 41-22-19; and

66 (b) used for the construction, improvement, operation, or maintenance of snowmobile
67 trails.

68 Section 3. **Effective date.**

69 This act takes effect on July 1, 2001.

Legislative Review Note
as of 1-29-01 9:39 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel