

Representative Scott D. Sandall proposes the following substitute bill:

FARM TRUCK DEFINITION AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott D. Sandall

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the definition of a "farm truck."

Highlighted Provisions:

This bill:

- ▶ modifies the definition of a "farm truck" to include certain vehicles used by a canal company for irrigation purposes; and
- ▶ makes technical changes.

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 2016, Chapter 40

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

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

41-1a-102. Definitions.



26 As used in this chapter:

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

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

30 (3) "All-terrain type I vehicle" [~~has the same meaning provided~~] means the same as that
31 term is defined in Section [41-22-2](#).

32 (4) "All-terrain type II vehicle" [~~has the same meaning provided~~] means the same as
33 that term is defined in Section [41-22-2](#).

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

37 (6) "Autocycle" means the same as that term is defined in Section [53-3-102](#).

38 (7) "Branded title" means a title certificate that is labeled:

39 (a) rebuilt and restored to operation;

40 (b) flooded and restored to operation; or

41 (c) not restored to operation.

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

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

48 (10) "Certified scale weigh ticket" means a weigh ticket that has been issued by a
49 weighmaster.

50 (11) "Commercial vehicle" means a motor vehicle, trailer, or semitrailer used or
51 maintained for the transportation of persons or property that operates:

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

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

55 (12) "Commission" means the State Tax Commission.

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

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

60 (14) "Division" means the Motor Vehicle Division of the commission, created in
61 Section 41-1a-106.

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

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

68 (17) (a) "Farm truck" means:

69 (i) a truck used by the owner or operator of a farm solely for ~~[his]~~ the owner's or
70 operator's own use in the transportation of:

71 ~~[(i)]~~ (A) farm products, including livestock and its products, poultry and its products,
72 floricultural and horticultural products;

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

75 ~~[(iii)]~~ (C) livestock, poultry, and other animals and things used for breeding, feeding,
76 or other purposes connected with the operation of a farm~~[-];~~ or

77 (ii) a motor vehicle:

78 (A) owned by a canal or irrigation company recognized by a political subdivision of the
79 state; and

80 (B) used solely for canal and irrigation purposes.

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

83 (18) "Fleet" means one or more commercial vehicles.

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

87 (20) "Gross laden weight" means the actual weight of a vehicle or combination of

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

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

92 (22) (a) "Identification number" means the identifying number assigned by the
93 manufacturer or by the division for the purpose of identifying the vehicle, vessel, or outboard
94 motor.

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

97 (23) "Implement of husbandry" means every vehicle designed or adapted and used
98 exclusively for an agricultural operation and only incidentally operated or moved upon the
99 highways.

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

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

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

107 (26) "Jurisdiction" means a state, district, province, political subdivision, territory, or
108 possession of the United States or any foreign country.

109 (27) "Lienholder" means a person with a security interest in particular property.

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

117 (29) "Manufacturer" means a person engaged in the business of constructing,
118 manufacturing, assembling, producing, or importing new or unused vehicles, vessels, or

119 outboard motors for the purpose of sale or trade.

120 (30) "Mobile home" means a transportable factory built housing unit built prior to June
121 15, 1976, in accordance with a state mobile home code which existed prior to the Federal
122 Manufactured Housing and Safety Standards Act (HUD Code).

123 (31) "Motorboat" [~~has the same meaning as provided~~] means the same as that term is
124 defined in Section 73-18-2.

125 (32) "Motorcycle" means:

126 (a) a motor vehicle having a saddle for the use of the rider and designed to travel on not
127 more than three wheels in contact with the ground; or

128 (b) an auticycle.

129 (33) (a) "Motor vehicle" means a self-propelled vehicle intended primarily for use and
130 operation on the highways.

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

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

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

140 (35) "Odometer" means a device for measuring and recording the actual distance a
141 vehicle travels while in operation, but does not include any auxiliary odometer designed to be
142 periodically reset.

143 (36) "Off-highway implement of husbandry" [~~has the same meaning as provided~~]
144 means the same as that term is defined in Section 41-22-2.

145 (37) "Off-highway vehicle" [~~has the same meaning as provided~~] means the same as that
146 term is defined in Section 41-22-2.

147 (38) "Operate" means to drive or be in actual physical control of a vehicle or to
148 navigate a vessel.

149 (39) "Outboard motor" means a detachable self-contained propulsion unit, excluding

150 fuel supply, used to propel a vessel.

151 (40) (a) "Owner" means a person, other than a lienholder, holding title to a vehicle,
152 vessel, or outboard motor whether or not the vehicle, vessel, or outboard motor is subject to a
153 security interest.

