

**TRANSPORTATION FUNDING REVISIONS**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies motor vehicle registration provisions.

**Highlighted Provisions:**

This bill:

- ▶ provides definitions;
- ▶ increases motor vehicle registration fees for certain motor vehicles of 12,000 pounds or less gross laden weight, excluding motorcycles;
- ▶ amends the penalty amount that is collected from an issuing dealer for a temporary permit that is outstanding after 45 days from the date it is issued; and
- ▶ makes technical corrections.

**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-1206**, as last amended by Laws of Utah 2012, Chapters 356, 356, 397 and last amended by Coordination Clause, Laws of Utah 2012, Chapter 397
- 41-3-301**, as last amended by Laws of Utah 2008, Chapter 382



28 [41-3-302](#), as last amended by Laws of Utah 2008, Chapter 382



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

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

32 **41-1a-102. Definitions.**

33 As used in this chapter:

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

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

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

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

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

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

43 (a) rebuilt and restored to operation;

44 (b) flooded and restored to operation; or

45 (c) not restored to operation.

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

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

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

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

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

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

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

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

64 (13) "Diesel fuel" has the same meaning as defined in Section 59-13-102.

65 [~~(13)~~] (14) "Division" means the Motor Vehicle Division of the commission, created in  
66 Section 41-1a-106.

67 (15) "Electric vehicle" means a motor vehicle that is powered solely by an electric  
68 motor drawing current from a rechargeable energy storage system.

69 [~~(14)~~] (16) "Essential parts" means all integral and body parts of a vehicle of a type  
70 required to be registered in this state, the removal, alteration, or substitution of which would  
71 tend to conceal the identity of the vehicle or substantially alter its appearance, model, type, or  
72 mode of operation.

73 [~~(15)~~] (17) "Farm tractor" means every motor vehicle designed and used primarily as a  
74 farm implement for drawing plows, mowing machines, and other implements of husbandry.

75 [~~(16)~~] (18) (a) "Farm truck" means a truck used by the owner or operator of a farm  
76 solely for his own use in the transportation of:

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

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

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

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

85 [~~(17)~~] (19) "Fleet" means one or more commercial vehicles.

86 [~~(18)~~] (20) "Foreign vehicle" means a vehicle of a type required to be registered,  
87 brought into this state from another state, territory, or country other than in the ordinary course  
88 of business by or through a manufacturer or dealer, and not registered in this state.

89 [~~(19)~~] (21) "Gross laden weight" means the actual weight of a vehicle or combination

90 of vehicles, equipped for operation, to which shall be added the maximum load to be carried.

91 ~~[(20)]~~ (22) "Highway" or "street" means the entire width between property lines of  
92 every way or place of whatever nature when any part of it is open to the public, as a matter of  
93 right, for purposes of vehicular traffic.

94 (23) "Hybrid electric vehicle" means a motor vehicle that draws propulsion energy  
95 from onboard sources of stored energy that are both:

96 (a) an internal combustion engine or heat engine using consumable fuel; and

97 (b) a rechargeable energy storage system where recharge energy for the energy storage  
98 system comes solely from sources onboard the vehicle.

99 ~~[(21)]~~ (24) (a) "Identification number" means the identifying number assigned by the  
100 manufacturer or by the division for the purpose of identifying the vehicle, vessel, or outboard  
101 motor.

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

104 ~~[(22)]~~ (25) "Implement of husbandry" means every vehicle designed or adapted and  
105 used exclusively for an agricultural operation and only incidentally operated or moved upon the  
106 highways.

107 ~~[(23)]~~ (26) (a) "In-state miles" means the total number of miles operated in this state  
108 during the preceding year by fleet power units.

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

112 ~~[(24)]~~ (27) "Interstate vehicle" means any commercial vehicle operated in more than  
113 one state, province, territory, or possession of the United States or foreign country.

114 ~~[(25)]~~ (28) "Jurisdiction" means a state, district, province, political subdivision,  
115 territory, or possession of the United States or any foreign country.

116 ~~[(26)]~~ (29) "Lienholder" means a person with a security interest in particular property.

