

1 **OFF-HIGHWAY VEHICLE AMENDMENTS**

2 2018 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Michael E. Noel**

5 Senate Sponsor: Evan J. Vickers

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions related to off-highway vehicles.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ modifies the registration fee and uniform statewide fee for all-terrain vehicles,
- 13 certain motorcycles, snowmobiles, and street-legal all-terrain vehicles; and
- 14 ▶ makes technical and conforming changes.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 This bill provides a special effective date.

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **41-6a-1509**, as last amended by Laws of Utah 2017, Chapters 393 and 406

22 **41-22-8**, as last amended by Laws of Utah 2017, Chapter 261

23 **59-2-405.2**, as last amended by Laws of Utah 2014, Chapter 237

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

26 Section 1. Section **41-6a-1509** is amended to read:

27 **41-6a-1509. Street-legal all-terrain vehicle -- Operation on highways --**
28 **Registration and licensing requirements -- Equipment requirements.**

29 (1) (a) An all-terrain type I vehicle, utility type vehicle, or full-sized all-terrain vehicle
30 that meets the requirements of this section may be operated as a street-legal ATV on a street or
31 highway unless:

- 32 (i) the highway is an interstate freeway as defined in Section 41-6a-102; or
- 33 (ii) (A) the highway is in a county of the first class;
- 34 (B) the highway is near a grade separated portion of the highway;
- 35 (C) the highway has a posted speed limit of 50 miles per hour or greater; and
- 36 (D) the highway authority with jurisdiction over the highway has designated a portion
37 of a highway as closed to street-legal ATVs.

38 (b) The restriction to street-legal ATVs described in Subsection (1)(a)(ii) is effective
39 when appropriate signs giving notice are erected on the highway or portion of the highway.

40 (c) Nothing in this section authorizes the operation of a street-legal ATV in an area that
41 is not open to motor vehicle use.

42 (2) A street-legal ATV shall comply with Section 59-2-405.2, Subsection
43 41-1a-205(1), Subsection 53-8-205(1)(b), and the same requirements as:

- 44 (a) a motorcycle for:
 - 45 (i) traffic rules under Title 41, Chapter 6a, Traffic Code;
 - 46 (ii) ~~registration,~~ titling, odometer statement, vehicle identification, license plates, and
47 registration ~~[fees], excluding registration fees,~~ under Title 41, Chapter 1a, Motor Vehicle Act;
48 and

49 ~~[(iii) fees in lieu of property taxes or in lieu of fees under Section 59-2-405.2; and]~~
50 ~~[(iv)]~~ (iii) the county motor vehicle emissions inspection and maintenance programs
51 under Section 41-6a-1642;

- 52 (b) a motor vehicle for:
 - 53 (i) driver licensing under Title 53, Chapter 3, Uniform Driver License Act; and
 - 54 (ii) motor vehicle insurance under Title 41, Chapter 12a, Financial Responsibility of
55 Motor Vehicle Owners and Operators Act; and

56 (c) an all-terrain type I or type II vehicle for off-highway vehicle provisions under Title
57 41, Chapter 22, Off-Highway Vehicles, and Title 41, Chapter 3, Motor Vehicle Business
58 Regulation Act, unless otherwise specified in this section.

59 (3) (a) The owner of an all-terrain type I vehicle or a utility type vehicle being operated
60 as a street-legal ATV shall ensure that the vehicle is equipped with:

- 61 (i) one or more headlamps that meet the requirements of Section 41-6a-1603;
- 62 (ii) one or more tail lamps;
- 63 (iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate
64 with a white light;
- 65 (iv) one or more red reflectors on the rear;
- 66 (v) one or more stop lamps on the rear;
- 67 (vi) amber or red electric turn signals, one on each side of the front and rear;
- 68 (vii) a braking system, other than a parking brake, that meets the requirements of
69 Section 41-6a-1623;
- 70 (viii) a horn or other warning device that meets the requirements of Section
71 41-6a-1625;
- 72 (ix) a muffler and emission control system that meets the requirements of Section
73 41-6a-1626;
- 74 (x) rearview mirrors on the right and left side of the driver in accordance with Section
75 41-6a-1627;
- 76 (xi) a windshield, unless the operator wears eye protection while operating the vehicle;
- 77 (xii) a speedometer, illuminated for nighttime operation;
- 78 (xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a
79 seat designed for passengers, including a footrest and handhold for each passenger;
- 80 (xiv) for vehicles with side-by-side seating, seatbelts for each vehicle occupant; and
- 81 (xv) tires that:
82 (A) are not larger than the tires that the all-terrain vehicle manufacturer made available

