

1 **MOTOR VEHICLE REGISTRATION -**
2 **RESIDENT EXEMPTION**

3 2003 GENERAL SESSION
4 STATE OF UTAH

5 **Sponsor: Rebecca D. Lockhart**

6 **This act modifies the Motor Vehicles Code by exempting from the resident registration**
7 **requirements any individual domiciled in another state that is temporarily in Utah for a**
8 **period not to exceed 24 months, is engaged in public, charitable, educational, or religious**
9 **services for a government agency or a tax-exempt charitable organization, and is not**
10 **compensated for services rendered other than expense reimbursements.**

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

12 AMENDS:

13 **41-1a-202**, as last amended by Chapter 165, Laws of Utah 2002

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

15 Section 1. Section **41-1a-202** is amended to read:

16 **41-1a-202. Definitions -- Vehicles exempt from registration -- Registration of**
17 **vehicles after establishing residency.**

18 (1) In this section:

19 (a) "Domicile" means the place:

20 (i) where an individual has a fixed permanent home and principal establishment;

21 (ii) to which the individual if absent, intends to return; and

22 (iii) in which the individual and his family voluntarily reside, not for a special or
23 temporary purpose, but with the intention of making a permanent home.

24 (b) (i) "Resident" means any of the following:

25 (A) an individual who:

26 (I) has established a domicile in this state;

27 (II) regardless of domicile, remains in this state for an aggregate period of six months



28 or more during any calendar year;

29 (III) engages in a trade, profession, or occupation in this state or who accepts
30 employment in other than seasonal work in this state and who does not commute into the state;

31 (IV) declares himself to be a resident of this state for the purpose of obtaining a driver
32 license or motor vehicle registration; or

33 (V) declares himself a resident of Utah to obtain privileges not ordinarily extended to
34 nonresidents, including going to school, or placing children in school without paying
35 nonresident tuition or fees;

36 (B) any individual, partnership, limited liability company, firm, corporation,
37 association, or other entity that:

38 (I) maintains a main office, branch office, or warehouse facility in this state and that
39 bases and operates a motor vehicle in this state; or

40 (II) operates a motor vehicle in intrastate transportation for other than seasonal work.

41 (ii) "Resident" does not include any of the following:

42 (A) a member of the military temporarily stationed in Utah; [~~and~~]

43 (B) an out-of-state student, as classified by the institution of higher education, enrolled
44 with the equivalent of seven or more quarter hours, regardless of whether the student engages
45 in a trade, profession, or occupation in this state or accepts employment in this state[-]; and

46 (C) an individual domiciled in another state or a foreign country that:

47 (I) is engaged in public, charitable, educational, or religious services for a government
48 agency or an organization that qualifies for tax-exempt status under Internal Revenue Code
49 Section 501(c)(3);

50 (II) is not compensated for services rendered other than expense reimbursements; and

51 (III) is temporarily in Utah for a period not to exceed 24 months.

52 (2) Registration under this chapter is not required for any:

53 (a) vehicle registered in another state and owned by a nonresident of the state or
54 operating under a temporary registration permit issued by the division or a dealer authorized by
55 this chapter, driven or moved upon a highway in conformance with the provisions of this
56 chapter relating to manufacturers, transporters, dealers, lien holders, or interstate vehicles;

57 (b) vehicle driven or moved upon a highway only for the purpose of crossing the
58 highway from one property to another;

59 (c) implement of husbandry, whether of a type otherwise subject to registration or not,
60 that is only incidentally operated or moved upon a highway;

61 (d) special mobile equipment;

62 (e) vehicle owned or leased by the federal government;

63 (f) motor vehicle not designed, used, or maintained for the transportation of passengers
64 for hire or for the transportation of property if the motor vehicle is registered in another state
65 and is owned and operated by a nonresident of this state;

66 (g) vehicle or combination of vehicles designed, used, or maintained for the
67 transportation of persons for hire or for the transportation of property if the vehicle or
68 combination of vehicles is registered in another state and is owned and operated by a
69 nonresident of this state and if the vehicle or combination of vehicles has a gross laden weight
70 of 26,000 pounds or less;

71 (h) trailer of 750 pounds or less unladen weight and not designed, used, and maintained
72 for hire for the transportation of property or person;

73 (i) manufactured home or mobile home;

74 (j) off-highway vehicle currently registered under Section 41-22-3 if the off-highway
75 vehicle is:

76 (i) being towed;

77 (ii) operated on a street or highway designated as open to off-highway vehicle use; or

78 (iii) operated in the manner prescribed in Section 41-22-10.3;

79 (k) off-highway implement of husbandry operated in the manner prescribed in
80 Subsections 41-22-5.5(3) through (5);

81 (l) modular and prebuilt homes conforming to the uniform building code and presently
82 regulated by the United States Department of Housing and Urban Development that are not
83 constructed on a permanent chassis;

84 (m) electric assisted bicycle defined under Section 41-6-1;

85 (n) motor assisted scooter defined under Section 41-6-1; or

86 (o) personal motorized mobility device defined under Section 41-6-1.

87 (3) Unless otherwise exempted under Subsection (2), registration under this chapter is
88 required for any motor vehicle, combination of vehicles, trailer, semitrailer, or vintage vehicle
89 within 60 days of the owner establishing residency in this state.

90 (4) A motor vehicle that is registered under Section 41-3-306 is exempt from the
91 registration requirements of this part for the time period that the registration under Section
92 41-3-306 is valid.

Legislative Review Note
as of 2-3-03 9:16 AM

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

Office of Legislative Research and General Counsel

Fiscal Note**Motor Vehicle Registration - Resident Exemption***06-Feb-03***Bill Number HB0254***2:45 PM*

State Impact

The revenue effects of this bill are expected to be insignificant.

Individual and Business Impact

No significant impact.

Office of the Legislative Fiscal Analyst