

1 **MOTOR VEHICLE REGISTRATION**

2 **REVISIONS**

3 2004 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Chad E. Bennion**

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7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Motor Vehicles Code and the Judicial Code to amend provisions  
10 related to license plates and registrations.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ provides that the Motor Vehicle Division shall issue a newly designed general issue  
14 license plate on the date the division determines a license plate alphanumeric  
15 sequence is exhausted;
- 16 ▶ provides that general issue license plates expire after a certain period when the  
17 division begins to issue a newly designed general issue license plate;
- 18 ▶ allows the division to initiate digital license plate technologies for the design,  
19 administration, and enforcement of license plate and registration provisions;
- 20 ▶ creates the License Plate Reissue Fund;
- 21 ▶ increases the fines for registration violations and dedicates a portion of the fines to  
22 pay for license plate reissues; and
- 23 ▶ makes technical changes.

24 **Monies Appropriated in this Bill:**

25 None

26 **Other Special Clauses:**

27 This bill takes effect on July 1, 2004.



28 This bill provides a coordination clause.

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **41-1a-214**, as renumbered and amended by Chapter 1, Laws of Utah 1992

32 **41-1a-402**, as last amended by Chapter 1, Laws of Utah 2003

33 **41-1a-1211**, as last amended by Chapter 1, Laws of Utah 2003

34 **41-1a-1303**, as last amended by Chapter 56, Laws of Utah 2002

35 **41-1a-1305**, as renumbered and amended by Chapter 1, Laws of Utah 1992

36 **41-1a-1307**, as last amended by Chapter 56, Laws of Utah 2002

37 **78-3-14.5**, as last amended by Chapter 270, Laws of Utah 1998

38 **78-5-116**, as last amended by Chapter 270, Laws of Utah 1998

39 ENACTS:

40 **41-1a-401.5**, Utah Code Annotated 1953

41 **41-1a-401.6**, Utah Code Annotated 1953



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

44 Section 1. Section **41-1a-214** is amended to read:

45 **41-1a-214. Registration card to be signed, carried, and exhibited.**

46 (1) A registration card shall be signed by the owner in ink in the space provided.

47 (2) A registration card shall be carried at all times in the vehicle to which it was issued.

48 (3) The person driving or in control of a vehicle shall display the registration card upon  
49 demand of a peace officer or any officer or employee of the division.

50 (4) (a) A violation of this section is a class C misdemeanor and has a minimum fine of  
51 \$40.

52 (b) A court may dismiss the fine imposed for a violation of this section if proof of  
53 registration on the date of the citation is provided.

54 Section 2. Section **41-1a-401.5** is enacted to read:

55 **41-1a-401.5. License plate expiration -- Reissue -- Exceptions.**

56 (1) Beginning on the date the division determines a license plate alphanumeric  
57 sequence is exhausted, the division shall issue a newly designed general issue license plate.

58 (2) Except as provided in Subsection (4), all license plates expire with the expiration of

59 the vehicle registration beginning four years after the date determined by the division under  
60 Subsection (1). Upon application for original or renewal of the vehicle registration, the  
61 division shall issue the newly designed general issue license plates.

62 (3) If the division determines it is in the best interest of the state, the division may  
63 initiate digital license plate technologies for the design, administration, and enforcement of  
64 license plate and registration provisions.

65 (4) The following license plates are exempt from the provisions of this section:

66 (a) special group license plates issued under Section 41-1a-418;

67 (b) personalized license plates issued under Section 41-1a-410;

68 (c) multiyear license plates issued under Section 41-1a-222;

69 (d) vintage vehicle registration license plates issued under Section 41-1a-226;

70 (e) lifetime trailer license plates issued under Section 41-1a-228;

71 (f) original issue license plates issued under Section 41-1a-416; and

72 (g) Olympic license plates.

73 Section 3. Section **41-1a-401.6** is enacted to read:

74 **41-1a-401.6. License Plate Reissue Fund created -- Purposes.**

75 (1) There is created a special revenue fund known as the "License Plate Reissue Fund."

76 (2) The License Plate Reissue Fund shall consist of:

77 (a) fine revenues deposited in the fund in accordance with Sections 78-3-14.5 and  
78 78-5-116;

79 (b) appropriations made by the Legislature;

80 (c) private contributions;

81 (d) donations or grants from public or private entities; and

82 (e) interest and earnings on fund monies.

83 (3) The cost of administering the License Plate Reissue Fund shall be paid from  
84 monies in the fund.

85 (4) (a) The Utah State Tax Commission shall use the monies deposited in the License  
86 Plate Reissue Fund for the reissuance of license plates required under Section 41-1a-401.5.

