

# HB0444S01 compared with HB0444

~~text~~ shows text that was in HB0444 but was deleted in HB0444S01.

text shows text that was not in HB0444 but was inserted into HB0444S01.

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Representative Jeffrey D. Stenquist proposes the following substitute bill:

## RECREATIONAL VEHICLE GRANT PROGRAM

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jeffrey D. Stenquist**

Senate Sponsor: \_\_\_\_\_

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### LONG TITLE

#### General Description:

This bill creates the Recreational Vehicle Grant Program and establishes funding for the program through an associated ~~fees~~ fee.

#### Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the State Tax Commission to charge, at the time of recreational vehicle registration, the Recreational Vehicle Grant Program fee, to provide revenue for the Recreational Vehicle Grant Program;
- ▶ creates the Recreational Vehicle Account and requires the State Tax Commission to deposit certain funds;
- ▶ creates the Recreational Vehicle Grant Program within the Division of Outdoor

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Recreation;

- ▶ creates the Recreational Vehicle Grant Advisory Committee and sets committee rules and procedures;
- ▶ provides the Division of Outdoor Recreation with rulemaking authority related to the Recreational Vehicle Grant Program; and
- ▶ makes technical changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

This bill provides a special effective date.

### Utah Code Sections Affected:

AMENDS:

~~{59-2-405.2}~~41-1a-102, as last amended by Laws of Utah ~~{2018}~~2022, Chapters

~~{166}~~92, ~~{373}~~180

41-1a-1201, as last amended by Laws of Utah 2022, Chapter 259

79-7-102, as last amended by Laws of Utah 2022, Chapter 68

ENACTS:

41-1a-1226, Utah Code Annotated 1953

79-7-501, Utah Code Annotated 1953

79-7-502, Utah Code Annotated 1953

79-7-503, Utah Code Annotated 1953

79-7-504, Utah Code Annotated 1953

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

Section 1. Section 41-1a-102 is amended to read:

**41-1a-102. Definitions.**

As used in this chapter:

- (1) "Actual miles" means the actual distance a vehicle has traveled while in operation.
- (2) "Actual weight" means the actual unladen weight of a vehicle or combination of vehicles as operated and certified to by a weighmaster.
- (3) "All-terrain type I vehicle" means the same as that term is defined in Section

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41-22-2.

(4) "All-terrain type II vehicle" means the same as that term is defined in Section 41-22-2.

(5) "All-terrain type III vehicle" means the same as that term is defined in Section 41-22-2.

(6) "Alternative fuel vehicle" means:

(a) an electric motor vehicle;

(b) a hybrid electric motor vehicle;

(c) a plug-in hybrid electric motor vehicle; or

(d) a motor vehicle powered exclusively by a fuel other than:

(i) motor fuel;

(ii) diesel fuel;

(iii) natural gas; or

(iv) propane.

(7) "Amateur radio operator" means a person licensed by the Federal Communications Commission to engage in private and experimental two-way radio operation on the amateur band radio frequencies.

(8) "Autocycle" means the same as that term is defined in Section 53-3-102.

(9) "Automated driving system" means the same as that term is defined in Section 41-26-102.1.

(10) "Branded title" means a title certificate that is labeled:

(a) rebuilt and restored to operation;

(b) flooded and restored to operation; or

(c) not restored to operation.

(11) "Camper" means a structure designed, used, and maintained primarily to be mounted on or affixed to a motor vehicle that contains a floor and is designed to provide a mobile dwelling, sleeping place, commercial space, or facilities for human habitation or for camping.

(12) "Certificate of title" means a document issued by a jurisdiction to establish a record of ownership between an identified owner and the described vehicle, vessel, or outboard motor.

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(13) "Certified scale weigh ticket" means a weigh ticket that has been issued by a weighmaster.

(14) "Commercial vehicle" means a motor vehicle, trailer, or semitrailer used or maintained for the transportation of persons or property that operates:

(a) as a carrier for hire, compensation, or profit; or

(b) as a carrier to transport the vehicle owner's goods or property in furtherance of the owner's commercial enterprise.

(15) "Commission" means the State Tax Commission.

(16) "Consumer price index" means the same as that term is defined in Section 59-13-102.

(17) "Dealer" means a person engaged or licensed to engage in the business of buying, selling, or exchanging new or used vehicles, vessels, or outboard motors either outright or on conditional sale, bailment, lease, chattel mortgage, or otherwise or who has an established place of business for the sale, lease, trade, or display of vehicles, vessels, or outboard motors.

(18) "Diesel fuel" means the same as that term is defined in Section 59-13-102.

(19) "Division" means the Motor Vehicle Division of the commission, created in Section 41-1a-106.

(20) "Dynamic driving task" means the same as that term is defined in Section 41-26-102.1.

(21) "Electric motor vehicle" means a motor vehicle that is powered solely by an electric motor drawing current from a rechargeable energy storage system.

(22) "Essential parts" means the integral and body parts of a vehicle of a type required to be registered in this state, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter the vehicle's appearance, model, type, or mode of operation.

(23) "Farm tractor" means a motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

(24) (a) "Farm truck" means a truck used by the owner or operator of a farm solely for the owner's or operator's own use in the transportation of:

(i) farm products, including livestock and its products, poultry and its products, floricultural and horticultural products;

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(ii) farm supplies, including tile, fence, and any other thing or commodity used in agricultural, floricultural, horticultural, livestock, and poultry production; and

(iii) livestock, poultry, and other animals and things used for breeding, feeding, or other purposes connected with the operation of a farm.

(b) "Farm truck" does not include the operation of trucks by commercial processors of agricultural products.

(25) "Fleet" means one or more commercial vehicles.

(26) "Foreign vehicle" means a vehicle of a type required to be registered, brought into this state from another state, territory, or country other than in the ordinary course of business by or through a manufacturer or dealer, and not registered in this state.

(27) "Gross laden weight" means the actual weight of a vehicle or combination of vehicles, equipped for operation, to which shall be added the maximum load to be carried.

(28) "Highway" or "street" means the entire width between property lines of every way or place of whatever nature when any part of it is open to the public, as a matter of right, for purposes of vehicular traffic.

(29) "Hybrid electric motor vehicle" means a motor vehicle that draws propulsion energy from onboard sources of stored energy that are both:

(a) an internal combustion engine or heat engine using consumable fuel; and

(b) a rechargeable energy storage system where energy for the storage system comes solely from sources onboard the vehicle.

(30) (a) "Identification number" means the identifying number assigned by the manufacturer or by the division for the purpose of identifying the vehicle, vessel, or outboard motor.

(b) "Identification number" includes a vehicle identification number, state assigned identification number, hull identification number, and motor serial number.

(31) "Implement of husbandry" means a vehicle designed or adapted and used exclusively for an agricultural operation and only incidentally operated or moved upon the highways.

(32) (a) "In-state miles" means the total number of miles operated in this state during the preceding year by fleet power units.

(b) If a fleet is composed entirely of trailers or semitrailers, "in-state miles" means the

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total number of miles that those vehicles were towed on Utah highways during the preceding year.

(33) "Interstate vehicle" means a commercial vehicle operated in more than one state, province, territory, or possession of the United States or foreign country.

