

MOTOR VEHICLE ACT AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Julie Fisher

Senate Sponsor: Kevin T. Van Tassell

LONG TITLE

Committee Note:

The Transportation Interim Committee recommended this bill.

General Description:

This bill modifies the Motor Vehicles Code by amending provisions relating to motor vehicles.

Highlighted Provisions:

This bill:

- ▶ provides that the Tax Commission may permit an owner or lessee of a commercial fleet of vehicles that are apportioned and required to be registered in this state to register the vehicles commencing on certain days and expiring on certain days in the following year;

- ▶ repeals the requirement that an owner of a vehicle record the actual miles on an application for a renewal of registration;

- ▶ provides that the Motor Vehicle Division shall publish a notice of a sale of a motor vehicle that has been seized and has not been recovered on the division's website rather than in a newspaper of general statewide circulation;

- ▶ authorizes a county legislative body of a county that is required to utilize a motor vehicle emissions inspection and maintenance program or in which an emissions inspection and maintenance program is necessary to attain or maintain any national ambient air quality standard to impose a local emissions compliance fee;



- 28 ▶ establishes the procedures and requirements for a county legislative body to impose
- 29 a local emissions compliance fee;
- 30 ▶ requires a county legislative body that imposes a local emissions compliance fee to
- 31 use revenues generated from the fee for the establishment and enforcement of an
- 32 emissions inspection and maintenance program; and
- 33 ▶ makes technical changes.

34 **Monies Appropriated in this Bill:**

35 None

36 **Other Special Clauses:**

37 None

38 **Utah Code Sections Affected:**

39 AMENDS:

- 40 **41-1a-203**, as last amended by Laws of Utah 2009, Chapter 26
- 41 **41-1a-215**, as last amended by Laws of Utah 2008, Chapter 210
- 42 **41-1a-905**, as renumbered and amended by Laws of Utah 1992, Chapter 1
- 43 **41-1a-1103**, as last amended by Laws of Utah 2009, Chapter 388
- 44 **41-1a-1201**, as last amended by Laws of Utah 2009, First Special Session, Chapter 6
- 45 **41-6a-1642**, as last amended by Laws of Utah 2009, Chapter 171

46 ENACTS:

- 47 **41-1a-1223**, Utah Code Annotated 1953



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

50 Section 1. Section **41-1a-203** is amended to read:

51 **41-1a-203. Prerequisites for registration, transfer of ownership, or registration**
52 **renewal.**

- 53 (1) Except as otherwise provided, prior to registration of a vehicle, an owner shall:
- 54 (a) obtain an identification number inspection under Section 41-1a-204;
- 55 (b) obtain a safety inspection certificate, if required in the current year, as provided
- 56 under Sections 41-1a-205 and 53-8-205;
- 57 (c) obtain a certificate of emissions inspection, if required in the current year, as
- 58 provided under Section 41-6a-1642;

59 (d) pay property taxes, the in lieu fee, or receive a property tax clearance under Section
60 41-1a-206 or 41-1a-207;

61 (e) pay the automobile driver education tax required by Section 41-1a-208;

62 (f) pay the applicable registration fee under Part 12, Fee and Tax Requirements;

63 (g) pay the uninsured motorist identification fee under Section 41-1a-1218, if
64 applicable;

65 (h) pay the motor carrier fee under Section 41-1a-1219, if applicable; ~~and~~

66 (i) pay any applicable local emissions compliance fee under Section 41-1a-1223; and

67 ~~(i)~~ (j) pay the taxes applicable under Title 59, Chapter 12, Sales and Use Tax Act.

68 (2) In addition to the requirements in Subsection (1), an owner whose vehicle has not
69 been previously registered or that is currently registered under a previous owner's name shall
70 also apply for a valid certificate of title in the owner's name prior to registration.

71 (3) A new registration, transfer of ownership, or registration renewal under Section
72 73-18-7 may not be issued for a vessel or outboard motor that is subject to the title provisions
73 of this chapter unless a certificate of title has been or is in the process of being issued in the
74 same owner's name.

75 (4) A new registration, transfer of ownership, or registration renewal under Section
76 41-22-3 may not be issued for an off-highway vehicle that is subject to the titling provisions of
77 this chapter unless a certificate of title has been or is in the process of being issued in the same
78 owner's name.