87 (b) Only license plates that are replaced solely to comply with the reissuance  
88 requirements under Subsection 41-1a-401.5(2) may be paid for from fund monies.

89 Section 4. Section **41-1a-402** is amended to read:

90 **41-1a-402. Required colors, numerals, and letters -- Expiration.**

91 (1) ~~[(a)]~~ Except as provided in ~~[Subsection (3) and in]~~ Section 41-1a-407, each license  
92 plate shall be in colors selected by the commission and shall have displayed on it:

93 ~~[(i)]~~ (a) the registration number assigned to the vehicle for which it is issued;

94 ~~[(ii)]~~ (b) the name of the state;

95 ~~[(iii)]~~ (c) a registration decal showing the date of expiration; and

96 ~~[(iv)]~~ (d) a slogan determined as provided in Section 41-1a-405.

97 ~~[(b)]~~ (2) A special group license plate issued under Section 41-1a-418 is exempt from  
98 the slogan requirement under Subsection (1)~~[(a)(iv)]~~ (d).

99 ~~[(2) If registration is extended by affixing a registration decal to the license plate, the  
100 expiration date of the decal governs the expiration date of the license plate.]~~

101 ~~[(3) Each original license plate that is not one of the special group license plates issued  
102 under Section 41-1a-418 shall be a:]~~

103 ~~[(a) statehood centennial license plate with the same color, design, and slogan as the  
104 plates issued in conjunction with the statehood centennial; or]~~

105 ~~[(b) Ski Utah license plate.]~~

106 Section 5. Section **41-1a-1211** is amended to read:

107 **41-1a-1211. License plate fees -- Application fees for issuance and renewal of**  
108 **personalized and special group license plates -- Replacement fee for license plates --**  
109 **Postage fees.**

110 (1) (a) ~~[A]~~ Except for license plates issued under Section 41-1a-407 and for reissue  
111 license plates under Subsection (11), a license plate fee of \$5 per set shall be paid to the  
112 division for the issuance of any new license plate under Part 4, License Plates and Registration  
113 Indicia~~[, except for license plates issued under Section 41-1a-407].~~

114 (b) The license plate fee shall be deposited as follows:

115 ~~[(a)]~~ (i) \$4 as provided in Section 41-1a-1201; and

116 ~~[(b)]~~ (ii) \$1 in the Transportation Fund.

117 (2) An applicant for original issuance of personalized license plates issued under  
118 Section 41-1a-410 shall pay a \$50 per set license plate application fee in addition to the fee  
119 required in Subsection (1).

120 (3) Beginning July 1, 2003, a person who applies for a special group license plate shall

121 pay a \$5 fee for the original set of license plates in addition to the fee required under  
122 Subsection (1).

123 (4) An applicant for original issuance of personalized special group license plates shall  
124 pay the license plate application fees required in Subsection (2) in addition to the license plate  
125 fees and license plate application fees established under Subsections (1) and (3).

126 (5) An applicant for renewal of personalized license plates issued under Section  
127 41-1a-410 shall pay a \$10 per set application fee.

128 (6) A fee of \$5 shall be paid to the division for the replacement of any license plate  
129 issued under Part 4, License Plates and Registration Indicia. The license plate fee shall be  
130 deposited as follows:

131 (a) \$4 as provided in Section 41-1a-1201; and

132 (b) \$1 in the Transportation Fund.

133 (7) The division may charge a fee established under Section 63-38-3.2 to recover its  
134 costs for the replacement of decals issued under Section 41-1a-418.

135 (8) The division may charge a fee established under Section 63-38-3.2 to recover the  
136 cost of issuing stickers under Section 41-1a-416.

137 (9) In addition to any other fees required by this section, the division shall assess a fee  
138 established under Section 63-38-3.2 to cover postage expenses if new or replacement license  
139 plates are mailed to the applicant.

140 (10) The fees required under this section are separate from and in addition to  
141 registration fees required under Section 41-1a-1206.

142 (11) (a) There is no charge to an applicant for license plates that are replaced solely to  
143 comply with the reissuance requirements under Subsection 41-1a-401.5(2).

144 (b) The cost to reissue license plates under Subsection 41-1a-401.5(2) shall be paid  
145 from the License Plate Reissue Fund created under Section 41-1a-401.6 or from other state  
146 revenues.

147 Section 6. Section **41-1a-1303** is amended to read:

148 **41-1a-1303. Driving without registration or certificate of title -- Class B or C**  
149 **misdemeanor.**

150 (1) (a) Except as provided in Subsection (2) or Section 41-1a-211, a person may not  
151 drive or move, or an owner may not knowingly permit to be driven or moved upon any

152 highway any vehicle of a type required to be registered in this state:

153 (i) that is not properly registered or for which a certificate of title has not been issued or  
154 applied for; or

155 (ii) for which the required fee has not been paid.

