

HB0207S01 compared with HB0207

~~{deleted text}~~ shows text that was in HB0207 but was deleted in HB0207S01.

Inserted text shows text that was not in HB0207 but was inserted into HB0207S01.

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.

Representative Christine F. Watkins proposes the following substitute bill:

LICENSE PLATE PLACEMENT AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Christine F. Watkins

Senate Sponsor: _____

LONG TITLE

General Description:

This bill ~~{removes the requirement to have two license plates displayed and requires only one license plate be obtained and displayed on a vehicle}~~ prohibits a citation for failure to attach a front license plate if the primary offense is a parking violation.

Highlighted Provisions:

This bill:

- ▶ ~~{removes the requirement that two license plates be issued and displayed;~~
- ▶ ~~requires only one license plate be displayed on the rear of the vehicle; and~~
- ▶ ~~makes technical changes}~~ prohibits law enforcement from issuing a citation for a failure to attach a front license plate if the primary offense is a parking violation under the Traffic Code or a local parking ordinance.

Money Appropriated in this Bill:

HB0207S01 compared with HB0207

None

Other Special Clauses:

~~{ This bill provides a special effective date. }~~ None

Utah Code Sections Affected:

AMENDS:

~~{ 13-48-103, as enacted by Laws of Utah 2011, Chapter 357~~
~~41-1a-108, as renumbered and amended by Laws of Utah 1992, Chapter 1~~
~~41-1a-221, as last amended by Laws of Utah 2018, Chapter 20~~
~~41-1a-232, as enacted by Laws of Utah 2013, Chapter 391~~
~~41-1a-401, as last amended by Laws of Utah 2018, Chapters 260 and 454~~
~~41-1a-402, as last amended by Laws of Utah 2018, Chapters 20 and 262~~
} 41-1a-404, as last amended by Laws of Utah 2015, Chapters 81 and 412
~~{ 41-1a-407, as last amended by Laws of Utah 2018, Chapter 20~~
~~41-1a-410, as last amended by Laws of Utah 1993, Chapter 222~~
~~41-1a-411, as last amended by Laws of Utah 2016, Chapter 49~~
~~41-1a-412, as renumbered and amended by Laws of Utah 1992, Chapter 1~~
~~41-1a-413, as last amended by Laws of Utah 2018, Chapter 454~~
~~41-1a-416, as last amended by Laws of Utah 2008, Chapter 382~~
~~41-1a-418, as last amended by Laws of Utah 2018, Chapters 39, 99, and 260~~
~~41-1a-419, as last amended by Laws of Utah 2018, Chapter 260~~
~~41-1a-421, as last amended by Laws of Utah 2018, Chapter 39~~
~~41-1a-422, as last amended by Laws of Utah 2018, Chapters 39, 260, and 415~~
~~41-1a-701, as last amended by Laws of Utah 2018, Chapter 454~~
~~41-1a-703, as last amended by Laws of Utah 2018, Chapter 454~~
~~41-1a-704, as last amended by Laws of Utah 2015, Chapter 412~~
~~41-1a-1105, as last amended by Laws of Utah 1998, Chapter 281~~
~~41-1a-1211, as last amended by Laws of Utah 2015, Chapter 119~~
~~41-3-105, as last amended by Laws of Utah 2018, Chapter 387~~
~~41-3-209, as last amended by Laws of Utah 2018, Chapter 387~~
~~41-3-210, as last amended by Laws of Utah 2018, Chapter 387~~
~~41-3-702, as last amended by Laws of Utah 2018, Chapter 387~~

HB0207S01 compared with HB0207

~~41-3-803~~, as last amended by Laws of Utah 2000, Chapter 86

~~41-6a-403~~, as last amended by Laws of Utah 2008, Chapter 382

~~41-12a-303~~, as last amended by Laws of Utah 2001, Chapter 85

~~41-12a-602~~, as enacted by Laws of Utah 1985, Chapter 242

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

Section 1. Section ~~{13-48-103}~~41-1a-404 is amended to read:

~~{ 13-48-103. Motor vehicle rental company -- Fee disclosure and collection requirements:~~

~~(1) A motor vehicle rental company may include separately stated surcharges, fees, or charges in a rental agreement, including:~~

~~(a) motor vehicle license cost recovery fees;~~

~~(b) airport access fees;~~

~~(c) airport concession fees; and~~

~~(d) all applicable taxes.~~

~~(2) If a motor vehicle rental company includes a motor vehicle license cost recovery fee as a separately stated charge in a rental transaction, the amount of the fee shall represent the motor vehicle rental company's good-faith estimate of the motor vehicle rental company's daily charge as calculated by the motor vehicle rental company to recover its actual total annual motor vehicle titling, registration, obtaining [license plates] a license plate, and motor vehicle inspection and emission costs.~~

~~(3) If the total amount of the motor vehicle license cost recovery fees collected by a motor vehicle rental company under this section in any calendar year exceeds the motor vehicle rental company's actual costs to license, title, register, and obtain license plates for the motor vehicles and have the motor vehicles pass inspections and emissions for that calendar year, the motor vehicle rental company shall retain the excess amount and adjust the estimated average per motor vehicle license cost recovery fee for the following calendar year by the corresponding amount.~~

~~Section 2. Section 41-1a-108 is amended to read:~~

~~41-1a-108. Division inspection of applications for registration, certificate of title, or license plate:~~

HB0207S01 compared with HB0207

~~— (1) The division shall examine and determine the genuineness, regularity, and legality of each application for:~~

~~— (a) registration of a vehicle;~~

~~— (b) a certificate of title for a vehicle, vessel, or outboard motor;~~

~~— (c) ~~[license plates]~~ a license plate; and~~

~~— (d) any other request lawfully made to the division.~~

~~— (2) The division may investigate or require additional information on any application or request necessary to implement this chapter.~~

~~— (3) When the division is satisfied as to the genuineness, regularity, and legality of an application and that the applicant is entitled to register the vehicle and to the issuance of a certificate of title, the division shall register the vehicle, issue a certificate of title and issue ~~[license plates]~~ a license plate.~~

~~— Section 3. Section ~~41-1a-221~~ is amended to read:~~

~~— **41-1a-221. Registration of vehicles of political subdivisions or state -- Expiration of registration -- Certification of information -- Failure to comply.**~~

~~— (1) (a) An entity referred to in Subsection 41-1a-407(1) shall register each vehicle that it owns, operates, or leases.~~

~~— (b) This section does not apply to unmarked vehicles referred to in Section 41-1a-407.~~

~~— (2) A registration card and license plate issued to an entity under this section or Subsection 41-1a-407(1) are in full force and effect until the vehicle is no longer owned or operated by that entity.~~

~~— (3) (a) If the owner of a vehicle subject to the provisions of this section transfers or assigns title or interest in the vehicle, the registration of that vehicle expires.~~

~~— (b) The transferor shall remove the license ~~[plates]~~ plate and within 20 days from the date of transfer:~~

~~— (i) destroy the license ~~[plates]~~ plate; or~~

~~— (ii) forward the license ~~[plates]~~ plate to the division to be destroyed.~~

~~— (4) A violation of this section is an infraction.~~

~~— Section 4. Section ~~41-1a-232~~ is amended to read:~~

~~— **41-1a-232. Special rental company vehicle registration decals and license plates.**~~

~~— (1) As used in this section:~~

HB0207S01 compared with HB0207

~~—— (a) "Rental agreement" has the same meaning as defined in Section 31A-22-311.~~

~~—— (b) "Rental company" has the same meaning as defined in Section 31A-22-311.~~

~~—— (c) "Rental fleet" means more than 25 motor vehicles that are:~~

~~—— (i) owned by a rental company;~~

~~—— (ii) offered for rental without a hired driver through a rental agreement; and~~

~~—— (iii) designated by the registered owner of the motor vehicle as a rental fleet vehicle at the time of registration.~~

~~—— (2) (a) Beginning on the date that the division has implemented the division's GenTax system, an owner that registers a motor vehicle under Section 41-1a-215 or 41-1a-215.5 may obtain an alternative special registration card and registration decals for the license [plates] plate if the motor vehicle is:~~

~~—— (i) owned by a rental company; and~~

~~—— (ii) maintained in the rental company's rental fleet.~~

~~—— (b) The registration card and registration decals for the license [plates] plate issued under Subsection (2)(a) are valid for the life of the motor vehicle while the motor vehicle is maintained in the rental fleet.~~

~~—— (3) (a) An owner that receives the alternative special registration card and registration decals for the license [plates] plate issued under this section shall:~~

~~—— (i) renew the registration in accordance with Section 41-1a-216; and~~

~~—— (ii) comply with all the prerequisites for registration or registration renewal under Section 41-1a-203.~~

~~—— (b) Notwithstanding the registration renewals requirement under Subsection 41-1a-216(2)(b), the alternative special registration card and registration decals issued under this section do not expire and are valid for the life of the motor vehicle while the motor vehicle is maintained in the rental fleet.~~

~~—— (4) If the registration renewal requirements under Subsection (3)(a) are not complied with, the registration is suspended or revoked.~~

~~—— Section 5. Section **41-1a-401** is amended to read:~~

~~—— **41-1a-401. License plates -- Number of plates -- Reflectorization -- Indicia of registration in lieu of or used with plates.**~~

~~—— (1) (a) Except as provided in Subsection (1)(c), the division upon registering a vehicle~~

HB0207S01 compared with HB0207

shall issue to the owner:

~~—— (i) one license plate for a motorcycle, trailer, or semitrailer;~~

~~—— (ii) one decal for a park model recreational vehicle, in lieu of a license plate, which shall be attached in plain sight to the rear of the park model recreational vehicle;~~

~~—— (iii) one decal for a camper, in lieu of a license plate, which shall be attached in plain sight to the rear of the camper; and~~

~~—— (iv) [two identical license plates] one license plate for every other vehicle.~~

~~—— (b) The license plate or decal issued under Subsection (1)(a) is for the particular vehicle registered and may not be removed during the term for which the license plate or decal is issued or used upon any other vehicle than the registered vehicle:~~

~~—— (c) (i) Notwithstanding Subsections (1)(a) and (b) and except as provided in Subsection (1)(c)(ii), the division, upon registering a motor vehicle that has been sold, traded, or the ownership of which has been otherwise released, shall transfer the license plate issued to the person applying to register the vehicle if:~~

~~—— (A) the previous registered owner has included the license plate as part of the sale, trade, or ownership release; and~~

~~—— (B) the person applying to register the vehicle applies to transfer the license plate to the new registered owner of the vehicle:~~

~~—— (ii) The division may not transfer a personalized or special group license plate to a new registered owner under this Subsection (1)(c) if the new registered owner does not meet the qualification or eligibility requirements for that personalized or special group license plate under Sections 41-1a-410 through 41-1a-422.~~

~~—— (2) The division may receive applications for registration renewal, renew registration, and issue a new license [plates] plate or decals at any time prior to the expiration of registration.~~

~~—— (3) (a) (i) All license plates to be manufactured and issued by the division shall be treated with a fully reflective material on the plate face that provides effective and dependable reflective brightness during the service period of the license plate.~~

~~—— (ii) For a historical support special group license plate created under this part, the division shall procure reflective material to satisfy the requirement under Subsection (3)(a)(i) as soon as such material is available at a reasonable cost.~~

HB0207S01 compared with HB0207

~~—— (b) The division shall prescribe all license plate material specifications and establish and implement procedures for conforming to the specifications:~~

