

RECREATIONAL VEHICLE TITLE AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Don L. Ipson

Senate Sponsor: Kevin T. Van Tassell

LONG TITLE**General Description:**

This bill amends the Motor Vehicle Act and the Property Tax Act to require a certificate of title for a camper that is identified by the manufacturer as a 2015 model year or newer.

Highlighted Provisions:

This bill:

- ▶ amends the definition of vehicle to include a camper;
- ▶ amends camper registration and decal requirements;
- ▶ requires a certificate of title for a camper identified by the manufacturer as a 2015 model year or newer; and
- ▶ exempts a camper identified by the manufacturer as a 2014 model year or older from the requirement to obtain a certificate of title.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on January 1, 2015.

Utah Code Sections Affected:

AMENDS:

41-1a-102, as last amended by Laws of Utah 2013, Chapter 266**41-1a-401**, as renumbered and amended by Laws of Utah 1992, Chapter 1

28 **41-1a-1206**, as last amended by Laws of Utah 2012, Chapters 356, 356, 397 and last
29 amended by Coordination Clause, Laws of Utah 2012, Chapter 397

30 **41-1a-1212**, as last amended by Laws of Utah 2009, Chapter 183

31 ENACTS:

32 **41-1a-507.1**, Utah Code Annotated 1953

33 REPEALS:

34 **41-1a-227**, as renumbered and amended by Laws of Utah 1992, Chapter 1

35 **59-2-330**, as renumbered and amended by Laws of Utah 1992, Chapter 1

36

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

37 Section 1. Section **41-1a-102** is amended to read:

38 **41-1a-102. Definitions.**

39 As used in this chapter:

40 (1) "Actual miles" means the actual distance a vehicle has traveled while in operation.

41 (2) "Actual weight" means the actual unladen weight of a vehicle or combination of
42 vehicles as operated and certified to by a weighmaster.

43 (3) "All-terrain type I vehicle" has the same meaning provided in Section **41-22-2**.

44 (4) "All-terrain type II vehicle" has the same meaning provided in Section **41-22-2**.

45 (5) "Amateur radio operator" means any person licensed by the Federal
46 Communications Commission to engage in private and experimental two-way radio operation
47 on the amateur band radio frequencies.

48 (6) "Branded title" means a title certificate that is labeled:

49 (a) rebuilt and restored to operation;

50 (b) flooded and restored to operation; or

51 (c) not restored to operation.

52 (7) "Camper" means any structure designed, used, and maintained primarily to be
53 mounted on or affixed to a motor vehicle that contains a floor and is designed to provide a
54 mobile dwelling, sleeping place, commercial space, or facilities for human habitation or for
55 camping.

56 (8) "Certificate of title" means a document issued by a jurisdiction to establish a record
57 of ownership between an identified owner and the described vehicle, vessel, or outboard motor.
58

(9) "Certified scale weigh ticket" means a weigh ticket that has been issued by a weighmaster.

(10) "Commercial vehicle" means a motor vehicle, trailer, or semitrailer used or maintained for the transportation of persons or property that operates:

(a) as a carrier for hire, compensation, or profit; or

(b) as a carrier to transport the vehicle owner's goods or property in furtherance of the owner's commercial enterprise.

(11) "Commission" means the State Tax Commission.

(12) "Dealer" means a person engaged or licensed to engage in the business of buying, selling, or exchanging new or used vehicles, vessels, or outboard motors either outright or on conditional sale, bailment, lease, chattel mortgage, or otherwise or who has an established place of business for the sale, lease, trade, or display of vehicles, vessels, or outboard motors.

(13) "Division" means the Motor Vehicle Division of the commission, created in Section [41-1a-106](#).

(14) "Essential parts" means all integral and body parts of a vehicle of a type required to be registered in this state, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of operation.