156 (b) A violation of this Subsection (1) is a class C misdemeanor[-] and has a minimum  
157 fine as follows:

158 (i) \$40 for a delinquency of less than six months, unless proof of proper registration on  
159 the date of the citation is provided;

160 (ii) \$100 for a delinquency of six months but less than 12 months; and

161 (iii) \$1,000 for a delinquency of 12 months or more.

162 (c) (i) Except for a violation described in Subsection (1)(b)(i), a court may not dismiss  
163 an action brought for a violation of this Subsection (1) because the defendant has obtained  
164 appropriate registration subsequent to violating this Subsection (1).

165 (ii) Upon proof of proper registration, the court may reduce the fine as follows:

166 (A) to \$60 for a delinquency of six months, but less than 12 months; and

167 (B) to \$300 for a delinquency of 12 months or more.

168 (2) (a) A violation of Subsection 41-1a-202(3), related to registration of vehicles after  
169 establishing residency, is a class B misdemeanor and except as provided in Subsection (2)(b),  
170 has a minimum fine of \$1000.

171 (b) A court may not dismiss an action brought for a violation of Subsection  
172 41-1a-202(3) merely because the defendant has obtained the appropriate registration  
173 subsequent to violating the section. The court may, however, reduce the fine to \$200 if the  
174 violator presents evidence at the time of his hearing that:

175 (i) the vehicle is currently registered properly; and

176 (ii) the violation has not existed for more than one year.

177 (3) A court may require proof of proper motor vehicle registration as part of any  
178 sentence imposed under this section.

179 (4) The revenue from a fine imposed under Subsection (2) shall be deposited in  
180 accordance with Sections 78-3-14.5 and 78-5-116.

181 Section 7. Section **41-1a-1305** is amended to read:

182 **41-1a-1305. License plate and registration card violations -- Class C**

183 **misdemeanor.**

184 (1) It is a class C misdemeanor:

185 ~~[(1)]~~ (a) to break, injure, interfere with, or remove from any vehicle any seal, lock, or  
186 device on it for holding or displaying any license plate or registration card attached for  
187 denoting registration and identity of the vehicle;

188 ~~[(2)]~~ (b) to remove from any registered vehicle the license plate or registration card  
189 issued or attached to it for its registration;

190 ~~[(3) to place or display any license plate or registration card upon any other vehicle  
191 than the one for which it was issued by the division;]~~

192 ~~[(4) to use or permit the use or display of any license plate, registration card, or permit  
193 upon or in the operation of any vehicle other than that for which it was issued;]~~

194 ~~[(5)]~~ (c) to operate upon any highway of this state any vehicle required by law to be  
195 registered without having the license plate or plates securely attached, and the registration card  
196 issued by the division carried in the vehicle, except that the registration card issued by the  
197 division to all trailers and semitrailers shall be carried in the towing vehicle;

198 ~~[(6)]~~ (d) for any weighmaster to knowingly make any false entry in his record of  
199 weights of vehicles subject to registration or to knowingly report to the commission or division  
200 any false information regarding the weights;

201 ~~[(7)]~~ (e) for any inspector, officer, agent, employee, or other person performing any of  
202 the functions required for the registration or operation of vehicles subject to registration, to do,  
203 permit, cause, connive at, or permit to be done any act with the intent, or knowledge that the  
204 probable effect of the act would be to injure any person, deprive him of his property, or to  
205 injure or defraud the state with respect to its revenues relating to title or registration of  
206 vehicles;

207 ~~[(8)]~~ (f) for any person to combine or conspire with another to do, attempt to do, or  
208 cause or allow any of the acts in this chapter classified as a misdemeanor;

209 ~~[(9)]~~ (g) to operate any motor vehicle with a camper mounted on it upon any highway  
210 without displaying a current decal in clear sight upon the rear of the camper, issued by the  
211 county assessor of the county in which the camper has situs for taxation;

212 ~~[(10)]~~ (h) to manufacture, use, display, or sell any facsimile or reproduction of any  
213 license plate issued by the division or any article that would appear to be a substitute for a

214 license plate; or

215 ~~[(H)]~~ (i) to fail to return to the division any registration card, license plate or plates,  
216 decal, permit, or title that has been canceled, suspended, voided, or revoked.

