

1 **REVOCATION OF MOTOR VEHICLE REGISTRATION**

2 2011 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Stuart C. Reid**

5 House Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Motor Vehicle Act by amending provisions relating to the
10 authority of the Motor Vehicle Division to revoke the registration of a vehicle.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ provides that the Motor Vehicle Division shall revoke the registration of a vehicle if
14 the division receives notification by a court or municipality that the vehicle is the
15 offending vehicle for four or more outstanding civil parking citations and at least 30
16 days have elapsed since the fourth outstanding civil parking citation was issued to
17 the registered owner of the vehicle;

18 ▶ provides that before the Motor Vehicle Division may reinstate the registration of a
19 vehicle:

20 • the court or municipality shall notify the Motor Vehicle Division that the owner
21 of the vehicle has complied with the terms stated on the outstanding civil
22 parking citations; and

23 • the division shall charge a registration reinstatement fee;

24 ▶ establishes a registration reinstatement fee and provides for the use of the funds
25 generated by the fee; and

26 ▶ makes technical changes.

27 **Money Appropriated in this Bill:**



28 None

29 **Other Special Clauses:**

30 This bill takes effect on October 1, 2011.

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **41-1a-110**, as last amended by Laws of Utah 2008, Chapter 322

34 **41-1a-1220**, as last amended by Laws of Utah 2008, Chapter 322

35 **41-12a-806**, as last amended by Laws of Utah 2008, Chapter 322

36 **63J-1-602.2**, as enacted by Laws of Utah 2010, Chapter 265 and last amended by

37 Coordination Clause, Laws of Utah 2010, Chapter 265



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

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

41 **41-1a-110. Authority of division to suspend or revoke registration, certificate of**
42 **title, license plate, or permit.**

43 (1) Except as provided in Subsections [~~(3)~~] (4) and [~~(4)~~] (5), the division may suspend
44 or revoke a registration, certificate of title, license plate, or permit if:

45 (a) the division is satisfied that a registration, certificate of title, license plate, or permit
46 was fraudulently procured or erroneously issued;

47 (b) the division determines that a registered vehicle is mechanically unfit or unsafe to
48 be operated or moved upon the highways;

49 (c) a registered vehicle has been dismantled;

50 (d) the division determines that the required fee has not been paid and the fee is not
51 paid upon reasonable notice and demand;

52 (e) a registration decal, license plate, or permit is knowingly displayed upon a vehicle
53 other than the one for which issued;

54 (f) the division determines that the owner has committed any offense under this chapter
55 involving the registration, certificate of title, registration card, license plate, registration decal,
56 or permit; or

57 (g) the division receives notification by the Department of Transportation that the
58 owner has committed any offence under Title 72, Chapter 9, Motor Carrier Safety Act.

59 (2) (a) The division shall revoke the registration of a vehicle if the division receives
60 notification by the:

61 (i) Department of Public Safety that a person:

62 (A) has been convicted of operating a registered motor vehicle in violation of Section
63 41-12a-301 or 41-12a-303.2; or

64 (B) is under an administrative action taken by the Department of Public Safety for
65 operating a registered motor vehicle in violation of Section 41-12a-301; or

66 (ii) designated agent that the owner of a motor vehicle:

67 (A) has failed to provide satisfactory proof of owner's or operator's security to the
68 designated agent after the second notice provided under Section 41-12a-804; or

69 (B) provided a false or fraudulent statement to the designated agent.

70 (b) The division shall notify the Driver License Division if the division revokes the
71 registration of a vehicle under Subsection (2)(a)(ii)(A).

72 (3) (a) The division shall revoke the registration of a vehicle if the division receives
73 notification by a court or municipality that the vehicle is the offending vehicle for four or more
74 outstanding civil parking citations and at least 30 days have elapsed since the fourth
75 outstanding civil parking citation was issued to the registered owner of the vehicle.

76 (b) Before the division reinstates the registration of a vehicle under Subsection (3)(a):

77 (i) the court or municipality shall notify the division that the owner of the vehicle has
78 complied with the terms stated on the outstanding civil parking citations; and

79 (ii) the division shall charge a registration reinstatement fee under Subsection
80 41-1a-1220(2).

81 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
82 division shall make rules establishing procedures for a court or municipality to notify the
83 division under Subsections (3)(a) and (b).

84 ~~[(3)]~~ (4) The division may not suspend or revoke the registration of a vessel or
85 outboard motor unless authorized under Section 73-18-7.3.

86 ~~[(4)]~~ (5) The division may not suspend or revoke the registration of an off-highway
87 vehicle unless authorized under Section 41-22-17.