~~—— (c) The specifications for the materials used such as the aluminum plate substrate, the reflective sheeting, and glue shall be drawn in a manner so that at least two manufacturers may qualify as suppliers:~~

~~—— (d) The granting of contracts for the materials shall be by public bid:~~

~~—— (4) (a) The commission may issue, adopt, and require the use of indicia of registration it considers advisable in lieu of or in conjunction with license plates as provided in this part:~~

~~—— (b) All provisions of this part relative to license plates apply to these indicia of registration, so far as the provisions are applicable:~~

~~—— (5) A violation of this section is an infraction:~~

~~—— Section 6. Section **41-1a-402** is amended to read:~~

~~—— **41-1a-402. Required colors, numerals, and letters -- Expiration:**~~

~~—— (1) Each license plate shall have displayed on it:~~

~~—— (a) the registration number assigned to the vehicle for which it is issued;~~

~~—— (b) the name of the state; and~~

~~—— (c) unless exempted by Section 41-1a-301 or 41-1a-407, a registration decal showing the date of expiration displayed in accordance with Subsection (6):~~

~~—— (2) If registration is extended by affixing a registration decal to the license plate, the expiration date of the decal governs the expiration date of the license plate:~~

~~—— (3) Except as provided in Subsection (4), each original license plate that is not one of the special group license plates issued under Section 41-1a-418 shall be:~~

~~—— (a) a statehood centennial license plate with the same color, design, and slogan as the plates issued in conjunction with the statehood centennial;~~

~~—— (b) a Ski Utah license plate; or~~

~~—— (c) an In God We Trust license plate:~~

~~—— (4) Beginning on the date that the division determines the existing inventories of statehood centennial license plates and Ski Utah license plates are exhausted, each license plate that is not one of the special group license plates issued under Section 41-1a-418 shall:~~

~~—— (a) (i) display the "Life Elevated" slogan; and~~

~~—— (ii) have a color and design approved by the 57th Legislature in the 2007 General~~

HB0207S01 compared with HB0207

Session that features:

- ~~—— (A) a skier with the "Greatest Snow on Earth" slogan; or~~
- ~~—— (B) Delicate Arch;~~
- ~~—— (b) be an In God We Trust license plate; or~~
- ~~—— (c) beginning on the date that the division determines the existing inventories of decals for an apportioned vehicle described in Section 41-1a-301 are exhausted, be a distinctive license plate displaying the word "apportioned" or the abbreviation "APP."~~
- ~~—— (5) (a) Except as provided under Subsection 41-1a-215(2) and Section 41-1a-216, [license plates] a license plate shall be renewed annually.~~
- ~~—— (b) (i) The division shall issue the vehicle owner a month decal and a year decal upon the vehicle's first registration with the division.~~
- ~~—— (ii) The division shall issue the vehicle owner only a year decal upon subsequent renewals of registration to validate registration renewal.~~
- ~~—— (6) The decals issued in accordance with Subsection (5) shall be applied as follows:~~
- ~~—— (a) for [license plates] a license plate issued beginning in 1974 through 1985, decals displayed on a license [plates] plate with black lettering on a white background shall be applied to the lower left-hand corner of the [rear of the license plate vehicles] license plate;~~
- ~~—— (b) decals displayed on [statehood centennial license plates and on Ski Utah license plates] a statehood centennial license plate and on a Ski Utah license plate issued in accordance with Subsection (3) shall be applied to the upper left-hand corner of the [rear] license plate;~~
- ~~—— (c) decals displayed on special group license plates issued in accordance with Section 41-1a-418 shall be applied to the upper right-hand corner of the license plate unless there is a plate indentation on the upper left-hand corner of the license plate;~~
- ~~—— (d) decals displayed on [license plates] a license plate with the "Life Elevated" slogan issued in accordance with Subsection (4) shall be applied in the upper left-hand corner for the month decal and the upper right-hand corner for the year decal;~~
- ~~—— (e) decals displayed on [license plates] a license plate with the "In God We Trust" slogan issued in accordance with Subsection (4)(b) shall be applied in the upper right-hand corner of the [rear] license plate unless there is a plate indentation on the upper left-hand corner of the license plate;~~
- ~~—— (f) decals issued for motorcycles shall be applied to the upper corner of the license~~

HB0207S01 compared with HB0207

plate opposite the word "Utah"; and

~~— (g) decals displayed on [license plates] a license plate issued under Section 41-1a-416 shall be applied as appropriate for the year of the plate.~~

~~— (7) (a) The month decal issued in accordance with Subsection (5) shall be displayed on the license plate in the left position.~~

~~— (b) The year decal issued in accordance with Subsection (5) shall be displayed on the license plate in the right position.~~

~~— (8) The current year decal issued in accordance with Subsection (5) shall be placed over or in place of the previous year decal.~~

~~— (9) If a license plate, month decal, or year decal is lost or destroyed, a replacement shall be issued upon application and payment of the fees required under Section 41-1a-1211 or 41-1a-1212.~~

~~— (10) (a) A violation of this section is an infraction.~~

~~— (b) A court shall waive a fine for a violation under this section if:~~

~~— (i) the registration for the vehicle was current at the time of the citation; and~~

~~— (ii) the person to whom the citation was issued provides, within 21 business days, evidence that the license plate and decals are properly displayed in compliance with this section.~~

~~— Section 7. Section 41-1a-404 is amended to read:~~

~~‡~~ **41-1a-404. Location and position of plates -- Visibility of plates -- Exceptions.**

~~{(1)}~~ License plates issued for a vehicle other than a motorcycle, trailer, or semitrailer shall be attached to the vehicle, one in the front and the other in the rear. ~~{(1)}~~

~~{(2)}~~ ~~{(1)}~~ The license plate issued for a motorcycle, trailer, ~~{(1)}~~ or ~~{(1)}~~ semitrailer ~~{, or other vehicle}~~ shall be attached to the rear of the motorcycle, trailer, ~~{(1)}~~ or ~~{(1)}~~ semitrailer ~~{, or vehicle}~~.

~~{(3)}~~ ~~{(2)}~~ Except as provided in Subsection ~~{(5)}~~ ~~{(3)}~~, a license plate shall at all times be:

(a) securely fastened:

(i) in a horizontal position to the vehicle for which it is issued to prevent the plate from swinging;

(ii) at a height of not less than 12 inches from the ground, measuring from the bottom

HB0207S01 compared with HB0207

of the plate; and

- (iii) in a place and position to be clearly visible; and
- (b) maintained:
 - (i) free from foreign materials; and
 - (ii) in a condition to be clearly legible.

~~ff~~(4) Enforcement by a state or local law enforcement officer of the requirement under Subsection (1) to attach a license plate to the front of a vehicle shall be only as a secondary action when the vehicle has been detained for a suspected violation by any person in the vehicle of Title 41, Motor Vehicles, other than:

(a) the requirement under Subsection (1) to attach a license plate to the front of the vehicle~~], or for another offense.];~~

(b) a parking violation under Section 41-6a-1401; or

(c) a violation of a parking ordinance of a political subdivision.

~~ff~~(5)~~ff~~(2) The provisions of Subsections ~~ff~~(3)~~ff~~(2)(a)(iii) and ~~ff~~(3)~~ff~~(2)(b) do not apply to a license plate that is obscured exclusively by one or more of the following devices or by the cargo the device is carrying, if the device is installed according to manufacturer specifications or generally accepted installation practices:

- (a) a trailer hitch;
- (b) a wheelchair lift or wheelchair carrier;
- (c) a trailer being towed by the vehicle;
- (d) a bicycle rack, ski rack, or luggage rack; or
- (e) a similar cargo carrying device.

~~ff~~(6)~~ff~~(4) A violation of this section is an infraction.

~~{~~ Section 8. Section ~~41-1a-407~~ is amended to read:

~~41-1a-407. Plates issued to political subdivisions or state -- Use of "EX" letters --~~

~~Confidential information.~~

~~(1) Except as provided in Subsection (2), each municipality, board of education, school district, state institution of learning, county, other governmental division, subdivision, or district, and the state shall:~~

~~(a) place a license plate displaying the letters, "EX" on every vehicle owned and operated by it or leased for its exclusive use; and~~

HB0207S01 compared with HB0207

- ~~—— (b) display an identification mark designating the vehicle as the property of the entity in a conspicuous place on both sides of the vehicle;~~
- ~~—— (2) The entity need not display the "EX" license plate or the identification mark required by Subsection (1) if:~~
 - ~~—— (a) the vehicle is in the direct service of the governor, lieutenant governor, attorney general, state auditor, or state treasurer of Utah;~~
 - ~~—— (b) the vehicle is used in official investigative work where secrecy is essential;~~
 - ~~—— (c) the vehicle is used in an organized Utah Highway Patrol operation that is:~~
 - ~~—— (i) conducted within a county of the first or second class as defined under Section 17-50-501, unless no more than one unmarked vehicle is used for the operation;~~
 - ~~—— (ii) approved by the Commissioner of Public Safety;~~
 - ~~—— (iii) of a duration of 14 consecutive days or less; and~~
 - ~~—— (iv) targeted toward careless driving, aggressive driving, and accidents involving:~~
 - ~~—— (A) violations of Title 41, Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving;~~
 - ~~—— (B) speeding violations for exceeding the posted speed limit by 21 or more miles per hour;~~
 - ~~—— (C) speeding violations in a reduced speed school zone under Section 41-6a-604;~~
 - ~~—— (D) violations of Section 41-6a-1002 related to pedestrian crosswalks; or~~
 - ~~—— (E) violations of Section 41-6a-702 related to lane restrictions;~~
 - ~~—— (d) the vehicle is provided to an official of the entity as part of a compensation package allowing unlimited personal use of that vehicle;~~
 - ~~—— (e) the personal security of the occupants of the vehicle would be jeopardized if the "EX" license plate were in place; or~~
 - ~~—— (f) the vehicle is used in routine enforcement on a state highway with four or more lanes involving:~~
 - ~~—— (i) violations of Section 41-6a-701 related to operating a vehicle on the right side of a roadway;~~
 - ~~—— (ii) violations of Section 41-6a-702 related to left lane restrictions;~~
 - ~~—— (iii) violations of Section 41-6a-704 related to overtaking and passing vehicles proceeding in the same direction;~~