(15) "Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

(16) (a) "Farm truck" means a truck used by the owner or operator of a farm solely for his own use in the transportation of:

(i) farm products, including livestock and its products, poultry and its products, floricultural and horticultural products;

(ii) farm supplies, including tile, fence, and every other thing or commodity used in agricultural, floricultural, horticultural, livestock, and poultry production; and

(iii) livestock, poultry, and other animals and things used for breeding, feeding, or other purposes connected with the operation of a farm.

(b) "Farm truck" does not include the operation of trucks by commercial processors of agricultural products.

(17) "Fleet" means one or more commercial vehicles.

(18) "Foreign vehicle" means a vehicle of a type required to be registered, brought into this state from another state, territory, or country other than in the ordinary course of business by or through a manufacturer or dealer, and not registered in this state.

(19) "Gross laden weight" means the actual weight of a vehicle or combination of vehicles, equipped for operation, to which shall be added the maximum load to be carried.

(20) "Highway" or "street" means the entire width between property lines of every way or place of whatever nature when any part of it is open to the public, as a matter of right, for purposes of vehicular traffic.

(21) (a) "Identification number" means the identifying number assigned by the manufacturer or by the division for the purpose of identifying the vehicle, vessel, or outboard motor.

(b) "Identification number" includes a vehicle identification number, state assigned identification number, hull identification number, and motor serial number.

(22) "Implement of husbandry" means every vehicle designed or adapted and used exclusively for an agricultural operation and only incidentally operated or moved upon the highways.

(23) (a) "In-state miles" means the total number of miles operated in this state during the preceding year by fleet power units.

(b) If fleets are composed entirely of trailers or semitrailers, "in-state miles" means the total number of miles that those vehicles were towed on Utah highways during the preceding year.

(24) "Interstate vehicle" means any commercial vehicle operated in more than one state, province, territory, or possession of the United States or foreign country.

(25) "Jurisdiction" means a state, district, province, political subdivision, territory, or possession of the United States or any foreign country.

(26) "Lienholder" means a person with a security interest in particular property.

(27) "Manufactured home" means a transportable factory built housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling

with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

(28) "Manufacturer" means a person engaged in the business of constructing, manufacturing, assembling, producing, or importing new or unused vehicles, vessels, or outboard motors for the purpose of sale or trade.

(29) "Mobile home" means a transportable factory built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code).

(30) "Motorboat" has the same meaning as provided in Section 73-18-2.

(31) "Motorcycle" means a motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground.

(32) (a) "Motor vehicle" means a self-propelled vehicle intended primarily for use and operation on the highways.

(b) "Motor vehicle" does not include an off-highway vehicle.

(33) (a) "Nonresident" means a person who is not a resident of this state as defined by Section 41-1a-202, and who does not engage in intrastate business within this state and does not operate in that business any motor vehicle, trailer, or semitrailer within this state.

(b) A person who engages in intrastate business within this state and operates in that business any motor vehicle, trailer, or semitrailer in this state or who, even though engaging in interstate commerce, maintains any vehicle in this state as the home station of that vehicle is considered a resident of this state, insofar as that vehicle is concerned in administering this chapter.

(34) "Odometer" means a device for measuring and recording the actual distance a vehicle travels while in operation, but does not include any auxiliary odometer designed to be periodically reset.

(35) "Off-highway implement of husbandry" has the same meaning as provided in Section 41-22-2.

(36) "Off-highway vehicle" has the same meaning as provided in Section 41-22-2.

(37) "Operate" means to drive or be in actual physical control of a vehicle or to navigate a vessel.

(38) "Outboard motor" means a detachable self-contained propulsion unit, excluding

fuel supply, used to propel a vessel.

(39) (a) "Owner" means a person, other than a lienholder, holding title to a vehicle, vessel, or outboard motor whether or not the vehicle, vessel, or outboard motor is subject to a security interest.

(b) If a vehicle is the subject of an agreement for the conditional sale or installment sale or mortgage of the vehicle with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or mortgagor, or if the vehicle is the subject of a security agreement, then the conditional vendee, mortgagor, or debtor is considered the owner for the purposes of this chapter.

(c) If a vehicle is the subject of an agreement to lease, the lessor is considered the owner until the lessee exercises his option to purchase the vehicle.

