

PROHIBITION OF LICENSE PLATE COVERS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mark A. Wheatley

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Motor Vehicles code to prohibit license plate covers.

Highlighted Provisions:

This bill:

- ▶ defines "license plate cover";
- ▶ prohibits the placement of a license plate cover in front of a motor vehicle's license plate; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-1a-102, as last amended by Laws of Utah 2013, Chapter 266

41-1a-403, as renumbered and amended by Laws of Utah 1992, Chapter 1

41-1a-404, as last amended by Laws of Utah 2008, Chapter 106

41-3-504, as renumbered and amended by Laws of Utah 1992, Chapter 234

41-22-3, as last amended by Laws of Utah 2012, Chapter 319



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

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

30 **41-1a-102. Definitions.**

31 As used in this chapter:

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

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

35 (3) "All-terrain type I vehicle" has the same meaning provided in Section [41-22-2](#).

36 (4) "All-terrain type II vehicle" has the same meaning provided in Section [41-22-2](#).

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

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

41 (a) rebuilt and restored to operation;

42 (b) flooded and restored to operation; or

43 (c) not restored to operation.

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

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

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

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

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

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

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

58 (12) "Dealer" means a person engaged or licensed to engage in the business of buying,

59 selling, or exchanging new or used vehicles, vessels, or outboard motors either outright or on
60 conditional sale, bailment, lease, chattel mortgage, or otherwise or who has an established
61 place of business for the sale, lease, trade, or display of vehicles, vessels, or outboard motors.

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

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

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

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

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

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

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

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

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

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

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

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

89 (21) (a) "Identification number" means the identifying number assigned by the

90 manufacturer or by the division for the purpose of identifying the vehicle, vessel, or outboard
91 motor.

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

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

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

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

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

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

106 (26) "License plate cover" means any object attached to a motor vehicle that is placed
107 in front of the characters and numerals on a motor vehicle license plate.

108 [~~(26)~~] (27) "Lienholder" means a person with a security interest in particular property.

109 [~~(27)~~] (28) "Manufactured home" means a transportable factory built housing unit
110 constructed on or after June 15, 1976, according to the Federal Home Construction and Safety
111 Standards Act of 1974 (HUD Code), in one or more sections, which, in the traveling mode, is
112 eight body feet or more in width or 40 body feet or more in length, or when erected on site, is
113 400 or more square feet, and which is built on a permanent chassis and designed to be used as a
114 dwelling with or without a permanent foundation when connected to the required utilities, and
115 includes the plumbing, heating, air-conditioning, and electrical systems.

116 [~~(28)~~] (29) "Manufacturer" means a person engaged in the business of constructing,
117 manufacturing, assembling, producing, or importing new or unused vehicles, vessels, or
118 outboard motors for the purpose of sale or trade.

119 [~~(29)~~] (30) "Mobile home" means a transportable factory built housing unit built prior
120 to June 15, 1976, in accordance with a state mobile home code which existed prior to the

121 Federal Manufactured Housing and Safety Standards Act (HUD Code).

122 ~~[(30)]~~ (31) "Motorboat" has the same meaning as provided in Section 73-18-2.

123 ~~[(31)]~~ (32) "Motorcycle" means a motor vehicle having a saddle for the use of the rider
124 and designed to travel on not more than three wheels in contact with the ground.

125 ~~[(32)]~~ (33) (a) "Motor vehicle" means a self-propelled vehicle intended primarily for
126 use and operation on the highways.

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

128 ~~[(33)]~~ (34) (a) "Nonresident" means a person who is not a resident of this state as
129 defined by Section 41-1a-202, and who does not engage in intrastate business within this state
130 and does not operate in that business any motor vehicle, trailer, or semitrailer within this state.

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

136 ~~[(34)]~~ (35) "Odometer" means a device for measuring and recording the actual distance
137 a vehicle travels while in operation, but does not include any auxiliary odometer designed to be
138 periodically reset.

139 ~~[(35)]~~ (36) "Off-highway implement of husbandry" has the same meaning as provided
140 in Section 41-22-2.

141 ~~[(36)]~~ (37) "Off-highway vehicle" has the same meaning as provided in Section
142 41-22-2.

143 ~~[(37)]~~ (38) "Operate" means to drive or be in actual physical control of a vehicle or to
144 navigate a vessel.

145 ~~[(38)]~~ (39) "Outboard motor" means a detachable self-contained propulsion unit,
146 excluding fuel supply, used to propel a vessel.

