

OFF-HIGHWAY VEHICLE PERMIT AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Derrin R. Owens

Senate Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ removes provisions allowing reciprocity of off-highway vehicle permits with other states; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

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

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

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

41-22-35. Off-highway vehicle user fee -- Decal -- Agents -- Penalty for fraudulent issuance of decal -- Deposit and use of fee revenue.



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

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

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

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

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

38 [~~(i) registered in another state that offers reciprocal operating privileges to Utah~~
39 ~~residents under rules made by the board;~~]

40 [(~~ii~~)] (i) used exclusively for the purposes of a scheduled competitive event sponsored
41 by a public or private entity or another event sponsored by a governmental entity under rules
42 made by the board;

43 [(~~iii~~)] (ii) owned and operated by a state government agency and the operation of the
44 off-highway vehicle within the boundaries of the state is within the course and scope of the
45 duties of the agency; or

46 [(~~iv~~)] (iii) used exclusively for the purpose of an off-highway vehicle manufacturer
47 sponsored event within the state under rules made by the board.

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

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

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

52 (b) display the decal on the off-highway vehicle in accordance with rules made by the
53 board.

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

56 (a) procedures for:

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

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

59 (3)(b);

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

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

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

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

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

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

66 (5) (a) An off-highway vehicle user decal may be issued and the off-highway vehicle

67 user fee may be collected by the division or agents of the division.

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

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

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

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

72 (ii) submit all off-highway vehicle user fees collected less the remuneration provided in

73 Subsection (5)(b).

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

75 of the amount due.

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

77 (iii) If the amount due is not paid because of bad faith or fraud, the division shall assess

78 a penalty of 100% of the total amount due together with interest.

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

80 (5)(b), shall:

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

82 (ii) belong to the state.

83 (g) An agent may not issue an off-highway vehicle user decal to any person unless the

84 person furnishes evidence of compliance with the provisions of Subsection (1)(a).

85 (h) A violation of any provision of this Subsection (5) is a class B misdemeanor and

86 may be cause for revocation of the agent authorization.

87 (6) Revenue generated by off-highway vehicle user fees shall be deposited in the

88 Off-highway Vehicle Account created in Section [41-22-19](#).

89 Section 2. **Effective date.**

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This bill takes effect on January 1, 2020.