79 Section 2. Section **41-1a-215** is amended to read:

80 **41-1a-215. Staggered registration dates -- Exceptions.**

81 (1) (a) Except as provided under Subsections (2) and (3), every vehicle registration,
82 every registration card, and every registration plate issued under this chapter for the first
83 registration of the vehicle in this state, continues in effect for a period of 12 months beginning
84 with the first day of the calendar month of registration and does not expire until the last day of
85 the same month in the following year.

86 (b) If the last day of the registration period falls on a day in which the appropriate state
87 or county offices are not open for business, the registration of the vehicle is extended to
88 midnight of the next business day.

89 (2) The provisions of Subsection (1) do not apply to the following:

- 90 (a) registration issued to government vehicles under Section 41-1a-221;
- 91 (b) registration issued to apportioned vehicles under Section 41-1a-301;
- 92 (c) multiyear registration issued under Section 41-1a-222;
- 93 (d) lifetime trailer registration issued under Section 41-1a-1206;
- 94 (e) partial year registration issued under Section 41-1a-1207;
- 95 (f) registration issued under Section 41-1a-215.5; or
- 96 (g) plates issued to a dealer, dismantler, manufacturer, remanufacturer, and transporter
- 97 under Title 41, Chapter 3, Part 5, Special Dealer License Plates.

98 (3) (a) Upon application of the owner or lessee of a fleet of commercial vehicles not
 99 apportioned under Section 41-1a-301 and required to be registered in this state, the State Tax
 100 Commission may permit the vehicles to be registered for a registration period commencing on
 101 the first day of March, June, September, or December of any year and expiring on the last day
 102 of March, June, September, or December in the following year.

103 (b) Upon application of the owner or lessee of a fleet of commercial vehicles
 104 apportioned under Section 41-1a-301 and required to be registered in this state, the State Tax
 105 Commission may permit the vehicles to be registered for a registration period commencing on
 106 the first day of January, April, July, or October of any year and expiring on the last day of
 107 March, June, September, or December in the following year.

108 (4) When the expiration of a registration plate is extended by affixing a registration
 109 decal to it, the expiration of the decal governs the expiration date of the plate.

110 Section 3. Section **41-1a-905** is amended to read:

111 **41-1a-905. Division to print mileage on certificate of title -- Exceptions.**

112 (1) The division, before accepting an application for transfer of ownership of a motor
 113 vehicle under Part 7, Transfer of Ownership, shall require the transferee to furnish the
 114 completed odometer disclosure statement required by Section 41-1a-902 and shall, upon the
 115 transfer of ownership, print the mileage on the new certificate of title.

116 (2) This section does not apply to motor vehicles exempted from mileage disclosure
 117 statements under Section 41-1a-902.

118 ~~[(3) The division, before accepting any application for renewal of registration of a~~
 119 ~~motor vehicle, shall require the owner to record the actual miles on the application.]~~

120 Section 4. Section **41-1a-1103** is amended to read:

121 **41-1a-1103. Sale.**

122 (1) If the owner or lienholder of a seized vehicle, vessel, or outboard motor does not
123 recover the vehicle, vessel, or outboard motor within 30 days from the date of seizure, or if the
124 division is unable to determine the owner or lienholder through reasonable efforts, the division
125 shall sell the vehicle, vessel, or outboard motor.

126 (2) The sale shall:

127 (a) be held in the form of a public auction at the place of storage; and

128 (b) at the discretion of the division, be conducted by:

129 (i) an authorized representative of the division; or

130 (ii) a public garage, impound lot, or impound yard that:

131 (A) is authorized by the division;

132 (B) meets the standards under Subsection 41-1a-1101(4); and

133 (C) complies with the requirements of Section 72-9-603.

134 (3) At least five days prior to the date set for sale, the division shall publish a notice of
135 sale setting forth the date, time, and place of sale and a description of the vehicle, vessel, or
136 outboard motor to be sold:

137 ~~[(a) in a newspaper of general statewide circulation; and]~~

138 (a) on the division's website; and

139 (b) as required in Section 45-1-101.

140 (4) At the time of sale the division or other person authorized to conduct the sale shall
141 tender to the highest bidder a certificate of sale conveying all rights, title, and interest in the
142 vehicle, vessel, or outboard motor.

143 (5) The proceeds from the sale of a vehicle, vessel, or outboard motor under this
144 section shall be distributed as provided under Section 41-1a-1104.

