UTAH EXEMPTION ACT AMENDMENTS

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: David L. Gladwell

This act modifies the Utah Exemptions Act to provide that the allowance for an exempt vehicle is not limited to a vehicle used for business or professional purposes.

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

AMENDS:

78-23-8, as last amended by Chapter 138, Laws of Utah 1997

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

Section 1. Section **78-23-8** is amended to read:

78-23-8. Value of exempt property -- Exemption of implements, professional books, tools, and motor vehicle.

(1) An individual is entitled to exemption of the following property up to an aggregate value of items in each subsection of $500:

(a) sofas, chairs, and related furnishings reasonably necessary for one household;

(b) dining and kitchen tables and chairs reasonably necessary for one household;

(c) animals, books, and musical instruments, if reasonably held for the personal use of the individual or his dependents; and

(d) heirlooms or other items of particular sentimental value to the individual.

(2) An individual is entitled to an exemption, not exceeding $3,500 in aggregate value, of implements, professional books, or tools of his trade.

(3) Ş **(a) AS USED IN THIS SUBSECTION (3), "MOTOR VEHICLE" DOES NOT INCLUDE ANY MOTOR VEHICLE DESIGNED FOR OR USED PRIMARILY FOR RECREATIONAL PURPOSES, SUCH AS:**

(i) AN OFF-HIGHWAY VEHICLE AS DEFINED IN SECTION 41-22-2, EXCEPT A MOTORCYCLE THE INDIVIDUAL REGULARLY USES FOR DAILY TRANSPORTATION; OR

(ii) A RECREATIONAL VEHICLE AS DEFINED IN SECTION 13-14-102, EXCEPT A VAN THE INDIVIDUAL REGULARLY USES FOR DAILY TRANSPORTATION.

(b) Ş An individual is entitled to an exemption, not exceeding $2,500 in value, of one motor vehicle [~~where such motor vehicle is used for the claimant's business or profession. Business or~~

25 ~~professional use of a motor vehicle does not include transportation to and from a claimant's place~~
26 ~~of work or business~~].
27 (4) This section does not affect property exempt under Section 78-23-5.

Legislative Review Note
as of 11-16-01 10:51 AM

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

Office of Legislative Research and General Counsel