(40) "Personalized license plate" means a license plate that has displayed on it a combination of letters, numbers, or both as requested by the owner of the vehicle and assigned to the vehicle by the division.

(41) (a) "Pickup truck" means a two-axle motor vehicle with motive power manufactured, remanufactured, or materially altered to provide an open cargo area.

(b) "Pickup truck" includes motor vehicles with the open cargo area covered with a camper, camper shell, tarp, removable top, or similar structure.

(42) "Pneumatic tire" means every tire in which compressed air is designed to support the load.

(43) "Preceding year" means a period of 12 consecutive months fixed by the division that is within 16 months immediately preceding the commencement of the registration or license year in which proportional registration is sought. The division in fixing the period shall conform it to the terms, conditions, and requirements of any applicable agreement or arrangement for the proportional registration of vehicles.

(44) "Public garage" means every building or other place where vehicles or vessels are kept and stored and where a charge is made for the storage and keeping of vehicles and vessels.

(45) "Receipt of surrender of ownership documents" means the receipt of surrender of ownership documents described in Section [41-1a-503](#).

(46) "Reconstructed vehicle" means every vehicle of a type required to be registered in

183 this state that is materially altered from its original construction by the removal, addition, or
184 substitution of essential parts, new or used.

185 (47) "Recreational vehicle" has the same meaning as provided in Section 13-14-102.

186 (48) "Registration" means a document issued by a jurisdiction that allows operation of
187 a vehicle or vessel on the highways or waters of this state for the time period for which the
188 registration is valid and that is evidence of compliance with the registration requirements of the
189 jurisdiction.

190 (49) (a) "Registration year" means a 12 consecutive month period commencing with
191 the completion of all applicable registration criteria.

192 (b) For administration of a multistate agreement for proportional registration the
193 division may prescribe a different 12-month period.

194 (50) "Repair or replacement" means the restoration of vehicles, vessels, or outboard
195 motors to a sound working condition by substituting any inoperative part of the vehicle, vessel,
196 or outboard motor, or by correcting the inoperative part.

197 (51) "Replica vehicle" means:

198 (a) a street rod that meets the requirements under Subsection 41-21-1(1)(a)(i)(B); or

199 (b) a custom vehicle that meets the requirements under Subsection
200 41-6a-1507(1)(a)(i)(B).

201 (52) "Road tractor" means every motor vehicle designed and used for drawing other
202 vehicles and constructed so it does not carry any load either independently or any part of the
203 weight of a vehicle or load that is drawn.

204 (53) "Sailboat" has the same meaning as provided in Section 73-18-2.

205 (54) "Security interest" means an interest that is reserved or created by a security
206 agreement to secure the payment or performance of an obligation and that is valid against third
207 parties.

208 (55) "Semitrailer" means every vehicle without motive power designed for carrying
209 persons or property and for being drawn by a motor vehicle and constructed so that some part
210 of its weight and its load rests or is carried by another vehicle.

211 (56) "Special group license plate" means a type of license plate designed for a
212 particular group of people or a license plate authorized and issued by the division in accordance
213 with Section 41-1a-418.

(57) (a) "Special interest vehicle" means a vehicle used for general transportation purposes and that is:

- (i) 20 years or older from the current year; or
- (ii) a make or model of motor vehicle recognized by the division director as having unique interest or historic value.

(b) In making his determination under Subsection (57)(a), the division director shall give special consideration to:

- (i) a make of motor vehicle that is no longer manufactured;
- (ii) a make or model of motor vehicle produced in limited or token quantities;
- (iii) a make or model of motor vehicle produced as an experimental vehicle or one designed exclusively for educational purposes or museum display; or
- (iv) a motor vehicle of any age or make that has not been substantially altered or modified from original specifications of the manufacturer and because of its significance is being collected, preserved, restored, maintained, or operated by a collector or hobbyist as a leisure pursuit.