HB0207S01 compared with HB0207

- ~~—— (iv) violations of Section 41-6a-711 related to following a vehicle at a safe distance;
and~~
- ~~—— (v) violations of Section 41-6a-804 related to turning and changing lanes.~~
- ~~—— (3) Plates issued to Utah Highway Patrol vehicles may bear the capital letters "UHP," a beehive logo, and the call number of the trooper to whom the vehicle is issued.~~
- ~~—— (4) (a) The commission shall issue "EX" and "UHP" plates.~~
- ~~—— (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules establishing the procedure for application for and distribution of the plates.~~
- ~~—— (5) For a vehicle that qualifies for an "EX" or "UHP" license [plates] plate, the entity is not required to display the month or year registration decals described in Section 41-1a-402.~~
- ~~—— (6) (a) Information shall be confidential for vehicles that are not required to display the "EX" license plate or the identification mark under Subsections (2)(a), (b), (d), and (e).~~
- ~~—— (b) (i) If a law enforcement officer's identity must be kept secret, the law enforcement officer's agency head may request in writing that the division remove the license plate information of the officer's personal vehicles from all public access files and place it in a confidential file until the assignment is completed.~~
- ~~—— (ii) The agency head shall notify the division when the assignment is completed.~~
- ~~—— (7) A peace officer engaged in an organized operation under Subsection (2)(c) shall be in a uniform clearly identifying the law enforcement agency the peace officer is representing during the operation.~~
- ~~—— Section 9. Section ~~41-1a-410~~ is amended to read:~~
- ~~—— **41-1a-410. Eligibility for personalized plates:**~~
- ~~—— (1) A person who is the registered owner of a vehicle not subject to registration under Section 41-1a-301, registered with the division, or who applies for an original registration of a vehicle not subject to registration under Section 41-1a-301, may upon payment of the fee prescribed in Section 41-1a-1211 apply to the division for a personalized license [plates] plate.~~
- ~~—— (2) Application shall be made in accordance with Section 41-1a-411.~~
- ~~—— (3) [The personalized plates] A personalized license plate shall be affixed to the vehicle for which registration is sought in lieu of [the regular license plates] a regular license plate.~~

HB0207S01 compared with HB0207

~~———— (4) [Personalized license plates] A personalized license plate shall be issued only to the registered owner of the vehicle on which they are to be displayed.~~

~~———— Section 10. Section ~~41-1a-411~~ is amended to read:~~

~~———— **41-1a-411. Application for personalized plates -- Refusal authorized.**~~

~~———— (1) An applicant for a personalized license [plates] plate or renewal of the [plates] plate shall file an application for the [plates] plate in the form and by the date the division requires, indicating the combination of letters, numbers, or both requested as a registration number.~~

~~———— (2) (a) Except as provided in Subsection (3), the division may refuse to issue any combination of letters, numbers, or both that may carry connotations offensive to good taste and decency or that would be misleading.~~

~~———— (b) The division may refuse to issue a combination of letters, numbers, or both as a registration number if that same combination is already in use as a registration number on an existing license plate.~~

~~———— (3) (a) Except as provided in Subsection (2)(b) or (3)(b), the division may not refuse a combination of letters, numbers, or both as a registration number if:~~

~~———— (i) the license plate is an honor special group license plate as described in Section 41-1a-421; and~~

~~———— (ii) the combination of letters, numbers, or both refers to:~~

~~———— (A) a year related to military service;~~

~~———— (B) a military branch; or~~

~~———— (C) an official achievement, badge, or honor received for military service.~~

~~———— (b) If an applicant requests a combination containing only numbers, the division may refuse the combination if the combination includes less than four numerical digits.~~

~~———— Section 11. Section ~~41-1a-412~~ is amended to read:~~

~~———— **41-1a-412. Design of personalized plates.**~~

~~———— The personalized license [plates] plate shall be the same color and design as a regular license [plates] plate designed for the type of vehicle being licensed and shall consist of numbers, letters, or any combination as fixed by the division, provided that there are no conflicts with existing or anticipated license plate series.~~

~~———— Section 12. Section ~~41-1a-413~~ is amended to read:~~

~~———— **41-1a-413. Personalized plates -- Sale of vehicle -- Transfer of plates -- Release of**~~

HB0207S01 compared with HB0207

priority:

~~— Except as provided in Subsection 41-1a-401(1)(c), if a person who has been issued a personalized license [plates] plate sells, trades, or otherwise releases ownership of the vehicle for which the personalized license [plates have] plate has been issued, that person shall immediately:~~

~~— (1) apply to display the license [plates] plate on a different vehicle owned by the person; or~~

~~— (2) surrender the license [plates] plate to the division and release [his] the person's priority to the letters and numbers displayed on the personalized license plates.~~

~~— Section 13. Section ~~41-1a-416~~ is amended to read:~~

~~— ~~41-1a-416. Original issue license plates == Alternative stickers == Rulemaking.~~~~

~~— (1) The owner of a motor vehicle that is a model year 1973 or older may apply to the division for permission to display an original issue license plate of a format and type issued by the state in the same year as the model year of the vehicle.~~

~~— (2) The owner of a motor vehicle who desires to display an original issue license [plates] plate instead of a license [plates] plate issued under Section 41-1a-401 shall:~~

~~— (a) complete an application on a form provided by the division;~~

~~— (b) supply and submit the original license [plates] plate that the owner desires to display to the division for approval; and~~

~~— (c) pay the fees prescribed in Sections 41-1a-1206 and 41-1a-1211.~~

~~— (3) The division, prior to approval of an application under this section, shall determine that the original issue license [plates] plate:~~

~~— (a) [are] is of a format and type issued by the state for use on a motor vehicle in this state;~~

~~— (b) [have] has numbers and characters that are unique and do not conflict with existing license plate series in this state;~~

~~— (c) [are] is legible, durable, and otherwise in a condition that serves the purposes of this chapter, except that the original issue license [plates are] plate is exempt from the provision of Section 41-1a-401 regarding reflectorization and Section 41-1a-403 regarding legibility from 100 feet; and~~

~~— (d) [are] is from the same year of issue as the model year of the motor vehicle on which~~

HB0207S01 compared with HB0207

they are to be displayed:

~~—— (4) An owner of a motor vehicle displaying an original issue license [plates] plate approved under this section is not exempt from any other requirement of this chapter except as specified under this section:~~

~~—— (5) (a) An owner of a motor vehicle currently registered in this state whose original issue license [plates are] plate is not approved by the division because of the requirement in Subsection (3)(b) may apply to the division for a sticker to allow the temporary display of the original issue license [plates] plate if:~~

~~—— (i) the [plates otherwise comply] plate otherwise complies with this section;~~

~~—— (ii) the [plates are] plate is only displayed when the motor vehicle is used for participating in motor vehicle club activities, exhibitions, tours, parades, and similar activities and [are] is not used for general daily transportation;~~

~~—— (iii) the license [plates] plate and registration issued under this chapter for normal use of the motor vehicle on the highways of this state [are] is kept in the motor vehicle and shown to a peace officer on request; and~~

~~—— (iv) the sticker issued by the division under this subsection is properly affixed to the face of the original issue license plate.~~

~~—— (b) The sticker issued under this section shall be the size and form customarily furnished by the division:~~

~~—— (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules for the implementation of this section.~~

~~—— Section 14. Section **41-1a-418** is amended to read:~~

~~—— **41-1a-418. Authorized special group license plates:**~~

~~—— (1) The division shall only issue a special group license [plates] plate in accordance with this section through Section 41-1a-422 to a person who is specified under this section within the categories listed as follows:~~

~~—— (a) a disability special group license [plates] plate issued in accordance with Section 41-1a-420;~~

~~—— (b) an honor special group license [plates] plate, as in a war hero, which [plates are] plate is issued for a:~~

~~—— (i) survivor of the Japanese attack on Pearl Harbor;~~

HB0207S01 compared with HB0207

- ~~—— (ii) former prisoner of war;~~
- ~~—— (iii) recipient of a Purple Heart;~~
- ~~—— (iv) disabled veteran;~~
- ~~—— (v) recipient of a gold star award issued by the United States Secretary of Defense; or~~
- ~~—— (vi) recipient of a campaign or combat theater award determined by the Department of Veterans and Military Affairs;~~
- ~~—— (c) a unique vehicle type special group license [plates] plate, as for historical, collectors value, or other unique vehicle type, which [plates are] plate is issued for:~~
 - ~~—— (i) a special interest vehicle;~~
 - ~~—— (ii) a vintage vehicle;~~
 - ~~—— (iii) a farm truck; or~~
 - ~~—— (iv) (A) until Subsection (1)(c)(iv)(B) or (4) applies, a vehicle powered by clean fuel as defined in Section 59-13-102; or~~
 - ~~—— (B) beginning on the effective date of rules made by the Department of Transportation authorized under Subsection 41-6a-702(5)(b) and until Subsection (4) applies, a vehicle powered by clean fuel that meets the standards established by the Department of Transportation in rules authorized under Subsection 41-6a-702(5)(b);~~
 - ~~—— (d) a recognition special group license [plates] plate, which [plates are] plate is issued for:~~
 - ~~—— (i) a current member of the Legislature;~~
 - ~~—— (ii) a current member of the United States Congress;~~
 - ~~—— (iii) a current member of the National Guard;~~
 - ~~—— (iv) a licensed amateur radio operator;~~
 - ~~—— (v) a currently employed, volunteer, or retired firefighter until June 30, 2009;~~
 - ~~—— (vi) an emergency medical technician;~~
 - ~~—— (vii) a current member of a search and rescue team;~~
 - ~~—— (viii) a current honorary consulate designated by the United States Department of State; or~~
 - ~~—— (ix) an individual supporting commemoration and recognition of women's suffrage; or~~
 - ~~—— (e) a support special group license [plates] plate, as for a contributor to an institution or cause, which [plates are] plate is issued for a contributor to:~~

HB0207S01 compared with HB0207

- ~~—— (i) an institution's scholastic scholarship fund;~~
- ~~—— (ii) the Division of Wildlife Resources;~~
- ~~—— (iii) the Department of Veterans and Military Affairs;~~
- ~~—— (iv) the Division of Parks and Recreation;~~
- ~~—— (v) the Department of Agriculture and Food;~~
- ~~—— (vi) the Guardian Ad Litem Services Account and the Children's Museum of Utah;~~
- ~~—— (vii) the Boy Scouts of America;~~
- ~~—— (viii) spay and neuter programs through No More Homeless Pets in Utah;~~
- ~~—— (ix) the Boys and Girls Clubs of America;~~
- ~~—— (x) Utah public education;~~
- ~~—— (xi) programs that provide support to organizations that create affordable housing for those in severe need through the Division of Real Estate;~~
- ~~—— (xii) the Department of Public Safety;~~
- ~~—— (xiii) programs that support Zion National Park;~~
- ~~—— (xiv) beginning on July 1, 2009, programs that provide support to firefighter organizations;~~
- ~~—— (xv) programs that promote bicycle operation and safety awareness;~~
- ~~—— (xvi) programs that conduct or support cancer research;~~
- ~~—— (xvii) programs that create or support autism awareness;~~
- ~~—— (xviii) programs that create or support humanitarian service and educational and cultural exchanges;~~
- ~~—— (xix) until September 30, 2017, programs that conduct or support prostate cancer awareness, screening, detection, or prevention;~~
- ~~—— (xx) programs that support and promote adoptions;~~
- ~~—— (xxi) programs that create or support civil rights education and awareness;~~
- ~~—— (xxii) programs that support issues affecting women and children through an organization affiliated with a national professional men's basketball organization;~~
- ~~—— (xxiii) programs that strengthen youth soccer, build communities, and promote environmental sustainability through an organization affiliated with a professional men's soccer organization;~~
- ~~—— (xxiv) programs that support children with heart disease;~~

HB0207S01 compared with HB0207

- ~~—— (xxv) programs that support the operation and maintenance of the Utah Law Enforcement Memorial;~~
- ~~—— (xxvi) programs that provide assistance to children with cancer;~~
- ~~—— (xxvii) programs that promote leadership and career development through agricultural education; or~~
- ~~—— (xxviii) the Utah State Historical Society.~~
- ~~—— (2) (a) The division may not issue a new type of special group license plate or decal unless the division receives:~~
 - ~~—— (i) (A) a private donation for the start-up fee established under Section 63J-1-504 for the production and administrative costs of providing the new special group license plates or decals; or~~
 - ~~—— (B) a legislative appropriation for the start-up fee provided under Subsection (2)(a)(i)(A); and~~
 - ~~—— (ii) beginning on January 1, 2012, and for the issuance of a support special group license plate authorized in Section 41-1a-422, at least 500 completed applications for the new type of support special group license plate or decal to be issued with all fees required under this part for the support special group license plate or decal issuance paid by each applicant:~~
 - ~~—— (b) (i) Beginning on January 1, 2012, each participating organization shall collect and hold applications for support special group license plates or decals authorized in Section 41-1a-422 on or after January 1, 2012, until it has received at least 500 applications:~~
 - ~~—— (ii) Once a participating organization has received at least 500 applications, it shall submit the applications, along with the necessary fees, to the division for the division to begin working on the design and issuance of the new type of support special group license plate or decal to be issued:~~
 - ~~—— (iii) Beginning on January 1, 2012, the division may not work on the issuance or design of a new support special group license plate or decal authorized in Section 41-1a-422 until the applications and fees required under this Subsection (2) have been received by the division:~~
 - ~~—— (iv) The division shall begin issuance of a new support special group license plate or decal authorized in Section 41-1a-422 on or after January 1, 2012, no later than six months after receiving the applications and fees required under this Subsection (2):~~
- ~~—— (c) (i) Beginning on July 1, 2009, the division may not renew a motor vehicle~~

HB0207S01 compared with HB0207

registration of a motor vehicle that has been issued a firefighter recognition special group license plate unless the applicant is a contributor as defined in Subsection 41-1a-422(1)(a)(ii)(D) to the Firefighter Support Restricted Account.

