

1 **SPECIALIZED LICENSE PLATE AMENDMENTS**

2 2017 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Wayne A. Harper**

5 House Sponsor: Ken Ivory

7 **LONG TITLE**

8 **Committee Note:**

9 The Transportation Interim Committee recommended this bill.

10 **General Description:**

11 This bill amends provisions related to license plates on apportioned vehicles.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ allows the division to issue a second license plate to an owner or operator of an
15 apportioned vehicle; and

16 ▶ makes technical changes.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 **AMENDS:**

23 **41-1a-222**, as last amended by Laws of Utah 2005, Chapters 217 and 244

24 **41-1a-301**, as last amended by Laws of Utah 2015, Chapter 412

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

27 Section 1. Section **41-1a-222** is amended to read:



28 **41-1a-222. Application for multiyear registration -- Payment of taxes -- Penalties.**

29 (1) The owner of any intrastate fleet of commercial vehicles which is based in the state
30 may apply to the commission for registration in accordance with this section.

31 (a) The application shall be made on a form prescribed by the commission.

32 (b) Upon payment of required fees and meeting other requirements prescribed by the
33 commission, the division shall issue, to each vehicle for which application has been made, a
34 multiyear license plate and registration card.

35 (i) The license plate decal and the registration card shall bear an expiration date fixed
36 by the division and are valid until ownership of the vehicle to which they are issued is
37 transferred by the applicant or until the expiration date, whichever comes first.

38 (ii) An annual renewal application must be made by the owner if registration
39 identification has been issued on an annual installment fee basis and the required fees must be
40 paid on an annual basis.

41 (iii) License plates and registration cards issued pursuant to this section are valid for an
42 eight-year period, commencing with the year of initial application in this state.

43 (c) When application for registration or renewal is made on an installment payment
44 basis, the applicant shall submit acceptable evidence of a surety bond in a form, and with a
45 surety, approved by the commission and in an amount equal to the total annual fees required
46 for all vehicles registered to the applicant in accordance with this section.

47 (2) Each vehicle registered as part of a fleet of commercial vehicles must be titled in
48 the name of the fleet.

49 (3) Each owner who registers fleets pursuant to this section shall pay the taxes or in
50 lieu fees otherwise due pursuant to:

51 (a) Section 41-1a-206;

52 (b) Section 41-1a-207;

53 (c) Subsection 41-1a-301~~(11)~~(12);

54 (d) Section 59-2-405.1;

55 (e) Section 59-2-405.2; or

56 (f) Section 59-2-405.3.

57 (4) An owner who fails to comply with the provisions of this section is subject to the
58 penalties in Section 41-1a-1301 and, if the commission so determines, will result in the loss of

59 the privileges granted in this section.

60 Section 2. Section **41-1a-301** is amended to read:

61 **41-1a-301. Apportioned registration and licensing of interstate vehicles.**

62 (1) For purposes of this section, "registrant" means an owner or operator of one or
 63 more commercial vehicles operating in two or more jurisdictions applying for apportioned
 64 registration and licensing of a commercial vehicle.

65 ~~[(1)]~~ (2) (a) An owner or operator of a fleet of commercial vehicles based in this state
 66 and operating in two or more jurisdictions may register commercial vehicles for operation
 67 under the International Registration Plan or the Uniform Vehicle Registration Proration and
 68 Reciprocity Agreement by filing an application with the division.

69 (b) The application shall include information that identifies the vehicle owner, the
 70 vehicle, the miles traveled in each jurisdiction, and other information pertinent to the
 71 registration of apportioned vehicles.

72 (c) ~~[Vehicles]~~ The division may not grant apportioned registration for vehicles
 73 operated exclusively in this state [may not be apportioned].

74 ~~[(2)]~~ (3) (a) If no operations were conducted during the preceding year, in computing
 75 fees due:

76 (i) the application shall contain a statement of the proposed operations; and [an
 77 estimate of annual mileage for each jurisdiction. (b) The division may adjust the estimate if the
 78 division is not satisfied with its correctness.]

79 (ii) the division shall determine fees based on average per vehicle distance
 80 requirements under the International Registration Plan.

81 ~~[(c)]~~ (b) At renewal, the registrant shall use the actual mileage from the preceding year
 82 in computing fees due each jurisdiction.

83 ~~[(3)]~~ (4) The division shall determine the registration fee for apportioned vehicles
 84 [shall be determined] as follows:

85 (a) divide the in-jurisdiction miles by the total miles generated during the preceding
 86 year;

87 (b) total the fees for each vehicle based on the fees prescribed in Section [41-1a-1206](#);
 88 and

89 (c) multiply the sum obtained under Subsection ~~[(3)]~~ (4)(b) by the quotient obtained

90 under Subsection ~~[(3)]~~ (4)(a).

