

1 **MOTOR VEHICLE ENFORCEMENT DIVISION**

2 **AMENDMENTS**

3 2005 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Paul Ray**

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Motor Vehicle Business Regulation Act by increasing certain
10 temporary permit and certificate fees and requiring the fee increase to be used for
11 certain purposes.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ increases the fee for a temporary permit or a temporary sports event registration
- 15 certificate by 75 cents;
- 16 ▶ requires that the fee increase be used for increased enforcement of the Motor
- 17 Vehicle Business Regulation Act;
- 18 ▶ authorizes the administrator of the Motor Vehicle Enforcement Division to contract
- 19 with ~~H→ [the Office of the Attorney General]~~ **a public prosecutor** ←H for increased
- 19a ~~H→ [enforcement] prosecution~~ ←H ; and
- 20 ▶ makes technical changes.

21 **Monies Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 This bill takes effect on July 1, 2005.

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **41-3-105**, as last amended by Chapter 86, Laws of Utah 2000



28 **41-3-603**, as enacted by Chapter 12, Laws of Utah 2001, First Special Session



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

31 Section 1. Section **41-3-105** is amended to read:

32 **41-3-105. Administrator's powers and duties -- Administrator and investigators**
33 **to be law enforcement officers.**

34 (1) The administrator may make rules to carry out the purposes of this chapter and
35 Sections 41-1a-1001 through 41-1a-1007 according to the procedures and requirements of Title
36 63, Chapter 46a, Utah Administrative Rulemaking Act.

37 (2) (a) The administrator may employ clerks, deputies, and assistants necessary to
38 discharge the duties under this chapter and may designate the duties of those clerks, deputies,
39 and assistants.

40 (b) The administrator, assistant administrator, and all investigators shall be law
41 enforcement officers certified by peace officer standards and training as required by Section
42 53-13-103.

43 (3) (a) The administrator may investigate any suspected or alleged violation of:

- 44 (i) this chapter;
- 45 (ii) Title 41, Chapter 1a, Motor Vehicle Act;
- 46 (iii) any law concerning motor vehicle fraud; or
- 47 (iv) any rule made by the administrator.

48 (b) The administrator may bring an action in the name of the state against any person to
49 enjoin a violation found under Subsection (3)(a).

50 (4) (a) The administrator may prescribe forms to be used for applications for licenses.

51 (b) The administrator may require information from the applicant concerning the
52 applicant's fitness to be licensed.

53 (c) Each application for a license shall contain:

54 (i) if the applicant is an individual, the name and residence address of the applicant and
55 the trade name, if any, under which he intends to conduct business;

56 (ii) if the applicant is a partnership, the name and residence address of each partner,
57 whether limited or general, and the name under which the partnership business will be
58 conducted;

59 (iii) if the applicant is a corporation, the name of the corporation, and the name and
60 residence address of each of its principal officers and directors;

61 (iv) a complete description of the principal place of business, including:

62 (A) the municipality, with the street and number, if any;

63 (B) if located outside of any municipality, a general description so that the location can
64 be determined; and

65 (C) any other places of business operated and maintained by the applicant in
66 conjunction with the principal place of business; and

67 (v) if the application is for a new motor vehicle dealer's license, the name of each
68 motor vehicle the applicant has been enfranchised to sell or exchange, the name and address of
69 the manufacturer or distributor who has enfranchised the applicant, and the names and
70 addresses of the individuals who will act as salespersons under authority of the license.

71 (5) The administrator may adopt a seal with the words "Motor Vehicle Enforcement
72 Administrator, State of Utah," to authenticate the acts of his office.

73 (6) (a) The administrator may require that the licensee erect or post signs or devices on
74 his principal place of business and any other sites, equipment, or locations operated and
75 maintained by the licensee in conjunction with his business.

76 (b) The signs or devices shall state the licensee's name, principal place of business,
77 type and number of licenses, and any other information that the administrator considers
78 necessary to identify the licensee.

79 (c) The administrator may make rules in accordance with Title 63, Chapter 46a, Utah
80 Administrative Rulemaking Act, determining allowable size and shape of signs or devices,
81 their lettering and other details, and their location.

82 (7) (a) The administrator shall provide for quarterly meetings of the advisory board and
83 may call special meetings.

84 (b) Notices of all meetings shall be sent to each member not fewer than five days prior
85 to the meeting.

86 (8) The administrator, the officers and inspectors of the division designated by the
87 commission, and peace officers shall:

88 (a) make arrests upon view and without warrant for any violation committed in their
89 presence of any of the provisions of this chapter, or Title 41, Chapter 1a, Motor Vehicle Act;

90 (b) when on duty, upon reasonable belief that a motor vehicle, trailer, or semitrailer is
 91 being operated in violation of any provision of Title 41, Chapter 1a, Motor Vehicle Act, require
 92 the driver of the vehicle to stop, exhibit his driver's license and the registration card issued for
 93 the vehicle and submit to an inspection of the vehicle, the license plates, and registration card;

94 (c) serve all warrants relating to the enforcement of the laws regulating the operation of
 95 motor vehicles, trailers, and semitrailers;

96 (d) investigate traffic accidents and secure testimony of witnesses or persons involved;
 97 and

98 (e) investigate reported thefts of motor vehicles, trailers, and semitrailers.

99 (9) The administrator may contract with ~~H~~→ [the Office of the Attorney General] a public
 99a prosecutor ~~←H~~ to provide
 100 additional ~~H~~→ [enforcement] prosecution ~~←H~~ of this chapter.

101 Section 2. Section **41-3-603** is amended to read:

102 **41-3-603. Fees for temporary permits and temporary sports event registration**
 103 **certificates -- Dedicated credits -- Use of fees.**

104 (1) A [~~dealer shall pay to the division a~~] fee of [~~\$6~~] \$6.75 shall be paid to the division
 105 for each of the following [~~the division issues to the dealer~~]:

106 (a) a temporary permit under Section 41-3-302; or

107 (b) a temporary sports event registration certificate under Section 41-3-306.

108 (2) The division may use fees collected under Subsection (1) as dedicated credits to be
 109 used toward the costs of the division.

110 (3) The division shall use 75 cents of the fees collected under Subsection (1) as
 111 dedicated credits for increased enforcement of this chapter.

112 Section 3. **Effective date.**

113 This bill takes effect on July 1, 2005.

Legislative Review Note
as of 1-12-05 2:08 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0068

Motor Vehicle Enforcement Division Amendments

20-Jan-05

3:33 PM

State Impact

This bill will raise an additional \$246,000 in Dedicated Credits which are to be spent on enforcing the provisions of the bill.

	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2006</u> <u>Revenue</u>	<u>FY 2007</u> <u>Revenue</u>
Dedicated Credits	\$246,000	\$246,000	\$246,000	\$246,000
TOTAL	\$246,000	\$246,000	\$246,000	\$246,000

Individual and Business Impact

Business will pay an additional \$0.75 for a temporary permit. This cost may be passed on to consumers.

Office of the Legislative Fiscal Analyst