(34) "Jurisdiction" means a state, district, province, political subdivision, territory, or possession of the United States or any foreign country.

(35) "Lienholder" means a person with a security interest in particular property.

(36) "Manufactured home" means a transportable factory built housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

(37) "Manufacturer" means a person engaged in the business of constructing, manufacturing, assembling, producing, or importing new or unused vehicles, vessels, or outboard motors for the purpose of sale or trade.

(38) "Military vehicle" means a vehicle of any size or weight that was manufactured for use by armed forces and that is maintained in a condition that represents the vehicle's military design and markings regardless of current ownership or use.

(39) "Mobile home" means a transportable factory built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code).

(40) "Motor fuel" means the same as that term is defined in Section 59-13-102.

(41) (a) "Motor vehicle" means a self-propelled vehicle intended primarily for use and operation on the highways.

(b) "Motor vehicle" does not include:

(i) an off-highway vehicle; or

(ii) a motor assisted scooter as defined in Section 41-6a-102.

(42) "Motorboat" means the same as that term is defined in Section 73-18-2.

(43) "Motorcycle" means:

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(a) a motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground; or

(b) an autocycle.

(44) "Natural gas" means a fuel of which the primary constituent is methane.

(45) (a) "Nonresident" means a person who is not a resident of this state as defined by Section 41-1a-202, and who does not engage in intrastate business within this state and does not operate in that business any motor vehicle, trailer, or semitrailer within this state.

(b) A person who engages in intrastate business within this state and operates in that business any motor vehicle, trailer, or semitrailer in this state or who, even though engaging in interstate commerce, maintains a vehicle in this state as the home station of that vehicle is considered a resident of this state, insofar as that vehicle is concerned in administering this chapter.

(46) "Odometer" means a device for measuring and recording the actual distance a vehicle travels while in operation, but does not include any auxiliary odometer designed to be periodically reset.

(47) "Off-highway implement of husbandry" means the same as that term is defined in Section 41-22-2.

(48) "Off-highway vehicle" means the same as that term is defined in Section 41-22-2.

(49) (a) "Operate" means:

(i) to navigate a vessel; or

(ii) collectively, the activities performed in order to perform the entire dynamic driving task for a given motor vehicle by:

(A) a human driver as defined in Section 41-26-102.1; or

(B) an engaged automated driving system.

(b) "Operate" includes testing of an automated driving system.

(50) "Outboard motor" means a detachable self-contained propulsion unit, excluding fuel supply, used to propel a vessel.

(51) (a) "Owner" means a person, other than a lienholder, holding title to a vehicle, vessel, or outboard motor whether or not the vehicle, vessel, or outboard motor is subject to a security interest.

(b) If a vehicle is the subject of an agreement for the conditional sale or installment

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sale or mortgage of the vehicle with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or mortgagor, or if the vehicle is the subject of a security agreement, then the conditional vendee, mortgagor, or debtor is considered the owner for the purposes of this chapter.

(c) If a vehicle is the subject of an agreement to lease, the lessor is considered the owner until the lessee exercises the lessee's option to purchase the vehicle.

(52) "Park model recreational vehicle" means a unit that:

(a) is designed and marketed as temporary living quarters for recreational, camping, travel, or seasonal use;

(b) is not permanently affixed to real property for use as a permanent dwelling;

(c) requires a special highway movement permit for transit; and

(d) is built on a single chassis mounted on wheels with a gross trailer area not exceeding 400 square feet in the setup mode.

(53) "Personalized license plate" means a license plate that has displayed on it a combination of letters, numbers, or both as requested by the owner of the vehicle and assigned to the vehicle by the division.

(54) (a) "Pickup truck" means a two-axle motor vehicle with motive power manufactured, remanufactured, or materially altered to provide an open cargo area.

(b) "Pickup truck" includes a motor vehicle with the open cargo area covered with a camper, camper shell, tarp, removable top, or similar structure.

(55) "Plug-in hybrid electric motor vehicle" means a hybrid electric motor vehicle that has the capability to charge the battery or batteries used for vehicle propulsion from an off-vehicle electric source, such that the off-vehicle source cannot be connected to the vehicle while the vehicle is in motion.

(56) "Pneumatic tire" means a tire in which compressed air is designed to support the load.

(57) "Preceding year" means a period of 12 consecutive months fixed by the division that is within 16 months immediately preceding the commencement of the registration or license year in which proportional registration is sought. The division in fixing the period shall conform it to the terms, conditions, and requirements of any applicable agreement or



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arrangement for the proportional registration of vehicles.

(58) "Public garage" means a building or other place where vehicles or vessels are kept and stored and where a charge is made for the storage and keeping of vehicles and vessels.

(59) "Receipt of surrender of ownership documents" means the receipt of surrender of ownership documents described in Section 41-1a-503.

(60) "Reconstructed vehicle" means a vehicle of a type required to be registered in this state that is materially altered from its original construction by the removal, addition, or substitution of essential parts, new or used.

(61) (a) "Recreational vehicle" means ~~[the same as that term is defined in Section 13-14-102.] a vehicular unit other than a mobile home, primarily designed as a temporary dwelling for travel, recreational, or vacation use, that is either self-propelled or pulled by another vehicle.~~

(b) "Recreational vehicle" includes:

(i) a travel trailer;

(ii) a camping trailer;

(iii) a motor home; and

(iv) a fifth wheel trailer.

(62) "Registration" means a document issued by a jurisdiction that allows operation of a vehicle or vessel on the highways or waters of this state for the time period for which the registration is valid and that is evidence of compliance with the registration requirements of the jurisdiction.

(63) (a) "Registration year" means a 12 consecutive month period commencing with the completion of the applicable registration criteria.

(b) For administration of a multistate agreement for proportional registration the division may prescribe a different 12-month period.

(64) "Repair or replacement" means the restoration of vehicles, vessels, or outboard motors to a sound working condition by substituting any inoperative part of the vehicle, vessel, or outboard motor, or by correcting the inoperative part.

(65) "Replica vehicle" means:

(a) a street rod that meets the requirements under Subsection 41-21-1(3)(a)(i)(B); or

(b) a custom vehicle that meets the requirements under Subsection

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41-6a-1507(1)(a)(i)(B).

(66) "Road tractor" means a motor vehicle designed and used for drawing other vehicles and constructed so it does not carry any load either independently or any part of the weight of a vehicle or load that is drawn.

(67) "Sailboat" means the same as that term is defined in Section 73-18-2.

(68) "Security interest" means an interest that is reserved or created by a security agreement to secure the payment or performance of an obligation and that is valid against third parties.

(69) "Semitrailer" means a vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that some part of its weight and its load rests or is carried by another vehicle.

(70) "Special group license plate" means a type of license plate designed for a particular group of people or a license plate authorized and issued by the division in accordance with Section 41-1a-418.

(71) (a) "Special interest vehicle" means a vehicle used for general transportation purposes and that is:

(i) 20 years or older from the current year; or

(ii) a make or model of motor vehicle recognized by the division director as having unique interest or historic value.