91 ~~[(4) Trailers]~~ (5) The registrant may list trailers or semitrailers of apportioned fleets
92 ~~[may be listed]~~ separately as "trailer fleets" on the application, with the fees paid according to
93 the total distance those trailers were towed in all jurisdictions during the preceding year
94 mileage reporting period.

95 ~~[(5)]~~ (6) (a) (i) When the registrant has paid the proper fees ~~[have been paid]~~ and
96 cleared the property tax or in lieu fee ~~[has been cleared]~~ under Section 41-1a-206 or 41-1a-207,
97 the division shall issue a registration card, annual decal, and where necessary, license plate,
98 ~~[will be issued]~~ for each unit listed on the application.

99 (ii) ~~[An]~~ The owner or operator shall carry an original registration ~~[must be carried]~~ in
100 each vehicle at all times.

101 (b) ~~[Original]~~ The owner or operator may carry original registration cards for trailers or
102 semitrailers ~~[may be carried]~~ in the power unit.

103 (c) (i) In lieu of a permanent registration card or license plate, the division may issue
104 one temporary permit authorizing operation of new or unlicensed vehicles until the permanent
105 registration is completed.

106 (ii) Once a temporary permit is issued~~[, the]~~:

107 (A) neither the registrant nor the division may cancel the registration process ~~[may not~~
108 ~~be cancelled. Registration must be completed]; and~~

109 (B) the division shall complete registration and the registrant shall pay the fees and any
110 property tax or in lieu fee due ~~[must be paid]~~ for the vehicle for which the permit was issued.

111 (iii) ~~[Temporary]~~ The division may not issue temporary permits ~~[may not be issued]~~ for
112 renewals.

113 (d) (i) The division shall issue one distinctive license plate ~~[that displays the letters~~
114 ~~APP]~~ for apportioned vehicles.

115 (ii) The owner or operator shall display the plate ~~[shall be displayed]~~ on the front of an
116 apportioned truck tractor or power unit or on the rear of any other apportioned vehicle.

117 (iii) ~~[Distinctive]~~ The division shall issue distinctive decals displaying the word
118 "apportioned" and the month and year of expiration ~~[shall be issued]~~ for each apportioned
119 vehicle.

120 (iv) At the request of a registrant of an apportioned vehicle, the division may issue a

121 second license plate, for a total of two, to display on both the front and rear of the apportioned
122 vehicle.

123 (e) ~~[A]~~ The division shall charge a nonrefundable administrative fee, determined by the
124 commission pursuant to Section 63J-1-504, ~~[shall be charged]~~ for each temporary permit,
125 registration, or both.

126 ~~[(6)]~~ (7) Vehicles that are apportionally registered are fully registered for intrastate and
127 interstate movements, providing the registrant has secured proper interstate and intrastate
128 authority ~~[has been secured]~~.

129 ~~[(7)(a) Vehicles]~~ (8) (a) The division shall register vehicles added to an apportioned
130 fleet after the beginning of the registration year ~~[shall be registered]~~ by applying the quotient
131 under Subsection ~~[(3)]~~ (4)(a) for the original application to the fees due for the remainder of the
132 registration year.

133 (b) (i) The owner shall maintain and submit complete annual mileage for each vehicle
134 in each jurisdiction, showing all miles operated by the lessor and lessee.

135 (ii) The fiscal mileage reporting period begins July 1, and continues through June 30 of
136 the year immediately preceding the calendar year in which the registration year begins.

137 (c) (i) An owner-operator, who is a lessor, may ~~[be the registrant and]~~ register the
138 vehicle ~~[may be registered]~~ in the name of the owner-operator.

139 (ii) The identification plates and registration card shall be the property of the lessor and
140 may reflect both the owner-operator's name and that of the carrier as lessee.

141 (iii) The ~~[allocation of fees shall be]~~ division shall allocate the fees according to the
142 operational records of the owner-operator.

143 (d) (i) ~~[The]~~ At the option of the lessor, the lessee may ~~[be the registrant of]~~ register a
144 leased vehicle ~~[at the option of the lessor]~~.

145 (ii) If a lessee is the registrant of a leased vehicle, both the lessor's and lessee's name
146 shall appear on the registration.

147 (iii) The ~~[allocation of fees shall be]~~ division shall allocate the fees according to the
148 records of the carrier.

149 ~~[(8)(a) Any registrant whose]~~

150 (9) (a) When the division has accepted an application for apportioned registration ~~[has~~
151 ~~been accepted]~~, the registrant shall preserve the records on which the application is based for a

152 period of three years after the close of the registration year.

153 (b) ~~[The records shall be made available to the division upon]~~ Upon request for audit
154 as to accuracy of computations, payments, and assessments for deficiencies, or allowances for
155 credits, the registrant shall provide the records to the division.

