

1 **OFF-HIGHWAY VEHICLES AMENDMENTS**

2 2012 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Ralph Okerlund**

5 House Sponsor: Jack R. Draxler

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions relating to off-highway vehicle registrations.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ provides definitions;
- 13 ▶ creates the Utah Highway Patrol Aero Bureau Restricted Account;
- 14 ▶ specifies the sources and required uses for funds in the Utah Highway Patrol Aero
- 15 Bureau Restricted Account;
- 16 ▶ provides that funds in the Utah Highway Patrol Aero Bureau Restricted Account are
- 17 nonlapsing;
- 18 ▶ increases the cap on the registration fee amount that the Board of Parks and
- 19 Recreation may establish for off-highway vehicle registrations;
- 20 ▶ provides that a certain portion of all off-highway vehicle registration fees shall be
- 21 deposited in the Utah Highway Patrol Aero Bureau Restricted Account; and
- 22 ▶ makes technical changes.

23 **Money Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 This bill takes effect on July 1, 2012.

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **41-22-8**, as last amended by Laws of Utah 2004, Chapters 159 and 349

30 **41-22-19**, as last amended by Laws of Utah 2004, Chapter 349

31 **63J-1-602.3**, as last amended by Laws of Utah 2011, Chapters 30, 284, 294, 303, and

32 329

33 ENACTS:

34 **53-8-301**, Utah Code Annotated 1953

35 **53-8-302**, Utah Code Annotated 1953

36 **53-8-303**, Utah Code Annotated 1953



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

39 Section 1. Section **41-22-8** is amended to read:

40 **41-22-8. Registration fees.**

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

43 (a) ~~[(The] (i) Except as provided in Subsection (1)(a)(ii), the~~ fee for each off-highway
44 vehicle registration may not exceed ~~[\$17] \$18~~.

45 (ii) The fee for each snowmobile registration may not exceed \$26.

46 (b) The fee for each duplicate registration card may not exceed \$3.

47 (c) The fee for each duplicate registration sticker may not exceed \$5.

48 (2) A fee may not be charged for an off-highway vehicle that is owned and operated by
49 the United States Government, this state, or its political subdivisions.

50 Section 2. Section **41-22-19** is amended to read:

51 **41-22-19. Deposit of fees and related money in Off-highway Vehicle Account --**
52 **Use for facilities, costs and expenses of division, and education -- Request for matching**
53 **funds.**

54 (1) Except as provided under ~~[Subsection]~~ Subsections (3) and (4) and Sections
55 41-22-34 and 41-22-36, all registration fees and related money collected by the Motor Vehicle
56 Division or any agencies designated to act for the Motor Vehicle Division under this chapter
57 shall be deposited as restricted revenue in the Off-highway Vehicle Account in the General

58 Fund less the costs of collecting off-highway vehicle registration fees by the Motor Vehicle
59 Division. The balance of the money may be used by the division as follows:

60 (a) for the construction, improvement, operation, or maintenance of publicly owned or
61 administered off-highway vehicle facilities;

62 (b) for the mitigation of impacts associated with off-highway vehicle use;

63 (c) as grants or as matching funds with any federal agency, state agency, political
64 subdivision of the state, or organized user group for the construction, improvement, operation,
65 acquisition, or maintenance of publicly owned or administered off-highway vehicle facilities
66 including public access facilities;

67 (d) for the administration and enforcement of the provisions of this chapter; and

68 (e) for the education of off-highway vehicle users.

69 (2) All agencies or political subdivisions requesting matching funds shall submit plans
70 for proposed off-highway vehicle facilities to the division for review and approval.

71 (3) (a) One dollar and 50 cents of each annual registration fee collected under
72 Subsection 41-22-8(1) and each off-highway vehicle user fee collected under Subsection
73 41-22-35(2) shall be deposited in the Land Grant Management Fund created under Section
74 53C-3-101.

75 (b) The Utah School and Institutional Trust Lands Administration shall use the money
76 deposited under Subsection (3)(a) for costs associated with off-highway vehicle use of legally
77 accessible lands within its jurisdiction as follows:

78 (i) to improve recreational opportunities on trust lands by constructing, improving,
79 maintaining, or perfecting access for off-highway vehicle trails; and

80 (ii) to mitigate impacts associated with off-highway vehicle use.

81 (c) Any unused balance of the money deposited under Subsection (3)(a) exceeding
82 \$350,000 at the end of each fiscal year shall be deposited in the Off-highway Vehicle Account
83 under Subsection (1).