147 ~~[(39)]~~ (40) (a) "Owner" means a person, other than a lienholder, holding title to a
148 vehicle, vessel, or outboard motor whether or not the vehicle, vessel, or outboard motor is
149 subject to a security interest.

150 (b) If a vehicle is the subject of an agreement for the conditional sale or installment
151 sale or mortgage of the vehicle with the right of purchase upon performance of the conditions

152 stated in the agreement and with an immediate right of possession vested in the conditional
153 vendee or mortgagor, or if the vehicle is the subject of a security agreement, then the
154 conditional vendee, mortgagor, or debtor is considered the owner for the purposes of this
155 chapter.

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

158 ~~[(40)]~~ (41) "Personalized license plate" means a license plate that has displayed on it a
159 combination of letters, numbers, or both as requested by the owner of the vehicle and assigned
160 to the vehicle by the division.

161 ~~[(41)]~~ (42) (a) "Pickup truck" means a two-axle motor vehicle with motive power
162 manufactured, remanufactured, or materially altered to provide an open cargo area.

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

165 ~~[(42)]~~ (43) "Pneumatic tire" means every tire in which compressed air is designed to
166 support the load.

167 ~~[(43)]~~ (44) "Preceding year" means a period of 12 consecutive months fixed by the
168 division that is within 16 months immediately preceding the commencement of the registration
169 or license year in which proportional registration is sought. The division in fixing the period
170 shall conform it to the terms, conditions, and requirements of any applicable agreement or
171 arrangement for the proportional registration of vehicles.

172 ~~[(44)]~~ (45) "Public garage" means every building or other place where vehicles or
173 vessels are kept and stored and where a charge is made for the storage and keeping of vehicles
174 and vessels.

175 ~~[(45)]~~ (46) "Receipt of surrender of ownership documents" means the receipt of
176 surrender of ownership documents described in Section [41-1a-503](#).

177 ~~[(46)]~~ (47) "Reconstructed vehicle" means every vehicle of a type required to be
178 registered in this state that is materially altered from its original construction by the removal,
179 addition, or substitution of essential parts, new or used.

180 ~~[(47)]~~ (48) "Recreational vehicle" has the same meaning as provided in Section
181 [13-14-102](#).

182 ~~[(48)]~~ (49) "Registration" means a document issued by a jurisdiction that allows

183 operation of a vehicle or vessel on the highways or waters of this state for the time period for
184 which the registration is valid and that is evidence of compliance with the registration
185 requirements of the jurisdiction.

186 ~~[(49)]~~ (50) (a) "Registration year" means a 12 consecutive month period commencing
187 with the completion of all applicable registration criteria.

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

190 ~~[(50)]~~ (51) "Repair or replacement" means the restoration of vehicles, vessels, or
191 outboard motors to a sound working condition by substituting any inoperative part of the
192 vehicle, vessel, or outboard motor, or by correcting the inoperative part.

193 ~~[(51)]~~ (52) "Replica vehicle" means:

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

195 (b) a custom vehicle that meets the requirements under Subsection
196 41-6a-1507(1)(a)(i)(B).

197 ~~[(52)]~~ (53) "Road tractor" means every motor vehicle designed and used for drawing
198 other vehicles and constructed so it does not carry any load either independently or any part of
199 the weight of a vehicle or load that is drawn.

200 ~~[(53)]~~ (54) "Sailboat" has the same meaning as provided in Section 73-18-2.

201 ~~[(54)]~~ (55) "Security interest" means an interest that is reserved or created by a security
202 agreement to secure the payment or performance of an obligation and that is valid against third
203 parties.

204 ~~[(55)]~~ (56) "Semitrailer" means every vehicle without motive power designed for
205 carrying persons or property and for being drawn by a motor vehicle and constructed so that
206 some part of its weight and its load rests or is carried by another vehicle.

207 ~~[(56)]~~ (57) "Special group license plate" means a type of license plate designed for a
208 particular group of people or a license plate authorized and issued by the division in accordance
209 with Section 41-1a-418.

210 ~~[(57)]~~ (58) (a) "Special interest vehicle" means a vehicle used for general
211 transportation purposes and that is:

212 (i) 20 years or older from the current year; or

213 (ii) a make or model of motor vehicle recognized by the division director as having

214 unique interest or historic value.