117 ~~[(27)]~~ (30) "Manufactured home" means a transportable factory built housing unit  
118 constructed on or after June 15, 1976, according to the Federal Home Construction and Safety  
119 Standards Act of 1974 (HUD Code), in one or more sections, which, in the traveling mode, is  
120 eight body feet or more in width or 40 body feet or more in length, or when erected on site, is

121 400 or more square feet, and which is built on a permanent chassis and designed to be used as a  
122 dwelling with or without a permanent foundation when connected to the required utilities, and  
123 includes the plumbing, heating, air-conditioning, and electrical systems.

124 ~~[(28)]~~ (31) "Manufacturer" means a person engaged in the business of constructing,  
125 manufacturing, assembling, producing, or importing new or unused vehicles, vessels, or  
126 outboard motors for the purpose of sale or trade.

127 ~~[(29)]~~ (32) "Mobile home" means a transportable factory built housing unit built prior  
128 to June 15, 1976, in accordance with a state mobile home code which existed prior to the  
129 Federal Manufactured Housing and Safety Standards Act (HUD Code).

130 ~~[(30)]~~ (33) "Motorboat" has the same meaning as provided in Section [73-18-2](#).

131 ~~[(31)]~~ (34) "Motorcycle" means a motor vehicle having a saddle for the use of the rider  
132 and designed to travel on not more than three wheels in contact with the ground.

133 (35) "Motor fuel" has the same meaning as defined in Section [59-13-102](#).

134 ~~[(32)]~~ (36) (a) "Motor vehicle" means a self-propelled vehicle intended primarily for  
135 use and operation on the highways.

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

137 (37) "Natural gas" means a fuel whose primary constituent is methane.

138 ~~[(33)]~~ (38) (a) "Nonresident" means a person who is not a resident of this state as  
139 defined by Section [41-1a-202](#), and who does not engage in intrastate business within this state  
140 and does not operate in that business any motor vehicle, trailer, or semitrailer within this state.

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

146 ~~[(34)]~~ (39) "Odometer" means a device for measuring and recording the actual distance  
147 a vehicle travels while in operation, but does not include any auxiliary odometer designed to be  
148 periodically reset.

149 ~~[(35)]~~ (40) "Off-highway implement of husbandry" has the same meaning as provided  
150 in Section [41-22-2](#).

151 ~~[(36)]~~ (41) "Off-highway vehicle" has the same meaning as provided in Section

152 41-22-2.

153 [~~37~~] (42) "Operate" means to drive or be in actual physical control of a vehicle or to  
154 navigate a vessel.

155 [~~38~~] (43) "Outboard motor" means a detachable self-contained propulsion unit,  
156 excluding fuel supply, used to propel a vessel.

157 [~~39~~] (44) (a) "Owner" means a person, other than a lienholder, holding title to a  
158 vehicle, vessel, or outboard motor whether or not the vehicle, vessel, or outboard motor is  
159 subject to a security interest.

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

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

168 [~~40~~] (45) "Personalized license plate" means a license plate that has displayed on it a  
169 combination of letters, numbers, or both as requested by the owner of the vehicle and assigned  
170 to the vehicle by the division.

171 [~~41~~] (46) (a) "Pickup truck" means a two-axle motor vehicle with motive power  
172 manufactured, remanufactured, or materially altered to provide an open cargo area.

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

175 [~~42~~] (47) "Pneumatic tire" means every tire in which compressed air is designed to  
176 support the load.

177 [~~43~~] (48) "Preceding year" means a period of 12 consecutive months fixed by the  
178 division that is within 16 months immediately preceding the commencement of the registration  
179 or license year in which proportional registration is sought. The division in fixing the period  
180 shall conform it to the terms, conditions, and requirements of any applicable agreement or  
181 arrangement for the proportional registration of vehicles.

182 [~~44~~] (49) "Public garage" means every building or other place where vehicles or

183 vessels are kept and stored and where a charge is made for the storage and keeping of vehicles  
184 and vessels.

185 ~~[(45)]~~ (50) "Receipt of surrender of ownership documents" means the receipt of  
186 surrender of ownership documents described in Section [41-1a-503](#).

187 ~~[(46)]~~ (51) "Reconstructed vehicle" means every vehicle of a type required to be  
188 registered in this state that is materially altered from its original construction by the removal,  
189 addition, or substitution of essential parts, new or used.

190 ~~[(47)]~~ (52) "Recreational vehicle" has the same meaning as provided in Section  
191 [13-14-102](#).