(b) In making a determination under Subsection (71)(a), the division director shall give special consideration to:

(i) a make of motor vehicle that is no longer manufactured;

(ii) a make or model of motor vehicle produced in limited or token quantities;

(iii) a make or model of motor vehicle produced as an experimental vehicle or one designed exclusively for educational purposes or museum display; or

(iv) a motor vehicle of any age or make that has not been substantially altered or modified from original specifications of the manufacturer and because of its significance is being collected, preserved, restored, maintained, or operated by a collector or hobbyist as a leisure pursuit.

(72) (a) "Special mobile equipment" means a vehicle:

(i) not designed or used primarily for the transportation of persons or property;

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- (ii) not designed to operate in traffic; and
- (iii) only incidentally operated or moved over the highways.

(b) "Special mobile equipment" includes:

- (i) farm tractors;
- (ii) off-road motorized construction or maintenance equipment including backhoes, bulldozers, compactors, graders, loaders, road rollers, tractors, and trenchers; and
- (iii) ditch-digging apparatus.

(c) "Special mobile equipment" does not include a commercial vehicle as defined under Section 72-9-102.

(73) "Specially constructed vehicle" means a vehicle of a type required to be registered in this state, not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles, and not materially altered from its original construction.

(74) "State impound yard" means a yard for the storage of a vehicle, vessel, or outboard motor that meets the requirements of rules made by the commission pursuant to Subsection 41-1a-1101(5).

(75) "Title" means the right to or ownership of a vehicle, vessel, or outboard motor.

(76) (a) "Total fleet miles" means the total number of miles operated in all jurisdictions during the preceding year by power units.

(b) If fleets are composed entirely of trailers or semitrailers, "total fleet miles" means the number of miles that those vehicles were towed on the highways of all jurisdictions during the preceding year.

(77) "Tow truck motor carrier" means the same as that term is defined in Section 72-9-102.

(78) "Tow truck operator" means the same as that term is defined in Section 72-9-102.

(79) "Trailer" means a vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.

(80) "Transferee" means a person to whom the ownership of property is conveyed by sale, gift, or any other means except by the creation of a security interest.

(81) "Transferor" means a person who transfers the person's ownership in property by

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sale, gift, or any other means except by creation of a security interest.

(82) "Travel trailer," "camping trailer," or "fifth wheel trailer" means a portable vehicle without motive power, designed as a temporary dwelling for travel, recreational, or vacation use that does not require a special highway movement permit when drawn by a self-propelled motor vehicle.

(83) "Truck tractor" means a motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load that is drawn.

(84) "Vehicle" includes a motor vehicle, trailer, semitrailer, off-highway vehicle, camper, park model recreational vehicle, manufactured home, and mobile home.

(85) "Vessel" means the same as that term is defined in Section 73-18-2.

(86) "Vintage vehicle" means the same as that term is defined in Section 41-21-1.

(87) "Waters of this state" means the same as that term is defined in Section 73-18-2.

(88) "Weighmaster" means a person, association of persons, or corporation permitted to weigh vehicles under this chapter.

### Section 2. Section 41-1a-1201 is amended to read:

#### **41-1a-1201. Disposition of fees.**

(1) All fees received and collected under this part shall be transmitted daily to the state treasurer.

(2) Except as provided in Subsections (3), (6), (7), (8), and (9) and Sections 41-1a-422, 41-1a-1220, 41-1a-1221, and 41-1a-1223, and ~~41-1a-1223~~41-1a-1226 all fees collected under this part shall be deposited into the Transportation Fund.

(3) Funds generated under Subsections 41-1a-1211(1)(b)(ii), (6)(b)(ii), and (7) and Section 41-1a-1212 may be used by the commission to cover the costs incurred in issuing license plates under Part 4, License Plates and Registration Indicia.

(4) In accordance with Section 63J-1-602.2, all funds available to the commission for the purchase and distribution of license plates and decals are nonlapsing.

(5) (a) Except as provided in Subsections (3) and (5)(b) and Section 41-1a-1205, the expenses of the commission in enforcing and administering this part shall be provided for by legislative appropriation from the revenues of the Transportation Fund.

(b) Three dollars of the registration fees imposed under Subsections 41-1a-1206(2)(a)

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and (b) for each vehicle registered for a six-month registration period under Section 41-1a-215.5 may be used by the commission to cover the costs incurred in enforcing and administering this part.

(c) Fifty cents of the registration fee imposed under Subsection 41-1a-1206(1)(i) for each vintage vehicle that has a model year of 1981 or newer may be used by the commission to cover the costs incurred in enforcing and administering this part.

(6) (a) The following portions of the registration fees imposed under Section 41-1a-1206 for each vehicle shall be deposited into the Transportation Investment Fund of 2005 created under Section 72-2-124:

(i) \$30 of the registration fees imposed under Subsections 41-1a-1206(1)(a), (1)(b), (1)(f), (4), and (7);

(ii) \$21 of the registration fees imposed under Subsections 41-1a-1206(1)(c)(i) and (1)(c)(ii);

(iii) \$2.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(ii);

(iv) \$23 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(i);

(v) \$24.50 of the registration fee imposed under Subsection 41-1a-1206(1)(e)(i); and

(vi) \$1 of the registration fee imposed under Subsection 41-1a-1206(1)(d)(ii).

(b) The following portions of the registration fees collected for each vehicle registered for a six-month registration period under Section 41-1a-215.5 shall be deposited into the Transportation Investment Fund of 2005 created by Section 72-2-124:

(i) \$23.25 of each registration fee collected under Subsection 41-1a-1206(2)(a)(i); and

(ii) \$23 of each registration fee collected under Subsection 41-1a-1206(2)(a)(ii).

(7) (a) Ninety-four cents of each registration fee imposed under Subsections 41-1a-1206(1)(a) and (b) for each vehicle shall be deposited into the Public Safety Restricted Account created in Section 53-3-106.

(b) Seventy-one cents of each registration fee imposed under Subsections 41-1a-1206(2)(a) and (b) for each vehicle registered for a six-month registration period under Section 41-1a-215.5 shall be deposited into the Public Safety Restricted Account created in Section 53-3-106.

(8) (a) One dollar of each registration fee imposed under Subsections 41-1a-1206(1)(a) and (b) for each vehicle shall be deposited into the Motor Vehicle Safety Impact Restricted

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Account created in Section 53-8-214.

(b) One dollar of each registration fee imposed under Subsections 41-1a-1206(2)(a) and (b) for each vehicle registered for a six-month registration period under Section 41-1a-215.5 shall be deposited into the Motor Vehicle Safety Impact Restricted Account created in Section 53-8-214.

(9) Fifty cents of each registration fee imposed under Subsection 41-1a-1206(1)(a) for each motorcycle shall be deposited into the Spinal Cord and Brain Injury Rehabilitation Fund created in Section 26-54-102.

Section ~~{1}~~3. Section **41-1a-1226** is enacted to read:

### **41-1a-1226. Recreational Vehicle Grant Program fee.**

(1) In addition to the applicable registration fees described in Subsection 41-1a-1206, the commission shall collect, at the time of registration, the Recreational Vehicle Grant Program fee from a person registering a recreational vehicle.