156 (c) ~~[An]~~ The division may not make an assessment for deficiency or claim for credit
157 ~~[may not be made]~~ for any period for which records are no longer required.

158 (d) ~~[Interest]~~ The division may assess interest in the amount prescribed by Section
159 [59-1-402](#) ~~[shall be assessed or paid]~~ from the date due until paid on deficiencies found due
160 after audit.

161 (e) Registrants with deficiencies are subject to the penalties under Section [59-1-401](#).

162 (f) The division may enter into agreements with other International Registration Plan
163 jurisdictions for joint audits.

164 ~~[(9)]~~ (10) (a) Except as provided in Subsection ~~[(9)]~~ (10)(b), the division shall deposit
165 all state fees collected under this section ~~[shall be deposited]~~ in the Transportation Fund.

166 (b) The commission may use the following fees ~~[may be used by the commission]~~ as a
167 dedicated credit to cover the costs of electronic credentialing as provided in Section [41-1a-303](#):

168 (i) \$5 of each temporary registration permit fee paid under Subsection ~~[(12)]~~ (13)(a)(i)
169 for a single unit; and

170 (ii) \$10 of each temporary registration permit fee paid under Subsection ~~[(12)]~~
171 (13)(a)(ii) for multiple units.

172 ~~[(10)]~~ (11) If registration is for less than a full year, the division shall assess fees for
173 apportioned registration ~~[shall be assessed]~~ according to Section [41-1a-1207](#).

174 (a) (i) If the registrant is replacing a vehicle for one withdrawn from the fleet and the
175 new vehicle is of the same weight category as the replaced vehicle, the registrant ~~[must]~~ shall
176 file a supplemental application.

177 ~~[(ii) A registration card that transfers the license plate to the new vehicle shall be~~
178 ~~issued.]~~

179 ~~[(iii) When a replacement vehicle is of greater weight than the replaced vehicle,~~
180 ~~additional registration fees are due.]~~

181 (ii) If the registrant is replacing a vehicle for one withdrawn from the fleet and the new
182 vehicle is heavier than the replaced vehicle, the division shall assess additional registration

183 fees.

184 (iii) If the registrant is replacing a vehicle for one withdrawn from the fleet, the
185 division shall issue a new registration card.

186 (b) If a vehicle is withdrawn from an apportioned fleet during the period for which it is
187 registered, the registrant shall notify the division and surrender the registration card and license
188 plate of the withdrawn vehicle.

189 ~~[(H)]~~ (12) (a) An out-of-state carrier with an apportionally registered vehicle who has
190 not presented a certificate of property tax or in lieu fee as required by Section 41-1a-206 or
191 41-1a-207, shall pay, at the time of registration, a proportional part of an equalized highway
192 use tax computed as follows:

193 (i) Multiply the number of vehicles or combination vehicles registered in each weight
194 class by the equivalent tax figure from the following tables:

195	Vehicle or Combination		
	Registered Weight	Age of Vehicle	Equivalent Tax
196	12,000 pounds or less	12 or more years	\$10
197	12,000 pounds or less	9 or more years but less than 12 years	\$50
198	12,000 pounds or less	6 or more years but less than 9 years	\$80
199	12,000 pounds or less	3 or more years but less than 6 years	\$110
200	12,000 pounds or less	Less than 3 years	\$150

201	Vehicle or Combination	Equivalent
	Registered Weight	Tax
202	12,001 - 18,000 pounds	\$150
203	18,001 - 34,000 pounds	200
204	34,001 - 48,000 pounds	300
205	48,001 - 64,000 pounds	450
206	64,001 pounds and over	600

207 (ii) Multiply the equivalent tax value for the total fleet determined under Subsection
208 ~~[(H)]~~ (12)(a)(i) by the fraction computed under Subsection ~~[(3)]~~ (4) for the apportioned fleet
209 for the registration year.

210 (b) [~~Fees shall be assessed~~] For registration described in Subsection (12)(a), the
211 division shall assess fees as provided in Section 41-1a-1207.

212 [~~(12)~~] (13) (a) Commercial vehicles meeting the registration requirements of another
213 jurisdiction may, as an alternative to full or apportioned registration, secure a temporary
214 registration permit for a period not to exceed 96 hours or until they leave the state, whichever is
215 less, for a fee of:

216 (i) \$25 for a single unit; and

217 (ii) \$50 for multiple units.

218 (b) A state temporary permit or registration fee is not required from nonresident owners
219 or operators of vehicles or combination of vehicles having a gross laden weight of 26,000
220 pounds or less for each single unit or combination.

221 [~~(13)-A~~] (14) The division may not register a park model recreational vehicle [~~may not~~
222 ~~be registered~~] under this section.

223 [~~(14)~~] (15) A violation of this section is an infraction.

Legislative Review Note
Office of Legislative Research and General Counsel