—— (ii) A registered owner of a vehicle that has been issued a firefighter recognition special group license plate prior to July 1, 2009, upon renewal of the owner's motor vehicle registration shall:

—— (A) be a contributor to the Firefighter Support Restricted Account as required under Subsection (2)(c)(i); or

—— (B) replace the firefighter recognition special group license plate with a new license plate:

—— (3) Beginning on July 1, 2011, if a support special group license plate or decal type authorized in Section 41-1a-422 and issued on or after January 1, 2012, has fewer than 500 license plates issued each year for a three consecutive year time period that begins on July 1, the division may not issue that type of support special group license plate or decal to a new applicant beginning on January 1 of the following calendar year after the three consecutive year time period for which that type of support special group license plate or decal has fewer than 500 license plates issued each year.

—— (4) Beginning on July 1, 2011, the division may not issue to an applicant a unique vehicle type license plate for a vehicle powered by clean fuel under Subsection (1)(c)(iv).

—— (5) (a) Beginning on October 1, 2017, the division may not issue a new prostate cancer support special group license plate:

—— (b) A registered owner of a vehicle that has been issued a prostate cancer support special group license plate before October 1, 2017, may renew the owner's motor vehicle registration, with the contribution allocated as described in Section 41-1a-422.

—— Section 15. Section ~~41-1a-419~~ is amended to read:

—— ~~41-1a-419. Plate design -- Vintage vehicle certification and registration -- Personalized special group license plates -- Rulemaking.~~

—— (1) (a) The design and maximum number of numerals or characters on a special group license [plates] plate shall be determined by the division in accordance with the requirements under Subsection (1)(b).

—— (b) (i) Except as provided in Subsection (1)(b)(ii), each special group license plate

HB0207S01 compared with HB0207

shall display:

- ~~_____ (A) the word Utah;~~
- ~~_____ (B) the name or identifying slogan of the special group;~~
- ~~_____ (C) a symbol decal not exceeding two positions in size representing the special group;~~

and

~~_____ (D) the combination of letters, numbers, or both uniquely identifying the registered vehicle.~~

~~_____ (i) The division, in consultation with the Utah State Historical Society, shall design the historical support special group license plate, which shall:~~

- ~~_____ (A) have a black background;~~
- ~~_____ (B) have white characters; and~~
- ~~_____ (C) display the word Utah.~~

~~_____ (2) (a) The division shall, after consultation with a representative designated by the special group, specify the word or words comprising the special group name and the symbol decal to be displayed upon the special group license plates.~~

~~_____ (b) A special group license plate symbol decal may not be redesigned:~~

~~_____ (i) unless the division receives a redesign fee established by the division under Section 63J-1-504; and~~

~~_____ (ii) more frequently than every five years.~~

~~_____ (c) (i) Except as provided in Subsection (2)(c)(ii), a special group license plate symbol decal may not be reordered unless the division receives a symbol decal reorder fee established by the division under Section 63J-1-504.~~

~~_____ (ii) A recognition special group license plate symbol decal for a currently employed, volunteer, or retired firefighter issued in accordance with Subsection 41-1a-418(1)(d)(v) that is reordered on or after July 1, 2007, but on or before June 30, 2008, is exempt from the symbol decal reorder fee authorized under Subsection (2)(c)(i).~~

~~_____ (3) [The license plates] A license plate issued for horseless carriages prior to July 1, 1992, [are] is valid without renewal as long as the vehicle is owned by the registered owner and the license [plates] plate may not be recalled by the division.~~

~~_____ (4) A person who meets the criteria established under Sections 41-1a-418 through 41-1a-422 for issuance of a special group license [plates] plate may make application in the~~

HB0207S01 compared with HB0207

~~same manner provided in Sections 41-1a-410 and 41-1a-411 for a personalized special group license [plates] plate.~~

~~—— (5) The commission shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:~~

~~—— (a) establish qualifying criteria for persons to receive, renew, or surrender special group license plates; and~~

~~—— (b) establish the maximum number of numerals or characters for special group license plates.~~

~~—— Section 16. Section ~~41-1a-421~~ is amended to read:~~

~~—— **41-1a-421. Honor special group license plates -- Personal identity requirements.**~~

~~—— (1) (a) The requirements of this Subsection (1) apply to a vehicle displaying a:~~

~~—— (i) survivor of the Japanese attack on Pearl Harbor license plate;~~

~~—— (ii) former prisoner of war license plate;~~

~~—— (iii) Purple Heart license plate;~~

~~—— (iv) disabled veteran license plate; or~~

~~—— (v) campaign or combat theater award license plate.~~

~~—— (b) The vehicle shall be titled in the name of the veteran or the veteran and spouse.~~

~~—— (c) Upon the death of the veteran, the surviving spouse may, upon application to the division, retain the special group license plate decal so long as the surviving spouse remains unmarried.~~

~~—— (d) The division shall require the surviving spouse to make a sworn statement that the surviving spouse is unmarried before renewing the registration under this section.~~

~~—— (2) Proper evidence of a Purple Heart is either:~~

~~—— (a) a membership card in the Military Order of the Purple Heart; or~~

~~—— (b) an original or certificate in lieu of the applicant's military discharge form, DD-214, issued by the National Personnel Records Center.~~

~~—— (3) The Purple Heart license [plates] plate shall bear:~~

~~—— (a) the words "Purple Heart" at the bottom of the plate;~~

~~—— (b) a logo substantially depicting a Purple Heart award; and~~

~~—— (c) the letter and number combinations assigned by the division.~~

~~—— (4) Proper evidence that a person is a disabled veteran is a written document issued by~~

HB0207S01 compared with HB0207

~~a military entity certifying that the person is disabled as a result of service in a branch of the United States Military:~~

~~—— (5) A disabled veteran seeking a disabled veteran license plate shall request the Department of Veterans and Military Affairs to provide the verification required under Subsection (4):~~

~~—— (6) (a) An applicant for a gold star license plate shall submit written documentation that the applicant is a recipient of a gold star award issued by the United States Secretary of Defense:~~

~~—— (b) Written documentation under Subsection (6)(a) may include any of the following:~~

~~—— (i) a death certificate;~~

~~—— (ii) documentation showing classification of death as listed by the United States Secretary of Defense;~~

~~—— (iii) a casualty report;~~

~~—— (iv) a telegram from the United States Secretary of Defense or one of the branches of the United States armed forces; or~~

~~—— (v) other documentation that verifies the applicant meets the requirements of Subsection (6)(a):~~

~~—— (7) An applicant for a campaign or combat theater award special group license plate shall:~~

~~—— (a) be a contributor in accordance with Subsections 41-1a-422(1)(a)(i)(B) and (1)(a)(ii)(A); and~~

~~—— (b) submit a form to the division obtained from the Department of Veterans and Military Affairs which verifies that the applicant qualifies for the campaign or combat theater award special group license plate requested:~~

~~—— (8) Each campaign or combat theater award special group license plate authorized by the Department of Veterans and Military Affairs shall be considered a new special group license plate and require the payment of the fees associated with newly authorized special group license plates:~~

~~—— Section 17. Section 41-1a-422 is amended to read:~~

~~—— 41-1a-422. Support special group license plates == Contributor == Voluntary contribution collection procedures:~~

HB0207S01 compared with HB0207

- ~~—— (1) As used in this section:~~
- ~~—— (a) (i) Except as provided in Subsection (1)(a)(ii), "contributor" means a person who has donated or in whose name at least \$25 has been donated to:~~
 - ~~—— (A) a scholastic scholarship fund of a single named institution;~~
 - ~~—— (B) the Department of Veterans and Military Affairs for veterans programs;~~
 - ~~—— (C) the Division of Wildlife Resources for the Wildlife Resources Account created in Section 23-14-13, for conservation of wildlife and the enhancement, preservation, protection, access, and management of wildlife habitat;~~
 - ~~—— (D) the Department of Agriculture and Food for the benefit of conservation districts;~~
 - ~~—— (E) the Division of Parks and Recreation for the benefit of snowmobile programs;~~
 - ~~—— (F) the Guardian Ad Litem Services Account and the Children's Museum of Utah, with the donation evenly divided between the two;~~
 - ~~—— (G) the Boy Scouts of America for the benefit of a Utah Boy Scouts of America council as specified by the contributor;~~
 - ~~—— (H) No More Homeless Pets in Utah for distribution to organizations or individuals that provide spay and neuter programs that subsidize the sterilization of domestic animals;~~
 - ~~—— (I) the Utah Alliance of Boys and Girls Clubs, Inc. to provide and enhance youth development programs;~~
 - ~~—— (J) the Utah Association of Public School Foundations to support public education;~~
 - ~~—— (K) the Utah Housing Opportunity Restricted Account created in Section 61-2-204 to assist people who have severe housing needs;~~
 - ~~—— (L) the Public Safety Honoring Heroes Restricted Account created in Section 53-1-118 to support the families of fallen Utah Highway Patrol troopers and other Department of Public Safety employees;~~
 - ~~—— (M) the Division of Parks and Recreation for distribution to organizations that provide support for Zion National Park;~~
 - ~~—— (N) the Firefighter Support Restricted Account created in Section 53-7-109 to support firefighter organizations;~~
 - ~~—— (O) the Share the Road Bicycle Support Restricted Account created in Section 72-2-127 to support bicycle operation and safety awareness programs;~~
 - ~~—— (P) the Cancer Research Restricted Account created in Section 26-21a-302 to support~~

HB0207S01 compared with HB0207

~~cancer research programs;~~

~~—— (Q) Autism Awareness Restricted Account created in Section 53F-9-401 to support autism awareness programs;~~

~~—— (R) Humanitarian Service and Educational and Cultural Exchange Restricted Account created in Section 9-17-102 to support humanitarian service and educational and cultural programs;~~