(2) The funds collected by the commission in Subsection (1) shall be deposited into the Recreational Vehicle Account created in Subsection 79-7-502.

(3) (a) Subject to Subsection (3)(b), the fee collected in Subsection (1) shall be \$25.

(b) ~~{The}~~ **Beginning on January 1, 2025, and each January 1 thereafter, the** commission shall ~~{, on January 1, annually}~~ adjust the Recreational Vehicle Grant Program fee described in Subsection (~~{1}~~3)(a) by taking the fee for the previous year and adding an amount equal to the greater of:

(i) an amount calculated by multiplying the ~~{registration}~~ **Recreational Vehicle Grant Program** fee of the previous year by the actual percentage change during the previous fiscal year in the Consumer Price Index; and

(ii) 0.

Section ~~{2}~~4. Section ~~{59-2-405.}~~79-7-102 is amended to read:

~~{~~ **59-2-405.2. Definitions -- Uniform statewide fee on certain tangible personal property -- Distribution of revenues -- Rulemaking authority -- Determining the length of a vessel.**

~~---~~ **(1) As used in this section:**

~~---~~ **(a) (i) Except as provided in Subsection (1)(a)(ii), "all-terrain vehicle" means a motor vehicle that:**

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- ~~\_\_\_\_\_ (A) is an:~~
- ~~\_\_\_\_\_ (I) all-terrain type I vehicle as defined in Section 41-22-2;~~
- ~~\_\_\_\_\_ (II) all-terrain type II vehicle as defined in Section 41-22-2; or~~
- ~~\_\_\_\_\_ (III) all-terrain type III vehicle as defined in Section 41-22-2;~~
- ~~\_\_\_\_\_ (B) is required to be registered in accordance with Title 41, Chapter 22, Off-highway Vehicles; and~~
- ~~\_\_\_\_\_ (C) has:~~
- ~~\_\_\_\_\_ (I) an engine with more than 150 cubic centimeters displacement;~~
- ~~\_\_\_\_\_ (II) a motor that produces more than five horsepower; or~~
- ~~\_\_\_\_\_ (III) an electric motor; and~~
- ~~\_\_\_\_\_ (ii) notwithstanding Subsection (1)(a)(i), "all-terrain vehicle" does not include a snowmobile.~~
- ~~\_\_\_\_\_ (b) "Camper" means a camper:~~
- ~~\_\_\_\_\_ (i) as defined in Section 41-1a-102; and~~
- ~~\_\_\_\_\_ (ii) that is required to be registered in accordance with Title 41, Chapter 1a, Part 2, Registration.~~
- ~~\_\_\_\_\_ (c) (i) "Canoe" means a vessel that:~~
- ~~\_\_\_\_\_ (A) is long and narrow;~~
- ~~\_\_\_\_\_ (B) has curved sides; and~~
- ~~\_\_\_\_\_ (C) is tapered:~~
- ~~\_\_\_\_\_ (I) to two pointed ends; or~~
- ~~\_\_\_\_\_ (II) to one pointed end and is blunt on the other end[; and];~~
- ~~\_\_\_\_\_ (ii) ["canoe"] "Canoe" includes:~~
- ~~\_\_\_\_\_ (A) a collapsible inflatable canoe;~~
- ~~\_\_\_\_\_ (B) a kayak;~~
- ~~\_\_\_\_\_ (C) a racing shell;~~
- ~~\_\_\_\_\_ (D) a rowing scull; or~~
- ~~\_\_\_\_\_ (E) notwithstanding the definition of vessel in Subsection [(1)(bb)] (i)(cc), a canoe with an outboard motor.~~
- ~~\_\_\_\_\_ (d) "Dealer" is as defined in Section 41-1a-102.~~
- ~~\_\_\_\_\_ (e) "Jon boat" means a vessel that:~~

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- ~~—— (i) has a square bow; and~~
- ~~—— (ii) has a flat bottom.~~
- ~~—— (f) "Motor vehicle" is as defined in Section 41-22-2.~~
- ~~—— (g) "Other motorcycle" means a motor vehicle that:~~
  - ~~—— (i) is:~~
    - ~~—— (A) a motorcycle as defined in Section 41-1a-102; and~~
    - ~~—— (B) designed primarily for use and operation over unimproved terrain;~~
  - ~~—— (ii) is required to be registered in accordance with Title 41, Chapter 1a, Part 2, Registration; and~~
  - ~~—— (iii) has:~~
    - ~~—— (A) an engine with more than 150 cubic centimeters displacement; or~~
    - ~~—— (B) a motor that produces more than five horsepower.~~
- ~~—— (h) (i) "Other trailer" means a portable vehicle without motive power that is primarily used:~~
  - ~~—— (A) to transport tangible personal property; and~~
  - ~~—— (B) for a purpose other than a commercial purpose; and~~
  - ~~—— (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for purposes of Subsection (1)(h)(i)(B), the commission may by rule define what constitutes a purpose other than a commercial purpose.~~
- ~~—— (i) "Outboard motor" is as defined in Section 41-1a-102.~~
- ~~—— (j) "Park model recreational vehicle" is as defined in Section 41-1a-102.~~
- ~~—— (k) "Personal watercraft" means a personal watercraft:~~
  - ~~—— (i) as defined in Section 73-18-2; and~~
  - ~~—— (ii) that is required to be registered in accordance with Title 73, Chapter 18, State Boating Act.~~
- ~~—— (l) (i) "Pontoon" means a vessel that:~~
  - ~~—— (A) is:~~
    - ~~—— (I) supported by one or more floats; and~~
    - ~~—— (II) propelled by either inboard or outboard power; and~~
  - ~~—— (B) is not:~~
    - ~~—— (I) a houseboat; or~~



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- ~~—— (H) a collapsible inflatable vessel; and~~
- ~~—— (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may by rule define the term "houseboat."~~
- ~~—— (m) "Qualifying adjustment, exemption, or reduction" means an adjustment, exemption, or reduction:~~
  - ~~—— (i) of all or a portion of a qualifying payment;~~
  - ~~—— (ii) granted by a county during the refund period; and~~
  - ~~—— (iii) received by a qualifying person.~~
- ~~—— (n) (i) "Qualifying payment" means the payment made:~~
  - ~~—— (A) of a uniform statewide fee in accordance with this section:~~
    - ~~—— (I) by a qualifying person;~~
    - ~~—— (II) to a county; and~~
    - ~~—— (III) during the refund period; and~~
  - ~~—— (B) on an item of qualifying tangible personal property; and~~
  - ~~—— (ii) if a qualifying person received a qualifying adjustment, exemption, or reduction for an item of qualifying tangible personal property, the qualifying payment for that qualifying tangible personal property is equal to the difference between:~~
    - ~~—— (A) the payment described in this Subsection (1)(n) for that item of qualifying tangible personal property; and~~
    - ~~—— (B) the amount of the qualifying adjustment, exemption, or reduction.~~
- ~~—— (o) "Qualifying person" means a person that paid a uniform statewide fee:~~
  - ~~—— (i) during the refund period;~~
  - ~~—— (ii) in accordance with this section; and~~
  - ~~—— (iii) on an item of qualifying tangible personal property.~~
- ~~—— (p) "Qualifying tangible personal property" means a:~~
  - ~~—— (i) qualifying vehicle; or~~
  - ~~—— (ii) qualifying watercraft.~~
- ~~—— (q) "Qualifying vehicle" means:~~
  - ~~—— (i) an all-terrain vehicle with an engine displacement that is 100 or more cubic centimeters but 150 or less cubic centimeters;~~
  - ~~—— (ii) an other motorcycle with an engine displacement that is 100 or more cubic~~

