

Senator Thomas V. Hatch proposes the following substitute bill:

OFF-HIGHWAY VEHICLE REGISTRATION

PROVISIONS

2004 GENERAL SESSION

STATE OF UTAH

Sponsor: Thomas V. Hatch

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code to amend off-highway vehicle registration provisions.

Highlighted Provisions:

This bill:

- ▶ requires the Motor Vehicle Division to assign an off-highway vehicle registration number to each registered off-highway vehicle;
- ▶ requires the owner of an off-highway vehicle to affix and display the off-highway vehicle registration number assigned by the Motor Vehicle Division;
- ▶ provides requirements for readability and display of off-highway vehicle registration numbers and registration stickers;
- ▶ requires a registered off-highway vehicle to have a registration sticker that uniquely identifies the off-highway vehicle;
- ▶ requires replacement of lost or illegible off-highway vehicle registration stickers;
- ▶ prohibits a person from altering or defacing a registration sticker, registration card, permit, or off-highway vehicle registration number issued for an off-highway vehicle;
- ▶ requires the replacement of a lost, stolen, or illegible registration sticker issued for



- 26 an off-highway vehicle;
- 27 ▶ repeals provisions making a violation of off-highway vehicle related rules made by
- 28 the Board of Parks and Recreation a class C misdemeanor;
- 29 ▶ allows a county as well as a municipality to adopt ordinances for certain
- 30 off-highway vehicle operators;
- 31 ▶ clarifies provisions related to designating and posting areas and highways open to
- 32 off-highway vehicle use; and
- 33 ▶ makes technical changes.

34 **Monies Appropriated in this Bill:**

35 None

36 **Other Special Clauses:**

37 This bill takes effect on January 1, 2005.

38 **Utah Code Sections Affected:**

39 AMENDS:

- 40 **41-22-3**, as last amended by Chapter 23, Laws of Utah 2001
- 41 **41-22-4**, as last amended by Chapter 1, Laws of Utah 1986, Second Special Session
- 42 **41-22-7**, as last amended by Chapter 1, Laws of Utah 1986, Second Special Session
- 43 **41-22-8**, as last amended by Chapter 163, Laws of Utah 1987
- 44 **41-22-10.5**, as last amended by Chapter 230, Laws of Utah 2000
- 45 **41-22-17**, as last amended by Chapter 241, Laws of Utah 1991

46 ENACTS:

- 47 **41-22-3.1**, Utah Code Annotated 1953
- 48 **41-22-5.1**, Utah Code Annotated 1953



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

51 Section 1. Section **41-22-3** is amended to read:

52 **41-22-3. Registration of vehicles -- Application -- Issuance of sticker and card --**

53 **Proof of property tax payment -- Records.**

54 (1) (a) Unless exempted under Section 41-22-9, a person may not operate or transport
55 and an owner may not give another person permission to operate or transport any off-highway
56 vehicle on any public land, trail, street, or highway in this state unless the off-highway vehicle

57 ~~[has been]~~ is registered under this chapter for the current year.

58 (b) Unless exempted under Section 41-22-9, a dealer may not sell an off-highway
59 vehicle which can be used or transported on any public land, trail, street, or highway in this
60 state, unless ~~[it has been]~~ the off-highway vehicle is registered or is in the process of being
61 registered under this chapter for the current year.

62 (2) The owner of ~~[any]~~ an off-highway vehicle ~~[requiring]~~ subject to registration under
63 this chapter shall ~~[file an application for registration with]~~ apply to the Motor Vehicle Division
64 for registration on forms approved by ~~[it]~~ the Motor Vehicle Division.

65 (3) Each application for registration of an off-highway vehicle shall be accompanied
66 by:

67 (a) evidence of ownership, a title, or a manufacturer's certificate of origin, and a bill of
68 sale showing ownership, make, model, horsepower or displacement, and serial number;

69 (b) the past ~~[certificate of]~~ registration card; or

70 (c) the fee for a duplicate.