83 for the all-terrain vehicle model; and
84 (B) have at least 2/32 inches or greater tire tread.
85 (b) The owner of a full-sized all-terrain vehicle being operated as a street-legal
86 all-terrain vehicle shall ensure that the vehicle is equipped with:
87 (i) two headlamps that meet the requirements of Section 41-6a-1603;
88 (ii) two tail lamps;
89 (iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate
90 with a white light;
91 (iv) one or more red reflectors on the rear;
92 (v) two stop lamps on the rear;
93 (vi) amber or red electric turn signals, one on each side of the front and rear;
94 (vii) a braking system, other than a parking brake, that meets the requirements of
95 Section 41-6a-1623;
96 (viii) a horn or other warning device that meets the requirements of Section
97 41-6a-1625;
98 (ix) a muffler and emission control system that meets the requirements of Section
99 41-6a-1626;
100 (x) rearview mirrors on the right and left side of the driver in accordance with Section
101 41-6a-1627;
102 (xi) a windshield, unless the operator wears eye protection while operating the vehicle;
103 (xii) a speedometer, illuminated for nighttime operation;
104 (xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a
105 seat designed for passengers, including a footrest and handhold for each passenger;
106 (xiv) for vehicles with side-by-side seating, seatbelts for each vehicle occupant; and
107 (xv) tires that:
108 (A) do not exceed 44 inches in height; and
109 (B) have at least 2/32 inches or greater tire tread.

110 (c) The owner of a street-legal all-terrain vehicle is not required to equip the vehicle
111 with wheel covers, mudguards, flaps, or splash aprons.

112 (4) (a) Subject to the requirements of Subsection (4)(b), an operator of a street-legal
113 all-terrain vehicle, when operating a street-legal all-terrain vehicle on a highway, may not
114 exceed the lesser of:

115 (i) the posted speed limit; or

116 (ii) 50 miles per hour.

117 (b) An operator of a street-legal all-terrain vehicle, when operating a street-legal
118 all-terrain vehicle on a highway with a posted speed limit higher than 50 miles per hour, shall:

119 (i) operate the street-legal all-terrain vehicle on the extreme right hand side of the
120 roadway; and

121 (ii) equip the street-legal all-terrain vehicle with a reflector or reflective tape to the front
122 and back of both sides of the vehicle.

123 (5) (a) A nonresident operator of an off-highway vehicle that is authorized to be
124 operated on the highways of another state has the same rights and privileges as a street-legal
125 ATV that is granted operating privileges on the highways of this state, subject to the
126 restrictions under this section and rules made by the Board of Parks and Recreation, if the other
127 state offers reciprocal operating privileges to Utah residents.

128 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
129 Board of Parks and Recreation shall establish eligibility requirements for reciprocal operating
130 privileges for nonresident users granted under Subsection (5)(a).

131 (6) Nothing in this chapter restricts the owner of an off-highway vehicle from operating
132 the off-highway vehicle in accordance with Section [41-22-10.5](#).

133 (7) A violation of this section is an infraction.

134 Section 2. Section **41-22-8** is amended to read:

135 **41-22-8. Registration fees.**

136 (1) The board shall establish the fees which shall be paid in accordance with this

137 chapter, subject to the following:

138 (a) (i) Except as provided in Subsection (1)(a)(ii) or (iii), the fee for each off-highway
139 vehicle registration may not exceed [~~\$18~~] \$35.

140 (ii) The fee for each snowmobile registration may not exceed \$26.

141 (iii) The fee for each street-legal all-terrain vehicle may not exceed \$72.

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

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

144 (2) A fee may not be charged for an off-highway vehicle that is owned and operated by
145 the United States Government, this state, or its political subdivisions.

146 (3) (a) In addition to the fees under this section, Section 41-22-33, and Section
147 41-22-34, the Motor Vehicle Division shall require a person to pay [~~50 cents~~] one dollar to
148 register an off-highway vehicle under Section 41-22-3.

149 (b) The Motor Vehicle Division shall deposit the fees the Motor Vehicle Division
150 collects under Subsection (3)(a) into the Spinal Cord and Brain Injury Rehabilitation Fund
151 described in Section 26-54-102.

