

OFF-HIGHWAY VEHICLE AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael E. Noel

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions related to off-highway vehicles.

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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 Subsection 41-1a-205(1), Subsection
43 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 under Title 41, Chapter 1a, Motor Vehicle Act; and
48 ~~[(iii) fees in lieu of property taxes or in lieu of fees under Section 59-2-405.2; and]~~
49 ~~[(iv)]~~ (iii) the county motor vehicle emissions inspection and maintenance programs
50 under Section 41-6a-1642;

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

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

58 (3) (a) The owner of an all-terrain type I vehicle or a utility type vehicle being operated

59 as a street-legal ATV shall ensure that the vehicle is equipped with:

- 60 (i) one or more headlamps that meet the requirements of Section 41-6a-1603;
- 61 (ii) one or more tail lamps;
- 62 (iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate
63 with a white light;
- 64 (iv) one or more red reflectors on the rear;
- 65 (v) one or more stop lamps on the rear;
- 66 (vi) amber or red electric turn signals, one on each side of the front and rear;
- 67 (vii) a braking system, other than a parking brake, that meets the requirements of
68 Section 41-6a-1623;
- 69 (viii) a horn or other warning device that meets the requirements of Section
70 41-6a-1625;
- 71 (ix) a muffler and emission control system that meets the requirements of Section
72 41-6a-1626;
- 73 (x) rearview mirrors on the right and left side of the driver in accordance with Section
74 41-6a-1627;
- 75 (xi) a windshield, unless the operator wears eye protection while operating the vehicle;
- 76 (xii) a speedometer, illuminated for nighttime operation;
- 77 (xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a
78 seat designed for passengers, including a footrest and handhold for each passenger;
- 79 (xiv) for vehicles with side-by-side seating, seatbelts for each vehicle occupant; and
- 80 (xv) tires that:
- 81 (A) are not larger than the tires that the all-terrain vehicle manufacturer made available
82 for the all-terrain vehicle model; and
- 83 (B) have at least 2/32 inches or greater tire tread.
- 84 (b) The owner of a full-sized all-terrain vehicle being operated as a street-legal
85 all-terrain vehicle shall ensure that the vehicle is equipped with:
- 86 (i) two headlamps that meet the requirements of Section 41-6a-1603;
- 87 (ii) two tail lamps;
- 88 (iii) a tail lamp or other lamp constructed and placed to illuminate the registration plate
89 with a white light;

- 90 (iv) one or more red reflectors on the rear;
- 91 (v) two stop lamps on the rear;
- 92 (vi) amber or red electric turn signals, one on each side of the front and rear;
- 93 (vii) a braking system, other than a parking brake, that meets the requirements of
- 94 Section 41-6a-1623;
- 95 (viii) a horn or other warning device that meets the requirements of Section
- 96 41-6a-1625;
- 97 (ix) a muffler and emission control system that meets the requirements of Section
- 98 41-6a-1626;
- 99 (x) rearview mirrors on the right and left side of the driver in accordance with Section
- 100 41-6a-1627;
- 101 (xi) a windshield, unless the operator wears eye protection while operating the vehicle;
- 102 (xii) a speedometer, illuminated for nighttime operation;
- 103 (xiii) for vehicles designed by the manufacturer for carrying one or more passengers, a
- 104 seat designed for passengers, including a footrest and handhold for each passenger;
- 105 (xiv) for vehicles with side-by-side seating, seatbelts for each vehicle occupant; and
- 106 (xv) tires that:
- 107 (A) do not exceed 44 inches in height; and
- 108 (B) have at least 2/32 inches or greater tire tread.
- 109 (c) The owner of a street-legal all-terrain vehicle is not required to equip the vehicle
- 110 with wheel covers, mudguards, flaps, or splash aprons.
- 111 (4) (a) Subject to the requirements of Subsection (4)(b), an operator of a street-legal
- 112 all-terrain vehicle, when operating a street-legal all-terrain vehicle on a highway, may not
- 113 exceed the lesser of:
- 114 (i) the posted speed limit; or
- 115 (ii) 50 miles per hour.
- 116 (b) An operator of a street-legal all-terrain vehicle, when operating a street-legal
- 117 all-terrain vehicle on a highway with a posted speed limit higher than 50 miles per hour, shall:
- 118 (i) operate the street-legal all-terrain vehicle on the extreme right hand side of the
- 119 roadway; and
- 120 (ii) equip the street-legal all-terrain vehicle with a reflector or reflective tape to the front

121 and back of both sides of the vehicle.