154 (b) If a vehicle is the subject of an agreement for the conditional sale or installment
155 sale or mortgage of the vehicle with the right of purchase upon performance of the conditions
156 stated in the agreement and with an immediate right of possession vested in the conditional
157 vendee or mortgagor, or if the vehicle is the subject of a security agreement, then the
158 conditional vendee, mortgagor, or debtor is considered the owner for the purposes of this
159 chapter.

160 (c) If a vehicle is the subject of an agreement to lease, the lessor is considered the
161 owner until the lessee exercises [~~his~~] the lessee's option to purchase the vehicle.

162 (41) "Park model recreational vehicle" means a unit that:

163 (a) is designed and marketed as temporary living quarters for recreational, camping,
164 travel, or seasonal use;

165 (b) is not permanently affixed to real property for use as a permanent dwelling;

166 (c) requires a special highway movement permit for transit; and

167 (d) is built on a single chassis mounted on wheels with a gross trailer area not
168 exceeding 400 square feet in the setup mode.

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

172 (43) (a) "Pickup truck" means a two-axle motor vehicle with motive power
173 manufactured, remanufactured, or materially altered to provide an open cargo area.

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

176 (44) "Pneumatic tire" means every tire in which compressed air is designed to support
177 the load.

178 (45) "Preceding year" means a period of 12 consecutive months fixed by the division
179 that is within 16 months immediately preceding the commencement of the registration or
180 license year in which proportional registration is sought. The division in fixing the period shall

181 conform it to the terms, conditions, and requirements of any applicable agreement or
182 arrangement for the proportional registration of vehicles.

183 (46) "Public garage" means every building or other place where vehicles or vessels are
184 kept and stored and where a charge is made for the storage and keeping of vehicles and vessels.

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

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

190 (49) "Recreational vehicle" [~~has the same meaning as provided~~] means the same as that
191 term is defined in Section [13-14-102](#).

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

196 (51) (a) "Registration year" means a 12 consecutive month period commencing with
197 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 (52) "Repair or replacement" means the restoration of vehicles, vessels, or outboard
201 motors to a sound working condition by substituting any inoperative part of the vehicle, vessel,
202 or outboard motor, or by correcting the inoperative part.

203 (53) "Replica vehicle" means:

204 (a) a street rod that meets the requirements under Subsection [41-21-1\(3\)\(a\)\(i\)\(B\)](#); or

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

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

210 (55) "Sailboat" means the same as that term is defined in Section [73-18-2](#).

211 (56) "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 (57) "Semitrailer" means every vehicle without motive power designed for carrying
215 persons or property and for being drawn by a motor vehicle and constructed so that some part
216 of its weight and its load rests or is carried by another vehicle.

217 (58) "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 (59) (a) "Special interest vehicle" means a vehicle used for general transportation
221 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 a determination under Subsection (59)(a), the division director shall give
226 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 (60) (a) "Special mobile equipment" means every vehicle:

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

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

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

239 (b) "Special mobile equipment" includes:

240 (i) farm tractors;

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

243 (iii) ditch-digging apparatus.

244 (c) "Special mobile equipment" does not include a commercial vehicle as defined
245 under Section 72-9-102.

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

250 (62) "Title" means the right to or ownership of a vehicle, vessel, or outboard motor.

251 (63) (a) "Total fleet miles" means the total number of miles operated in all jurisdictions
252 during the preceding year by power units.

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

256 (64) "Trailer" means a vehicle without motive power designed for carrying persons or
257 property and for being drawn by a motor vehicle and constructed so that no part of its weight
258 rests upon the towing vehicle.

259 (65) "Transferee" means a person to whom the ownership of property is conveyed by
260 sale, gift, or any other means except by the creation of a security interest.

261 (66) "Transferor" means a person who transfers ~~his~~ the person's ownership in
262 property by sale, gift, or any other means except by creation of a security interest.

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

267 (68) "Truck tractor" means a motor vehicle designed and used primarily for drawing
268 other vehicles and not constructed to carry a load other than a part of the weight of the vehicle
269 and load that is drawn.

270 (69) "Vehicle" includes a motor vehicle, trailer, semitrailer, off-highway vehicle,
271 camper, park model recreational vehicle, manufactured home, and mobile home.

272 (70) "Vessel" means the same as that term is defined in Section 73-18-2.

273 (71) "Vintage vehicle" means the same as that term is defined in Section 41-21-1.

- 274 (72) "Waters of this state" means the same as that term is defined in Section [73-18-2](#).
- 275 (73) "Weighmaster" means a person, association of persons, or corporation permitted
- 276 to weigh vehicles under this chapter.