

1 **EXEMPT AND APPORTIONED LICENSE PLATE**

2 **AMENDMENTS**

3 2018 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Don L. Ipson**

6 House Sponsor: Kay J. Christofferson

8 **LONG TITLE**

9 **General Description:**

10 This bill amends provisions related to annual registration requirements for vehicles with
11 exempt and apportioned license plates.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ removes the requirement for a vehicle with an "EX" or "UHP" license plate to
- 15 annually renew registration;
- 16 ▶ allows certain exempt plates to remain valid as long as the vehicle is registered and
- 17 in service by the owning entity;
- 18 ▶ amends provisions requiring certain decals for exempt and apportioned license
- 19 plates; and
- 20 ▶ makes technical changes.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 This bill provides a special effective date.

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **41-1a-216**, as last amended by Laws of Utah 2012, Chapter 397

28 **41-1a-221**, as last amended by Laws of Utah 2015, Chapter 412

29 **41-1a-301**, as last amended by Laws of Utah 2017, Chapter 24

30 [41-1a-402](#), as last amended by Laws of Utah 2016, Chapter 102

31 [41-1a-407](#), as last amended by Laws of Utah 2008, Chapter 382

32

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

34 Section 1. Section **41-1a-216** is amended to read:

35 **41-1a-216. Renewal of registration.**

36 (1) The division may receive applications for registration renewal and issue new
37 registration cards at any time prior to the expiration of the registration, subject to the
38 availability of renewal materials.

39 (2) (a) Except as provided in Subsections (2)(c) and (3), the new registration shall
40 retain the same expiration month as recorded on the original registration even if the registration
41 has expired.

42 (b) Except as provided in Subsection (2)(c), the year of registration expiration shall be
43 changed to reflect the renewed registration period.

44 (c) If the application for renewal of registration is for a six-month registration period
45 under Section [41-1a-215.5](#), the new registration shall be for a six-month registration period that
46 begins with the first day of the calendar month following the last day of the expiration month
47 of the previous registration period as recorded on the original registration even if the
48 registration has expired.

49 (3) Subsection (2) does not apply if the owner can verify to the satisfaction of the
50 division that the vehicle registration was not renewed prior to its expiration due to the fact that
51 the vehicle was in storage, inoperable, or otherwise out of service.

52 (4) If the registration renewal application is an application generated by the division
53 through its automated system, the owner need not surrender the last registration card or
54 duplicate.

55 (5) A vehicle with an "EX" or "UHP" license plate, owned by an entity described in
56 Section [41-1a-407](#), is exempt from registration renewal requirements.

57 Section 2. Section **41-1a-221** is amended to read:

58 **41-1a-221. Registration of vehicles of political subdivisions or state -- Expiration**
59 **of registration -- Certification of information -- Failure to comply.**

60 (1) (a) An entity referred to in Subsection ~~41-1a-407~~(1) shall register ~~[by June 30 of~~
61 ~~each year]~~ each vehicle that it owns, operates, or leases.

62 (b) This section does not apply to unmarked vehicles referred to in Section ~~41-1a-407~~;
63 ~~which shall be registered by the expiration date on the registration card].~~

64 ~~[(2)(a) The entity shall apply to the division to renew registration pursuant to Section~~
65 ~~41-1a-217.]~~

66 ~~[(b) The division shall renew registration pursuant to Section 41-1a-216.]~~

67 ~~[(3)]~~ (2) A registration card and license plate issued to an entity under this section or
68 Subsection 41-1a-407(1) are in full force and effect until~~[:]~~ the vehicle is no longer owned or
69 operated by that entity.

70 ~~[(a) the registration expires;]~~

71 ~~[(b) the vehicle is no longer owned or operated by that entity; or]~~

72 ~~[(c) the division takes action as provided in Subsection (6).]~~

73 ~~[(4)]~~ (3) (a) If the owner of a vehicle subject to the provisions of this section transfers
74 or assigns title or interest in the vehicle, the registration of that vehicle expires.

75 (b) The transferor shall remove the license plates and within 20 days from the date of
76 transfer:

77 (i) destroy the license plates; or

78 (ii) forward [them] the license plates to the division to be destroyed.

79 ~~[(5) Each entity shall:]~~

80 ~~[(a) account to the division annually for all "EX" license plates issued to it; and]~~

81 ~~[(b) certify to the division that the information is correct.]~~

82 ~~[(6) If an entity fails to comply with this section, the division may:]~~

83 ~~[(a) refuse to renew the registration of its vehicles;]~~

84 ~~[(b) refuse to issue it additional license plates;]~~

85 ~~[(c) suspend all its vehicle registrations; and]~~

86 [~~(d) recall license plates issued to an entity refusing to comply with this section.~~]

87 [(7)] (4) A violation of this section is an infraction.