152 Section 3. Section **59-2-405.2** is amended to read:

153 **59-2-405.2. Definitions -- Uniform statewide fee on certain tangible personal**
154 **property -- Distribution of revenues -- Rulemaking authority -- Determining the length of**
155 **a vessel.**

156 (1) As used in this section:

157 (a) (i) Except as provided in Subsection (1)(a)(ii), "all-terrain vehicle" means a motor
158 vehicle that:

159 (A) is an:

160 (I) all-terrain type I vehicle as defined in Section 41-22-2; or

161 (II) all-terrain type II vehicle as defined in Section 41-22-2;

162 (B) is required to be registered in accordance with Title 41, Chapter 22, Off-Highway
163 Vehicles; and

- 164 (C) has:
- 165 (I) an engine with more than 150 cubic centimeters displacement;
- 166 (II) a motor that produces more than five horsepower; or
- 167 (III) an electric motor; and
- 168 (ii) notwithstanding Subsection (1)(a)(i), "all-terrain vehicle" does not include a
- 169 snowmobile.
- 170 (b) "Camper" means a camper:
- 171 (i) as defined in Section [41-1a-102](#); and
- 172 (ii) that is required to be registered in accordance with Title 41, Chapter 1a, Part 2,
- 173 Registration.
- 174 (c) (i) "Canoe" means a vessel that:
- 175 (A) is long and narrow;
- 176 (B) has curved sides; and
- 177 (C) is tapered:
- 178 (I) to two pointed ends; or
- 179 (II) to one pointed end and is blunt on the other end; and
- 180 (ii) "canoe" includes:
- 181 (A) a collapsible inflatable canoe;
- 182 (B) a kayak;
- 183 (C) a racing shell;
- 184 (D) a rowing scull; or
- 185 (E) notwithstanding the definition of vessel in Subsection (1)(bb), a canoe with an
- 186 outboard motor.
- 187 (d) "Dealer" is as defined in Section [41-1a-102](#).
- 188 (e) "Jon boat" means a vessel that:
- 189 (i) has a square bow; and
- 190 (ii) has a flat bottom.

- 191 (f) "Motor vehicle" is as defined in Section 41-22-2.
- 192 (g) "Other motorcycle" means a motor vehicle that:
- 193 (i) is:
- 194 (A) a motorcycle as defined in Section 41-1a-102; and
- 195 (B) designed primarily for use and operation over unimproved terrain;
- 196 (ii) is required to be registered in accordance with Title 41, Chapter 1a, Part 2,
- 197 Registration; and
- 198 (iii) has:
- 199 (A) an engine with more than 150 cubic centimeters displacement; or
- 200 (B) a motor that produces more than five horsepower.
- 201 (h) (i) "Other trailer" means a portable vehicle without motive power that is primarily
- 202 used:
- 203 (A) to transport tangible personal property; and
- 204 (B) for a purpose other than a commercial purpose; and
- 205 (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for
- 206 purposes of Subsection (1)(h)(i)(B), the commission may by rule define what constitutes a
- 207 purpose other than a commercial purpose.
- 208 (i) "Outboard motor" is as defined in Section 41-1a-102.
- 209 (j) "Park model recreational vehicle" is as defined in Section 41-1a-102.
- 210 (k) "Personal watercraft" means a personal watercraft:
- 211 (i) as defined in Section 73-18-2; and
- 212 (ii) that is required to be registered in accordance with Title 73, Chapter 18, State
- 213 Boating Act.
- 214 (l) (i) "Pontoon" means a vessel that:
- 215 (A) is:
- 216 (I) supported by one or more floats; and
- 217 (II) propelled by either inboard or outboard power; and