145 (6) If the owner or lienholder of a vehicle, vessel, or outboard motor seized under
146 Section 41-1a-1101 and subsequently released by the division fails to take possession of the
147 vehicle, vessel, or outboard motor and satisfy the amount due to the place of storage within 30
148 days from the date of release, the division shall renotify the owner or lienholder and sell the
149 vehicle, vessel, or outboard motor, in accordance with this section, 30 days from the date of
150 the notice.

151 Section 5. Section **41-1a-1201** is amended to read:

152 **41-1a-1201. Disposition of fees.**

153 (1) All fees received and collected under this part shall be transmitted daily to the state
154 treasurer.

155 (2) Except as provided in Subsections (3), (4), (6), and (7) and Sections 41-1a-422,
156 41-1a-1220, ~~and~~ 41-1a-1221, and 41-1a-1223, all fees collected under this part shall be
157 deposited in the Transportation Fund.

158 (3) (a) Funds generated under Subsections 41-1a-1211(1)(b)(i), (6)(b)(i), and (7) and
159 Section 41-1a-1212 may be used by the commission as a dedicated credit to cover the costs
160 incurred in issuing license plates under Part 4, License Plates and Registration Indicia.

161 (b) Fees for statehood centennial license plates shall be collected and deposited in the
162 Transportation Fund, less production and administrative costs incurred by the commission.

163 (4) All funds available to the commission for purchase and distribution of license
164 plates and decals are nonlapsing.

165 (5) Except as provided in Subsection (3) and Section 41-1a-1205, the expenses of the
166 commission in enforcing and administering this part shall be provided for by legislative
167 appropriation from the revenues of the Transportation Fund.

168 (6) (a) Except as provided in Subsection (6)(b), the following portions of the
169 registration fees imposed under Section 41-1a-1206 for each vehicle shall be deposited in the
170 Centennial Highway Fund Restricted Account created under Section 72-2-118:

171 (i) \$10 of the registration fees imposed under Subsections 41-1a-1206(1)(a), (1)(b), (2),
172 and (5);

173 (ii) \$1 of the registration fees imposed under Subsections 41-1a-1206(1)(c)(i),
174 (1)(c)(ii), and (1)(d)(ii);

175 (iii) \$2 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(ii);

176 (iv) \$3 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(i); and

177 (v) \$4.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(i).

178 (b) When the highway general obligation bonds have been paid off and the highway
179 projects completed that are intended to be paid from revenues deposited in the Centennial
180 Highway Fund Restricted Account as determined by the Executive Appropriations Committee
181 under Subsection 72-2-118(6)(d), the portions of the registration fees deposited under
182 Subsection (6)(a) for each vehicle shall be deposited in the Transportation Investment Fund of

183 2005 created by Section 72-2-124.

184 (7) The following portions of the registration fees imposed under Section 41-1a-1206
185 for each vehicle shall be deposited in the Transportation Investment Fund of 2005 created by
186 Section 72-2-124:

187 (a) \$20 of each registration fee collected under Subsections 41-1a-1206(1)(a), (1)(b),
188 (1)(c), (1)(d)(i), (1)(e)(i), (2)(a), and (5); and

189 (b) 50 cents of each registration fee collected under Subsection 41-1a-1206(1)(e)(ii).
190 Section 6. Section **41-1a-1223** is enacted to read:

191 **41-1a-1223. Local emissions compliance fee -- Exemptions -- Transfer -- County**
192 **ordinance -- Notice.**

193 (1) (a) (i) A county legislative body of a county that is required to utilize a motor
194 vehicle emissions inspection and maintenance program or in which an emissions inspection
195 and maintenance program is necessary to attain or maintain any national ambient air quality
196 standard in accordance with Section 41-6a-1642 may impose a local emissions compliance fee
197 of up to \$3 on each motor vehicle registration within the county.

198 (ii) A fee imposed under Subsection (1)(a)(i) shall be set in whole dollar increments.

199 (b) If imposed under Subsection (1)(a), at the time application is made for registration
200 or renewal of registration of a motor vehicle under this chapter, the applicant shall pay the local
201 emissions compliance fee established by the county legislative body.

202 (c) The following are exempt from the fee required under Subsection (1)(a):

203 (i) a motor vehicle that is exempt from the registration fee under Section 41-1a-1209 or
204 Subsection 41-1a-419(3); and

205 (ii) a commercial vehicle with an apportioned registration under Section 41-1a-301.

206 (2) The revenue generated from the fees collected under this section shall be
207 transferred to the county that imposed the fee.