~~—— (S) Prostate Cancer Support Restricted Account created in Section 26-21a-303 for programs that conduct or support prostate cancer awareness, screening, detection, or prevention until September 30, 2017, and beginning on October 1, 2017, upon renewal of a prostate cancer support special group license plate, to the Cancer Research Restricted Account created in Section 26-21a-302 to support cancer research programs;~~

~~—— (T) the Choose Life Adoption Support Restricted Account created in Section 62A-4a-608 to support programs that promote adoption;~~

~~—— (U) the Martin Luther King, Jr. Civil Rights Support Restricted Account created in Section 9-18-102;~~

~~—— (V) the National Professional Men's Basketball Team Support of Women and Children Issues Restricted Account created in Section 62A-1-202;~~

~~—— (W) the Utah Law Enforcement Memorial Support Restricted Account created in Section 53-1-120;~~

~~—— (X) the Children with Cancer Support Restricted Account created in Section 26-21a-304 for programs that provide assistance to children with cancer;~~

~~—— (Y) the National Professional Men's Soccer Team Support of Building Communities Restricted Account created in Section 9-19-102;~~

~~—— (Z) the Children with Heart Disease Support Restricted Account created in Section 26-58-102;~~

~~—— (AA) the Utah Intracurricular Student Organization Support for Agricultural Education and Leadership Restricted Account created in Section 4-42-102;~~

~~—— (BB) the Division of Wildlife Resources for the Support for State-Owned Shooting Ranges Restricted Account created in Section 23-14-13.5, for the creation of new, and operation and maintenance of existing, state-owned firearm shooting ranges; or~~

~~—— (CC) the Utah State Historical Society to further the mission and purpose of the Utah~~

HB0207S01 compared with HB0207

State Historical Society:

~~—— (ii) (A) For a veterans special group license plate, "contributor" means a person who has donated or in whose name at least a \$25 donation at the time of application and \$10 annual donation thereafter has been made:~~

~~—— (B) For a Utah Housing Opportunity special group license plate, "contributor" means a person who:~~

~~—— (I) has donated or in whose name at least \$30 has been donated at the time of application and annually after the time of application; and~~

~~—— (II) is a member of a trade organization for real estate licensees that has more than 15,000 Utah members:~~

~~—— (C) For an Honoring Heroes special group license plate, "contributor" means a person who has donated or in whose name at least \$35 has been donated at the time of application and annually thereafter:~~

~~—— (D) For a firefighter support special group license plate, "contributor" means a person who:~~

~~—— (I) has donated or in whose name at least \$15 has been donated at the time of application and annually after the time of application; and~~

~~—— (II) is a currently employed, volunteer, or retired firefighter:~~

~~—— (E) For a cancer research special group license plate, "contributor" means a person who has donated or in whose name at least \$35 has been donated at the time of application and annually after the time of application:~~

~~—— (F) For a Martin Luther King, Jr. Civil Rights Support special group license plate, "contributor" means a person who has donated or in whose name at least \$35 has been donated at the time of application and annually thereafter:~~

~~—— (G) For a Utah Law Enforcement Memorial Support special group license plate, "contributor" means a person who has donated or in whose name at least \$35 has been donated at the time of application and annually thereafter:~~

~~—— (b) "Institution" means a state institution of higher education as defined under Section 53B-3-102 or a private institution of higher education in the state accredited by a regional or national accrediting agency recognized by the United States Department of Education:~~

~~—— (2) (a) An applicant for an original or renewal collegiate special group license [plates]~~

HB0207S01 compared with HB0207

~~plate under Subsection (1)(a)(i) must be a contributor to the institution named in the application and present the original contribution verification form under Subsection (2)(b) or make a contribution to the division at the time of application under Subsection (3):~~

~~—— (b) An institution with a support special group license plate shall issue to a contributor a verification form designed by the commission containing:~~

~~—— (i) the name of the contributor;~~

~~—— (ii) the institution to which a donation was made;~~

~~—— (iii) the date of the donation; and~~

~~—— (iv) an attestation that the donation was for a scholastic scholarship.~~

~~—— (c) The state auditor may audit each institution to verify that the money collected by the institutions from contributors is used for scholastic scholarships.~~

~~—— (d) After an applicant has been issued a collegiate license [plates] plate or renewal decals, the commission shall charge the institution whose plate was issued[,] a fee determined in accordance with Section 63J-1-504 for management and administrative expenses incurred in issuing and renewing the collegiate license [plates] plate.~~

~~—— (e) If the contribution is made at the time of application, the contribution shall be collected, treated, and deposited as provided under Subsection (3):~~

~~—— (3) (a) An applicant for an original or renewal support special group license [plates] plate under this section must be a contributor to the sponsoring organization associated with the license plate:~~

~~—— (b) This contribution shall be:~~

~~—— (i) unless collected by the named institution under Subsection (2), collected by the division;~~

~~—— (ii) considered a voluntary contribution for the funding of the activities specified under this section and not a motor vehicle registration fee;~~

~~—— (iii) deposited into the appropriate account less actual administrative costs associated with issuing the license [plates] plate; and~~

~~—— (iv) for a firefighter special group license plate, deposited into the appropriate account less:~~

~~—— (A) the costs of reordering firefighter special group license plate decals; and~~

~~—— (B) the costs of replacing a recognition special group license [plates] plate with a new~~

HB0207S01 compared with HB0207

license [plates] plate under Subsection 41-1a-1211(13):

~~—— (c) The donation described in Subsection (1)(a) must be made in the 12 months prior to registration or renewal of registration.~~

~~—— (d) The donation described in Subsection (1)(a) shall be a one-time donation made to the division when issuing an original:~~

~~—— (i) snowmobile license [plates] plate; or~~

~~—— (ii) conservation license [plates] plate.~~

~~—— (4) [Veterans license plates] A veterans license plate shall display one of the symbols representing the Army, Navy, Air Force, Marines, Coast Guard, or American Legion:~~

~~—— Section 18. Section **41-1a-701** is amended to read:~~

~~—— **41-1a-701. Transfer by owner -- Removal of plates.**~~

~~—— (1) (a) If the owner of a registered vehicle transfers the title or interest to the vehicle the registration of the vehicle expires:~~

~~—— (b) Unless an owner has included the transfer of a license plate as part of a sale, trade, or ownership release of a vehicle, the owner shall remove the license [plates] plate from the transferred vehicle:~~

~~—— (2) (a) If an owner does not transfer a license plate to a person as part of a sale, trade, or ownership release of a vehicle, within 20 days from the date of transfer the owner shall forward the [plates] plate to the division to be destroyed or may have the [plates] plate assigned to another vehicle, subject to the rules of the division:~~

~~—— (b) If an owner transfers a license plate as part of a sale, trade, or ownership release of a vehicle, the new registered owner of the transferred vehicle shall apply to the division to have the [plates] plate assigned to the new registered owner:~~

~~—— (3) A violation of this section is an infraction:~~

~~—— Section 19. Section **41-1a-703** is amended to read:~~

~~—— **41-1a-703. New owner to secure new registration and new certificate of title.**~~

~~—— (1) The transferee, before operating or permitting the operation of a transferred vehicle on a highway, shall:~~

~~—— (a) present to the division the certificate of registration and the certificate of title, properly endorsed;~~

~~—— (b) apply for a new certificate of title and obtain a new registration for the transferred~~

HB0207S01 compared with HB0207

vehicle, as upon an original registration, except as permitted under Sections ~~41-1a-223,~~
~~41-1a-520,~~ and ~~41-1a-704;~~ and

~~—— (c) apply to the division to have the license [plates] plate assigned to the new registered
owner of the transferred vehicle if the license [plates were] plate was included as part of the
sale, trade, or ownership release of the transferred vehicle.~~

~~—— (2) A violation of this section is an infraction.~~

~~—— Section 20. Section ~~41-1a-704~~ is amended to read:~~

~~—— **41-1a-704. Transfer by operation of law.**~~

~~—— (1) Except as provided under Subsection (2), if the title or interest of an owner in or to
a registered vehicle passes to another person other than by voluntary transfer:~~

~~—— (a) the registration of the vehicle expires; and~~

~~—— (b) the vehicle may not be operated upon a highway until the person entitled to
possession of the vehicle applies for and obtains a valid registration or temporary permit.~~

~~—— (2) (a) A vehicle under Subsection (1) may be operated on the highways by the person
entitled to its possession or his legal representative, for a distance not exceeding 75 miles, upon
displaying on the vehicle the license [plates] plate issued to the former owner.~~

~~—— (b) If title is vested in a person holding a lien or encumbrance on the vehicle, the new
title holder may apply to the Motor Vehicle Enforcement Division for [special plates] a special
plate issued under Section 41-3-505 to transporters and may operate the repossessed vehicle
under the special plate for the purposes of:~~

~~—— (i) transporting the vehicle to a garage or warehouse; or~~

~~—— (ii) demonstrating the vehicle for sale.~~

~~—— (3) A violation of this section is an infraction.~~

~~—— Section 21. Section ~~41-1a-1105~~ is amended to read:~~

~~—— **41-1a-1105. Records to be kept by public garage, impound lot, or impound yard.**~~

~~—— (1) (a) Each person engaged in the business of operating a public garage, impound lot,
or impound yard shall keep a record of every vehicle, vessel, or outboard motor stored in it for
compensation for a period longer than 12 hours:~~

~~—— (b) The record shall include:~~

~~—— (i) the name and address of the person storing the vehicle, vessel, or outboard motor;~~

~~—— (ii) a brief description of the vehicle, vessel, or outboard motor, including the name or~~

HB0207S01 compared with HB0207

~~make, identification number, and license number shown by the license [plates] plate; and~~
~~—— (iii) the mileage shown on the vehicle's odometer both upon arrival at and upon its release from the public garage, impound lot, or impound yard, if the vehicle is equipped with an odometer.~~

~~—— (2) Every record kept under Subsection (1) shall be open to inspection by any peace officer.~~

~~—— Section 22. Section 41-1a-1211 is amended to read:~~

~~—— 41-1a-1211. License plate fees -- Application fees for issuance and renewal of personalized and special group license plates -- Replacement fee for license plates -- Postage fees:~~

~~—— (1) (a) Except as provided in Subsections (11), (12), (13), and (14), a license plate fee established in accordance with Section 63J-1-504 shall be paid to the division for the issuance of any new license plate under Part 4, License Plates and Registration Indicia:~~

~~—— (b) The license plate fee shall be deposited as follows:~~

~~—— (i) \$1 in the Transportation Fund; and~~

~~—— (ii) the remainder of the fee charged under Subsection (1)(a), as provided in Section 41-1a-1201.~~

~~—— (2) An applicant for original issuance of [personalized license plates] a personalized license plate issued under Section 41-1a-410 shall pay a \$50 per set license plate application fee in addition to the fee required in Subsection (1):~~

~~—— (3) Beginning July 1, 2003, a person who applies for a special group license plate shall pay a \$5 fee for the original [set of license plates] license plate in addition to the fee required under Subsection (1):~~

~~—— (4) An applicant for original issuance of personalized special group license plates shall pay the license plate application fees required in Subsection (2) in addition to the license plate fees and license plate application fees established under Subsections (1) and (3):~~

~~—— (5) An applicant for renewal of [personalized license plates] a personalized license plate issued under Section 41-1a-410 shall pay a \$10 per set application fee.~~