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

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

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

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

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

134 **41-22-8. Registration fees.**

135 (1) The board shall establish the fees which shall be paid in accordance with this
136 chapter, subject to the following:

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

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

140 (iii) The fee for each street-legal all-terrain vehicle may not exceed \$49.

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

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

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

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

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

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

152 **59-2-405.2. Definitions -- Uniform statewide fee on certain tangible personal**
153 **property -- Distribution of revenues -- Rulemaking authority -- Determining the length of**
154 **a vessel.**

155 (1) As used in this section:

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

158 (A) is an:

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

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

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

163 (C) has:

164 (I) an engine with more than 150 cubic centimeters displacement;

165 (II) a motor that produces more than five horsepower; or

166 (III) an electric motor; and

167 (ii) notwithstanding Subsection (1)(a)(i), "all-terrain vehicle" does not include a
168 snowmobile.

169 (b) "Camper" means a camper:

170 (i) as defined in Section 41-1a-102; and

171 (ii) that is required to be registered in accordance with Title 41, Chapter 1a, Part 2,
172 Registration.

173 (c) (i) "Canoe" means a vessel that:

174 (A) is long and narrow;

175 (B) has curved sides; and

176 (C) is tapered:

177 (I) to two pointed ends; or

178 (II) to one pointed end and is blunt on the other end; and

179 (ii) "canoe" includes:

180 (A) a collapsible inflatable canoe;

181 (B) a kayak;

182 (C) a racing shell;

- 183 (D) a rowing scull; or
- 184 (E) notwithstanding the definition of vessel in Subsection (1)(bb), a canoe with an
- 185 outboard motor.
- 186 (d) "Dealer" is as defined in Section 41-1a-102.
- 187 (e) "Jon boat" means a vessel that:
- 188 (i) has a square bow; and
- 189 (ii) has a flat bottom.
- 190 (f) "Motor vehicle" is as defined in Section 41-22-2.
- 191 (g) "Other motorcycle" means a motor vehicle that:
- 192 (i) is:
- 193 (A) a motorcycle as defined in Section 41-1a-102; and
- 194 (B) designed primarily for use and operation over unimproved terrain;
- 195 (ii) is required to be registered in accordance with Title 41, Chapter 1a, Part 2,
- 196 Registration; and
- 197 (iii) has:
- 198 (A) an engine with more than 150 cubic centimeters displacement; or
- 199 (B) a motor that produces more than five horsepower.
- 200 (h) (i) "Other trailer" means a portable vehicle without motive power that is primarily
- 201 used:
- 202 (A) to transport tangible personal property; and
- 203 (B) for a purpose other than a commercial purpose; and
- 204 (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for
- 205 purposes of Subsection (1)(h)(i)(B), the commission may by rule define what constitutes a
- 206 purpose other than a commercial purpose.
- 207 (i) "Outboard motor" is as defined in Section 41-1a-102.
- 208 (j) "Park model recreational vehicle" is as defined in Section 41-1a-102.
- 209 (k) "Personal watercraft" means a personal watercraft:
- 210 (i) as defined in Section 73-18-2; and
- 211 (ii) that is required to be registered in accordance with Title 73, Chapter 18, State
- 212 Boating Act.
- 213 (l) (i) "Pontoon" means a vessel that:

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

- 245 (ii) qualifying watercraft.
- 246 (q) "Qualifying vehicle" means:
- 247 (i) an all-terrain vehicle with an engine displacement that is 100 or more cubic
248 centimeters but 150 or less cubic centimeters;
- 249 (ii) an other motorcycle with an engine displacement that is 100 or more cubic
250 centimeters but 150 or less cubic centimeters;
- 251 (iii) a small motor vehicle with an engine displacement that is 100 or more cubic
252 centimeters but 150 or less cubic centimeters;
- 253 (iv) a snowmobile with an engine displacement that is 100 or more cubic centimeters
254 but 150 or less cubic centimeters; or
- 255 (v) a street motorcycle with an engine displacement that is 100 or more cubic
256 centimeters but 150 or less cubic centimeters.
- 257 (r) "Qualifying watercraft" means a:
- 258 (i) canoe;
- 259 (ii) collapsible inflatable vessel;
- 260 (iii) jon boat;
- 261 (iv) pontoon;
- 262 (v) sailboat; or
- 263 (vi) utility boat.
- 264 (s) "Refund period" means the time period:
- 265 (i) beginning on January 1, 2006; and
- 266 (ii) ending on December 29, 2006.
- 267 (t) "Sailboat" means a sailboat as defined in Section [73-18-2](#).
- 268 (u) (i) "Small motor vehicle" means a motor vehicle that:
- 269 (A) is required to be registered in accordance with Title 41, Motor Vehicles; and
- 270 (B) has:
- 271 (I) an engine with 150 or less cubic centimeters displacement; or
- 272 (II) a motor that produces five or less horsepower; and
- 273 (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
274 commission may by rule develop a process for an owner of a motor vehicle to certify whether
275 the motor vehicle has:

- 276 (A) an engine with 150 or less cubic centimeters displacement; or
- 277 (B) a motor that produces five or less horsepower.
- 278 (v) "Snowmobile" means a motor vehicle that:
- 279 (i) is a snowmobile as defined in Section [41-22-2](#);
- 280 (ii) is required to be registered in accordance with Title 41, Chapter 22, Off-Highway
- 281 Vehicles; and
- 282 (iii) has:
- 283 (A) an engine with more than 150 cubic centimeters displacement; or
- 284 (B) a motor that produces more than five horsepower.
- 285 (w) "Street-legal all-terrain vehicle" means the same as that term is defined in Section
- 286 [41-6a-102](#).
- 287 [~~w~~] (x) "Street motorcycle" means a motor vehicle that:
- 288 (i) is:
- 289 (A) a motorcycle as defined in Section [41-1a-102](#); and
- 290 (B) designed primarily for use and operation on highways;
- 291 (ii) is required to be registered in accordance with Title 41, Chapter 1a, Part 2,
- 292 Registration; and
- 293 (iii) has:
- 294 (A) an engine with more than 150 cubic centimeters displacement; or
- 295 (B) a motor that produces more than five horsepower.
- 296 [~~x~~] (y) "Tangible personal property owner" means a person that owns an item of
- 297 qualifying tangible personal property.
- 298 [~~y~~] (z) "Tent trailer" means a portable vehicle without motive power that:
- 299 (i) is constructed with collapsible side walls that:
- 300 (A) fold for towing by a motor vehicle; and
- 301 (B) unfold at a campsite;
- 302 (ii) is designed as a temporary dwelling for travel, recreational, or vacation use;
- 303 (iii) is required to be registered in accordance with Title 41, Chapter 1a, Part 2,
- 304 Registration; and
- 305 (iv) does not require a special highway movement permit when drawn by a
- 306 self-propelled motor vehicle.

307 ~~[(z)]~~ (aa) (i) Except as provided in Subsection (1)~~[(z)]~~(aa)(ii), "travel trailer" means a
308 travel trailer:

309 (A) as defined in Section 41-1a-102; and

310 (B) that is required to be registered in accordance with Title 41, Chapter 1a, Part 2,

311 Registration; and

312 (ii) notwithstanding Subsection (1)~~[(z)]~~(aa)(i), "travel trailer" does not include:

313 (A) a camper; or

314 (B) a tent trailer.

315 ~~[(aa)]~~ (bb) (i) "Utility boat" means a vessel that:

316 (A) has:

317 (I) two or three bench seating;

318 (II) an outboard motor; and

319 (III) a hull made of aluminum, fiberglass, or wood; and

320 (B) does not have:

321 (I) decking;

322 (II) a permanent canopy; or

323 (III) a floor other than the hull; and

324 (ii) notwithstanding Subsection (1)~~[(aa)]~~(bb)(i), "utility boat" does not include a
325 collapsible inflatable vessel.

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

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

328 (ii) that is required to be registered in accordance with Title 73, Chapter 18, State

329 Boating Act.

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

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

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

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

337 (i) an all-terrain vehicle;

- 338 (ii) a camper;
- 339 (iii) an other motorcycle;
- 340 (iv) an other trailer;
- 341 (v) a personal watercraft;
- 342 (vi) a small motor vehicle;
- 343 (vii) a snowmobile;
- 344 (viii) a street motorcycle;
- 345 (ix) a tent trailer;
- 346 (x) a travel trailer;
- 347 (xi) a park model recreational vehicle; and
- 348 (xii) a vessel if that vessel is less than 31 feet in length as determined under Subsection
- 349 (6).