215 (b) In making [~~his~~] the division director's determination under Subsection [~~(57)~~]

216 (58)(a), the division director shall give special consideration to:

217 (i) a make of motor vehicle that is no longer manufactured;

218 (ii) a make or model of motor vehicle produced in limited or token quantities;

219 (iii) a make or model of motor vehicle produced as an experimental vehicle or one
220 designed exclusively for educational purposes or museum display; or

221 (iv) a motor vehicle of any age or make that has not been substantially altered or
222 modified from original specifications of the manufacturer and because of its significance is
223 being collected, preserved, restored, maintained, or operated by a collector or hobbyist as a
224 leisure pursuit.

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

229 [~~(58)~~] (60) (a) "Special mobile equipment" means every vehicle:

230 (i) not designed or used primarily for the transportation of persons or property;

231 (ii) not designed to operate in traffic; and

232 (iii) only incidentally operated or moved over the highways.

233 (b) "Special mobile equipment" includes:

234 (i) farm tractors;

235 (ii) off-road motorized construction or maintenance equipment including backhoes,
236 bulldozers, compactors, graders, loaders, road rollers, tractors, and trenchers; and

237 (iii) ditch-digging apparatus.

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

240 [~~(60)~~] (61) "Title" means the right to or ownership of a vehicle, vessel, or outboard
241 motor.

242 [~~(61)~~] (62) (a) "Total fleet miles" means the total number of miles operated in all
243 jurisdictions during the preceding year by power units.

244 (b) If fleets are composed entirely of trailers or semitrailers, "total fleet miles" means

245 the number of miles that those vehicles were towed on the highways of all jurisdictions during
246 the preceding year.

247 ~~[(62)]~~ (63) "Trailer" means a vehicle without motive power designed for carrying
248 persons or property and for being drawn by a motor vehicle and constructed so that no part of
249 its weight rests upon the towing vehicle.

250 ~~[(63)]~~ (64) "Transferee" means a person to whom the ownership of property is
251 conveyed by sale, gift, or any other means except by the creation of a security interest.

252 ~~[(64)]~~ (65) "Transferor" means a person who transfers his ownership in property by
253 sale, gift, or any other means except by creation of a security interest.

254 ~~[(65)]~~ (66) "Travel trailer," "camping trailer," or "fifth wheel trailer" means a portable
255 vehicle without motive power, designed as a temporary dwelling for travel, recreational, or
256 vacation use that does not require a special highway movement permit when drawn by a
257 self-propelled motor vehicle.

258 ~~[(66)]~~ (67) "Truck tractor" means a motor vehicle designed and used primarily for
259 drawing other vehicles and not constructed to carry a load other than a part of the weight of the
260 vehicle and load that is drawn.

261 ~~[(67)]~~ (68) "Vehicle" includes a motor vehicle, trailer, semitrailer, off-highway vehicle,
262 manufactured home, and mobile home.

263 ~~[(68)]~~ (69) "Vessel" has the same meaning as provided in Section 73-18-2.

264 ~~[(69)]~~ (70) "Vintage vehicle" has the same meaning as provided in Section 41-21-1.

265 ~~[(70)]~~ (71) "Waters of this state" has the same meaning as provided in Section 73-18-2.

266 ~~[(71)]~~ (72) "Weighmaster" means a person, association of persons, or corporation
267 permitted to weigh vehicles under this chapter.

268 Section 2. Section **41-1a-403** is amended to read:

269 **41-1a-403. License plate covers prohibited -- Plates to be legible from 100 feet.**

270 (1) License plates and the required letters and numerals on them, except the decals and
271 the slogan, shall be of sufficient size to be plainly readable from a distance of 100 feet during
272 daylight.

273 (2) It is unlawful to attach a license plate cover to a motor vehicle.

274 Section 3. Section **41-1a-404** is amended to read:

275 **41-1a-404. Location and position of plates.**

276 (1) License plates issued for a vehicle other than a motorcycle, trailer, or semitrailer
277 shall be attached to the vehicle, one in the front and the other in the rear.

278 (2) The license plate issued for a motorcycle, trailer, or semitrailer shall be attached to
279 the rear of the motorcycle, trailer, or semitrailer.

280 (3) Every license plate shall at all times be:

281 (a) securely fastened:

282 (i) in a horizontal position to the vehicle for which it is issued to prevent the plate from
283 swinging;

284 (ii) at a height of not less than 12 inches from the ground, measuring from the bottom
285 of the plate; and

286 (iii) in a place and position to be clearly visible; [~~and~~]

287 (b) maintained:

288 (i) free from foreign materials; and

289 (ii) in a condition to be clearly legible[-]; and

290 (c) displayed in accordance with Section [41-1a-403](#).