192 ~~[(48)]~~ (53) "Registration" means a document issued by a jurisdiction that allows  
193 operation of a vehicle or vessel on the highways or waters of this state for the time period for  
194 which the registration is valid and that is evidence of compliance with the registration  
195 requirements of the jurisdiction.

196 ~~[(49)]~~ (54) (a) "Registration year" means a 12 consecutive month period commencing  
197 with the completion of all applicable registration criteria.

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

200 ~~[(50)]~~ (55) "Repair or replacement" means the restoration of vehicles, vessels, or  
201 outboard motors to a sound working condition by substituting any inoperative part of the  
202 vehicle, vessel, or outboard motor, or by correcting the inoperative part.

203 ~~[(51)]~~ (56) "Replica vehicle" means:

204 (a) a street rod that meets the requirements under Subsection [41-21-1\(1\)\(a\)\(i\)\(B\)](#); or

205 (b) a custom vehicle that meets the requirements under Subsection  
206 [41-6a-1507\(1\)\(a\)\(i\)\(B\)](#).

207 ~~[(52)]~~ (57) "Road tractor" means every motor vehicle designed and used for drawing  
208 other vehicles and constructed so it does not carry any load either independently or any part of  
209 the weight of a vehicle or load that is drawn.

210 ~~[(53)]~~ (58) "Sailboat" has the same meaning as provided in Section [73-18-2](#).

211 ~~[(54)]~~ (59) "Security interest" means an interest that is reserved or created by a security  
212 agreement to secure the payment or performance of an obligation and that is valid against third  
213 parties.

214 [~~55~~] (60) "Semitrailer" means every vehicle without motive power designed for  
215 carrying persons or property and for being drawn by a motor vehicle and constructed so that  
216 some part of its weight and its load rests or is carried by another vehicle.

217 [~~56~~] (61) "Special group license plate" means a type of license plate designed for a  
218 particular group of people or a license plate authorized and issued by the division in accordance  
219 with Section 41-1a-418.

220 [~~57~~] (62) (a) "Special interest vehicle" means a vehicle used for general  
221 transportation purposes and that is:

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

225 (b) In making [~~his~~] the determination under Subsection [~~57~~] (62)(a), the division  
226 director shall give special consideration to:

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

235 [~~59~~] (63) "Specially constructed vehicle" means every vehicle of a type required to be  
236 registered in this state, not originally constructed under a distinctive name, make, model, or  
237 type by a generally recognized manufacturer of vehicles, and not materially altered from its  
238 original construction.

239 [~~58~~] (64) (a) "Special mobile equipment" means every vehicle:

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

243 (b) "Special mobile equipment" includes:

- 244 (i) farm tractors;



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

247 (iii) ditch-digging apparatus.

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

250 ~~[(60)]~~ [\(65\)](#) "Title" means the right to or ownership of a vehicle, vessel, or outboard  
251 motor.

252 ~~[(61)]~~ [\(66\)](#) (a) "Total fleet miles" means the total number of miles operated in all  
253 jurisdictions during the preceding year by power units.

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

257 ~~[(62)]~~ [\(67\)](#) "Trailer" means a vehicle without motive power designed for carrying  
258 persons or property and for being drawn by a motor vehicle and constructed so that no part of  
259 its weight rests upon the towing vehicle.

260 ~~[(63)]~~ [\(68\)](#) "Transferee" means a person to whom the ownership of property is  
261 conveyed by sale, gift, or any other means except by the creation of a security interest.

262 ~~[(64)]~~ [\(69\)](#) "Transferor" means a person who transfers his ownership in property by  
263 sale, gift, or any other means except by creation of a security interest.

264 ~~[(65)]~~ [\(70\)](#) "Travel trailer," "camping trailer," or "fifth wheel trailer" means a portable  
265 vehicle without motive power, designed as a temporary dwelling for travel, recreational, or  
266 vacation use that does not require a special highway movement permit when drawn by a  
267 self-propelled motor vehicle.

268 ~~[(66)]~~ [\(71\)](#) "Truck tractor" means a motor vehicle designed and used primarily for  
269 drawing other vehicles and not constructed to carry a load other than a part of the weight of the  
270 vehicle and load that is drawn.

