

SB0139S01 compared with SB0139

~~{deleted text}~~ shows text that was in SB0139 but was deleted in SB0139S01.

inserted text shows text that was not in SB0139 but was inserted into SB0139S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

Senator Stuart C. Reid proposes the following substitute bill:

REVOCATION OF MOTOR VEHICLE REGISTRATION

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stuart C. Reid

House Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ provides that the Division of Motor ~~{Vehicle Division}~~ Vehicles shall revoke the registration of a vehicle if ~~{}~~ :
 - the division receives notification by a court or municipality that the vehicle is the offending vehicle for four or more outstanding civil parking citations ~~{and}~~ :
 - at least ~~{30}~~ 120 days have elapsed since the fourth outstanding civil parking citation was issued to the registered owner of the vehicle; and
 - the civil parking citations are not currently being contested or appealed;

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- ▶ provides that a municipality shall send written notification to the last known address informing the registered owner of the offending vehicle that:
 - the vehicle is the offending vehicle for four or more outstanding civil parking citations; and
 - if the owner of the vehicle does not comply with the terms stated on the outstanding civil parking citations, the registration of the vehicle will be revoked;
- ▶ provides that a court or municipality shall allow 30 days or more to elapse from the time the written notification is sent to the registered owner of the offending vehicle before sending notification to the division;
- ▶ provides that before the ~~{Motor Vehicle Division may reinstate}~~ division reinstates the registration of a vehicle:
 - the court or municipality shall notify the ~~{Motor Vehicle Division}~~ division that the owner of the vehicle has complied with the terms stated on the outstanding civil parking citations; and
 - the division shall charge a registration reinstatement fee;
- ▶ ~~{establishes a registration reinstatement fee and provides for the use of the funds generated by the fee}~~ provides that the division shall not revoke the registration of a vehicle unless the division receives a donation sufficient to pay for certain implementation costs;
- ▶ provides that the division shall begin revoking registrations within a specified time;
and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on October 1, 2011.

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

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

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

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

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

(c) a registered vehicle has been dismantled;

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

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

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

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

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

(i) Department of Public Safety that a person:

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

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

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

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

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

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

(3) (a) ~~The~~ Subject to requirements of this Subsection (3), the division shall revoke the registration of a vehicle if:

(i) the division receives notification by a court or municipality that the vehicle is the offending vehicle for four or more outstanding civil parking citations ~~and~~;

(ii) at least ~~30~~120 days have elapsed since the fourth outstanding civil parking citation under Subsection (3)(a)(i) was issued to the registered owner of the vehicle; and

(iii) the civil parking citations under Subsection (3)(a)(i) are not currently being contested or appealed.

(b) (i) Before notifying the division under Subsection (3)(a), a municipality shall send written notification to the last known address on the motor vehicle system informing the registered owner of the offending vehicle that:

(A) the vehicle is the offending vehicle for four or more outstanding civil parking citations; and

(B) if the owner of the vehicle does not comply with the terms stated on the outstanding civil parking citations, the registration of the vehicle will be revoked.

(ii) A court or municipality shall allow 30 days or more to elapse from the time the written notification under Subsection (3)(b)(i) is sent before sending notification to the division under Subsection (3)(a)(i).

~~(b)(c)~~ Before the division reinstates the registration of a vehicle ~~revoked~~ under Subsection (3)(a):

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

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

~~(c)(d)~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

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the division shall make rules establishing procedures for a court or municipality to notify the division under Subsections (3)(a) and ~~(b)~~(c).

(e) (i) The division shall not revoke the registration of a vehicle under this Subsection (3) unless the division receives a donation sufficient to pay for the initial costs of implementing this Subsection (3) from a participating municipality.

(ii) The division shall begin revoking registrations after receiving notification from a court or municipality under Subsection (3)(a) the latter of:

(A) within six months of receiving a sufficient donation under Subsection (3)(e)(i); or

(B) October 1, 2011.

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

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

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

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

41-1a-1220. Registration reinstatement ~~fees~~fee.

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

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

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

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

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

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

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

(2) (a) At the time application is made for reinstatement of registration of a motor

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vehicle after a revocation of the registration under Subsection 41-1a-110(3), the applicant shall pay a registration reinstatement fee of \$100.

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

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

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

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

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

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

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

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

(b) money received by the state under [~~Section~~] Subsection 41-1a-1220(1); and

(c) appropriations made to the account by the Legislature.

(3) (a) The account shall earn interest.

(b) All interest earned on account money shall be deposited into the account.

(4) Money shall be appropriated from the account by the Legislature to:

(a) the department to fund the contract with the designated agent;

(b) the department to offset the costs to state and local law enforcement agencies of using the information for the purposes authorized under this part; and

(c) the Tax Commission to offset the costs to the Motor Vehicle Division for revoking and reinstating vehicle registrations under Subsection 41-1a-110(2)(a)(ii).

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

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

(1) Appropriations from the Technology Development Restricted Account created in Section 31A-3-104.

(2) Appropriations from the Criminal Background Check Restricted Account created in Section 31A-3-105.

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(3) Appropriations from the Captive Insurance Restricted Account created in Section 31A-3-304, except to the extent that Section 31A-3-304 makes the money received under that section free revenue.

(4) Appropriations from the Title Licensee Enforcement Restricted Account created in Section 31A-23a-415.

(5) The fund for operating the state's Federal Health Care Tax Credit Program, as provided in Section 31A-38-104.

(6) The Special Administrative Expense Account created in Section 35A-4-506.

(7) Funding for a new program or agency that is designated as nonlapsing under Section 36-24-101.

(8) The Oil and Gas Conservation Account created in Section 40-6-14.5.

(9) Funds available to the Tax Commission for enforcing and administering Subsection 41-1a-110(3).

~~[(9)]~~ (10) The Off-Highway Access and Education Restricted Account created in Section 41-22-19.5.

Section 5. **Effective date.**

This bill takes effect on October 1, 2011.

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Legislative Review Note

~~as of 1-17-11 1:06 PM~~

~~Office of Legislative Research and General Counsel}~~