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

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

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

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

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

366 Less than 3 years \$18

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

	<u>Age of Street-Legal All-Terrain Vehicle</u>	<u>Uniform Statewide Fee</u>
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	<u>12 or more years</u>	<u>\$4</u>
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	<u>9 or more years but less than 12 years</u>	<u>\$14</u>
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	<u>6 or more years but less than 9 years</u>	<u>\$20</u>
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	<u>3 or more years but less than 6 years</u>	<u>\$28</u>
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	<u>Less than 3 years</u>	<u>\$38</u>
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374 (b) (d) for a camper or a tent trailer:

	<u>Age of Camper or Tent Trailer</u>	<u>Uniform Statewide Fee</u>
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	12 or more years	\$10
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	9 or more years but less than 12 years	\$25
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	6 or more years but less than 9 years	\$35
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	3 or more years but less than 6 years	\$50
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	Less than 3 years	\$70
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381 (c) (e) for an other trailer:

	<u>Age of Other Trailer</u>	<u>Uniform Statewide Fee</u>
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	12 or more years	\$10
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	9 or more years but less than 12 years	\$15
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	6 or more years but less than 9 years	\$20
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	3 or more years but less than 6 years	\$25
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	Less than 3 years	\$30
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388 (d) (f) for a personal watercraft:

	<u>Age of Personal Watercraft</u>	<u>Uniform Statewide Fee</u>
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	12 or more years	\$10
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	9 or more years but less than 12 years	\$25
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	6 or more years but less than 9 years	\$35
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393 3 or more years but less than 6 years \$45

394 Less than 3 years \$55

395 ~~(e)~~ (g) for a small motor vehicle:

	Age of Small Motor Vehicle	Uniform Statewide Fee
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	6 or more years	\$10
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	3 or more years but less than 6 years	\$15
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	Less than 3 years	\$25
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400 ~~(f)~~ (h) for a street motorcycle:

	Age of Street Motorcycle	Uniform Statewide Fee
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	12 or more years	\$10
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	9 or more years but less than 12 years	\$35
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	6 or more years but less than 9 years	\$50
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	3 or more years but less than 6 years	\$70
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	Less than 3 years	\$95
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407 ~~(g)~~ (i) for a travel trailer or park model recreational vehicle:

	Age of Travel Trailer or Park Model Recreational Vehicle	Uniform Statewide Fee
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	12 or more years	\$20
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	9 or more years but less than 12 years	\$65
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	6 or more years but less than 9 years	\$90
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	3 or more years but less than 6 years	\$135
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	Less than 3 years	\$175
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414 ~~(h)~~ (j) \$10 regardless of the age of the vessel if the vessel is:

415 (i) less than 15 feet in length;

416 (ii) a canoe;

417 (iii) a jon boat; or

418 (iv) a utility boat;

419 (i) for a collapsible inflatable vessel, pontoon, or sailboat, regardless of age:

420	Length of Vessel	Uniform Statewide Fee
421	15 feet or more in length but less than 19 feet in length	\$15
422	19 feet or more in length but less than 23 feet in length	\$25
423	23 feet or more in length but less than 27 feet in length	\$40
424	27 feet or more in length but less than 31 feet in length	\$75

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

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

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

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

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

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

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

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

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

459 (a) for a street motorcycle:

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

466 (b) for a small motor vehicle:

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

471 (5) Notwithstanding Section 59-2-407, tangible personal property subject to the
 472 uniform statewide fees imposed by this section that is brought into the state shall, as a
 473 condition of registration, be subject to the uniform statewide fees unless all property taxes or
 474 uniform fees imposed by the state of origin have been paid for the current calendar year.

475 (6) (a) The revenues collected in each county from the uniform statewide fees imposed

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

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

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

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

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

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

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

491 (A) a swim deck;

492 (B) a ladder;

493 (C) an outboard motor; or

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

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

499 (c) The length of a vessel:

500 (i) (A) for a new vessel, is the length:

501 (I) listed on the manufacturer's statement of origin if the length of the vessel measured
502 under Subsection (7)(b) is equal to the length of the vessel listed on the manufacturer's
503 statement of origin; or

504 (II) listed on a form submitted to the commission by a dealer in accordance with
505 Subsection (7)(d) if the length of the vessel measured under Subsection (7)(b) is not equal to
506 the length of the vessel listed on the manufacturer's statement of origin; or