- 218 (B) is not:
- 219 (I) a houseboat; or
- 220 (II) a collapsible inflatable vessel; and
- 221 (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 222 commission may by rule define the term "houseboat."
- 223 (m) "Qualifying adjustment, exemption, or reduction" means an adjustment,
- 224 exemption, or reduction:
- 225 (i) of all or a portion of a qualifying payment;
- 226 (ii) granted by a county during the refund period; and
- 227 (iii) received by a qualifying person.
- 228 (n) (i) "Qualifying payment" means the payment made:
- 229 (A) of a uniform statewide fee in accordance with this section:
- 230 (I) by a qualifying person;
- 231 (II) to a county; and
- 232 (III) during the refund period; and
- 233 (B) on an item of qualifying tangible personal property; and
- 234 (ii) if a qualifying person received a qualifying adjustment, exemption, or reduction for
- 235 an item of qualifying tangible personal property, the qualifying payment for that qualifying
- 236 tangible personal property is equal to the difference between:
- 237 (A) the payment described in this Subsection (1)(n) for that item of qualifying tangible
- 238 personal property; and
- 239 (B) the amount of the qualifying adjustment, exemption, or reduction.
- 240 (o) "Qualifying person" means a person that paid a uniform statewide fee:
- 241 (i) during the refund period;
- 242 (ii) in accordance with this section; and
- 243 (iii) on an item of qualifying tangible personal property.
- 244 (p) "Qualifying tangible personal property" means a:

- 245 (i) qualifying vehicle; or
246 (ii) qualifying watercraft.
247 (q) "Qualifying vehicle" means:
248 (i) an all-terrain vehicle with an engine displacement that is 100 or more cubic
249 centimeters but 150 or less cubic centimeters;
250 (ii) an other motorcycle with an engine displacement that is 100 or more cubic
251 centimeters but 150 or less cubic centimeters;
252 (iii) a small motor vehicle with an engine displacement that is 100 or more cubic
253 centimeters but 150 or less cubic centimeters;
254 (iv) a snowmobile with an engine displacement that is 100 or more cubic centimeters
255 but 150 or less cubic centimeters; or
256 (v) a street motorcycle with an engine displacement that is 100 or more cubic
257 centimeters but 150 or less cubic centimeters.
258 (r) "Qualifying watercraft" means a:
259 (i) canoe;
260 (ii) collapsible inflatable vessel;
261 (iii) jon boat;
262 (iv) pontoon;
263 (v) sailboat; or
264 (vi) utility boat.
265 (s) "Refund period" means the time period:
266 (i) beginning on January 1, 2006; and
267 (ii) ending on December 29, 2006.
268 (t) "Sailboat" means a sailboat as defined in Section [73-18-2](#).
269 (u) (i) "Small motor vehicle" means a motor vehicle that:
270 (A) is required to be registered in accordance with Title 41, Motor Vehicles; and
271 (B) has:

272 (I) an engine with 150 or less cubic centimeters displacement; or
273 (II) a motor that produces five or less horsepower; and
274 (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
275 commission may by rule develop a process for an owner of a motor vehicle to certify whether
276 the motor vehicle has:
277 (A) an engine with 150 or less cubic centimeters displacement; or
278 (B) a motor that produces five or less horsepower.
279 (v) "Snowmobile" means a motor vehicle that:
280 (i) is a snowmobile as defined in Section [41-22-2](#);
281 (ii) is required to be registered in accordance with Title 41, Chapter 22, Off-Highway
282 Vehicles; and
283 (iii) has:
284 (A) an engine with more than 150 cubic centimeters displacement; or
285 (B) a motor that produces more than five horsepower.
286 (w) "Street-legal all-terrain vehicle" means the same as that term is defined in Section
287 [41-6a-102](#).
288 [~~w~~] (x) "Street motorcycle" means a motor vehicle that:
289 (i) is:
290 (A) a motorcycle as defined in Section [41-1a-102](#); and
291 (B) designed primarily for use and operation on highways;
292 (ii) is required to be registered in accordance with Title 41, Chapter 1a, Part 2,
293 Registration; and
294 (iii) has:
295 (A) an engine with more than 150 cubic centimeters displacement; or
296 (B) a motor that produces more than five horsepower.
297 [~~x~~] (y) "Tangible personal property owner" means a person that owns an item of
298 qualifying tangible personal property.

