

Representative Derrin R. Owens proposes the following substitute bill:

OFF-HIGHWAY VEHICLE PERMIT AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Derrin R. Owens

Senate Sponsor: Scott D. Sandall

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;
- ▶ allows nonresident use of an off-highway vehicle used exclusively as an off-highway implement of husbandry; 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



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.