71 (4) (a) Upon each annual registration, the Motor Vehicle Division shall issue
72 ~~[numbered stickers to be affixed to the vehicles as prescribed by the board]~~ a registration
73 sticker and a registration card~~[- which shall be available for inspection on the vehicle at all~~
74 times] for each off-highway vehicle registered.

75 (b) The registration sticker shall:

76 (i) contain a unique number using numbers, letters, or combination of numbers and
77 letters to identify the off-highway vehicle for which it is issued;

78 (ii) be affixed to the off-highway vehicle for which it is issued in a plainly visible
79 position as prescribed by rule of the board under Section 41-22-5.1; and

80 (iii) be maintained free of foreign materials and in a condition to be clearly legible.

81 (c) At all times, a registration card shall be kept with the off-highway vehicle and shall
82 be available for inspection by a law enforcement officer.

83 (5) ~~(a) [The Motor Vehicle Division, before issuing]~~ An applicant for a registration
84 card ~~[and]~~ or registration ~~[stickers, shall require from each applicant]~~ sticker shall provide the
85 Motor Vehicle Division a certificate, described under Subsection (5)(b), from the county
86 assessor of the county in which the off-highway vehicle has situs for taxation.

87 (b) The certificate required under Subsection (5)(a) shall state one of the following:

88 ~~[(a)]~~ (i) the property tax on the off-highway vehicle for the current year has been paid;
89 ~~[(b)]~~ (ii) in the county assessor's opinion, the tax is a lien on real property sufficient to
90 secure the payment of the tax; or

91 ~~[(c)]~~ (iii) the off-highway vehicle is exempt by law from payment of property tax for
92 the current year.

93 (6) (a) All records of the division made or kept ~~[pursuant to]~~ under this section shall be
94 classified by the Motor Vehicle Division in the same manner as motor vehicle records are
95 classified under Section 41-1a-116.

96 (b) Division records are available for inspection in the same manner as motor vehicle
97 records ~~[pursuant to]~~ under Section 41-1a-116.

98 Section 2. Section **41-22-3.1** is enacted to read:

99 **41-22-3.1. Off-highway vehicle registration number -- Assignment -- Display.**

100 (1) Beginning on July 1, 2004, the Motor Vehicle Division shall assign an off-highway
101 vehicle registration number to each off-highway vehicle registered under Section 41-22-3.

102 (2) The off-highway vehicle registration number shall be:

103 (a) a unique number using numbers, letters, or combination of numbers and letters to
104 identify the off-highway vehicle;

105 (b) assigned to the off-highway vehicle for the useful life of the off-highway vehicle or
106 until the ownership of the off-highway vehicle changes, whichever occurs first;

107 (c) assigned by the Motor Vehicle Division in consultation with the division; and

108 (d) printed on the registration card.

109 (3) The owner of an off-highway vehicle shall:

110 (a) affix and display the off-highway vehicle registration number assigned under
111 Subsection (1) on the off-highway vehicle in a manner that is plainly visible from a distance of
112 at least 50 feet during daylight by position, size, and color as prescribed by rule of the board
113 under Section 41-22-5.1; and

114 (b) maintain the off-highway vehicle registration number in a condition that is free of
115 foreign materials and clearly legible.

116 Section 3. Section **41-22-4** is amended to read:

117 **41-22-4. Falsification of documents unlawful -- Alteration or removal of serial**
118 **number unlawful -- Display of sticker.**

119 ~~[(1) No person may]~~ A person may not:

120 (1) knowingly falsify an application for registration, affidavit of ownership, or bill of
 121 sale for any off-highway vehicle~~[-(2) No person may];~~

122 (2) alter, deface, or remove any manufacturer's serial number on any off-highway
 123 vehicle~~[-(3) No person may];~~

124 (3) use or permit the use or display of any registration sticker, registration card, [or]
 125 permit, or off-highway vehicle registration number upon an off-highway vehicle or in the
 126 operation of any off-highway vehicle other than the vehicle for which it was issued or assigned;
 127 or

128 (4) alter or deface a registration sticker, registration card, permit, or off-highway
 129 vehicle registration number issued or assigned to an off-highway vehicle.