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~~centimeters but 150 or less cubic centimeters;~~

~~—— (iii) a small motor vehicle with an engine displacement that is 100 or more cubic centimeters but 150 or less cubic centimeters;~~

~~—— (iv) a snowmobile with an engine displacement that is 100 or more cubic centimeters but 150 or less cubic centimeters; or~~

~~—— (v) a street motorcycle with an engine displacement that is 100 or more cubic centimeters but 150 or less cubic centimeters.~~

~~—— (r) "Qualifying watercraft" means a:~~

~~—— (i) canoe;~~

~~—— (ii) collapsible inflatable vessel;~~

~~—— (iii) jon boat;~~

~~—— (iv) pontoon;~~

~~—— (v) sailboat; or~~

~~—— (vi) utility boat.~~

~~—— (s) "Refund period" means the time period:~~

~~—— (i) beginning on January 1, 2006; and~~

~~—— (ii) ending on December 29, 2006.~~

~~—— (t) "Sailboat" means a sailboat as defined in Section 73-18-2.~~

~~—— (u) (i) "Small motor vehicle" means a motor vehicle that:~~

~~—— (A) is required to be registered in accordance with Title 41, Motor Vehicles; and~~

~~—— (B) has:~~

~~—— (I) an engine with 150 or less cubic centimeters displacement; or~~

~~—— (II) a motor that produces five or less horsepower; and~~

~~—— (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may by rule develop a process for an owner of a motor vehicle to certify whether the motor vehicle has:~~

~~—— (A) an engine with 150 or less cubic centimeters displacement; or~~

~~—— (B) a motor that produces five or less horsepower.~~

~~—— (v) "Snowmobile" means a motor vehicle that:~~

~~—— (i) is a snowmobile as defined in Section 41-22-2;~~

~~—— (ii) is required to be registered in accordance with Title 41, Chapter 22, Off-highway~~

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~~Vehicles; and~~

~~—— (iii) has:~~

~~—— (A) an engine with more than 150 cubic centimeters displacement; or~~

~~—— (B) a motor that produces more than five horsepower.~~

~~—— (w) "Street-legal all-terrain vehicle" means the same as that term is defined in Section 41-6a-102.~~

~~—— (x) "Street motorcycle" means a motor vehicle that:~~

~~—— (i) is:~~

~~—— (A) a motorcycle as defined in Section 41-1a-102; and~~

~~—— (B) designed primarily for use and operation on highways;~~

~~—— (ii) is required to be registered in accordance with Title 41, Chapter 1a, Part 2;~~

~~Registration; and~~

~~—— (iii) has:~~

~~—— (A) an engine with more than 150 cubic centimeters displacement; or~~

~~—— (B) a motor that produces more than five horsepower.~~

~~—— (y) "Tangible personal property owner" means a person that owns an item of qualifying tangible personal property.~~

~~—— (z) "Tent trailer" means a portable vehicle without motive power that:~~

~~—— (i) is constructed with collapsible side walls that:~~

~~—— (A) fold for towing by a motor vehicle; and~~

~~—— (B) unfold at a campsite;~~

~~—— (ii) is designed as a temporary dwelling for travel, recreational, or vacation use;~~

~~—— (iii) is required to be registered in accordance with Title 41, Chapter 1a, Part 2;~~

~~Registration; and~~

~~—— (iv) does not require a special highway movement permit when drawn by a self-propelled motor vehicle.~~

~~—— (aa) (i) Except as provided in Subsection (1)(aa)(ii), "travel trailer" means a travel trailer:~~

~~—— (A) as defined in Section 41-1a-102; and~~

~~—— (B) that is required to be registered in accordance with Title 41, Chapter 1a, Part 2;~~

~~Registration; and~~

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- ~~—— (ii) notwithstanding Subsection (1)(aa)(i), "travel trailer" does not include:~~
- ~~—— (A) a camper; or~~
- ~~—— (B) a tent trailer.~~
- ~~—— (bb) (i) "Utility boat" means a vessel that:~~
- ~~—— (A) has:~~
- ~~—— (I) two or three bench seating;~~
- ~~—— (II) an outboard motor; and~~
- ~~—— (III) a hull made of aluminum, fiberglass, or wood; and~~
- ~~—— (B) does not have:~~
- ~~—— (I) decking;~~
- ~~—— (II) a permanent canopy; or~~
- ~~—— (III) a floor other than the hull; and~~
- ~~—— (ii) notwithstanding Subsection (1)(bb)(i), "utility boat" does not include a collapsible inflatable vessel.~~
- ~~—— (cc) "Vessel" means a vessel:~~
- ~~—— (i) as defined in Section 73-18-2, including an outboard motor of the vessel; and~~
- ~~—— (ii) that is required to be registered in accordance with Title 73, Chapter 18, State Boating Act.~~
- ~~—— (2) (a) In accordance with Utah Constitution Article XIII, Section 2, Subsection (6), beginning on January 1, 2006, the tangible personal property described in Subsection (2)(b) is:~~
- ~~—— (i) exempt from the tax imposed by Section 59-2-103; and~~
- ~~—— (ii) in lieu of the tax imposed by Section 59-2-103, subject to uniform statewide fees as provided in this section.~~
- ~~—— (b) The following tangible personal property applies to Subsection (2)(a) if that tangible personal property is required to be registered with the state:~~
- ~~—— (i) an all-terrain vehicle;~~
- ~~—— (ii) a camper;~~
- ~~—— (iii) an other motorcycle;~~
- ~~—— (iv) an other trailer;~~
- ~~—— (v) a personal watercraft;~~
- ~~—— (vi) a small motor vehicle;~~

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- ~~\_\_\_\_\_ (vii) a snowmobile;~~
- ~~\_\_\_\_\_ (viii) a street motorcycle;~~
- ~~\_\_\_\_\_ (ix) a tent trailer;~~
- ~~\_\_\_\_\_ (x) a travel trailer;~~
- ~~\_\_\_\_\_ (xi) a park model recreational vehicle; and~~
- ~~\_\_\_\_\_ (xii) a vessel if that vessel is less than 31 feet in length as determined under Subsection [(6)] (7);~~

~~\_\_\_\_\_ (3) Except as provided in Subsection (4) and for purposes of this section, the uniform statewide fees are:~~

~~\_\_\_\_\_ (a) for a snowmobile:~~

~~Age of Snowmobile Uniform Statewide Fee 12 or more years \$10 9 or more years but less than 12 years \$20 6 or more years but less than 9 years \$30 3 or more years but less than 6 years \$35 Less than 3 years \$45 (b) for an all-terrain vehicle that is not a street-legal all-terrain vehicle or another motorcycle:~~