217 (2) It is a class B misdemeanor:

218 (a) to place or display any license plate or registration card upon any vehicle other than  
219 the one for which it was issued by the division; or

220 (b) to use or permit the use or display of any license plate, registration card, or permit  
221 upon or in the operation of any vehicle other than the one for which it was issued.

222 (3) (a) The minimum fine for a violation of Subsection (2)(a) or (b) is \$1,000.

223 (b) (i) A court may not dismiss an action brought for a violation of Subsection (2)(a) or  
224 (b) because the defendant has obtained the appropriate registration subsequent to violating  
225 Subsection (2)(a) or (b).

226 (ii) Upon proof of proper registration on the date of the citation, the court may reduce  
227 the fine to \$300.

228 (4) The revenue from a fine imposed under Subsection (2) shall be deposited in  
229 accordance with Sections 78-3-14.5 and 78-5-116.

230 Section 8. Section **41-1a-1307** is amended to read:

231 **41-1a-1307. Operation of motor vehicles, trailers, or semitrailers without**  
232 **payment of fees -- Class B misdemeanor.**

233 (1) It is a class ~~[C]~~ **B** misdemeanor for a person to operate a motor vehicle, trailer, or  
234 semitrailer upon the highways without having paid the title and registration or transfer fees and  
235 taxes required by law.

236 (2) In addition to any other penalty, the owner of a motor vehicle, trailer, or semitrailer  
237 operated in violation of this section shall pay the greater of:

238 (a) a penalty equal to title and registration fees in addition to any other fee required  
239 under this chapter[-]; or

240 (b) the fine specified in Section 41-1a-1303.

241 (3) A court may require proof of proper vehicle registration as part of any sentence  
242 imposed under this section.

243 Section 9. Section **78-3-14.5** is amended to read:

244 **78-3-14.5. Allocation of district court fees and forfeitures.**



245 (1) Except as provided in this section, district court fines and forfeitures collected for  
246 violation of state statutes shall be paid to the state treasurer.

247 (2) Fines and forfeitures collected by the court for violation of a state statute or county  
248 or municipal ordinance constituting a misdemeanor or an infraction shall be remitted 1/2 to the  
249 state treasurer and 1/2 to the treasurer of the ~~[government]~~ state or local governmental entity  
250 which prosecutes or which would prosecute the violation.

251 (3) Fines and forfeitures collected for violations of Title 23, Wildlife Resources Code  
252 ~~[of Utah]~~, or Title 73, Chapter 18, State Boating Act, shall be paid to the state treasurer.

253 (a) For violations of Title 23, the state treasurer shall allocate 85% to the Division of  
254 Wildlife Resources and 15% to the General Fund.

255 (b) For violations of Title 73, Chapter 18, the state treasurer shall allocate 85% to the  
256 Division of Parks and Recreation and 15% to the General Fund.

257 (4) (a) Fines and forfeitures collected for violation of Section 72-7-404 or 72-7-406,  
258 less fees established by the Judicial Council, shall be paid to the state treasurer for deposit in  
259 the B and C road account.

260 (b) Fees established by the Judicial Council shall be deposited in the state General  
261 Fund.

262 (c) Money deposited in the class B and C road account is supplemental to the money  
263 appropriated under Section 72-2-107 but shall be expended in the same manner as other class B  
264 and C road funds.

265 (5) (a) The first \$200 of a fine collected by a court for a violation under Section  
266 41-1a-1303 and the first \$100 of a fine collected by a court for a violation under Section  
267 41-1a-1305 shall be deposited in accordance with Subsection (2).

268 (b) The remaining fine collected by a court for a violation under Sections 41-1a-1303  
269 and 41-1a-1305 shall be deposited in the License Plate Reissue Fund created under Section  
270 41-1a-401.6.

271 ~~[(5)]~~ (6) Fines and forfeitures collected for any violations not specified in this chapter  
272 or otherwise provided for by law shall be paid to the state treasurer.

273 ~~[(6)]~~ (7) Fees collected in connection with civil actions filed in the district court shall  
274 be paid to the state treasurer.

275 ~~[(7)]~~ (8) The court shall remit money collected in accordance with Title 51, Chapter 7,

276 State Money Management Act.

277 Section 10. Section **78-5-116** is amended to read:

278 **78-5-116. Disposition of fines.**

279 (1) Except as otherwise specified by this section, fines and forfeitures collected by a  
280 justice court shall be remitted, [~~one-half~~] 1/2 to the treasurer of the local government  
281 responsible for the court and [~~one-half~~] 1/2 to the treasurer of the local government which  
282 prosecutes or which would prosecute the violation.