84 (4) One dollar of each off-highway vehicle registration fee collected under Subsection
85 41-22-8(1) shall be deposited in the Utah Highway Patrol Aero Bureau Restricted Account

86 created in Section 53-8-303.

87 Section 3. Section **53-8-301** is enacted to read:

88 **Part 3. Aero Bureau Act**

89 **53-8-301. Title.**

90 This part is known as the "Aero Bureau Act."

91 Section 4. Section **53-8-302** is enacted to read:

92 **53-8-302. Definitions.**

93 As used in this section, "Aero Bureau" means the bureau within the division that
94 provides aerial assistance for law enforcement activities within the state.

95 Section 5. Section **53-8-303** is enacted to read:

96 **53-8-303. Utah Highway Patrol Aero Bureau Restricted Account.**

97 (1) As used in this section, "account" means the Utah Highway Patrol Aero Bureau
98 Restricted Account created by this section.

99 (2) There is created a restricted account in the General Fund known as the "Utah
100 Highway Patrol Aero Bureau Restricted Account."

101 (3) The account shall consist of:

102 (a) money deposited into the account in accordance with Section 41-22-19;

103 (b) money appropriated to the account by the Legislature; and

104 (c) any other public or private money received by the division that is:

105 (i) given to the division for purposes consistent with this section; and

106 (ii) deposited into the account at the request of:

107 (A) the division; or

108 (B) the person giving the money.

109 (4) Money in the account may only be expended for:

110 (a) the purchase of aircraft and helicopters for use by the Aero Bureau in search and
111 rescue operations;

112 (b) replacement, maintenance, and upgrade of search and rescue equipment;

113 (c) search and rescue training and certification for division officers and employees;

114 (d) personnel and fuel costs of the Aero Bureau associated with providing search and
115 rescue services; and

116 (e) any other equipment or expenses necessary or appropriate for conducting search
117 and rescue activities.

118 Section 6. Section **63J-1-602.3** is amended to read:

119 **63J-1-602.3. List of nonlapsing funds and accounts -- Title 46 through Title 60.**

120 (1) Funding for the Search and Rescue Financial Assistance Program, as provided in
121 Section 53-2-107.

122 (2) Appropriations made to the Department of Public Safety from the Department of
123 Public Safety Restricted Account, as provided in Section 53-3-106.

124 (3) Appropriations to the Motorcycle Rider Education Program, as provided in Section
125 53-3-905.

126 (4) Appropriations from the Utah Highway Patrol Aero Bureau Restricted Account
127 created in Section 53-8-303.

128 [~~(4)~~] (5) Appropriations from the DNA Specimen Restricted Account created in
129 Section 53-10-407.

130 [~~(5)~~] (6) The Canine Body Armor Restricted Account created in Section 53-16-201.

131 [~~(6)~~] (7) Appropriations to the State Board of Education, as provided in Section
132 53A-17a-105.

133 [~~(7)~~] (8) Certain funds appropriated from the Uniform School Fund to the State Board
134 of Education for new teacher bonus and performance-based compensation plans, as provided in
135 Section 53A-17a-148.

136 [~~(8)~~] (9) Money received by the State Office of Rehabilitation for the sale of certain
137 products or services, as provided in Section 53A-24-105.

138 [~~(9)~~] (10) Certain funds appropriated from the General Fund to the State Board of
139 Regents for teacher preparation programs, as provided in Section 53B-6-104.

140 [~~(10)~~] (11) A certain portion of money collected for administrative costs under the
141 School Institutional Trust Lands Management Act, as provided under Section 53C-3-202.

142 [~~(11)~~] (12) Certain surcharges on residential and business telephone numbers imposed
143 by the Public Service Commission, as provided in Section 54-8b-10.

144 [~~(12)~~] (13) Certain fines collected by the Division of Occupational and Professional
145 Licensing for violation of unlawful or unprofessional conduct that are used for education and
146 enforcement purposes, as provided in Section 58-17b-505.

147 [~~(13)~~] (14) Certain fines collected by the Division of Occupational and Professional
148 Licensing for use in education and enforcement of the Security Personnel Licensing Act, as
149 provided in Section 58-63-103.

150 [~~(14)~~] (15) Appropriations from the Relative Value Study Restricted Account created
151 in Section 59-9-105.

152 Section 7. **Effective date.**

153 This bill takes effect on July 1, 2012.