

Representative Chad E. Bennion proposes the following substitute bill:

MOTOR VEHICLE REGISTRATION

REVISIONS

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Chad E. Bennion

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ provides that the Motor Vehicle Division shall issue a newly designed general issue license plate on the date the division determines a license plate numbering system is exhausted and that sufficient funding exists in the License Plate Reissue Account;
- ▶ provides that general issue license plates expire after a certain period when the division begins to issue a newly designed general issue license plate;
- ▶ allows the division to initiate digital license plate technologies for the design, administration, and enforcement of license plate and registration provisions;
- ▶ creates a restricted account in the General Fund known as the License Plate Reissue Account;
- ▶ increases the fines for registration violations and dedicates a portion of the fines to pay for license plate reissues; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:



26 None

27 **Other Special Clauses:**

28 This bill takes effect on July 1, 2004.

29 This bill provides a coordination clause.

30 **Utah Code Sections Affected:**

31 **AMENDS:**

32 **41-1a-214**, as renumbered and amended by Chapter 1, Laws of Utah 1992

33 **41-1a-402**, as last amended by Chapter 1, Laws of Utah 2003

34 **41-1a-1211**, as last amended by Chapter 1, Laws of Utah 2003

35 **41-1a-1303**, as last amended by Chapter 56, Laws of Utah 2002

36 **41-1a-1305**, as renumbered and amended by Chapter 1, Laws of Utah 1992

37 **41-1a-1307**, as last amended by Chapter 56, Laws of Utah 2002

38 **78-3-14.5**, as last amended by Chapter 270, Laws of Utah 1998

39 **78-5-116**, as last amended by Chapter 270, Laws of Utah 1998

40 **ENACTS:**

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

42 **41-1a-401.6**, Utah Code Annotated 1953

43

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

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

46 **41-1a-214. Registration card to be signed, carried, and exhibited.**

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

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

49 (3) The person driving or in control of a vehicle shall display the registration card upon

50 demand of a peace officer or any officer or employee of the division.

51 (4) (a) A violation of this section is a class C misdemeanor and has a minimum fine of

52 \$40.

53 (b) A court may dismiss the fine imposed for a violation of this section if proof of

54 registration on the date of the citation is provided.

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

56 **41-1a-401.5. License plate expiration -- Reissue -- Exceptions.**

(1) Beginning on the date the division determines a license plate numbering system is exhausted and that sufficient funding exists in the License Plate Reissue Account created under Section 41-1a-401.6, the division shall:

(a) discontinue the issuance of any new current general issue license plates including any:

(i) Ski Utah license plates; or

(ii) statehood centennial license plates; and

(b) issue a newly designed general issue license plate.

(2) (a) Except as provided in Subsection (4) and except for newly designed general issue license plates issued under Subsection (1)(b), all license plates expire with the expiration of the vehicle registration beginning four years after the date determined by the division under Subsection (1).

(b) After the date determined by the division under Subsection (1), upon application for original vehicle registration, the division shall issue the newly designed general issue license plates.

(c) In accordance with Subsection (2)(a), beginning four years after the date determined by the division under Subsection (1), upon application for renewal of the vehicle registration, the division shall issue the newly designed general issue license plates.

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

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

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

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

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

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

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

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

(g) Olympic license plates.

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

41-1a-401.6. License Plate Reissue Account created -- Purposes.

88 (1) There is created within the General Fund a restricted account known as the
89 "License Plate Reissue Account."

90 (2) The License Plate Reissue Account shall consist of:

91 (a) fine revenues deposited in the account in accordance with Sections 78-3-14.5 and
92 78-5-116;

93 (b) appropriations made by the Legislature;

94 (c) private contributions; and

95 (d) donations or grants from public or private entities.

96 (3) The cost of administering the License Plate Reissue Account shall be paid from
97 monies in the account.

98 (4) (a) Any appropriation made by the Legislature from the account may only be used
99 for the design and reissuance of license plates required under Section 41-1a-401.5.

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

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

103 **41-1a-402. Required colors, numerals, and letters -- Expiration.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Beginning July 1, 2003, a person who applies for a special group license plate shall pay a \$5 fee for the original set of license plates in addition to the fee required under Subsection (1).

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

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

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

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

(b) \$1 in the Transportation Fund.

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

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

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

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

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

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

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

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

(1) (a) Except as provided in Subsection (2) or Section 41-1a-211, a person may not drive or move, or an owner may not knowingly permit to be driven or moved upon any highway any vehicle of a type required to be registered in this state:

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

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

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

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

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

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

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

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

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

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

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

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

(i) the vehicle is currently registered properly; and

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

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

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

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

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

(1) It is a class C misdemeanor:

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

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

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

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

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

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

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

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

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

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

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

231 (2) It is a class B misdemeanor:

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

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

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

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

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

242 (4) The revenue from a fine imposed under this section shall be deposited in

243 accordance with Sections 78-3-14.5 and 78-5-116.

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

245 **41-1a-1307. Operation of motor vehicles, trailers, or semitrailers without**
246 **payment of fees -- Class B misdemeanor.**

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

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

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

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

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

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

258 **78-3-14.5. Allocation of district court fees and forfeitures.**

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

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

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

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

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

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

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

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

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

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

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

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

~~[(7)]~~ (8) The court shall remit money collected in accordance with Title 51, Chapter 7, State Money Management Act.

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

78-5-116. Disposition of fines.

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

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

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

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

(4) Fines, fees, court costs, and forfeitures collected by a municipal or county justice

court for a violation of Section 72-7-404 or 72-7-406 regarding maximum weight limitations and overweight permits, minus court costs not to exceed the schedule adopted by the Judicial Council, shall be paid to the state treasurer and distributed to the class B and C road account.

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

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

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

Section 11. Effective date.

This bill takes effect on July 1, 2004.

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

If this H.B. 321 and S.B. 72, Disposition of Fines for Registration Violations, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel in preparing the Utah Code database for publication, shall:

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

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

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

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

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

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

336 **(b) 50% in accordance with Subsection (2)."**
337 **(2) rewrite Subsections 78-5-116(6) and (7) to read as follows:**
338 **"(6) Except as provided in Subsection (7):**
339 **(a) the first \$200 of a fine collected by a court for a violation under Section 41-1a-1303**
340 **and the first \$100 of a fine collected by a court for a violation under Section 41-1a-1305 shall**
341 **be deposited in accordance with Subsection (1); and**
342 **(b) the remaining fine collected by a court for a violation under Sections 41-1a-1303**
343 **and 41-1a-1305 shall be deposited in the License Plate Reissue Account created under Section**
344 **41-1a-401.6.**
345 **(7) Until July 7, 2007, fines and forfeitures collected by the court for a violation of**
346 **Subsection 41-1a-1303(2) related to registration of vehicles after establishing residency shall**
347 **be remitted:**
348 **(a) 50% to the state or local governmental entity which issued the citation for a**
349 **violation to be used for law enforcement purposes; and**
350 **(b) 50% in accordance with Subsection (1)."**