283 (2) (a) For violation of Title 23, the court shall allocate 85% to the Division of Wildlife  
284 Resources and 15% to the general fund of the city or county government responsible for the  
285 justice court.

286 (b) For violation of Title 73, Chapter 18, State Boating Act, the court shall allocate  
287 85% to the Division of Parks and Recreation and 15% to the general fund of the city or county  
288 government responsible for the justice court.

289 (3) The surcharge established by Section 63-63a-1 shall be paid to the state treasurer.

290 (4) Fines, fees, court costs, and forfeitures collected by a municipal or county justice  
291 court for a violation of Section 72-7-404 or 72-7-406 regarding maximum weight limitations  
292 and overweight permits, minus court costs not to exceed the schedule adopted by the Judicial  
293 Council, shall be paid to the state treasurer and distributed to the class B and C road account.

294 (5) Revenue deposited in the class B and C road account pursuant to Subsection (4) is  
295 supplemental to the money appropriated under Section 72-2-107 but shall be expended in the  
296 same manner as other class B and C road funds.

297 (6) (a) The first \$200 of a fine collected by a court for a violation under Section  
298 41-1a-1303 and the first \$100 of a fine collected by a court for a violation under Section  
299 41-1a-1305 shall be deposited in accordance with Subsection (1).

300 (b) The remaining fine collected by a court for a violation under Sections 41-1a-1303  
301 and 41-1a-1305 shall be deposited in the License Plate Reissue Fund created under Section  
302 41-1a-401.6.

303 Section 11. **Effective date.**

304 This bill takes effect on July 1, 2004.

305 Section 12. **Coordinating H.B. 321 with S.B. 72.**

306 If this H.B. 321 and S.B. 72, Disposition of Fines for Registration Violations, both pass,

307 it is the intent of the Legislature that the Office of Legislative Research and General Counsel in  
308 preparing the Utah Code database for publication, shall:

309 (1) rewrite Subsections 78-2-14.5(5) and (6) to read as follows:

310 "(5) Except as provided in Subsection (6):

311 (a) the first \$200 of a fine collected by a court for a violation under Section 41-1a-1303  
312 and the first \$100 of a fine collected by a court for a violation under Section 41-1a-1305 shall  
313 be deposited in accordance with Subsection (2); and

314 (b) the remaining fine collected by a court for a violation of Sections 41-1a-1303 and  
315 41-1a-1305 shall be deposited in the License Plate Reissue Fund created under Section  
316 41-1a-401.6.

317 (6) Until July 1, 2007, fines and forfeitures collected by the court for a violation of  
318 Subsection 41-1a-1303(2) related to registration of vehicles after establishing residency shall  
319 be remitted:

320 (a) 50% to the state or local governmental entity which issued the citation for a  
321 violation to be used for law enforcement purposes; and

322 (b) 50% in accordance with Subsection (2)."

323 (2) rewrite Subsections 78-5-116(6) and (7) to read as follows:

324 "(6) Except as provided in Subsection (7):

325 (a) the first \$200 of a fine collected by a court for a violation under Section 41-1a-1303  
326 and the first \$100 of a fine collected by a court for a violation under Section 41-1a-1305 shall  
327 be deposited in accordance with Subsection (1); and

328 (b) the remaining fine collected by a court for a violation under Sections 41-1a-1303  
329 and 41-1a-1305 shall be deposited in the License Plate Reissue Fund created under Section  
330 41-1a-401.6.

331 (7) Until July 7, 2007, fines and forfeitures collected by the court for a violation of  
332 Subsection 41-1a-1303(2) related to registration of vehicles after establishing residency shall  
333 be remitted:

334 (a) 50% to the state or local governmental entity which issued the citation for a  
335 violation to be used for law enforcement purposes; and

336 (b) 50% in accordance with Subsection (1)."

**Legislative Review Note**

**as of 2-17-04 11:01 AM**

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

**Office of Legislative Research and General Counsel**

**State Impact**

Courts would need about \$8,000 in General Fund to reprogram its computers. The bill will generate about \$172,000 in annual revenue to a restricted fund called the "License Plate Reissue Fund". In about 2010 or 2011 all motor vehicle plates would have to be replaced at a cost of \$8,248,600.

	<u>FY 2005</u> <u>Approp.</u>	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2005</u> <u>Revenue</u>	<u>FY 2006</u> <u>Revenue</u>
General Fund	\$8,000	\$0	\$0	\$0
Restricted Funds	\$0	\$0	\$172,000	\$172,000
<b>TOTAL</b>	<b>\$8,000</b>	<b>\$0</b>	<b>\$172,000</b>	<b>\$172,000</b>

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**Individual and Business Impact**

No fiscal impact.

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