

1 **OFF-HIGHWAY VEHICLE USER FEE AMENDMENTS**

2 2013 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Spencer J. Cox**

5 Senate Sponsor: Ralph Okerlund

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Off-Highway Vehicles Code by amending provisions relating to
10 off-highway vehicle user fees.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ provides that an owner or operator operating a nonresident off-highway vehicle is
14 exempt from the requirement to obtain an off-highway vehicle user decal and pay
15 the off-highway vehicle user fee if the nonresident off-highway vehicle is used
16 exclusively for the purpose of an off-highway vehicle manufacturer sponsored event
17 within the state;

18 ▶ grants the Board of Parks and Recreation rulemaking authority to establish
19 eligibility requirements for an off-highway vehicle manufacturer sponsored event;
20 and

21 ▶ makes technical corrections.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:

28 **41-22-35**, as last amended by Laws of Utah 2010, Chapter 308

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

31 Section 1. Section **41-22-35** is amended to read:

32 **41-22-35. Off-highway vehicle user fee -- Decal -- Agents -- Penalty for fraudulent**
33 **issuance of decal -- Deposit and use of fee revenue.**

34 (1) (a) Except as provided in Subsection (1)(b), any [~~nonresident~~] person owning [~~an~~]
35 or operating a nonresident off-highway vehicle who operates or gives another person
36 permission to operate the nonresident off-highway vehicle on any public land, trail, street, or
37 highway in this state shall:

38 (i) apply for an off-highway vehicle decal issued exclusively for an off-highway
39 vehicle owned by a nonresident of the state;

40 (ii) pay an annual off-highway vehicle user fee; and

41 (iii) provide evidence that[~~-(A)~~] the [person] owner is a nonresident[~~-and~~].

42 [~~(B) the person is the owner of the off-highway vehicle.~~]

43 (b) The provisions of Subsection (1)(a) do not apply to an off-highway vehicle if the
44 off-highway vehicle is:

45 (i) registered in another state that offers reciprocal operating privileges to Utah
46 residents under rules made by the board;

47 (ii) used exclusively for the purposes of a scheduled competitive event sponsored by a
48 public or private entity or another event sponsored by a governmental entity under rules made
49 by the board; [~~or~~]

50 (iii) owned and operated by a state government agency and the operation of the
51 off-highway vehicle within the boundaries of the state is within the course and scope of the
52 duties of the agency[~~-~~]; or

53 (iv) used exclusively for the purpose of an off-highway vehicle manufacturer
54 sponsored event within the state under rules made by the board.

55 (2) The off-highway vehicle user fee is \$30.

56 (3) Upon compliance with the provisions of Subsection (1)(a), the nonresident shall:

57 (a) receive a nonresident off-highway vehicle user decal indicating compliance with the

58 provisions of Subsection (1)(a); and
59 (b) display the decal on the off-highway vehicle in accordance with rules made by the
60 board.
61 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
62 board shall make rules establishing:
63 (a) procedures for:
64 (i) the payment of off-highway vehicle user fees; and
65 (ii) the display of a decal on an off-highway vehicle as required under Subsection
66 (3)(b);
67 (b) acceptable evidence indicating compliance with Subsection (1);
68 (c) eligibility requirements for reciprocal operating privileges for nonresident users;
69 [and]
70 (d) eligibility for scheduled competitive events or other events under Subsection
71 (1)(b)(ii)[=]; and
72 (e) eligibility for an off-highway vehicle manufacturer sponsored event under
73 Subsection (1)(b)(iv).
74 (5) (a) An off-highway vehicle user decal may be issued and the off-highway vehicle
75 user fee may be collected by the division or agents of the division.
76 (b) An agent shall retain 10% of all off-highway vehicle user fees collected.
77 (c) The division may require agents to obtain a bond in a reasonable amount.
78 (d) On or before the tenth day of each month, each agent shall:
79 (i) report all sales to the division; and
80 (ii) submit all off-highway vehicle user fees collected less the remuneration provided in
81 Subsection (5)(b).
82 (e) (i) If an agent fails to pay the amount due, the division may assess a penalty of 20%
83 of the amount due.
84 (ii) Delinquent payments shall bear interest at the rate of 1% per month.
85 (iii) If the amount due is not paid because of bad faith or fraud, the division shall assess

86 a penalty of 100% of the total amount due together with interest.

87 (f) All fees collected by an agent, except the remuneration provided in Subsection
88 (5)(b), shall:

89 (i) be kept separate and apart from the private funds of the agent; and

90 (ii) belong to the state.

91 (g) An agent may not issue an off-highway vehicle user decal to any person unless the
92 person furnishes evidence of compliance with the provisions of Subsection (1)(a).

93 (h) A violation of any provision of this Subsection (5) is a class B misdemeanor and
94 may be cause for revocation of the agent authorization.

95 (6) Revenue generated by off-highway vehicle user fees shall be deposited in the
96 Off-highway Vehicle Account created in Section 41-22-19.