291 (4) Enforcement by a state or local law enforcement officer of the requirement under
292 Subsection (1) to attach a license plate to the front of a vehicle shall be only as a secondary
293 action when the vehicle has been detained for a suspected violation by any person in the
294 vehicle of Title 41, Motor Vehicles, other than the requirement under Subsection (1) to attach a
295 license plate to the front of the vehicle, or for another offense.

296 Section 4. Section **41-3-504** is amended to read:

297 **41-3-504. Special plates -- Display.**

298 Special plates issued to dealers, dismantlers, manufacturers, remanufacturers, and
299 transporters for the purpose of operating or moving motor vehicles on the highway under the
300 provisions of this chapter shall be:

301 (1) prominently displayed on the rear of the motor vehicle where clearly visible;

302 (2) free from foreign materials;

303 (3) clearly legible; [~~and~~]

304 (4) displayed in accordance with Section [41-1a-403](#); and

305 [~~(4)~~] (5) securely fastened in a horizontal position.

306 Section 5. Section **41-22-3** is amended to read:

307 **41-22-3. Registration of vehicles -- Application -- Issuance of sticker and card --**
308 **Proof of property tax payment -- Records.**

309 (1) (a) Unless exempted under Section [41-22-9](#), a person may not operate or transport
310 and an owner may not give another person permission to operate or transport any off-highway
311 vehicle on any public land, trail, street, or highway in this state unless the off-highway vehicle
312 is registered under this chapter for the current year.

313 (b) Unless exempted under Section [41-22-9](#), a dealer may not sell an off-highway
314 vehicle which can be used or transported on any public land, trail, street, or highway in this
315 state, unless the off-highway vehicle is registered or is in the process of being registered under
316 this chapter for the current year.

317 (2) The owner of an off-highway vehicle subject to registration under this chapter shall
318 apply to the Motor Vehicle Division for registration on forms approved by the Motor Vehicle
319 Division.

320 (3) Each application for registration of an off-highway vehicle shall be accompanied
321 by:

322 (a) evidence of ownership, a title, or a manufacturer's certificate of origin, and a bill of
323 sale showing ownership, make, model, horsepower or displacement, and serial number;

324 (b) the past registration card; or

325 (c) the fee for a duplicate.

326 (4) (a) Upon each annual registration, the Motor Vehicle Division shall issue a
327 registration sticker and a registration card for each off-highway vehicle registered.

328 (b) The registration sticker shall:

329 (i) contain a unique number using numbers, letters, or combination of numbers and
330 letters to identify the off-highway vehicle for which it is issued;

331 (ii) be affixed to the off-highway vehicle for which it is issued in a plainly visible
332 position as prescribed by rule of the board under Section [41-22-5.1](#); [~~and~~]

333 (iii) be maintained free of foreign materials and in a condition to be clearly legible[~~-~~];
334 and

335 (iv) be displayed in accordance with Section [41-1a-403](#).

336 (c) At all times, a registration card shall be kept with the off-highway vehicle and shall
337 be available for inspection by a law enforcement officer.

338 (5) (a) Except as provided by Subsection (5)(c), an applicant for a registration card and
339 registration sticker shall provide the Motor Vehicle Division a certificate, described under
340 Subsection (5)(b), from the county assessor of the county in which the off-highway vehicle has
341 situs for taxation.

342 (b) The certificate required under Subsection (5)(a) shall state one of the following:

343 (i) the property tax on the off-highway vehicle for the current year has been paid;

344 (ii) in the county assessor's opinion, the tax is a lien on real property sufficient to
345 secure the payment of the tax; or

346 (iii) the off-highway vehicle is exempt by law from payment of property tax for the
347 current year.

348 (c) An off-highway vehicle for which an off-highway implement of husbandry sticker
349 has been issued in accordance with Section 41-22-5.5 is exempt from the requirement under
350 this Subsection (5).

351 (6) (a) All records of the division made or kept under this section shall be classified by
352 the Motor Vehicle Division in the same manner as motor vehicle records are classified under
353 Section 41-1a-116.

354 (b) Division records are available for inspection in the same manner as motor vehicle
355 records under Section 41-1a-116.

Legislative Review Note
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Office of Legislative Research and General Counsel