299 ~~[(y)]~~ (z) "Tent trailer" means a portable vehicle without motive power that:
300 (i) is constructed with collapsible side walls that:
301 (A) fold for towing by a motor vehicle; and
302 (B) unfold at a campsite;
303 (ii) is designed as a temporary dwelling for travel, recreational, or vacation use;
304 (iii) is required to be registered in accordance with Title 41, Chapter 1a, Part 2,
305 Registration; and
306 (iv) does not require a special highway movement permit when drawn by a
307 self-propelled motor vehicle.
308 ~~[(z)]~~ (aa) (i) Except as provided in Subsection (1)~~[(z)]~~(aa)(ii), "travel trailer" means a
309 travel trailer:
310 (A) as defined in Section 41-1a-102; and
311 (B) that is required to be registered in accordance with Title 41, Chapter 1a, Part 2,
312 Registration; and
313 (ii) notwithstanding Subsection (1)~~[(z)]~~(aa)(i), "travel trailer" does not include:
314 (A) a camper; or
315 (B) a tent trailer.
316 ~~[(aa)]~~ (bb) (i) "Utility boat" means a vessel that:
317 (A) has:
318 (I) two or three bench seating;
319 (II) an outboard motor; and
320 (III) a hull made of aluminum, fiberglass, or wood; and
321 (B) does not have:
322 (I) decking;
323 (II) a permanent canopy; or
324 (III) a floor other than the hull; and
325 (ii) notwithstanding Subsection (1)~~[(aa)]~~(bb)(i), "utility boat" does not include a

326 collapsible inflatable vessel.

327 ~~[(bb)]~~ (cc) "Vessel" means a vessel:

328 (i) as defined in Section 73-18-2, including an outboard motor of the vessel; and

329 (ii) that is required to be registered in accordance with Title 73, Chapter 18, State
330 Boating Act.

331 (2) (a) In accordance with Utah Constitution Article XIII, Section 2, Subsection (6),
332 beginning on January 1, 2006, the tangible personal property described in Subsection (2)(b) is:

333 (i) exempt from the tax imposed by Section 59-2-103; and

334 (ii) in lieu of the tax imposed by Section 59-2-103, subject to uniform statewide fees as
335 provided in this section.

336 (b) The following tangible personal property applies to Subsection (2)(a) if that
337 tangible personal property is required to be registered with the state:

338 (i) an all-terrain vehicle;

339 (ii) a camper;

340 (iii) an other motorcycle;

341 (iv) an other trailer;

342 (v) a personal watercraft;

343 (vi) a small motor vehicle;

344 (vii) a snowmobile;

345 (viii) a street motorcycle;

346 (ix) a tent trailer;

347 (x) a travel trailer;

348 (xi) a park model recreational vehicle; and

349 (xii) a vessel if that vessel is less than 31 feet in length as determined under Subsection
350 (6).

351 (3) Except as provided in Subsection (4) and for purposes of this section, the uniform
352 statewide fees are:

H.B. 143

Enrolled Copy

353 (a) for ~~[an all-terrain vehicle, an other motorcycle, or]~~ a snowmobile:

354	Age of [All-Terrain Vehicle, Other Motorcycle, or] Snowmobile	Uniform Statewide Fee
355	12 or more years	\$10
356	9 or more years but less than 12 years	\$20
357	6 or more years but less than 9 years	\$30
358	3 or more years but less than 6 years	\$35
359	Less than 3 years	\$45

360 (b) for an all-terrain vehicle that is not a street-legal all-terrain vehicle or another
361 motorcycle:

362	<u>Age of All-Terrain Vehicle or Other Motorcycle Uniform</u> <u>Statewide Fee</u>	<u>Uniform Statewide Fee</u>
363	<u>12 or more years</u>	<u>\$4</u>
364	<u>9 or more years but less than 12 years</u>	<u>\$8</u>
365	<u>6 or more years but less than 9 years</u>	<u>\$12</u>
366	<u>3 or more years but less than 6 years</u>	<u>\$14</u>
367	<u>Less than 3 years</u>	<u>\$18</u>

368 (c) for a street-legal all-terrain vehicle:

369	<u>Age of Street-Legal All-Terrain Vehicle</u>	<u>Uniform Statewide Fee</u>
370	<u>12 or more years</u>	<u>\$4</u>
371	<u>9 or more years but less than 12 years</u>	<u>\$14</u>
372	<u>6 or more years but less than 9 years</u>	<u>\$20</u>
373	<u>3 or more years but less than 6 years</u>	<u>\$28</u>
374	<u>Less than 3 years</u>	<u>\$38</u>

375 ~~[(b)]~~ (d) for a camper or a tent trailer:

376	Age of Camper or Tent Trailer	Uniform Statewide Fee
377	12 or more years	\$10
378	9 or more years but less than 12 years	\$25
379	6 or more years but less than 9 years	\$35
380	3 or more years but less than 6 years	\$50
381	Less than 3 years	\$70

382 [~~(e)~~] (e) for an other trailer:

