

AVALANCHE TRAINING AND PREVENTION AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lee B. Perry

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions regarding snowmobile registration and safety.

Highlighted Provisions:

This bill:

- ▶ creates and provides an exemption to an additional fee for registration of snowmobiles;
- ▶ distributes the funds from the fee to promote snowmobile and avalanche safety and education; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-22-8, as last amended by Laws of Utah 2012, Chapter 71

53-2a-1102, as last amended by Laws of Utah 2015, Chapter 408

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

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



28 **41-22-8. Registration fees.**

29 (1) ~~[The]~~ Except as provided in Subsection (3), the board shall establish the fees which
30 shall be paid in accordance with this chapter, subject to the following:

31 (a) (i) Except as provided in Subsection (1)(a)(ii), the fee for each off-highway vehicle
32 registration may not exceed \$18.

33 (ii) The fee for each snowmobile registration may not exceed ~~[\$26]~~ \$31.

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

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

36 (2) ~~[A]~~ The division may not charge a fee ~~[may not be charged]~~ for an off-highway
37 vehicle that is owned and operated by the United States Government, this state, or its political
38 subdivisions.

39 (3) (a) In addition to the fee established by the board under Subsection (1) for
40 snowmobile registration, an applicant for registration of a snowmobile shall:

41 (i) provide to the Motor Vehicle Division evidence of completion by the applicant of
42 an avalanche safety course in the last two years; or

43 (ii) pay to the Motor Vehicle Division an additional \$5 fee.

44 (b) The division shall deposit \$2.50 of the fee collected under Subsection (3)(a)(ii) into
45 the General Fund as a dedicated credit to be used by the Department of Natural Resources to:

46 (i) promote and provide avalanche safety education courses;

47 (ii) promote and provide snowmobile education courses; and

48 (iii) maintain snowmobile trails.

49 (c) The division shall deposit \$2.50 of the fee collected under Subsection (3)(a)(ii) into
50 the General Fund as a dedicated credit to be used by the Division of Emergency Management,
51 only for the Search and Rescue Financial Assistance Program created in Section [53-2a-1102](#).

52 Section 2. Section **53-2a-1102** is amended to read:

53 **53-2a-1102. Search and Rescue Financial Assistance Program -- Uses --**

54 **Rulemaking -- Distribution.**

55 (1) (a) "Assistance card program" means the Utah Search and Rescue Assistance Card
56 Program created within this section.

57 (b) "Card" means the Search and Rescue Assistance Card issued under this section to a
58 participant.

59 (c) "Participant" means an individual, family, or group who is registered pursuant to
60 this section as having a valid card at the time search, rescue, or both are provided.

61 (d) "Program" means the Search and Rescue Financial Assistance Program created
62 within this section.

63 (e) (i) "Reimbursable expenses," as used in this section, means those reasonable
64 expenses incidental to search and rescue activities.

65 (ii) "Reimbursable expenses" include:

66 (A) rental for fixed wing aircraft, helicopters, snowmobiles, boats, and generators;

67 (B) replacement and upgrade of search and rescue equipment;

68 (C) training of search and rescue volunteers;

69 (D) costs of providing workers' compensation benefits for volunteer search and rescue
70 team members under Section 67-20-7.5; and

71 (E) any other equipment or expenses necessary or appropriate for conducting search
72 and rescue activities.

73 (iii) "Reimbursable expenses" do not include any salary or overtime paid to any person
74 on a regular or permanent payroll, including permanent part-time employees of any agency of
75 the state.

76 (f) "Rescue" means search services, rescue services, or both search and rescue services.

77 (2) There is created the Search and Rescue Financial Assistance Program within the
78 division.

79 (3) (a) The program shall be funded from the following revenue sources:

80 (i) any voluntary contributions to the state received for search and rescue operations;

81 (ii) money received by the state under Subsection (11) ~~and~~, under Sections 23-19-42,
82 41-22-34, and 73-18-24, and under Subsection 41-22-8(3)(c); and

83 (iii) appropriations made to the program by the Legislature.

