

## HB0105S01 compared with HB0105

~~{deleted text}~~ shows text that was in HB0105 but was deleted in HB0105S01.

Inserted text shows text that was not in HB0105 but was inserted into HB0105S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

~~{OFF-HIGHWAY}~~ 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: \_\_\_\_\_

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#### 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

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### 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

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*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.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) procedures for:

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

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

(3)(b);

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

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

~~[(d)]~~ (c) eligibility for scheduled competitive events or other events under Subsection ~~[(1)(b)(ii)]~~ (1)(b)(i); and

~~[(e)]~~ (d) eligibility for an off-highway vehicle manufacturer sponsored event under Subsection ~~[(1)(b)(iv)]~~ (1)(b)(iii).

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

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

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

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

(i) report all sales to the division; and

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

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

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

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

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(f) All fees collected by an agent, except the remuneration provided in Subsection (5)(b), shall:

- (i) be kept separate and apart from the private funds of the agent; and
- (ii) belong to the state.

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

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

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

**Section 2. Effective date.**

This bill takes effect on January 1, 2020.