383	Age of Other Trailer	Uniform Statewide Fee
384	12 or more years	\$10
385	9 or more years but less than 12 years	\$15
386	6 or more years but less than 9 years	\$20
387	3 or more years but less than 6 years	\$25
388	Less than 3 years	\$30

389 [~~(f)~~] (f) for a personal watercraft:

390	Age of Personal Watercraft	Uniform Statewide Fee
391	12 or more years	\$10
392	9 or more years but less than 12 years	\$25
393	6 or more years but less than 9 years	\$35
394	3 or more years but less than 6 years	\$45
395	Less than 3 years	\$55

396 [~~(g)~~] (g) for a small motor vehicle:

397	Age of Small Motor Vehicle	Uniform Statewide Fee
398	6 or more years	\$10
399	3 or more years but less than 6 years	\$15

H.B. 143

Enrolled Copy

400	Less than 3 years	\$25
401	[(f)] (h) for a street motorcycle:	
402	Age of Street Motorcycle	Uniform Statewide Fee
403	12 or more years	\$10
404	9 or more years but less than 12 years	\$35
405	6 or more years but less than 9 years	\$50
406	3 or more years but less than 6 years	\$70
407	Less than 3 years	\$95
408	[(g)] (i) for a travel trailer or park model recreational vehicle:	
409	Age of Travel Trailer or Park Model Recreational Vehicle	Uniform Statewide Fee
410	12 or more years	\$20
411	9 or more years but less than 12 years	\$65
412	6 or more years but less than 9 years	\$90
413	3 or more years but less than 6 years	\$135
414	Less than 3 years	\$175
415	[(h)] (j) \$10 regardless of the age of the vessel if the vessel is:	
416	(i) less than 15 feet in length;	
417	(ii) a canoe;	
418	(iii) a jon boat; or	
419	(iv) a utility boat;	
420	[(i)] (k) for a collapsible inflatable vessel, pontoon, or sailboat, regardless of age:	
421	Length of Vessel	Uniform Statewide Fee
422	15 feet or more in length but less than 19 feet in length	\$15
423	19 feet or more in length but less than 23 feet in length	\$25
424	23 feet or more in length but less than 27 feet in length	\$40

425 27 feet or more in length but less than 31 feet in length \$75

426 ~~(j)~~ (l) for a vessel, other than a canoe, collapsible inflatable vessel, jon boat, pontoon,
 427 sailboat, or utility boat, that is 15 feet or more in length but less than 19 feet in length:

428	Age of Vessel	Uniform Statewide Fee
429	12 or more years	\$25
430	9 or more years but less than 12 years	\$65
431	6 or more years but less than 9 years	\$80
432	3 or more years but less than 6 years	\$110
433	Less than 3 years	\$150

434 ~~(k)~~ (m) for a vessel, other than a canoe, collapsible inflatable vessel, jon boat,
 435 pontoon, sailboat, or utility boat, that is 19 feet or more in length but less than 23 feet in length:

436	Age of Vessel	Uniform Statewide Fee
437	12 or more years	\$50
438	9 or more years but less than 12 years	\$120
439	6 or more years but less than 9 years	\$175
440	3 or more years but less than 6 years	\$220
441	Less than 3 years	\$275

442 ~~(l)~~ (n) for a vessel, other than a canoe, collapsible inflatable vessel, jon boat, pontoon,
 443 sailboat, or utility boat, that is 23 feet or more in length but less than 27 feet in length:

444	Age of Vessel	Uniform Statewide Fee
445	12 or more years	\$100
446	9 or more years but less than 12 years	\$180
447	6 or more years but less than 9 years	\$240
448	3 or more years but less than 6 years	\$310

H.B. 143

Enrolled Copy

449 Less than 3 years \$400
450 ~~(m)~~ (o) for a vessel, other than a canoe, collapsible inflatable vessel, jon boat,
451 pontoon, sailboat, or utility boat, that is 27 feet or more in length but less than 31 feet in length:

452	Age of Vessel	Uniform Statewide Fee
453	12 or more years	\$120
454	9 or more years but less than 12 years	\$250
455	6 or more years but less than 9 years	\$350
456	3 or more years but less than 6 years	\$500
457	Less than 3 years	\$700

458 (4) For registrations under Section [41-1a-215.5](#), the uniform fee for purposes of this
459 section is as follows:

460 (a) for a street motorcycle:

461	Age of Street Motorcycle	Uniform Statewide Fee
462	12 or more years	\$7.75
463	9 or more years but less than 12 years	\$27
464	6 or more years but less than 9 years	\$38.50
465	3 or more years but less than 6 years	\$54
466	Less than 3 years	\$73

467 (b) for a small motor vehicle:

468	Age of Small Motor Vehicle	Uniform Statewide Fee
469	6 or more years	\$7.75
470	3 or more years but less than 6 years	\$11.50
471	Less than 3 years	\$19.25

472 (5) Notwithstanding Section [59-2-407](#), tangible personal property subject to the
473 uniform statewide fees imposed by this section that is brought into the state shall, as a

474 condition of registration, be subject to the uniform statewide fees unless all property taxes or
475 uniform fees imposed by the state of origin have been paid for the current calendar year.

476 (6) (a) The revenues collected in each county from the uniform statewide fees imposed
477 by this section shall be distributed by the county to each taxing entity in which each item of
478 tangible personal property subject to the uniform statewide fees is located in the same
479 proportion in which revenues collected from the ad valorem property tax are distributed.

480 (b) Each taxing entity described in Subsection (6)(a) that receives revenues from the
481 uniform statewide fees imposed by this section shall distribute the revenues in the same
482 proportion in which revenues collected from the ad valorem property tax are distributed.

483 (7) (a) For purposes of the uniform statewide fee imposed by this section, the length of
484 a vessel shall be determined as provided in this Subsection (7).

485 (b) (i) Except as provided in Subsection (7)(b)(ii), the length of a vessel shall be
486 measured as follows:

487 (A) the length of a vessel shall be measured in a straight line; and

488 (B) the length of a vessel is equal to the distance between the bow of the vessel and the
489 stern of the vessel.

490 (ii) Notwithstanding Subsection (7)(b)(i), the length of a vessel may not include the
491 length of:

492 (A) a swim deck;

493 (B) a ladder;

494 (C) an outboard motor; or

495 (D) an appurtenance or attachment similar to Subsections (7)(b)(ii)(A) through (C) as
496 determined by the commission by rule.

497 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
498 the commission may by rule define what constitutes an appurtenance or attachment similar to
499 Subsections (7)(b)(ii)(A) through (C).

500 (c) The length of a vessel:

501 (i) (A) for a new vessel, is the length:
502 (I) listed on the manufacturer's statement of origin if the length of the vessel measured
503 under Subsection (7)(b) is equal to the length of the vessel listed on the manufacturer's
504 statement of origin; or
505 (II) listed on a form submitted to the commission by a dealer in accordance with
506 Subsection (7)(d) if the length of the vessel measured under Subsection (7)(b) is not equal to
507 the length of the vessel listed on the manufacturer's statement of origin; or
508 (B) for a vessel other than a new vessel, is the length:
509 (I) corresponding to the model number if the length of the vessel measured under
510 Subsection (7)(b) is equal to the length of the vessel determined by reference to the model
511 number; or
512 (II) listed on a form submitted to the commission by an owner of the vessel in
513 accordance with Subsection (7)(d) if the length of the vessel measured under Subsection (7)(b)
514 is not equal to the length of the vessel determined by reference to the model number; and
515 (ii) (A) is determined at the time of the:
516 (I) first registration as defined in Section 41-1a-102 that occurs on or after January 1,
517 2006; or
518 (II) first renewal of registration that occurs on or after January 1, 2006; and
519 (B) may be determined after the time described in Subsection (7)(c)(ii)(A) only if the
520 commission requests that a dealer or an owner submit a form to the commission in accordance
521 with Subsection (7)(d).
522 (d) (i) A form under Subsection (7)(c) shall:
523 (A) be developed by the commission;
524 (B) be provided by the commission to:
525 (I) a dealer; or
526 (II) an owner of a vessel;
527 (C) provide for the reporting of the length of a vessel;

528 (D) be submitted to the commission at the time the length of the vessel is determined in
529 accordance with Subsection (7)(c)(ii);

530 (E) be signed by:

531 (I) if the form is submitted by a dealer, that dealer; or

532 (II) if the form is submitted by an owner of the vessel, an owner of the vessel; and

533 (F) include a certification that the information set forth in the form is true.

534 (ii) A certification made under Subsection (7)(d)(i)(F) is considered as if made under
535 oath and subject to the same penalties as provided by law for perjury.