271 ~~[(67)]~~ [\(72\)](#) "Vehicle" includes a motor vehicle, trailer, semitrailer, off-highway vehicle,  
272 manufactured home, and mobile home.

273 ~~[(68)]~~ [\(73\)](#) "Vessel" has the same meaning as provided in Section [73-18-2](#).

274 ~~[(69)]~~ [\(74\)](#) "Vintage vehicle" has the same meaning as provided in Section [41-21-1](#).

275 ~~[(70)]~~ [\(75\)](#) "Waters of this state" has the same meaning as provided in Section [73-18-2](#).

276 ~~[(71)]~~ (76) "Weighmaster" means a person, association of persons, or corporation  
277 permitted to weigh vehicles under this chapter.

278 Section 2. Section **41-1a-1206** is amended to read:

279 **41-1a-1206. Registration fees -- Fees by gross laden weight.**

280 (1) Except as provided in Subsections (2) and (3), at the time application is made for  
281 registration or renewal of registration of a vehicle or combination of vehicles under this  
282 chapter, a registration fee shall be paid to the division as follows:

283 (a) \$44.50 for each motorcycle;

284 (b) ~~[\$43]~~ for each motor vehicle of 12,000 pounds or less gross laden weight, excluding  
285 motorcycles~~;~~:

286 (i) \$43 for each motor vehicle fueled by motor fuel;

287 (ii) \$43 for each motor vehicle fueled by diesel fuel;

288 (iii) \$43 for each motor vehicle registered under Section [41-1a-301](#);

289 (iv) \$133 for each motor vehicle fueled by natural gas;

290 (v) \$138 for each electric motor vehicle;

291 (vi) \$163 for each hybrid electric motor vehicle; and

292 (vii) \$137 for each motor vehicle not described in Subsections (1)(b)(i) through (vi);

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

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

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

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

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

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

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

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

305 (2) At the time application is made for registration or renewal of registration of a  
306 vehicle under this chapter for a six-month registration period under Section [41-1a-215.5](#), a

307 registration fee shall be paid to the division as follows:

308 (a) \$33.50 for each motorcycle; and

309 (b) [~~\$32.50~~] for each motor vehicle of 12,000 pounds or less gross laden weight,  
310 excluding motorcycles[-];

311 (i) \$32.50 for each motor vehicle fueled by motor fuel;

312 (ii) \$32.50 for each motor vehicle fueled by diesel fuel;

313 (iii) \$32.50 for each motor vehicle registered under Section [41-1a-301](#);

314 (iv) \$100.50 for each motor vehicle fueled by natural gas;

315 (v) \$104 for each electric motor vehicle;

316 (vi) \$123 for each hybrid electric motor vehicle; and

317 (vii) \$103.50 for each motor vehicle not described in Subsections (2)(b)(i) through (vi).

318 (3) (a) The initial registration fee for a vintage vehicle that is 40 years old or older is  
319 \$40.

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

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

324 (4) If a motor vehicle is operated in combination with a semitrailer or trailer, each  
325 motor vehicle shall register for the total gross laden weight of all units of the combination if the  
326 total gross laden weight of the combination exceeds 12,000 pounds.

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

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

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

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

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

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

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

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

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

346 Section 3. Section 41-3-301 is amended to read:

347 **41-3-301. Sale by dealer, sale by auction -- Temporary permit -- Delivery of**  
348 **certificate of title or origin -- Notice to division.**

349 (1) (a) (i) Each dealer licensed under Part 2, Licensing, upon the sale and delivery of  
350 any motor vehicle for which a temporary permit is issued under Section 41-3-302 shall within  
351 45 days submit a certificate of title or manufacturer's certificate of origin for that motor vehicle,  
352 endorsed according to law, to the Motor Vehicle Division, accompanied by all documents  
353 required to obtain a new certificate of title and registration in the new owner's name.

354 (ii) Each dealer is responsible and liable for the registration fee for a vehicle described  
355 in Subsection (1)(a)(i).

356 (b) If a temporary permit is not issued, the certificate of title or manufacturer's  
357 certificate of origin shall be delivered to the vendee, endorsed according to law, within 48  
358 hours, unless the vendee is a dealer or dismantler in which case the title or manufacturer's  
359 certificate of origin shall be delivered within 21 days.