208 (3) To impose or change the amount of a fee under this section, the county legislative
209 body shall pass an ordinance:

210 (a) approving the fee;

211 (b) setting the amount of the fee; and

212 (c) providing an effective date for the fee as provided in Subsection (4).

213 (4) (a) If a county legislative body enacts, changes, or repeals a fee under this section,

214 the enactment, change, or repeal shall take effect on July 1 if the commission receives notice
215 meeting the requirements of Subsection (4)(b) from the county prior to April 1.

216 (b) The notice described in Subsection (4)(a) shall:

217 (i) state that the county will enact, change, or repeal a fee under this section;

218 (ii) include a copy of the ordinance imposing the fee; and

219 (iii) if the county enacts or changes the fee under this section, state the amount of the
220 fee.

221 Section 7. Section **41-6a-1642** is amended to read:

222 **41-6a-1642. Emissions inspection -- County program.**

223 (1) The legislative body of each county required under federal law to utilize a motor
224 vehicle emissions inspection and maintenance program or in which an emissions inspection
225 and maintenance program is necessary to attain or maintain any national ambient air quality
226 standard shall require:

227 (a) a certificate of emissions inspection, a waiver, or other evidence the motor vehicle
228 is exempt from emissions inspection and maintenance program requirements be presented:

229 (i) as a condition of registration or renewal of registration; and

230 (ii) at other times as the county legislative body may require to enforce inspection
231 requirements for individual motor vehicles, except that the county legislative body may not
232 routinely require a certificate of emission inspection, or waiver of the certificate, more often
233 than required under Subsection (6); and

234 (b) compliance with this section for a motor vehicle registered or principally operated
235 in the county and owned by or being used by a department, division, instrumentality, agency, or
236 employee of:

237 (i) the federal government;

238 (ii) the state and any of its agencies; or

239 (iii) a political subdivision of the state, including school districts.

240 (2) (a) The legislative body of a county identified in Subsection (1), in consultation
241 with the Air Quality Board created under Section 19-1-106, shall make regulations or
242 ordinances regarding:

243 (i) emissions standards;

244 (ii) test procedures;

245 (iii) inspections stations;
246 (iv) repair requirements and dollar limits for correction of deficiencies; and
247 (v) certificates of emissions inspections.

248 (b) The regulations or ordinances shall:

249 (i) be made to attain or maintain ambient air quality standards in the county, consistent
250 with the state implementation plan and federal requirements; and

251 (ii) may allow for a phase-in of the program by geographical area.

252 (c) The county legislative body and the Air Quality Board shall give preference to an
253 inspection and maintenance program that is:

254 (i) decentralized, to the extent the decentralized program will attain and maintain
255 ambient air quality standards and meet federal requirements;

256 (ii) the most cost effective means to achieve and maintain the maximum benefit with
257 regard to ambient air quality standards and to meet federal air quality requirements as related to
258 vehicle emissions; and

259 (iii) providing a reasonable phase-out period for replacement of air pollution emission
260 testing equipment made obsolete by the program.

261 (d) The provisions of Subsection (2)(c)(iii) apply only to the extent the phase-out:

262 (i) may be accomplished in accordance with applicable federal requirements; and
263 (ii) does not otherwise interfere with the attainment and maintenance of ambient air
264 quality standards.

265 (3) The following vehicles are exempt from the provisions of this section:

266 (a) an implement of husbandry;

267 (b) a motor vehicle that:

268 (i) meets the definition of a farm truck under Section 41-1a-102; and
269 (ii) has a gross vehicle weight rating of 12,001 pounds or more;

270 (c) a vintage vehicle as defined in Section 41-21-1; and
271 (d) a custom vehicle as defined in Section 41-6a-1507.

272 (4) (a) The legislative body of a county identified in Subsection (1) shall exempt a
273 pickup truck, as defined in Section 41-1a-102, with a gross vehicle weight of 12,000 pounds or
274 less from the emission inspection requirements of this section, if the registered owner of the
275 pickup truck provides a signed statement to the legislative body stating the truck is used:

276 (i) by the owner or operator of a farm located on property that qualifies as land in
277 agricultural use under Sections 59-2-502 and 59-2-503; and

278 (ii) exclusively for the following purposes in operating the farm:

279 (A) for the transportation of farm products, including livestock and its products,
280 poultry and its products, floricultural and horticultural products; and

281 (B) in the transportation of farm supplies, including tile, fence, and every other thing or
282 commodity used in agricultural, floricultural, horticultural, livestock, and poultry production
283 and maintenance.