536 (iii) (A) A dealer or an owner that submits a form to the commission under Subsection
537 (7)(c) is considered to have given the dealer's or owner's consent to an audit or review by:

538 (I) the commission;

539 (II) the county assessor; or

540 (III) the commission and the county assessor.

541 (B) The consent described in Subsection (7)(d)(iii)(A) is a condition to the acceptance
542 of any form.

543 (8) (a) A county that collected a qualifying payment from a qualifying person during
544 the refund period shall issue a refund to the qualifying person as described in Subsection (8)(b)
545 if:

546 (i) the difference described in Subsection (8)(b) is \$1 or more; and

547 (ii) the qualifying person submitted a form in accordance with Subsections (8)(c) and
548 (d).

549 (b) The refund amount shall be calculated as follows:

550 (i) for a qualifying vehicle, the refund amount is equal to the difference between:

551 (A) the qualifying payment the qualifying person paid on the qualifying vehicle during
552 the refund period; and

553 (B) the amount of the statewide uniform fee:

554 (I) for that qualifying vehicle; and

555 (II) that the qualifying person would have been required to pay:
556 (Aa) during the refund period; and
557 (Bb) in accordance with this section had Laws of Utah 2006, Fifth Special Session,
558 Chapter 3, Section 1, been in effect during the refund period; and
559 (ii) for a qualifying watercraft, the refund amount is equal to the difference between:
560 (A) the qualifying payment the qualifying person paid on the qualifying watercraft
561 during the refund period; and
562 (B) the amount of the statewide uniform fee:
563 (I) for that qualifying watercraft;
564 (II) that the qualifying person would have been required to pay:
565 (Aa) during the refund period; and
566 (Bb) in accordance with this section had Laws of Utah 2006, Fifth Special Session,
567 Chapter 3, Section 1, been in effect during the refund period.
568 (c) Before the county issues a refund to the qualifying person in accordance with
569 Subsection (8)(a) the qualifying person shall submit a form to the county to verify the
570 qualifying person is entitled to the refund.
571 (d) (i) A form under Subsection (8)(c) or (9) shall:
572 (A) be developed by the commission;
573 (B) be provided by the commission to the counties;
574 (C) be provided by the county to the qualifying person or tangible personal property
575 owner;
576 (D) provide for the reporting of the following:
577 (I) for a qualifying vehicle:
578 (Aa) the type of qualifying vehicle; and
579 (Bb) the amount of cubic centimeters displacement;
580 (II) for a qualifying watercraft:
581 (Aa) the length of the qualifying watercraft;

582 (Bb) the age of the qualifying watercraft; and
583 (Cc) the type of qualifying watercraft;
584 (E) be signed by the qualifying person or tangible personal property owner; and
585 (F) include a certification that the information set forth in the form is true.
586 (ii) A certification made under Subsection (8)(d)(i)(F) is considered as if made under
587 oath and subject to the same penalties as provided by law for perjury.
588 (iii) (A) A qualifying person or tangible personal property owner that submits a form to
589 a county under Subsection (8)(c) or (9) is considered to have given the qualifying person's
590 consent to an audit or review by:
591 (I) the commission;
592 (II) the county assessor; or
593 (III) the commission and the county assessor.
594 (B) The consent described in Subsection (8)(d)(iii)(A) is a condition to the acceptance
595 of any form.
596 (e) The county shall make changes to the commission's records with the information
597 received by the county from the form submitted in accordance with Subsection (8)(c).
598 (9) A county shall change its records regarding an item of qualifying tangible personal
599 property if the tangible personal property owner submits a form to the county in accordance
600 with Subsection (8)(d).
601 (10) (a) For purposes of this Subsection (10), "owner of tangible personal property"
602 means a person that was required to pay a uniform statewide fee:
603 (i) during the refund period;
604 (ii) in accordance with this section; and
605 (iii) on an item of tangible personal property subject to the uniform statewide fees
606 imposed by this section.
607 (b) A county that collected revenues from uniform statewide fees imposed by this
608 section during the refund period shall notify an owner of tangible personal property:

609 (i) of the tangible personal property classification changes made to this section
610 pursuant to Laws of Utah 2006, Fifth Special Session, Chapter 3, Section 1;
611 (ii) that the owner of tangible personal property may obtain and file a form to modify
612 the county's records regarding the owner's tangible personal property; and
613 (iii) that the owner may be entitled to a refund pursuant to Subsection (8).
614 Section 4. **Effective date.**
615 This bill takes effect on January 1, 2019.