~~—— (6) (a) The division may charge a fee established under Section 63J-1-504 to recover the costs for the replacement of any license plate issued under Part 4, License Plates and Registration Indicia:~~

HB0207S01 compared with HB0207

- ~~—— (b) The license plate fee shall be deposited as follows:~~
- ~~—— (i) \$1 in the Transportation Fund; and~~
- ~~—— (ii) the remainder of the fee charged under Subsection (6)(a), as provided in Section 41-1a-1201.~~
- ~~—— (7) The division may charge a fee established under Section 63J-1-504 to recover its costs for the replacement of decals issued under Section 41-1a-418.~~
- ~~—— (8) The division may charge a fee established under Section 63J-1-504 to recover the cost of issuing stickers under Section 41-1a-416.~~
- ~~—— (9) In addition to any other fees required by this section, the division shall assess a fee established under Section 63J-1-504 to cover postage expenses if a new or replacement license [plates are] plate is mailed to the applicant.~~
- ~~—— (10) The fees required under this section are separate from and in addition to registration fees required under Section 41-1a-1206.~~
- ~~—— (11) (a) An applicant for a license plate issued under Section 41-1a-407 is not subject to the license plate fee under Subsection (1).~~
- ~~—— (b) An applicant for a Purple Heart special group license plate issued in accordance with Section 41-1a-421 is exempt from the fees under Subsections (1), (3), and (7).~~
- ~~—— (12) A person is exempt from the fee under Subsection (1) or (6) if the person:~~
 - ~~—— (a) was issued a clean fuel special group license plate in accordance with Section 41-1a-418 prior to the effective date of rules made by the Department of Transportation under Subsection 41-6a-702(5)(b);~~
 - ~~—— (b) beginning on the effective date of rules made by the Department of Transportation authorized under Subsection 41-6a-702(5)(b), is no longer eligible for a clean fuel special group license plate under the rules made by the Department of Transportation; and~~
 - ~~—— (c) upon renewal or reissuance, is required to replace the clean fuel special group license plate with a new license plate.~~
- ~~—— (13) Until June 30, 2011, a person is exempt from the license plate fee under Subsection (1) or (6) if the person:~~
 - ~~—— (a) was issued a firefighter recognition special group license plate in accordance with Section 41-1a-418 prior to July 1, 2009;~~
 - ~~—— (b) upon renewal of the person's vehicle registration on or after July 1, 2009, is not a~~

HB0207S01 compared with HB0207

~~contributor to the Firefighter Support Restricted Account as required under Section 41-1a-418;
and~~

~~—— (c) is required to replace the firefighter special group license plate with a new license plate in accordance with Section 41-1a-418.~~

~~—— (14) A person is not subject to the license plate fee under Subsection (1) if the person presents official documentation that the person is a recipient of the Purple Heart Award issued:~~

~~—— (a) by a recognized association representing peace officers who:~~

~~—— (i) receives a salary from a federal, state, county, or municipal government or any subdivision of the state; and~~

~~—— (ii) works in the state; or~~

~~—— (b) in accordance with Subsection 41-1a-421(2).~~

~~—— Section 23. Section 41-3-105 is amended to read:~~

~~—— **41-3-105. Administrator's powers and duties -- Administrator and investigators to be law enforcement officers:**~~

~~—— (1) The administrator may make rules to carry out the purposes of this chapter and Sections 41-1a-1001 through 41-1a-1007 according to the procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.~~

~~—— (2) (a) The administrator may employ clerks, deputies, and assistants necessary to discharge the duties under this chapter and may designate the duties of those clerks, deputies, and assistants.~~

~~—— (b) The administrator, assistant administrator, and all investigators shall be law enforcement officers certified by peace officer standards and training as required by Section 53-13-103.~~

~~—— (3) (a) The administrator may investigate any suspected or alleged violation of:~~

~~—— (i) this chapter;~~

~~—— (ii) Title 41, Chapter 1a, Motor Vehicle Act;~~

~~—— (iii) any law concerning motor vehicle fraud; or~~

~~—— (iv) any rule made by the administrator.~~

~~—— (b) The administrator may bring an action in the name of the state against any person to enjoin a violation found under Subsection (3)(a).~~

~~—— (4) (a) The administrator may prescribe forms to be used for applications for licenses.~~

HB0207S01 compared with HB0207

- ~~—— (b) The administrator may require information from the applicant concerning the applicant's fitness to be licensed.~~
- ~~—— (c) Each application for a license shall contain:~~
 - ~~—— (i) if the applicant is an individual, the name and residence address of the applicant and the trade name, if any, under which the applicant intends to conduct business;~~
 - ~~—— (ii) if the applicant is a partnership, the name and residence address of each partner, whether limited or general, and the name under which the partnership business will be conducted;~~
 - ~~—— (iii) if the applicant is a corporation, the name of the corporation, and the name and residence address of each of its principal officers and directors;~~
 - ~~—— (iv) a complete description of the principal place of business, including:~~
 - ~~—— (A) the municipality, with the street and number, if any;~~
 - ~~—— (B) if located outside of any municipality, a general description so that the location can be determined; and~~
 - ~~—— (C) any other places of business operated and maintained by the applicant in conjunction with the principal place of business;~~
 - ~~—— (v) if the application is for a new motor vehicle dealer's license, the name of each motor vehicle the applicant has been enfranchised to sell or exchange, the name and address of the manufacturer or distributor who has enfranchised the applicant, and the name and address of each individual who will act as a salesperson under authority of the license;~~
 - ~~—— (vi) at least five years of business history;~~
 - ~~—— (vii) the federal tax identification number issued to the dealer;~~
 - ~~—— (viii) the sales and use tax license number issued to the dealer under Title 59, Chapter 12, Sales and Use Tax Act; and~~
 - ~~—— (ix) if the application is for a direct-sale manufacturer's license:~~
 - ~~—— (A) the name of each line-make the applicant will sell, display for sale, or offer for sale or exchange;~~
 - ~~—— (B) the name and address of each individual who will act as a direct-sale manufacturer salesperson under authority of the license;~~
 - ~~—— (C) a complete description of the direct-sale manufacturer's authorized service center, including the address and any other place of business the applicant operates and maintains in~~

HB0207S01 compared with HB0207

~~conjunction with the authorized service center;~~

~~—— (D) a sworn statement that the applicant complies with each qualification for a direct-sale manufacturer under this chapter;~~

~~—— (E) a sworn statement that if at any time the applicant fails to comply with a qualification for a direct-sale manufacturer under this chapter, the applicant will inform the division in writing within 10 business days after the day on which the noncompliance occurs; and~~

~~—— (F) an acknowledgment that if the applicant fails to comply with a qualification for a direct-sale manufacturer under this chapter, the administrator will deny, suspend, or revoke the applicant's direct-sale manufacturer license in accordance with Section 41-3-209:~~

~~—— (5) The administrator may adopt a seal with the words "Motor Vehicle Enforcement Administrator, State of Utah," to authenticate the acts of the administrator's office:~~

~~—— (6) (a) The administrator may require that a licensee erect or post signs or devices on the licensee's principal place of business and any other sites, equipment, or locations operated and maintained by the licensee in conjunction with the licensee's business:~~

~~—— (b) The signs or devices shall state the licensee's name, principal place of business, type and number of licenses, and any other information that the administrator considers necessary to identify the licensee:~~

~~—— (c) The administrator may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, determining allowable size and shape of signs or devices, lettering and other details of signs or devices, and location of signs or devices:~~

~~—— (7) (a) The administrator shall provide for quarterly meetings of the advisory board and may call special meetings:~~

~~—— (b) Notices of all meetings shall be sent to each member not fewer than five days before the meeting:~~

~~—— (8) The administrator, the officers and inspectors of the division designated by the commission, and peace officers shall:~~

~~—— (a) make arrests upon view and without warrant for any violation committed in their presence of any of the provisions of this chapter, or Title 41, Chapter 1a, Motor Vehicle Act;~~

~~—— (b) when on duty, upon reasonable belief that a motor vehicle, trailer, or semitrailer is being operated in violation of any provision of Title 41, Chapter 1a, Motor Vehicle Act, require~~

HB0207S01 compared with HB0207

~~the driver of the vehicle to stop, exhibit the person's driver license and the registration card issued for the vehicle, and submit to an inspection of the vehicle, the license [plates] plate, and registration card;~~

~~—— (c) serve all warrants relating to the enforcement of the laws regulating the operation of motor vehicles, trailers, and semitrailers;~~

~~—— (d) investigate traffic accidents and secure testimony of any witnesses or persons involved; and~~

~~—— (e) investigate reported thefts of motor vehicles, trailers, and semitrailers;~~

~~—— (9) The administrator may contract with a public prosecutor to provide additional prosecution of this chapter.~~

~~—— Section 24. Section ~~41-3-209~~ is amended to read:~~

~~—— **41-3-209. Administrator's findings -- Suspension and revocation of license:**~~

~~—— (1) If the administrator finds that an applicant is not qualified to receive a license, a license may not be granted.~~

~~—— (2) (a) If the administrator finds that there is reasonable cause to deny, suspend, or revoke a license issued under this chapter, the administrator shall deny, suspend, or revoke the license.~~

~~—— (b) Reasonable cause for denial, suspension, or revocation of a license includes, in relation to the applicant or license holder or any of the applicant or license holder's partners, officers, or directors:~~

~~—— (i) lack of a principal place of business or authorized service center as required by this chapter;~~

~~—— (ii) lack of a sales tax license required under Title 59, Chapter 12, Sales and Use Tax Act;~~

~~—— (iii) lack of a bond in effect as required by this chapter;~~

~~—— (iv) current revocation or suspension of a dealer, dismantler, auction, or salesperson license issued in another state;~~

~~—— (v) nonpayment of required fees;~~

~~—— (vi) making a false statement on any application for a license under this chapter or for a special license [plates] plate;~~

~~—— (vii) a violation of any state or federal law involving motor vehicles;~~

HB0207S01 compared with HB0207

- ~~—— (viii) a violation of any state or federal law involving controlled substances;~~
- ~~—— (ix) charges filed with any county attorney, district attorney, or U.S. attorney in any court of competent jurisdiction for a violation of any state or federal law involving motor vehicles;~~
- ~~—— (x) a violation of any state or federal law involving fraud;~~
- ~~—— (xi) a violation of any state or federal law involving a registerable sex offense under Section 77-41-106;~~
- ~~—— (xii) having had a license issued under this chapter revoked within five years from the date of application; or~~
- ~~—— (xiii) failure to comply with any applicable qualification or requirement imposed under this chapter;~~
- ~~—— (c) Any action taken by the administrator under Subsection (2)(b)(ix) shall remain in effect until a final resolution is reached by the court involved or the charges are dropped.~~
- ~~—— (3) If the administrator finds that an applicant is not qualified to receive a license under this section, the administrator shall provide the applicant written notice of the reason for the denial.~~
- ~~—— (4) If the administrator finds that the license holder has been convicted by a court of competent jurisdiction of violating any of the provisions of this chapter or any rules made by the administrator, or finds other reasonable cause, the administrator may, by complying with the emergency procedures of Title 63G, Chapter 4, Administrative Procedures Act:~~
 - ~~—— (a) suspend the license on terms and for a period of time the administrator finds reasonable; or~~
 - ~~—— (b) revoke the license.~~
- ~~—— (5) (a) After suspending or revoking a license, the administrator may take reasonable action to:~~
 - ~~—— (i) notify the public that the licensee is no longer in business; and~~
 - ~~—— (ii) prevent the former licensee from violating the law by conducting business without a license.~~
 - ~~—— (b) Action under Subsection (5)(a) may include signs, banners, barriers, locks, bulletins, and notices.~~
 - ~~—— (c) Any business being conducted incidental to the business for which the former~~