130 Section 4. Section **41-22-5.1** is enacted to read:

131 **41-22-5.1. Rules of board relating to display of registration stickers.**

132 In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
 133 board shall make rules for the display of:

134 (1) a registration sticker on an off-highway vehicle in accordance with Section
 135 41-22-3; and

136 (2) an off-highway vehicle registration number in accordance with Section 41-22-3.1.

137 Section 5. Section **41-22-7** is amended to read:

138 **41-22-7. Duplicate registration cards and registration stickers.**

139 (1) If a [~~certificate of~~] registration card is lost or destroyed, or if an owner changes [his]
 140 the owner's address from [that] the address shown on [his ~~certificate of~~] the owner's registration
 141 card, the owner shall, within 15 days, apply for a duplicate [~~certificate~~] registration card.

142 (2) If a registration sticker is lost, stolen, or becomes illegible, the owner of the
 143 off-highway vehicle shall immediately apply for and obtain a replacement registration sticker.

144 Section 6. Section **41-22-8** is amended to read:

145 **41-22-8. Registration fees.**

146 (1) The board shall establish the fees which shall be paid in accordance with this
 147 chapter, subject to the following:

148 ~~[(1)]~~ (a) The fee for each registration may not exceed \$10.

149 ~~[(2)]~~ (b) The fee for each duplicate [~~certificate of~~] registration card may not exceed \$2.

150 ~~[(3)]~~ (c) The fee for each duplicate ~~[numbered stickers]~~ registration sticker may not
151 exceed \$4.

152 ~~[(4)]~~ (2) ~~[No]~~ A fee may not be charged for an off-highway ~~[vehicles which are]~~
153 vehicle that is owned and operated by the United States Government, this state, or its political
154 subdivisions.

155 Section 7. Section **41-22-10.5** is amended to read:

156 **41-22-10.5. Local ordinances -- Designating routes -- Supervision.**

157 (1) A municipality or county may adopt ordinances designating certain streets and
158 highways under its respective jurisdiction as off-highway vehicle routes ~~[for the specific~~
159 ~~purpose of allowing]~~ to allow off-highway vehicle operators to gain direct access to or from a
160 private or public area open for off-highway vehicle use.

161 (2) A municipality or a county may adopt an ordinance requiring an operator who is
162 under 16 years of age to be under the direct visual supervision of an adult who is at least 18
163 years of age while using a route designated under Subsection (1).

164 (3) A route designated under Subsection (1) may not be along, across, or within the
165 boundaries of an interstate freeway or limited access highway.

166 (4) ~~[A]~~ Except as provided under Section 41-22-10.3, a person may not operate an
167 off-highway vehicle on any street or highway ~~[for any other purpose than to gain direct access~~
168 ~~to or from a private or public area]~~ that is not designated or posted as open for off-highway
169 vehicle use in accordance with Subsection (1) or Section 41-22-10.1.

170 (5) Subsection (4) does not apply to off-highway implements of husbandry used in
171 accordance with Section 41-22-5.5.

172 Section 8. Section **41-22-17** is amended to read:

173 **41-22-17. Penalties for violations.**

174 (1) ~~[Unless another penalty is provided for in this chapter or elsewhere in the laws of~~
175 ~~this state, any person who violates any provision of this chapter or the rules promulgated under~~
176 ~~this chapter, upon conviction,]~~ Except as otherwise provided, a person who violates the
177 provisions of this chapter is guilty of a class C misdemeanor.

178 (2) The division may revoke or suspend the registration of any off-highway vehicle
179 whose application for registration has been falsified. The owner shall surrender to the division,
180 within 15 days of suspension or revocation, ~~[any]~~ the suspended or revoked ~~[certificate of]~~

181 registration card and [~~stickers~~] registration sticker.

182 Section 9. **Effective date.**

183 This bill takes effect on January 1, 2005.