507 (B) for a vessel other than a new vessel, is the length:
508 (I) corresponding to the model number if the length of the vessel measured under
509 Subsection (7)(b) is equal to the length of the vessel determined by reference to the model
510 number; or
511 (II) listed on a form submitted to the commission by an owner of the vessel in
512 accordance with Subsection (7)(d) if the length of the vessel measured under Subsection (7)(b)
513 is not equal to the length of the vessel determined by reference to the model number; and
514 (ii) (A) is determined at the time of the:
515 (I) first registration as defined in Section 41-1a-102 that occurs on or after January 1,
516 2006; or
517 (II) first renewal of registration that occurs on or after January 1, 2006; and
518 (B) may be determined after the time described in Subsection (7)(c)(ii)(A) only if the
519 commission requests that a dealer or an owner submit a form to the commission in accordance
520 with Subsection (7)(d).
521 (d) (i) A form under Subsection (7)(c) shall:
522 (A) be developed by the commission;
523 (B) be provided by the commission to:
524 (I) a dealer; or
525 (II) an owner of a vessel;
526 (C) provide for the reporting of the length of a vessel;
527 (D) be submitted to the commission at the time the length of the vessel is determined in
528 accordance with Subsection (7)(c)(ii);
529 (E) be signed by:
530 (I) if the form is submitted by a dealer, that dealer; or
531 (II) if the form is submitted by an owner of the vessel, an owner of the vessel; and
532 (F) include a certification that the information set forth in the form is true.
533 (ii) A certification made under Subsection (7)(d)(i)(F) is considered as if made under
534 oath and subject to the same penalties as provided by law for perjury.
535 (iii) (A) A dealer or an owner that submits a form to the commission under Subsection
536 (7)(c) is considered to have given the dealer's or owner's consent to an audit or review by:
537 (I) the commission;

538 (II) the county assessor; or

539 (III) the commission and the county assessor.

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

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

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

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

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

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

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

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

553 (I) for that qualifying vehicle; and

554 (II) that the qualifying person would have been required to pay:

555 (Aa) during the refund period; and

556 (Bb) in accordance with this section had Laws of Utah 2006, Fifth Special Session,
557 Chapter 3, Section 1, been in effect during the refund period; and

558 (ii) for a qualifying watercraft, the refund amount is equal to the difference between:

559 (A) the qualifying payment the qualifying person paid on the qualifying watercraft
560 during the refund period; and

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

562 (I) for that qualifying watercraft;

563 (II) that the qualifying person would have been required to pay:

564 (Aa) during the refund period; and

565 (Bb) in accordance with this section had Laws of Utah 2006, Fifth Special Session,
566 Chapter 3, Section 1, been in effect during the refund period.

567 (c) Before the county issues a refund to the qualifying person in accordance with
568 Subsection (8)(a) the qualifying person shall submit a form to the county to verify the

569 qualifying person is entitled to the refund.

570 (d) (i) A form under Subsection (8)(c) or (9) shall:

571 (A) be developed by the commission;

572 (B) be provided by the commission to the counties;

573 (C) be provided by the county to the qualifying person or tangible personal property
574 owner;

575 (D) provide for the reporting of the following:

576 (I) for a qualifying vehicle:

577 (Aa) the type of qualifying vehicle; and

578 (Bb) the amount of cubic centimeters displacement;

579 (II) for a qualifying watercraft:

580 (Aa) the length of the qualifying watercraft;

581 (Bb) the age of the qualifying watercraft; and

582 (Cc) the type of qualifying watercraft;

583 (E) be signed by the qualifying person or tangible personal property owner; and

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

585 (ii) A certification made under Subsection (8)(d)(i)(F) is considered as if made under
586 oath and subject to the same penalties as provided by law for perjury.

587 (iii) (A) A qualifying person or tangible personal property owner that submits a form to
588 a county under Subsection (8)(c) or (9) is considered to have given the qualifying person's
589 consent to an audit or review by:

590 (I) the commission;

591 (II) the county assessor; or

592 (III) the commission and the county assessor.

593 (B) The consent described in Subsection (8)(d)(iii)(A) is a condition to the acceptance
594 of any form.

595 (e) The county shall make changes to the commission's records with the information
596 received by the county from the form submitted in accordance with Subsection (8)(c).

597 (9) A county shall change its records regarding an item of qualifying tangible personal
598 property if the tangible personal property owner submits a form to the county in accordance
599 with Subsection (8)(d).

600 (10) (a) For purposes of this Subsection (10), "owner of tangible personal property"
601 means a person that was required to pay a uniform statewide fee:

602 (i) during the refund period;

603 (ii) in accordance with this section; and

604 (iii) on an item of tangible personal property subject to the uniform statewide fees
605 imposed by this section.

606 (b) A county that collected revenues from uniform statewide fees imposed by this
607 section during the refund period shall notify an owner of tangible personal property:

608 (i) of the tangible personal property classification changes made to this section
609 pursuant to Laws of Utah 2006, Fifth Special Session, Chapter 3, Section 1;

610 (ii) that the owner of tangible personal property may obtain and file a form to modify
611 the county's records regarding the owner's tangible personal property; and

612 (iii) that the owner may be entitled to a refund pursuant to Subsection (8).

Legislative Review Note
Office of Legislative Research and General Counsel