~~Age of All-Terrain Vehicle or Other Motorcycle Uniform Statewide Fee Uniform Statewide Fee 12 or more years \$4 9 or more years but less than 12 years \$8 6 or more years but less than 9 years \$12 3 or more years but less than 6 years \$14 Less than 3 years \$18 (c) for a street-legal all-terrain vehicle:~~

~~Age of Street-Legal All-Terrain Vehicle Uniform Statewide Fee 12 or more years \$4 9 or more years but less than 12 years \$14 6 or more years but less than 9 years \$20 3 or more years but less than 6 years \$28 Less than 3 years \$38 (d) for a camper or a tent trailer:~~

~~\_\_\_\_\_ Age of Camper or Tent Trailer Uniform Statewide Fee 12 or more years \$10 9 or more years but less than 12 years \$25 6 or more years but less than 9 years \$35 3 or more years but less than 6 years \$50 Less than 3 years \$70 (e) for an other trailer:~~

~~\_\_\_\_\_ Age of Other Trailer Uniform Statewide Fee 12 or more years \$10 9 or more years but less than 12 years \$15 6 or more years but less than 9 years \$20 3 or more years but less than 6 years \$25 Less than 3 years \$30 (f) for a personal watercraft:~~

~~\_\_\_\_\_ Age of Personal Watercraft Uniform Statewide Fee 12 or more years \$10 9 or more years but less than 12 years \$25 6 or more years but less than 9 years \$35 3 or more years but less than 6 years \$45 Less than 3 years \$55 (g) for a small motor vehicle:~~

~~\_\_\_\_\_ Age of Small Motor Vehicle Uniform Statewide Fee 6 or more years \$10~~

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~~3 or more years but less than 6 years \$15 Less than 3 years \$25 (h) for a street motorcycle:~~

~~Age of Street Motorcycle Uniform Statewide Fee 12 or more years \$10 9~~

~~or more years but less than 12 years \$35 6 or more years but less than 9 years \$50 3 or more~~

~~years but less than 6 years \$70 Less than 3 years \$95 (i) for a travel trailer or park model recreational vehicle:~~

~~Age of Travel Trailer or Park Model Recreational Vehicle Uniform Statewide Fee 12 or~~

~~more years \$20 9 or more years but less than 12 years \$65 6 or more years but less than 9~~

~~years \$90 3 or more years but less than 6 years \$135 Less than 3 years \$175 (j) \$10 regardless~~

~~of the age of the vessel if the vessel is:~~

~~(i) less than 15 feet in length;~~

~~(ii) a canoe;~~

~~(iii) a jon boat; or~~

~~(iv) a utility boat;~~

~~(k) for a collapsible inflatable vessel, pontoon, or sailboat, regardless of age:~~

~~Length of Vessel Uniform Statewide Fee 15 feet or more in length but less than~~

~~19 feet in length \$15 19 feet or more in length but less than 23 feet in length \$25 23 feet or more~~

~~in length but less than 27 feet in length \$40 27 feet or more in length but less than 31 feet in~~

~~length \$75 (l) for a vessel, other than a canoe, collapsible inflatable vessel, jon boat,~~

~~pontoon, sailboat, or utility boat, that is 15 feet or more in length but less than 19 feet in length:~~

~~Age of Vessel Uniform Statewide Fee 12 or more years \$25 9 or more~~

~~years but less than 12 years \$65 6 or more years but less than 9 years \$80 3 or more years but~~

~~less than 6 years \$110 Less than 3 years \$150 (m) for a vessel, other than a canoe, collapsible~~

~~inflatable vessel, jon boat, pontoon, sailboat, or utility boat, that is 19 feet or more in length but~~

~~less than 23 feet in length:~~

~~Age of Vessel Uniform Statewide Fee 12 or more years \$50 9 or more~~

~~years but less than 12 years \$120 6 or more years but less than 9 years \$175 3 or more years but~~

~~less than 6 years \$220 Less than 3 years \$275 (n) for a vessel, other than a canoe, collapsible~~

~~inflatable vessel, jon boat, pontoon, sailboat, or utility boat, that is 23 feet or more in length but~~

~~less than 27 feet in length:~~

~~Age of Vessel Uniform Statewide Fee 12 or more years \$100 9 or more~~

~~years but less than 12 years \$180 6 or more years but less than 9 years \$240 3 or more years but~~

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~~less than 6 years \$310 Less than 3 years \$400 (o) for a vessel, other than a canoe, collapsible inflatable vessel, jon boat, pontoon, sailboat, or utility boat, that is 27 feet or more in length but less than 31 feet in length:~~

~~————— Age of Vessel Uniform Statewide Fee 12 or more years \$120 9 or more years but less than 12 years \$250 6 or more years but less than 9 years \$350 3 or more years but less than 6 years \$500 Less than 3 years \$700 (4) For registrations under Section 41-1a-215.5, the uniform fee for purposes of this section is as follows:~~

~~————— (a) for a street motorcycle:~~

~~————— Age of Street Motorcycle Uniform Statewide Fee 12 or more years \$7.75 9 or more years but less than 12 years \$27 6 or more years but less than 9 years \$38.50 3 or more years but less than 6 years \$54 Less than 3 years \$73 (b) for a small motor vehicle:~~

~~————— Age of Small Motor Vehicle Uniform Statewide Fee 6 or more years \$7.75 3 or more years but less than 6 years \$11.50 Less than 3 years \$19.25 (5)~~

~~Notwithstanding Section 59-2-407, tangible personal property subject to the uniform statewide fees imposed by this section that is brought into the state shall, as a condition of registration, be subject to the uniform statewide fees unless all property taxes or uniform fees imposed by the state of origin have been paid for the current calendar year:~~

~~————— (6) (a) [The] Subject to Subsection (6)(c), the revenues collected in each county from the uniform statewide fees imposed by this section shall be distributed by the county to each taxing entity in which each item of tangible personal property subject to the uniform statewide fees is located in the same proportion in which revenues collected from the ad valorem property tax are distributed:~~

~~————— (b) Each taxing entity described in Subsection (6)(a) that receives revenues from the uniform statewide fees imposed by this section shall distribute the revenues in the same proportion in which revenues collected from the ad valorem property tax are distributed.~~

~~————— (c) The revenues collected from the uniform statewide fee imposed under Subsections (3)(d) and (i) shall be distributed to the Recreational Vehicle Account created in Section 79-7-502.~~

~~————— (7) (a) For purposes of the uniform statewide fee imposed by this section, the length of a vessel shall be determined as provided in this Subsection (7):~~

~~————— (b) (i) Except as provided in Subsection (7)(b)(ii), the length of a vessel shall be~~

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measured as follows:

~~—— (A) the length of a vessel shall be measured in a straight line; and~~

~~—— (B) the length of a vessel is equal to the distance between the bow of the vessel and the stern of the vessel.~~

~~—— (ii) Notwithstanding Subsection (7)(b)(i), the length of a vessel may not include the length of:~~

~~—— (A) a swim deck;~~

~~—— (B) a ladder;~~

~~—— (C) an outboard motor; or~~

~~—— (D) an appurtenance or attachment similar to Subsections (7)(b)(ii)(A) through (C) as determined by the commission by rule.~~