(58) (a) "Special mobile equipment" means every vehicle:

- (i) not designed or used primarily for the transportation of persons or property;
- (ii) not designed to operate in traffic; and
- (iii) only incidentally operated or moved over the highways.

(b) "Special mobile equipment" includes:

- (i) farm tractors;
- (ii) off-road motorized construction or maintenance equipment including backhoes, bulldozers, compactors, graders, loaders, road rollers, tractors, and trenchers; and
- (iii) ditch-digging apparatus.

(c) "Special mobile equipment" does not include a commercial vehicle as defined under Section [72-9-102](#).

(59) "Specially constructed vehicle" means every vehicle of a type required to be registered in this state, not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles, and not materially altered from its original construction.

(60) "Title" means the right to or ownership of a vehicle, vessel, or outboard motor.

(61) (a) "Total fleet miles" means the total number of miles operated in all jurisdictions during the preceding year by power units.

(b) If fleets are composed entirely of trailers or semitrailers, "total fleet miles" means the number of miles that those vehicles were towed on the highways of all jurisdictions during the preceding year.

(62) "Trailer" means a vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.

(63) "Transferee" means a person to whom the ownership of property is conveyed by sale, gift, or any other means except by the creation of a security interest.

(64) "Transferor" means a person who transfers his ownership in property by sale, gift, or any other means except by creation of a security interest.

(65) "Travel trailer," "camping trailer," or "fifth wheel trailer" means a portable vehicle without motive power, designed as a temporary dwelling for travel, recreational, or vacation use that does not require a special highway movement permit when drawn by a self-propelled motor vehicle.

(66) "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load that is drawn.

(67) "Vehicle" includes a motor vehicle, trailer, semitrailer, off-highway vehicle, camper, manufactured home, and mobile home.

(68) "Vessel" has the same meaning as provided in Section 73-18-2.

(69) "Vintage vehicle" has the same meaning as provided in Section 41-21-1.

(70) "Waters of this state" has the same meaning as provided in Section 73-18-2.

(71) "Weighmaster" means a person, association of persons, or corporation permitted to weigh vehicles under this chapter.

Section 2. Section 41-1a-401 is amended to read:

41-1a-401. License plates -- Number of plates -- Reflectorization -- Indicia of registration in lieu of or used with plates.

(1) (a) The division upon registering a vehicle shall issue to the owner:

(i) one license plate for a motorcycle, trailer, or semitrailer ~~and~~;

(ii) one decal for a camper, in lieu of a license plate, which shall be attached in plain site to the rear of the camper; and

(iii) two identical license plates for every other vehicle.

(b) The license plate ~~[shall be]~~ or decal issued under Subsection (1)(a) is for the particular vehicle registered and may not be removed during the term for which the license plate or decal is issued or used upon any other vehicle than the registered vehicle.

(2) The division may receive applications for registration renewal, renew registration, and issue new license plates or decals at any time prior to the expiration of registration.

(3) (a) All license plates to be manufactured and issued by the division shall be treated with a fully reflective material on the plate face that provides effective and dependable reflective brightness during the service period of the license plate.

(b) The division shall prescribe all license plate material specifications and establish and implement procedures for conforming to the specifications.

(c) The specifications for the materials used such as the aluminum plate substrate, the reflective sheeting, and glue shall be drawn in a manner so that at least two manufacturers may qualify as suppliers.

(d) The granting of contracts for the materials shall be by public bid.

(4) (a) The commission may issue, adopt, and require the use of indicia of registration it considers advisable in lieu of or in conjunction with license plates as provided in this part.

(b) All provisions of this part relative to license plates apply to these indicia of registration, so far as the provisions are applicable.

Section 3. Section **41-1a-507.1** is enacted to read:

41-1a-507.1. Exceptions to title requirements for campers.

(1) Each camper in this state and identified by the manufacturer as a 2015 year model or newer is subject to the titling provisions of this part.

(2) The division may provide title to a camper identified by the manufacturer as a 2014 year model or older if requested by the owner of the camper.

Section 4. Section **41-1a-1206** is amended to read:

41-1a-1206. Registration fees -- Fees by gross laden weight.