284 (b) The county shall provide to the registered owner who signs and submits a signed
285 statement under this section a certificate of exemption from emission inspection requirements
286 for purposes of registering the exempt vehicle.

287 (5) (a) Subject to Subsection (5)(c), the legislative body of each county required under
288 federal law to utilize a motor vehicle emissions inspection and maintenance program or in
289 which an emissions inspection and maintenance program is necessary to attain or maintain any
290 national ambient air quality standard may require each college or university located in a county
291 subject to this section to require its students and employees who park a motor vehicle not
292 registered in a county subject to this section to provide proof of compliance with an emissions
293 inspection accepted by the county legislative body if the motor vehicle is parked on the college
294 or university campus or property.

295 (b) College or university parking areas that are metered or for which payment is
296 required per use are not subject to the requirements of this Subsection (5).

297 (c) The legislative body of a county shall make the reasons for implementing the
298 provisions of this Subsection (5) part of the record at the time that the county legislative body
299 takes its official action to implement the provisions of this Subsection (5).

300 (6) (a) An emissions inspection station shall issue a certificate of emissions inspection
301 for each motor vehicle that meets the inspection and maintenance program requirements
302 established in rules made under Subsection (2).

303 (b) The frequency of the emissions inspection shall be determined based on the age of
304 the vehicle as determined by model year and shall be required annually subject to the
305 provisions of Subsection (6)(c).

306 (c) (i) To the extent allowed under the current federally approved state implementation

307 plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401 et seq., the legislative
308 body of a county identified in Subsection (1) shall only require the emissions inspection every
309 two years for each vehicle.

310 (ii) The provisions of Subsection (6)(c)(i) apply only to a vehicle that is less than six
311 years old on January 1.

312 (d) If an emissions inspection is only required every two years for a vehicle under
313 Subsection (6)(c), the inspection shall be required for the vehicle in:

314 (i) odd-numbered years for vehicles with odd-numbered model years; or

315 (ii) in even-numbered years for vehicles with even-numbered model years.

316 (7) The emissions inspection shall be required within the same time limit applicable to
317 a safety inspection under Section 41-1a-205.

318 (8) (a) A county identified in Subsection (1) shall collect information about and
319 monitor the program.

320 (b) A county identified in Subsection (1) shall supply this information to an appropriate
321 legislative committee, as designated by the Legislative Management Committee, at times
322 determined by the designated committee to identify program needs, including funding needs.

323 (9) If approved by the county legislative body, a county that had an established
324 emissions inspection fee as of January 1, 2002, may increase the established fee that an
325 emissions inspection station may charge by \$2.50 for each year that is exempted from
326 emissions inspections under Subsection (6)(c) up to a \$7.50 increase.

327 (10) (a) A county identified in Subsection (1) may impose a local emissions
328 compliance fee on each motor vehicle registration within the county in accordance with the
329 procedures and requirements of Section 41-1a-1223.

330 (b) A county that imposes a local emissions compliance fee shall use revenues
331 generated from the fee for the establishment and enforcement of an emissions inspection and
332 maintenance program in accordance with the requirements of this section.

Legislative Review Note
as of 11-18-09 5:33 PM

Office of Legislative Research and General Counsel

H.B. 46 - Motor Vehicle Act Amendments

Fiscal Note

2010 General Session
State of Utah

State Impact

Enacting this bill will reduce Tax Commission newspaper advertising costs by \$40,000 from various sources beginning in FY 2011.

	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2011</u> <u>Approp.</u>	<u>FY 2012</u> <u>Approp.</u>	<u>FY 2010</u> <u>Revenue</u>	<u>FY 2011</u> <u>Revenue</u>	<u>FY 2012</u> <u>Revenue</u>
General Fund	\$0	(\$16,000)	(\$16,000)	\$0	\$0	\$0
Uniform School Fund	\$0	(\$17,700)	(\$17,700)	\$0	\$0	\$0
Dedicated Credits	\$0	(\$2,000)	(\$2,000)	\$0	\$0	\$0
Restricted Funds	\$0	(\$4,300)	(\$4,300)	\$0	\$0	\$0
Total	\$0	(\$40,000)	(\$40,000)	\$0	\$0	\$0

Individual, Business and/or Local Impact

Individuals and businesses will continue to be subject to the local emissions fee of up to \$3. Local governments will continue to collect the emission compliance fee revenue.