~~—— (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may by rule define what constitutes an appurtenance or attachment similar to Subsections (7)(b)(ii)(A) through (C).~~

~~—— (c) The length of a vessel:~~

~~—— (i) (A) for a new vessel, is the length:~~

~~—— (I) listed on the manufacturer's statement of origin if the length of the vessel measured under Subsection (7)(b) is equal to the length of the vessel listed on the manufacturer's statement of origin; or~~

~~—— (II) listed on a form submitted to the commission by a dealer in accordance with Subsection (7)(d) if the length of the vessel measured under Subsection (7)(b) is not equal to the length of the vessel listed on the manufacturer's statement of origin; or~~

~~—— (B) for a vessel other than a new vessel, is the length:~~

~~—— (I) corresponding to the model number if the length of the vessel measured under Subsection (7)(b) is equal to the length of the vessel determined by reference to the model number; or~~

~~—— (II) listed on a form submitted to the commission by an owner of the vessel in accordance with Subsection (7)(d) if the length of the vessel measured under Subsection (7)(b) is not equal to the length of the vessel determined by reference to the model number; and~~

~~—— (ii) (A) is determined at the time of the:~~

~~—— (I) first registration as defined in Section 41-1a-102 that occurs on or after January 1;~~



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~~2006; or~~

~~—— (H) first renewal of registration that occurs on or after January 1, 2006; and~~

~~—— (B) may be determined after the time described in Subsection (7)(c)(ii)(A) only if the commission requests that a dealer or an owner submit a form to the commission in accordance with Subsection (7)(d).~~

~~—— (d) (i) A form under Subsection (7)(c) shall:~~

~~—— (A) be developed by the commission;~~

~~—— (B) be provided by the commission to:~~

~~—— (I) a dealer; or~~

~~—— (H) an owner of a vessel;~~

~~—— (C) provide for the reporting of the length of a vessel;~~

~~—— (D) be submitted to the commission at the time the length of the vessel is determined in accordance with Subsection (7)(c)(ii);~~

~~—— (E) be signed by:~~

~~—— (I) if the form is submitted by a dealer, that dealer; or~~

~~—— (H) if the form is submitted by an owner of the vessel, an owner of the vessel; and~~

~~—— (F) include a certification that the information set forth in the form is true.~~

~~—— (ii) A certification made under Subsection (7)(d)(i)(F) is considered as if made under oath and subject to the same penalties as provided by law for perjury.~~

~~—— (iii) (A) A dealer or an owner that submits a form to the commission under Subsection (7)(c) is considered to have given the dealer's or owner's consent to an audit or review by:~~

~~—— (I) the commission;~~

~~—— (H) the county assessor; or~~

~~—— (III) the commission and the county assessor.~~

~~—— (B) The consent described in Subsection (7)(d)(iii)(A) is a condition to the acceptance of any form:~~

~~—— (8) (a) A county that collected a qualifying payment from a qualifying person during the refund period shall issue a refund to the qualifying person as described in Subsection (8)(b) if:~~

~~—— (i) the difference described in Subsection (8)(b) is \$1 or more; and~~

~~—— (ii) the qualifying person submitted a form in accordance with Subsections (8)(c) and~~

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(d):

- ~~\_\_\_\_\_ (b) The refund amount shall be calculated as follows:~~
- ~~\_\_\_\_\_ (i) for a qualifying vehicle, the refund amount is equal to the difference between:~~
- ~~\_\_\_\_\_ (A) the qualifying payment the qualifying person paid on the qualifying vehicle during the refund period; and~~
- ~~\_\_\_\_\_ (B) the amount of the statewide uniform fee:~~
- ~~\_\_\_\_\_ (I) for that qualifying vehicle; and~~
- ~~\_\_\_\_\_ (II) that the qualifying person would have been required to pay:~~
- ~~\_\_\_\_\_ (Aa) during the refund period; and~~
- ~~\_\_\_\_\_ (Bb) in accordance with this section had Laws of Utah 2006, Fifth Special Session, Chapter 3, Section 1, been in effect during the refund period; and~~
- ~~\_\_\_\_\_ (ii) for a qualifying watercraft, the refund amount is equal to the difference between:~~
- ~~\_\_\_\_\_ (A) the qualifying payment the qualifying person paid on the qualifying watercraft during the refund period; and~~
- ~~\_\_\_\_\_ (B) the amount of the statewide uniform fee:~~
- ~~\_\_\_\_\_ (I) for that qualifying watercraft;~~
- ~~\_\_\_\_\_ (II) that the qualifying person would have been required to pay:~~
- ~~\_\_\_\_\_ (Aa) during the refund period; and~~
- ~~\_\_\_\_\_ (Bb) in accordance with this section had Laws of Utah 2006, Fifth Special Session, Chapter 3, Section 1, been in effect during the refund period.~~
- ~~\_\_\_\_\_ (c) Before the county issues a refund to the qualifying person in accordance with Subsection (8)(a) the qualifying person shall submit a form to the county to verify the qualifying person is entitled to the refund.~~
- ~~\_\_\_\_\_ (d) (i) A form under Subsection (8)(c) or (9) shall:~~
- ~~\_\_\_\_\_ (A) be developed by the commission;~~
- ~~\_\_\_\_\_ (B) be provided by the commission to the counties;~~
- ~~\_\_\_\_\_ (C) be provided by the county to the qualifying person or tangible personal property owner;~~
- ~~\_\_\_\_\_ (D) provide for the reporting of the following:~~
- ~~\_\_\_\_\_ (I) for a qualifying vehicle:~~
- ~~\_\_\_\_\_ (Aa) the type of qualifying vehicle; and~~

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- ~~—— (Bb) the amount of cubic centimeters displacement;~~
- ~~—— (H) for a qualifying watercraft:~~
- ~~—— (Aa) the length of the qualifying watercraft;~~
- ~~—— (Bb) the age of the qualifying watercraft; and~~
- ~~—— (Cc) the type of qualifying watercraft;~~
- ~~—— (E) be signed by the qualifying person or tangible personal property owner; and~~
- ~~—— (F) include a certification that the information set forth in the form is true.~~
- ~~—— (ii) A certification made under Subsection (8)(d)(i)(F) is considered as if made under oath and subject to the same penalties as provided by law for perjury.~~
- ~~—— (iii) (A) A qualifying person or tangible personal property owner that submits a form to a county under Subsection (8)(c) or (9) is considered to have given the qualifying person's consent to an audit or review by:~~
  - ~~—— (I) the commission;~~
  - ~~—— (II) the county assessor; or~~
  - ~~—— (III) the commission and the county assessor.~~
- ~~—— (B) The consent described in Subsection (8)(d)(iii)(A) is a condition to the acceptance of any form:~~
- ~~—— (c) The county shall make changes to the commission's records with the information received by the county from the form submitted in accordance with Subsection (8)(c).~~
- ~~—— (9) A county shall change its records regarding an item of qualifying tangible personal property if the tangible personal property owner submits a form to the county in accordance with Subsection (8)(d).~~
- ~~—— (10) (a) For purposes of this Subsection (10), "owner of tangible personal property" means a person that was required to pay a uniform statewide fee:~~
  - ~~—— (i) during the refund period;~~
  - ~~—— (ii) in accordance with this section; and~~
  - ~~—— (iii) on an item of tangible personal property subject to the uniform statewide fees imposed by this section.~~
- ~~—— (b) A county that collected revenues from uniform statewide fees imposed by this section during the refund period shall notify an owner of tangible personal property:~~
  - ~~—— (i) of the tangible personal property classification changes made to this section~~

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~~pursuant to Laws of Utah 2006, Fifth Special Session, Chapter 3, Section 1;~~

~~— (ii) that the owner of tangible personal property may obtain and file a form to modify the county's records regarding the owner's tangible personal property; and~~

~~— (iii) that the owner may be entitled to a refund pursuant to Subsection (8).~~

~~Section 3. Section 79-7-102 is amended to read:~~

### ~~‡~~ **79-7-102. Definitions.**

As used in this chapter:

(1) "Commission" means the Outdoor Adventure Commission created in Section 63C-21-201.