HB0207S01 compared with HB0207

licensee was licensed may continue to operate subject to the preventive action taken under this subsection:

~~Section 25. Section 41-3-210 is amended to read:~~

~~41-3-210. License holders -- Prohibitions and requirements.~~

~~(1) The holder of any license issued under this chapter may not:~~

~~(a) intentionally publish, display, or circulate any advertising that is misleading or inaccurate in any material fact or that misrepresents any of the products sold, manufactured, remanufactured, handled, or furnished by a licensee;~~

~~(b) intentionally publish, display, or circulate any advertising without identifying the seller as the licensee by including in the advertisement the full name under which the licensee is licensed or the licensee's number assigned by the division;~~

~~(c) violate this chapter or the rules made by the administrator;~~

~~(d) violate any law of the state respecting commerce in motor vehicles or any rule respecting commerce in motor vehicles made by any licensing or regulating authority of the state;~~

~~(e) engage in business as a new motor vehicle dealer, special equipment dealer, used motor vehicle dealer, motor vehicle crusher, or body shop without having in effect a bond as required in this chapter;~~

~~(f) act as a dealer, dismantler, crusher, manufacturer, transporter, remanufacturer, or body shop without maintaining a principal place of business;~~

~~(g) unless the licensee is a special equipment dealer who sells a new special equipment motor vehicle with a gross vehicle weight of 12,000 or more pounds after installing special equipment on the motor vehicle:~~

~~(i) engage in a business respecting the selling or exchanging of new or new and used motor vehicles for which the licensee is not licensed; and~~

~~(ii) unless the licensee is a direct-sale manufacturer, sell or exchange a new motor vehicle for which the licensee does not have a franchise;~~

~~(h) dismantle or transport to a crusher for crushing or other disposition any motor vehicle without first obtaining a dismantling or junk permit under Section 41-1a-1009, 41-1a-1010, or 41-1a-1011;~~

~~(i) as a new motor vehicle dealer, special equipment dealer, or used motor vehicle~~

HB0207S01 compared with HB0207

~~dealer fail to give notice of sales or transfers as required in Section 41-3-301;~~

~~—— (j) advertise or otherwise represent, or knowingly allow to be advertised or represented on the licensee's behalf or at the licensee's place of business, that no down payment is required in connection with the sale of a motor vehicle when a down payment is required and the buyer is advised or induced to finance a down payment by a loan in addition to any other loan financing the remainder of the purchase price of the motor vehicle;~~

~~—— (k) as a crusher, crush or shred a motor vehicle brought to the crusher without obtaining proper evidence of ownership of the motor vehicle; proper evidence of ownership is a certificate of title endorsed according to law or a dismantling or junk permit issued under Section 41-1a-1009, 41-1a-1010, or 41-1a-1011;~~

~~—— (l) as a manufacturer or remanufacturer assemble a motor vehicle that does not comply with construction, safety, or vehicle identification number standards fixed by law or rule of any licensing or regulating authority;~~

~~—— (m) as anyone other than a salesperson or a direct-sale manufacturer salesperson licensed under this chapter, be present on a dealer display space and contact prospective customers to promote the sale of the dealer's vehicles;~~

~~—— (n) sell, display for sale, or offer for sale motor vehicles at any location other than the principal place of business or additional places of business licensed under this chapter; this provision is construed to prevent dealers, salespersons, or any other representative of a dealership from selling, displaying, or offering motor vehicles for sale from their homes or other unlicensed locations;~~

~~—— (o) (i) as a dealer, dismantler, body shop, or manufacturer, maintain a principal place of business or additional place of business that shares any common area with a business or activity not directly related to motor vehicle commerce; or~~

~~—— (ii) maintain any places of business that share any common area with another dealer, dismantler, body shop, or manufacturer;~~

~~—— (p) withhold delivery of [license plates] a license plate obtained by the licensee on behalf of a customer for any reason, including nonpayment of any portion of the vehicle purchase price or down payment;~~

~~—— (q) issue a temporary permit for any vehicle that has not been sold by the licensee;~~

~~—— (r) alter a temporary permit in any manner;~~

HB0207S01 compared with HB0207

~~—— (s) operate any principal place of business or additional place of business in a location that does not comply with local ordinances, including zoning ordinances;~~

~~—— (t) sell, display for sale, offer for sale, or exchange any new motor vehicle if the licensee does not:~~

~~—— (i) have a new motor vehicle dealer's license or a direct-sale manufacturer's license under Section 41-3-202; and~~

~~—— (ii) unless the licensee is a direct-sale manufacturer, possess a franchise from the manufacturer of the new motor vehicle sold, displayed for sale, offered for sale, or exchanged by the licensee;~~

~~—— (u) as a new motor vehicle dealer or used motor vehicle dealer, encourage or conspire with any person who has not obtained a salesperson's or a direct-sale manufacturer salesperson's license to solicit for prospective purchasers; or~~

~~—— (v) as a direct-sale manufacturer, engage in business as a direct-sale manufacturer without having:~~

~~—— (i) an authorized service center; or~~

~~—— (ii) a principal place of business.~~

~~—— (2) (a) If a new motor vehicle is constructed in more than one stage, such as a motor home, ambulance, or van conversion, the licensee shall advertise, represent, sell, and exchange the vehicle as the make designated by the final stage manufacturer, except in those specific situations where the licensee:~~

~~—— (i) possesses a franchise from the initial or first stage manufacturer, presumably the manufacturer of the motor vehicle's chassis; or~~

~~—— (ii) manufactured the initial or first stage of the motor vehicle.~~

~~—— (b) Sales of multiple stage manufactured motor vehicles shall include the transfer to the purchaser of a valid manufacturer's statement or certificate of origin from each manufacturer under Section 41-3-301.~~

~~—— (3) Each licensee, except salespersons, shall maintain and make available for inspection by peace officers and employees of the division:~~

~~—— (a) a record of every motor vehicle bought, or exchanged by the licensee or received or accepted by the licensee for sale or exchange;~~

~~—— (b) a record of every used part or used accessory bought or otherwise acquired;~~

HB0207S01 compared with HB0207

~~—— (c) a record of every motor vehicle bought or otherwise acquired and wrecked or dismantled by the licensee;~~

~~—— (d) all buyers' orders, contracts, odometer statements, temporary permit records, financing records, and all other documents related to the purchase, sale, or consignment of motor vehicles; and~~

~~—— (e) a record of the name and address of the person to whom any motor vehicle or motor vehicle body, chassis, or motor vehicle engine is sold or otherwise disposed of and a description of the motor vehicle by year, make, and vehicle identification number.~~

~~—— (4) Each licensee required by this chapter to keep records shall:~~

~~—— (a) be kept by the licensee at least for five years; and~~

~~—— (b) furnish copies of those records upon request to any peace officer or employee of the division during reasonable business hours.~~

~~—— (5) A manufacturer, distributor, distributor representative, or factory representative may not induce or attempt to induce by means of coercion, intimidation, or discrimination any dealer to:~~

~~—— (a) accept delivery of any motor vehicle, parts, or accessories or any other commodity or commodities, including advertising material not ordered by the dealer;~~

~~—— (b) order or accept delivery of any motor vehicle with special features, appliances, accessories, or equipment not included in the list price of the motor vehicle as publicly advertised by the manufacturer;~~

~~—— (c) order from any person any parts, accessories, equipment, machinery, tools, appliances, or any other commodity;~~

~~—— (d) enter into an agreement with the manufacturer, distributor, distributor representative, or factory representative of any of them, or to do any other act unfair to the dealer by threatening to cancel any franchise or contractual agreement between the manufacturer, distributor, distributor branch, or factory branch and the dealer;~~

~~—— (e) refuse to deliver to any dealer having a franchise or contractual arrangement for the retail sale of new and unused motor vehicles sold or distributed by the manufacturer, distributor, distributor branch or factory branch, any motor vehicle, publicly advertised for immediate delivery within 60 days after the dealer's order is received; or~~

~~—— (f) unfairly, without regard to the equities of the dealer, cancel the franchise of any~~

HB0207S01 compared with HB0207

~~motor vehicle dealer, the nonrenewal of a franchise or selling agreement without cause is a violation of this subsection and is an unfair cancellation:~~

~~—— (6) A dealer may not assist an unlicensed dealer or salesperson in unlawful activity through active or passive participation in sales, or by allowing use of his facilities or dealer license number, or by any other means:~~

~~—— (7) (a) The holder of any new motor vehicle dealer or direct-sale manufacturer license issued under this chapter may not sell any new motor vehicle to:~~

~~—— (i) another dealer licensed under this chapter who does not hold a valid franchise for the make of new motor vehicles sold, unless the selling dealer licenses and titles the new motor vehicle to the purchasing dealer; or~~

~~—— (ii) any motor vehicle leasing or rental company located within this state, or who has any branch office within this state, unless the dealer licenses and titles the new motor vehicle to the purchasing, leasing, or rental company:~~

~~—— (b) Subsection (7)(a)(i) does not apply to the sale of a new incomplete motor vehicle with a gross vehicle weight of 12,000 or more pounds to a special equipment dealer licensed under this chapter:~~

~~—— (8) A dealer licensed under this chapter may not take on consignment any new motor vehicle from anyone other than a new motor vehicle dealer, factory, or distributor who is licensed and, if required, franchised to distribute or sell that make of motor vehicle in this or any other state:~~

~~—— (9) A body shop licensed under this chapter may not assist an unlicensed body shop in unlawful activity through active or passive means or by allowing use of its facilities, name, body shop number, or by any other means:~~

~~—— (10) A used motor vehicle dealer licensed under this chapter may not advertise, offer for sale, or sell a new motor vehicle that has been driven less than 7,500 miles by obtaining a title only to the vehicle and representing it as a used motor vehicle:~~

~~—— (11) (a) Except as provided in Subsection (11)(c), or in cases of undue hardship or emergency as provided by rule by the division, a dealer or salesperson licensed under this chapter may not, on consecutive days of Saturday and Sunday, sell, offer for sale, lease, or offer for lease a motor vehicle:~~

~~—— (b) Each day a motor vehicle is sold, offered for sale, leased, or offered for lease in~~

HB0207S01 compared with HB0207

~~violation of Subsection (11)(a) and each motor vehicle sold, offered for sale, leased, or offered for lease in violation of Subsection (11)(a) shall constitute a separate offense:~~

~~—— (c) The provisions of Subsection (11)(a) shall not apply to a dealer participating in a trade show or exhibition if:~~

~~—— (i) there are five or more dealers participating in the trade show or exhibition; and~~

~~—— (ii) the trade show or exhibition takes place at a location other than the principal place of business of one of the dealers participating in the trade show or exhibition.~~

~~—— (12) For purposes of imposing the sales and use tax under Title 59, Chapter 12, Sales and Use Tax Act, a licensee issuing a temporary permit under Section 41-3-302 shall separately identify the fees required by Title 41, Chapter 1a, Motor Vehicle Act.~~