84 (b) All money received from the revenue sources in Subsections (3)(a)(i) and (ii) shall
85 be deposited into the General Fund as a dedicated credit to be used solely for the purposes
86 under this section.

87 (c) All funding for the program is nonlapsing.

88 (4) The director shall use the money to reimburse counties for all or a portion of each
89 county's reimbursable expenses for search and rescue operations, subject to:

90 (a) the approval of the Search and Rescue Advisory Board as provided in Section
91 53-2a-1104;

92 (b) money available in the program; and

93 (c) rules made under Subsection (7).

94 (5) ~~[Program]~~ The division may not use program money ~~[may not be used]~~ to
95 reimburse ~~[for]~~ any paid personnel costs or paid man hours spent in emergency response and
96 search and rescue related activities.

97 (6) The Legislature finds that these funds are for a general and statewide public
98 purpose.

99 (7) The division, with the approval of the Search and Rescue Advisory Board, shall
100 make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
101 consistent with this section:

102 (a) specifying the costs that qualify as reimbursable expenses;

103 (b) defining the procedures of counties to submit expenses and be reimbursed;

104 (c) defining a participant in the assistance card program, including~~[-(i)]~~ individuals~~[-~~
105 ~~and (ii)]~~, families, and organized groups who qualify as participants;

106 (d) defining the procedure for issuing a card to a participant;

107 (e) defining excluded expenses that may not be reimbursed under the program,
108 including medical expenses;

109 (f) establishing the card renewal cycle for the Utah Search and Rescue Assistance Card
110 Program;

111 (g) establishing the frequency of review of the fee schedule;

112 (h) providing for the administration of the program; and

113 (i) providing a formula to govern the distribution of available money among the
114 counties for uncompensated search and rescue expenses based on:

115 (i) the total qualifying expenses submitted;

116 (ii) the number of search and rescue incidents per county population;

117 (iii) the number of victims that reside outside the county; and

118 (iv) the number of volunteer hours spent in each county in emergency response and
119 search and rescue related activities per county population.

120 (8) (a) The division shall, in consultation with the Outdoor Recreation Office, establish

121 the fee schedule of the Search and Rescue Assistance Card under Subsection 63J-1-504(6).

122 (b) The division shall provide a discount of not less than 10% of the card fee under
123 Subsection (8)(a) to a person who has paid a fee under Section 23-19-42, 41-22-34, or
124 73-18-24 during the same calendar year in which the person applies to be a participant in the
125 assistance card program.

126 (9) (a) Counties may bill reimbursable expenses to an individual for costs incurred for
127 the rescue of an individual, if the individual is not a participant in the Utah Search and Rescue
128 Assistance Card Program.

129 (b) Counties may bill a participant for reimbursable expenses for costs incurred for the
130 rescue of the participant if the participant is found by the rescuing county to have acted
131 recklessly or to have intentionally created a situation resulting in the need for a county to
132 provide rescue service for the participant.

133 (10) (a) There is created the Utah Search and Rescue Assistance Card Program[~~— The~~
134 ~~program is~~] located within the division.

135 (b) The division may not use the program [~~may not be utilized~~] to cover any expenses,
136 such as medically related expenses, that are not reimbursable expenses related to the rescue.

137 (11) (a) To participate in the program, a person shall purchase a Search and Rescue
138 Assistance Card from the division by paying the fee as determined by the division in
139 Subsection (8).

140 (b) The division shall deposit the money generated by the fees [~~shall be deposited~~] into
141 the General Fund as a dedicated credit for the Search and Rescue Financial Assistance Program
142 created in this section.

143 (c) Participation and payment of fees by a person under Sections 23-19-42, 41-22-34,
144 and 73-18-24, and Subsection 41-22-8(3) do not constitute purchase of a card under this
145 section.

146 (12) The division shall consult with the Outdoor Recreation Office regarding:

147 (a) administration of the assistance card program; and

148 (b) outreach and marketing strategies.

149 (13) Pursuant to Subsection 31A-1-103(7), the Utah Search and Rescue Assistance
150 Card Program under this section is exempt from being considered an insurance program under
151 Subsection 31A-1-301(86).

Legislative Review Note
Office of Legislative Research and General Counsel