88 ~~[(5)]~~ (6) The division shall charge a registration reinstatement fee under ~~[Section]~~
89 Subsection 41-1a-1220(1), if the registration is revoked under Subsection (1)(f).

90 Section 2. Section **41-1a-1220** is amended to read:

91 **41-1a-1220. Registration reinstatement fees.**

92 (1) (a) At the time application is made for reinstatement or renewal of registration of a
93 motor vehicle after a revocation of the registration under Subsection 41-1a-110(2), the
94 applicant shall pay a registration reinstatement fee of \$100.

95 [~~(2)~~] (b) The fee imposed under Subsection (1)(a):

96 [~~(a)~~] (i) is in addition to any other fee imposed under this chapter; and

97 [~~(b)~~] (ii) shall be deposited in the Uninsured Motorist Identification Restricted Account
98 created in Section 41-12a-806.

99 [~~(3)~~] (c) The division shall waive the registration reinstatement fee imposed under [~~this~~
100 ~~section~~] Subsection (1)(a) if:

101 [~~(a)~~] (i) the registration was revoked under Subsection 41-1a-110(2)(a)(ii); and

102 [~~(b)~~] (ii) a person had owner's or operator's security in effect for the vehicle at the time
103 of the alleged violation or on the day following the time limit provided after the second notice
104 under Subsection 41-12a-804(2).

105 (2) (a) At the time application is made for reinstatement of registration of a motor
106 vehicle after a revocation of the registration under Subsection 41-1a-110(3), the applicant shall
107 pay a registration reinstatement fee of \$100.

108 (b) The fee imposed under Subsection (2)(a) is in addition to any other fee imposed
109 under this chapter.

110 (c) Funds generated by the fee under Subsection (2)(a) may be used by the commission
111 to cover the costs incurred in enforcing and administering Subsection 41-1a-110(3).

112 (d) In accordance with Section 63J-1-602.2, all funds available to the commission
113 under Subsection (2) are nonlapsing.

114 Section 3. Section **41-12a-806** is amended to read:

115 **41-12a-806. Restricted Account -- Creation -- Funding -- Interest -- Purposes.**

116 (1) There is created within the Transportation Fund a restricted account known as the
117 "Uninsured Motorist Identification Restricted Account."

118 (2) The account consists of money generated from the following revenue sources:

119 (a) money received by the state under Section 41-1a-1218, the uninsured motorist
120 identification fee;

- 121 (b) money received by the state under [~~Section~~] Subsection 41-1a-1220(1); and
- 122 (c) appropriations made to the account by the Legislature.
- 123 (3) (a) The account shall earn interest.
- 124 (b) All interest earned on account money shall be deposited into the account.
- 125 (4) Money shall be appropriated from the account by the Legislature to:
- 126 (a) the department to fund the contract with the designated agent;
- 127 (b) the department to offset the costs to state and local law enforcement agencies of
- 128 using the information for the purposes authorized under this part; and
- 129 (c) the Tax Commission to offset the costs to the Motor Vehicle Division for revoking
- 130 and reinstating vehicle registrations under Subsection 41-1a-110(2)(a)(ii).

131 Section 4. Section **63J-1-602.2** is amended to read:

132 **63J-1-602.2. List of nonlapsing funds and accounts -- Title 31 through Title 45.**

- 133 (1) Appropriations from the Technology Development Restricted Account created in
- 134 Section 31A-3-104.
- 135 (2) Appropriations from the Criminal Background Check Restricted Account created in
- 136 Section 31A-3-105.
- 137 (3) Appropriations from the Captive Insurance Restricted Account created in Section
- 138 31A-3-304, except to the extent that Section 31A-3-304 makes the money received under that
- 139 section free revenue.
- 140 (4) Appropriations from the Title Licensee Enforcement Restricted Account created in
- 141 Section 31A-23a-415.
- 142 (5) The fund for operating the state's Federal Health Care Tax Credit Program, as
- 143 provided in Section 31A-38-104.
- 144 (6) The Special Administrative Expense Account created in Section 35A-4-506.
- 145 (7) Funding for a new program or agency that is designated as nonlapsing under
- 146 Section 36-24-101.
- 147 (8) The Oil and Gas Conservation Account created in Section 40-6-14.5.
- 148 (9) Funds available to the Tax Commission for enforcing and administering Subsection
- 149 41-1a-110(3).
- 150 [~~9~~] (10) The Off-Highway Access and Education Restricted Account created in
- 151 Section 41-22-19.5.

152 Section 5. **Effective date.**

153 This bill takes effect on October 1, 2011.

Legislative Review Note
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Office of Legislative Research and General Counsel