~~—— (13) (a) A dismantler or dealer engaged in the business of dismantling motor vehicles for the sale of parts or salvage shall identify any vehicles or equipment used by the dismantler or dealer for transporting parts or salvage on the highways:~~

~~—— (b) The identification required under Subsection (13)(a) shall:~~

~~—— (i) include the name, address, and license number of the dismantler or dealer; and~~

~~—— (ii) be conspicuously displayed on both sides of the vehicle or equipment in clearly legible letters and numerals not less than two inches in height.~~

~~—— Section 26. Section 41-3-702 is amended to read:~~

~~—— **41-3-702. Civil penalty for violation.**~~

~~—— (1) The following are civil violations under this chapter and are in addition to criminal violations under this chapter:~~

~~—— (a) Level I:~~

~~—— (i) failing to display business license;~~

~~—— (ii) failing to surrender license of salesperson because of termination, suspension, or revocation;~~

~~—— (iii) failing to maintain a separation from nonrelated motor vehicle businesses at licensed locations;~~

~~—— (iv) issuing a temporary permit improperly;~~

~~—— (v) failing to maintain records;~~

~~—— (vi) selling a new motor vehicle to a nonfranchised dealer or leasing company without licensing the motor vehicle;~~

HB0207S01 compared with HB0207

- ~~—— (vii) special plate violation;~~
- ~~—— (viii) failing to maintain a sign at a principal place of business; or~~
- ~~—— (ix) failing to store a salvage vehicle purchased at a motor vehicle auction in a secure location until the purchaser or a transporter has provided the proper documentation to take possession of the salvage vehicle.~~
- ~~—— (b) Level II:~~
 - ~~—— (i) failing to report sale;~~
 - ~~—— (ii) dismantling without a permit;~~
 - ~~—— (iii) manufacturing without meeting construction or vehicle identification number standards;~~
 - ~~—— (iv) withholding [customer license plates] a customer license plate;~~
 - ~~—— (v) selling a motor vehicle on consecutive days of Saturday and Sunday; or~~
 - ~~—— (vi) failing to record and report the sale of a salvage vehicle at a motor vehicle auction as described in Section 41-3-201.~~
- ~~—— (c) Level III:~~
 - ~~—— (i) operating without a principal place of business;~~
 - ~~—— (ii) selling a new motor vehicle as a dealer who is not a direct-sale manufacturer without holding the franchise;~~
 - ~~—— (iii) crushing a motor vehicle without proper evidence of ownership;~~
 - ~~—— (iv) selling from an unlicensed location;~~
 - ~~—— (v) altering a temporary permit;~~
 - ~~—— (vi) refusal to furnish copies of records;~~
 - ~~—— (vii) assisting an unlicensed dealer or salesperson in sales of motor vehicles;~~
 - ~~—— (viii) advertising violation;~~
 - ~~—— (ix) failing to separately identify the fees required by Title 41, Chapter 1a, Motor Vehicle Act;~~
 - ~~—— (x) encouraging or conspiring with unlicensed persons to solicit for prospective purchasers; or~~
 - ~~—— (xi) selling, offering for sale, or displaying for sale or exchange a vehicle, vessel, or outboard motor in violation of Section 41-1a-705.~~
- ~~—— (2) (a) The schedule of civil penalties for violations of Subsection (1) is:~~

HB0207S01 compared with HB0207

~~—— (i) Level I: \$25 for the first offense, \$100 for the second offense, and \$250 for the third and subsequent offenses;~~

~~—— (ii) Level II: \$100 for the first offense, \$250 for the second offense, and \$1,000 for the third and subsequent offenses; and~~

~~—— (iii) Level III: \$250 for the first offense, \$1,000 for the second offense, and \$5,000 for the third and subsequent offenses.~~

~~—— (b) When determining under this section if an offense is a second or subsequent offense, only prior offenses committed within the 12 months before the commission of the current offense may be considered.~~

~~—— (3) The following are civil violations in addition to criminal violations under Section 41-1a-1008:~~

~~—— (a) knowingly selling a salvage vehicle, as defined in Section 41-1a-1001, without disclosing that the salvage vehicle has been repaired or rebuilt;~~

~~—— (b) knowingly making a false statement on a vehicle damage disclosure statement, as defined in Section 41-1a-1001; or~~

~~—— (c) fraudulently certifying that a damaged motor vehicle is entitled to an unbranded title, as defined in Section 41-1a-1001, when it is not.~~

~~—— (4) The civil penalty for a violation under Subsection (3) is:~~

~~—— (a) not less than \$1,000, or treble the actual damages caused by the person, whichever is greater; and~~

~~—— (b) reasonable attorney fees and costs of the action.~~

~~—— (5) A civil action may be maintained by a purchaser or by the administrator.~~

~~—— Section 27. Section 41-3-803 is amended to read:~~

~~—— **41-3-803. Consignment sales.**~~

~~—— (1) A consignor may take possession of his consigned vehicle at any time the consigned vehicle is in the possession of a consignee, provided that the consignor:~~

~~—— (a) has notified the consignee in writing that he will take possession of the consigned vehicle; and~~

~~—— (b) has paid all outstanding charges owing to the consignee that have been agreed to by the consignor in accordance with Subsection (2).~~

~~—— (2) The agreed upon charges under Subsection (1)(b) shall be:~~

HB0207S01 compared with HB0207

- ~~_____ (a) stated on a form designed by the department; and~~
- ~~_____ (b) included with the written consignment agreement.~~
- ~~_____ (3) A consignee who sells a consigned vehicle shall report to the consignor in writing the exact selling price of the consigned vehicle under either of the following circumstances:~~
 - ~~_____ (a) the consignor and consignee agree in writing that the consignor shall receive a percentage of the selling price upon the sale of the vehicle; or~~
 - ~~_____ (b) the consignor and consignee renegotiate in writing the selling price of the vehicle.~~
- ~~_____ (4) When a consignee sells a consigned vehicle:~~
 - ~~_____ (a) the consignee, within seven calendar days of the date of sale, must give written notice to the consignor that the consigned vehicle has been sold; and~~
 - ~~_____ (b) the consignee, within 21 calendar days of the date of sale, or within 15 calendar days of receiving payment in full for the consigned vehicle, whichever date is earlier, shall remit the payment received to the consignor, unless the agreement to purchase the consigned vehicle has been rescinded before expiration of the 21 days.~~
- ~~_____ (5) If the agreement to purchase the consigned vehicle has for any reason been rescinded before the expiration of 21 calendar days of the date of sale, the consignee shall within five calendar days thereafter give written notice to the consignor that the agreement to purchase has been rescinded.~~
- ~~_____ (6) (a) Vehicles on consignment shall be driven with the consignee's dealer [plates] plate.~~
- ~~_____ (b) All other license plates or registration indicia must be removed from the vehicle.~~
- ~~_____ (7) Prior to driving a consigned vehicle on the consignee's dealer [plates] plate, the consignee and the consignor shall execute a written consignment agreement that states:~~
 - ~~_____ (a) the party responsible for damage or misuse to a consigned vehicle; and~~
 - ~~_____ (b) the permitted uses a consignee may make of a consigned vehicle.~~
- ~~_____ (8) The consignee shall keep the written consignment agreement on file at his principal place of business.~~
- ~~_____ Section 28. Section ~~41-6a-403~~ is amended to read:~~
- ~~_____ ~~41-6a-403. Vehicle accidents -- Investigation and report of operator security -- Agency action if no security -- Surrender of plates -- Penalties.~~~~
- ~~_____ (1) (a) Upon request of a peace officer investigating an accident involving a motor~~

HB0207S01 compared with HB0207

~~vehicle, the operator of the motor vehicle shall provide evidence of the owner's or operator's security required under Section 41-12a-301:~~

~~—— (b) The evidence of owner's or operator's security includes information specified under Section 41-12a-303.2:~~

~~—— (2) The peace officer shall record on a form approved by the department:~~

~~—— (a) the information provided by the operator;~~

~~—— (b) whether the operator provided insufficient or no information;~~

~~—— (c) whether the officer finds reasonable cause to believe that any information given is not correct; and~~

~~—— (d) whether other information available to the peace officer indicates that owner's or operator's security is in effect:~~

~~—— (3) The peace officer shall deposit all completed forms with the peace officer's law enforcement agency, which shall forward the forms to the department no later than 10 days after receipt:~~

~~—— (4) (a) The department shall within 10 days of receipt of the forms from the law enforcement agency take action as follows:~~

~~—— (i) if the operator provided no information under Subsection (1) and other information available to the peace officer does not indicate that owner's or operator's security is in effect, the department shall take direct action under Subsection 53-3-221(13); or~~

~~—— (ii) if the peace officer noted or the department determines that there is reasonable cause to believe that the information given under Subsection (1) is not correct, the department shall contact directly the insurance company or other provider of security as described in Section 41-12a-303.2 and request verification of the accuracy of the information submitted as of the date of the accident:~~

~~—— (b) The department may require the verification under Subsection (4)(a)(ii) to be in a form specified by the department:~~

~~—— (c) The insurance company or other provider of security shall return the verification to the department within 30 days of receipt of the request:~~

~~—— (d) If the department does not receive verification within 35 days after sending the request, or within the 35 days receives notice that the information was not correct, the department shall take action under Subsection 53-3-221(13).~~

HB0207S01 compared with HB0207

~~—— (5) (a) The owner of a vehicle with an unexpired license [plates] plate for which security is not provided as required under this chapter shall return the [plates] license plate for the vehicle to the Motor Vehicle Division unless specifically permitted by statute to retain them.~~

~~—— (b) If the owner fails to return the plates as required, the plates shall be confiscated under Section 53-3-226.~~

~~—— (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department may make rules for the enforcement of this section.~~

~~—— (7) A person is guilty of a class B misdemeanor, and shall be fined not less than \$100, who:~~

~~—— (a) when requested to provide security information under Subsection (1), or Section 41-12a-303.2, provides false information;~~

~~—— (b) falsely represents to the department that security required under this chapter is in effect; or~~

~~—— (c) sells a vehicle to avoid the penalties of this section as applicable either to himself or a third party.~~

~~—— Section 29. Section **41-12a-303** is amended to read:~~

~~—— **41-12a-303. Condition to obtaining registration, license plates, or safety inspection:**~~

~~—— The owner of a motor vehicle required to maintain owner's security under Section 41-12a-301 may be required to swear or affirm, in a manner specified by the State Tax Commission, or present other reasonable evidence that he has owner's security in effect at the time of registering, obtaining [license plates] a license plate for, or a safety inspection of the motor vehicle.~~

~~—— Section 30. Section **41-12a-602** is amended to read:~~

~~—— **41-12a-602. Filing of false report.**~~

~~—— Any person who gives information required in a report provided for under Section 41-12a-502, knowing or having reason to believe that the information is false, or who shall forge or, without authority, sign any evidence of proof of owner's or operator's security, or who files or offers for filing any such evidence of proof, knowing or having reason to believe that it is forged or signed without authority, or who falsely swears or affirms when obtaining [license~~

HB0207S01 compared with HB0207

~~plates] a license plate, a safety inspection, or a registration under Section 41-12a-303, is guilty of a class A misdemeanor.~~

~~Section 31. **Effective date:**~~

~~(1) Except as provided in Subsection (2), the amendments to Section 41-1a-404 take effect on May 14, 2019.~~

~~(2) This bill takes effect on January 1, 2020.~~

†