360 (c) (i) A motor vehicle consigned to an auction and sold is considered sold by the  
361 consignor to the auction and then sold by the auction to the consignee.

362 (ii) Both the consignor and auction are subject to this section.

363 (d) (i) (A) A motor vehicle consigned to a wholesale motor vehicle auction and sold to  
364 a licensed dealer or dismantler is considered sold by the consignor to the licensed dealer or  
365 dismantler.

366 (B) Both the consignor and the wholesale motor vehicle auction are subject to the title  
367 delivery requirements of Subsection (1)(b).

368 (C) The consignor, or the wholesale motor vehicle auction as the consignor's agent,

369 shall endorse the certificate of title according to law. By endorsing the certificate of title as  
370 agent of the consignor, the wholesale motor vehicle auction does not become the owner, seller,  
371 or assignor of title.

372 (ii) (A) A wholesale motor vehicle auction may purchase or sell motor vehicles in its  
373 own name.

374 (B) If a wholesale motor vehicle auction purchases or sells a motor vehicle in its own  
375 name, the wholesale motor vehicle auction is subject to Subsections (1)(a) and (1)(b).

376 (2) (a) (i) Each dealer licensed under Part 2, Licensing, upon the sale and delivery of a  
377 motor vehicle for which a temporary permit is issued under Section 41-3-302, shall within 45  
378 days give written notice of the sale to the Motor Vehicle Division upon a form provided by the  
379 Motor Vehicle Division.

380 (ii) The notice shall contain:

381 (A) the date of the sale;

382 (B) the names and addresses of the dealer and the purchaser;

383 (C) a description of the motor vehicle;

384 (D) the motor vehicle's odometer reading at the time of the sale; and

385 (E) other information required by the division.

386 (b) If no temporary permit is issued, the notice shall be filed with the division within  
387 45 days after the sale, and a duplicate copy shall be given to the purchaser at the time of sale,  
388 unless the purchaser is a dealer or dismantler.

389 (c) The administrator may make rules in accordance with Title 63G, Chapter 3, Utah  
390 Administrative Rulemaking Act, providing that the notice required under Subsections (2)(a)  
391 and (2)(b) may be filed in electronic form or on magnetic media.

392 Section 4. Section 41-3-302 is amended to read:

393 **41-3-302. Temporary permits -- Purchasers of motor vehicles -- Penalty for use**  
394 **after expiration -- Sale and rescission.**

395 (1) (a) ~~[(i)]~~ A dealer or the division may issue a temporary permit.

396 ~~[(i)]~~ (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
397 Act, the administrator shall makes rules for the issuance of a temporary permit under  
398 Subsection (1)(a)~~[(i)]~~.

399 ~~[(iii)]~~ (c) The division shall furnish the forms for temporary permits issued by dealers

400 under Subsection (1)(a)(~~i~~).

401 ~~[(b)]~~ (2) A dealer may issue a temporary permit to a bona fide purchaser of a motor  
402 vehicle for a period not to exceed 45 days on a motor vehicle sold to the purchaser by the  
403 dealer.

404 ~~[(c) The]~~ (3) Except as provided in Subsection (4), the dealer ~~[is responsible and liable~~  
405 ~~for the registration fee of]~~ shall pay a fee of \$50 for each motor vehicle for which ~~[the]~~ a permit  
406 is issued under this section.

407 ~~[(d) All issued temporary permits that are outstanding after 45 days from the date they~~  
408 ~~are issued are delinquent and a penalty equal to the registration fee shall be collected from the~~  
409 ~~issuing dealer.]~~

410 ~~[(2) If a temporary permit is issued by a dealer under this section and the sale of the~~  
411 ~~motor vehicle is subsequently rescinded, the temporary permit may be voided and the issuing~~  
412 ~~dealer is not liable for the registration fee or penalty.]~~

413 (4) A dealer is not required to pay the fee required under Subsection (3):

414 (a) if a Utah registration is obtained for the motor vehicle within the time frame  
415 allowed under Subsection (2); or

416 (b) if the sale of the motor vehicle for which the temporary permit is issued under this  
417 section is subsequently rescinded and the temporary permit is voided.

418 Section 5. **Effective date.**

419 This bill takes effect on January 1, 2015.

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**Legislative Review Note**

as of 2-5-14 7:59 AM

**Office of Legislative Research and General Counsel**