

1                   **OFF-HIGHWAY VEHICLE PERMIT AMENDMENTS**

2                                   2019 GENERAL SESSION

3                                   STATE OF UTAH

4                           **Chief Sponsor: Derrin R. Owens**

5                           Senate Sponsor: Scott D. Sandall

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7   **LONG TITLE**

8   **General Description:**

9           This bill removes provisions allowing reciprocity of off-highway vehicle permits with  
10 other states.

11 **Highlighted Provisions:**

12           This bill:

- 13           ▶ removes provisions allowing reciprocity of off-highway vehicle permits with other
- 14 states;
- 15           ▶ allows nonresident use of an off-highway vehicle used exclusively as an
- 16 off-highway implement of husbandry; and
- 17           ▶ makes technical changes.

18 **Money Appropriated in this Bill:**

19           None

20 **Other Special Clauses:**

21           This bill provides a special effective date.

22 **Utah Code Sections Affected:**

23 AMENDS:

24           **41-22-35**, as last amended by Laws of Utah 2013, Chapter 332

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

27           Section 1. Section **41-22-35** is amended to read:

28           **41-22-35. Off-highway vehicle user fee -- Decal -- Agents -- Penalty for fraudulent**

29 **issuance of decal -- Deposit and use of fee revenue.**

30 (1) (a) Except as provided in Subsection (1)(b), any person owning or operating a  
31 nonresident off-highway vehicle who operates or gives another person permission to operate  
32 the nonresident off-highway vehicle on any public land, trail, street, or highway in this state  
33 shall:

34 (i) apply for an off-highway vehicle decal issued exclusively for an off-highway  
35 vehicle owned by a nonresident of the state;

36 (ii) pay an annual off-highway vehicle user fee; and

37 (iii) provide evidence that the owner is a nonresident.

38 (b) The provisions of Subsection (1)(a) do not apply to an off-highway vehicle if the  
39 off-highway vehicle is:

40 (i) [~~registered in another state that offers reciprocal operating privileges to Utah~~  
41 ~~residents under rules made by the board~~] used exclusively as an off-highway implement of  
42 husbandry;

43 (ii) used exclusively for the purposes of a scheduled competitive event sponsored by a  
44 public or private entity or another event sponsored by a governmental entity under rules made  
45 by the board;

46 (iii) owned and operated by a state government agency and the operation of the  
47 off-highway vehicle within the boundaries of the state is within the course and scope of the  
48 duties of the agency; or

49 (iv) used exclusively for the purpose of an off-highway vehicle manufacturer  
50 sponsored event within the state under rules made by the board.

51 (2) The off-highway vehicle user fee is \$30.

52 (3) Upon compliance with the provisions of Subsection (1)(a), the nonresident shall:

53 (a) receive a nonresident off-highway vehicle user decal indicating compliance with the  
54 provisions of Subsection (1)(a); and

55 (b) display the decal on the off-highway vehicle in accordance with rules made by the

56 board.

57 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
58 board shall make rules establishing:

59 (a) procedures for:

60 (i) the payment of off-highway vehicle user fees; and

61 (ii) the display of a decal on an off-highway vehicle as required under Subsection

62 (3)(b);

63 (b) acceptable evidence indicating compliance with Subsection (1);

64 [~~(c) eligibility requirements for reciprocal operating privileges for nonresident users;~~]

65 [~~(d)~~ (c) eligibility for scheduled competitive events or other events under Subsection

66 [~~(1)(b)(ii)~~] (1)(b)(i); and

67 [~~(e)~~ (d) eligibility for an off-highway vehicle manufacturer sponsored event under

68 Subsection [~~(1)(b)(iv)~~] (1)(b)(iii).

69 (5) (a) An off-highway vehicle user decal may be issued and the off-highway vehicle  
70 user fee may be collected by the division or agents of the division.

71 (b) An agent shall retain 10% of all off-highway vehicle user fees collected.

72 (c) The division may require agents to obtain a bond in a reasonable amount.

73 (d) On or before the tenth day of each month, each agent shall:

74 (i) report all sales to the division; and

75 (ii) submit all off-highway vehicle user fees collected less the remuneration provided in  
76 Subsection (5)(b).

77 (e) (i) If an agent fails to pay the amount due, the division may assess a penalty of 20%  
78 of the amount due.

79 (ii) Delinquent payments shall bear interest at the rate of 1% per month.

80 (iii) If the amount due is not paid because of bad faith or fraud, the division shall assess  
81 a penalty of 100% of the total amount due together with interest.

82 (f) All fees collected by an agent, except the remuneration provided in Subsection

83 (5)(b), shall:

84 (i) be kept separate and apart from the private funds of the agent; and

85 (ii) belong to the state.

86 (g) An agent may not issue an off-highway vehicle user decal to any person unless the  
87 person furnishes evidence of compliance with the provisions of Subsection (1)(a).

88 (h) A violation of any provision of this Subsection (5) is a class B misdemeanor and  
89 may be cause for revocation of the agent authorization.

90 (6) Revenue generated by off-highway vehicle user fees shall be deposited in the  
91 Off-highway Vehicle Account created in Section [41-22-19](#).

92 Section 2. **Effective date.**

93 This bill takes effect on January 1, 2020.