(2) "Director" means the director of the Division of Outdoor Recreation described in Section 79-7-202.

~~[(2)]~~ (3) "Division" means the Division of Outdoor Recreation created in Section 79-7-201.

Section ~~{4}~~5. Section 79-7-501 is enacted to read:

### **Part 5. {‡}Recreational Vehicle Grant Program**

#### **79-7-501. Definitions.**

As used in this part:

(1) "Advisory committee" means the Recreational Vehicle Grant Advisory Committee, created in Section 79-7-503.

(2) "Motor home" means the same as that term is defined in Section 13-14-102.

(3) "Park model recreational vehicle" means the same as that term is defined in Section 41-1a-102.

(4) "Recreational vehicle" means the same as that term is defined in Section 13-14-102.

(5) "Travel trailer," "camping trailer," or "fifth wheel trailer" means the same as that term is defined in Section 13-14-102.

Section ~~{5}~~6. Section 79-7-502 is enacted to read:

#### **79-7-502. Recreational Vehicle Account.**

(1) There is created ~~{an}~~a restricted account called the Recreational Vehicle Account in the General Fund.

(2) The Recreational Vehicle Account described in Subsection (1) is funded through the collection of revenues received from the ~~{annual uniform statewide fee described in~~

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~~Subsection 59-2-405.2(6)(c), and the collection of revenues received from the } Recreational Vehicle Grant Program fee described in Section 41-1a-1226.~~

(3) The division shall administer the account described in Subsection (1) in consultation with the advisory committee.

(4) ~~The~~ Upon appropriation, the division shall use money from the account to:

(a) provide grants described in Section 79-7-503; and

(b) cover the costs of administering ~~the account shall be paid from money in~~ the account.

(5) Interest accrued from investment of money in the account shall remain in the account.

Section ~~6~~7. Section **79-7-503** is enacted to read:

**79-7-503. Recreational Vehicle Grant Program creation and organization.**

(1) There is created the Recreational Vehicle Grant Program within the division.

(2) The director of the division shall designate staff with relevant expertise or experience to administer the program.

(3) The division and the advisory committee shall:

(a) seek to accomplish the following objectives in administering the grant program:

(i) to enable public agencies to provide facilities for recreational vehicle use, such as improvements to campgrounds, campsites, dump stations, and other projects that would provide more general recreational vehicle access statewide;

(ii) to fund the acquisition, lease, construction, development, improvement, operations, and maintenance of facilities and services designed to promote recreational vehicle users' health, safety, and enjoyment; and

(iii) to encourage residents and nonresidents of the state to take advantage of the beauty of the state's outdoors; and

(b) approve, or recommend for approval, grant requests based on the following criteria:

(i) whether the grant request adequately seeks to meet at least one of the objectives described in Subsection (3)(a);

(ii) the likelihood that the grant request will achieve at least one of the objectives described in Subsection (3)(a); and

(iii) the estimated cost of the grant request.

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(4) (a) There is created the Recreational Vehicle Grant Advisory Committee, in the division, that is composed of the following nine members:

(i) the director of the division;

(ii) the director of the Division of State Parks, created in Section 79-4-201, or the director's designee; and

(iii) a member of the public representing recreation vehicle users from each of the seven association of governments regions in the state, including:

(A) Six County ~~Association of Governments~~;

(B) ~~{Mountainlands}~~ Mountainland Association of Governments;

(C) Wasatch Front ~~Regional Council~~;

(D) Bear River ~~Association of Governments~~;

(E) Five County ~~Association of Governments~~;

(F) Southeastern ~~Utah Association of Local Governments~~; and

(G) Uintah Basin ~~Association of Governments~~.

(b) The following ~~{organizations}~~ may elect to participate in the advisory committee as a non-voting member:

(i) ~~a representative from the recreational vehicle industry, appointed by a majority vote of the voting members of the committee;~~

(ii) one member from the Bureau of Land Management; and

~~{iii}~~iii) one member from the United States Forest Service.

~~(5) The advisory committee shall advise and make recommendations to the division regarding a recreational vehicle grant.~~

~~(6) (a) Except as required by Subsection (~~{6}5~~)(b), when the term of an appointed advisory committee member expires, the commission shall fill the open member's committee seat, by either:~~

(i) appointing a different individual to the open committee member's seat; or

(ii) reappointing the expired term member to a renewed four-year term.

(b) The commission shall, at the time of appointment or reappointment, adjust the length of terms so that the terms of appointed advisory committee members are staggered to ensure that approximately half of the appointed advisory committee members are appointed every two years.

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~~(7)6~~ The director of the division shall serve as chair of the advisory committee.

~~(8)7~~ The advisory committee shall elect a vice chair from among the advisory committee members each year.

~~(9)8~~ When a vacancy occurs in the membership of the advisory committee, the commission shall appoint a replacement to serve out the remainder of that member's term.

~~(10)9~~ (a) A majority of the voting members of the advisory committee constitutes a quorum that may conduct advisory committee business.

(b) A majority of a quorum enables an action of the advisory committee.

~~(11)10~~ A member of the advisory committee may not receive compensation or benefits for the member's service in connection with the advisory committee, but an appointed member described in Subsection (4) may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(11) The advisory committee shall advise and make recommendations to the division regarding a recreational vehicle grant.

Section ~~(7)8~~. Section **79-7-504** is enacted to read:

### **79-7-504. Rulemaking.**

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, after notifying the commission, and as described in this part, the division shall make rules to:

(1) develop, create, administer, and maintain the Recreational Vehicle Account described in Section 79-7-502, and the Recreational Vehicle Grant Program and the advisory committee described in Section 79-7-503;

(2) coordinate with the State Tax Commission to receive funds the State Tax Commission collects from the Recreational Vehicle Grant Program fee described in Section 41-1a-1226, ~~and the revenues from the uniform statewide fee described in Subsection 59-2-405.2(6)(c)~~; and

(3) establish the procedures necessary for the review and approval of a recreational vehicle grant application as described in ~~Subsection~~ Section 79-7-503 ~~(3)(b)~~.

## HB0444S01 compared with HB0444

Section ~~8~~9. **Effective date.**

This bill takes effect on January 1, 2024.