(1) Except as provided in Subsections (2) and (3), at the time application is made for registration or renewal of registration of a vehicle or combination of vehicles under this

chapter, a registration fee shall be paid to the division as follows:

(a) \$44.50 for each motorcycle;

(b) \$43 for each motor vehicle of 12,000 pounds or less gross laden weight, excluding motorcycles;

(c) unless the semitrailer or trailer is exempt from registration under Section 41-1a-202 or is registered under Section 41-1a-301:

(i) \$31 for each trailer or semitrailer over 750 pounds gross unladen weight; or

(ii) \$28.50 for each commercial trailer or commercial semitrailer of 750 pounds or less gross unladen weight;

(d) (i) \$53 for each farm truck over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; plus

(ii) \$9 for each 2,000 pounds over 14,000 pounds gross laden weight;

(e) (i) \$69.50 for each motor vehicle or combination of motor vehicles, excluding farm trucks, over 12,000 pounds, but not exceeding 14,000 pounds gross laden weight; plus

(ii) \$19 for each 2,000 pounds over 14,000 pounds gross laden weight; and

(f) \$45 for each vintage vehicle that is less than 40 years old.

(2) At the time application is made for registration or renewal of registration of a vehicle under this chapter for a six-month registration period under Section 41-1a-215.5, a registration fee shall be paid to the division as follows:

(a) \$33.50 for each motorcycle; and

(b) \$32.50 for each motor vehicle of 12,000 pounds or less gross laden weight, excluding motorcycles.

(3) (a) The initial registration fee for a vintage vehicle that is 40 years old or older is \$40.

(b) A vintage vehicle that is 40 years old or older is exempt from the renewal of registration fees under Subsection (1).

(c) A vehicle with a Purple Heart special group license plate issued in accordance with Section 41-1a-421 is exempt from the registration fees under Subsection (1).

(d) A camper is exempt from the registration fees under Subsection (1).

(4) If a motor vehicle is operated in combination with a semitrailer or trailer, each motor vehicle shall register for the total gross laden weight of all units of the combination if the

total gross laden weight of the combination exceeds 12,000 pounds.

(5) (a) Registration fee categories under this section are based on the gross laden weight declared in the licensee's application for registration.

(b) Gross laden weight shall be computed in units of 2,000 pounds. A fractional part of 2,000 pounds is a full unit.

(6) The owner of a commercial trailer or commercial semitrailer may, as an alternative to registering under Subsection (1)(c), apply for and obtain a special registration and license plate for a fee of \$130.

(7) Except as provided in Section 41-6a-1642, a truck may not be registered as a farm truck unless:

(a) the truck meets the definition of a farm truck under Section 41-1a-102; and

(b) (i) the truck has a gross vehicle weight rating of more than 12,000 pounds; or

(ii) the truck has a gross vehicle weight rating of 12,000 pounds or less and the owner submits to the division a certificate of emissions inspection or a waiver in compliance with Section 41-6a-1642.

(8) A violation of Subsection (7) is a class B misdemeanor that shall be punished by a fine of not less than \$200.

(9) Trucks used exclusively to pump cement, bore wells, or perform crane services with a crane lift capacity of five or more tons, are exempt from 50% of the amount of the fees required for those vehicles under this section.

Section 5. Section 41-1a-1212 is amended to read:

41-1a-1212. Fee for replacement of license plate decals.

A fee established in accordance with Section 63J-1-504 shall be paid to the division for the replacement of a license plate decal required by Section 41-1a-402 or a decal required by Section 41-1a-401.

Section 6. **Effective date.**

This bill takes effect on January 1, 2015.

Section 7. **Repealer.**

This bill repeals:

Section 41-1a-227, **Campers -- Registration and display of decal -- Nonresident exceptions.**

369 Section **59-2-330**, Campers -- Registration certificates and decals obtained from
370 county assessor -- Contents of certificates.

Legislative Review Note
as of 1-10-14 2:00 PM

Office of Legislative Research and General Counsel