88 Section 3. Section **41-1a-301** is amended to read:

89 **41-1a-301. Apportioned registration and licensing of interstate vehicles.**

90 (1) For purposes of this section, "registrant" means an owner or operator of one or
91 more commercial vehicles operating in two or more jurisdictions applying for apportioned
92 registration and licensing of a commercial vehicle.

93 (2) (a) An owner or operator of a fleet of commercial vehicles based in this state and
94 operating in two or more jurisdictions may register commercial vehicles for operation under the
95 International Registration Plan or the Uniform Vehicle Registration Proration and Reciprocity
96 Agreement by filing an application with the division.

97 (b) The application shall include information that identifies the vehicle owner, the
98 vehicle, the miles traveled in each jurisdiction, and other information pertinent to the
99 registration of apportioned vehicles.

100 (c) The division may not grant apportioned registration for vehicles operated
101 exclusively in this state.

102 (3) (a) If no operations were conducted during the preceding year, in computing fees
103 due:

104 (i) the application shall contain a statement of the proposed operations; and

105 (ii) the division shall determine fees based on average per vehicle distance
106 requirements under the International Registration Plan.

107 (b) At renewal, the registrant shall use the actual mileage from the preceding year in
108 computing fees due each jurisdiction.

109 (4) The division shall determine the registration fee for apportioned vehicles as
110 follows:

111 (a) divide the in-jurisdiction miles by the total miles generated during the preceding
112 year;

113 (b) total the fees for each vehicle based on the fees prescribed in Section [41-1a-1206](#);

114 and

115 (c) multiply the sum obtained under Subsection (4)(b) by the quotient obtained under
116 Subsection (4)(a).

117 (5) The registrant may list trailers or semitrailers of apportioned fleets separately as
118 "trailer fleets" on the application, with the fees paid according to the total distance those trailers
119 were towed in all jurisdictions during the preceding year mileage reporting period.

120 (6) (a) (i) When the registrant has paid the proper fees and cleared the property tax or
121 in lieu fee under Section 41-1a-206 or 41-1a-207, the division shall issue a registration card[;
122 ~~annual decal, and where necessary;~~] and license plate[;] for each unit listed on the application.

123 (ii) The owner or operator shall carry an original registration in each vehicle at all
124 times.

125 (b) The owner or operator may carry original registration cards for trailers or
126 semitrailers in the power unit.

127 (c) (i) In lieu of a permanent registration card or license plate, the division may issue
128 one temporary permit authorizing operation of new or unlicensed vehicles until the permanent
129 registration is completed.

130 (ii) Once a temporary permit is issued:

131 (A) neither the registrant nor the division may cancel the registration process; and

132 (B) the division shall complete registration and the registrant shall pay the fees and any
133 property tax or in lieu fee due for the vehicle for which the permit was issued.

134 (iii) The division may not issue temporary permits for renewals.

135 (d) (i) The division shall issue one distinctive license plate for apportioned vehicles.

136 (ii) The owner or operator shall display the plate on the front of an apportioned truck
137 tractor or power unit or on the rear of any other apportioned vehicle.

138 (iii) (A) The division shall issue distinctive decals or a distinctive license plate
139 displaying the word "apportioned" [and the month and year of expiration] or the abbreviation
140 "APP" for each apportioned vehicle.

141 (B) A registrant of an apportioned vehicle is not required to display month or year

142 decals.

143 (iv) At the request of a registrant of an apportioned vehicle, the division may issue a
144 second license plate, for a total of two, to display on both the front and rear of the apportioned
145 vehicle.

146 (e) The division shall charge a nonrefundable administrative fee, determined by the
147 commission pursuant to Section 63J-1-504, for each temporary permit, registration, or both.

148 (7) Vehicles that are apportionally registered are fully registered for intrastate and
149 interstate movements, providing the registrant has secured proper interstate and intrastate
150 authority.

151 (8) (a) The division shall register vehicles added to an apportioned fleet after the
152 beginning of the registration year by applying the quotient under Subsection (4)(a) for the
153 original application to the fees due for the remainder of the registration year.

154 (b) (i) The owner shall maintain and submit complete annual mileage for each vehicle
155 in each jurisdiction, showing all miles operated by the lessor and lessee.

156 (ii) The fiscal mileage reporting period begins July 1, and continues through June 30 of
157 the year immediately preceding the calendar year in which the registration year begins.

158 (c) (i) An owner-operator, who is a lessor, may register the vehicle in the name of the
159 owner-operator.

160 (ii) The identification plates and registration card shall be the property of the lessor and
161 may reflect both the owner-operator's name and that of the carrier as lessee.

162 (iii) The division shall allocate the fees according to the operational records of the
163 owner-operator.

164 (d) (i) At the option of the lessor, the lessee may register a leased vehicle.

165 (ii) If a lessee is the registrant of a leased vehicle, both the lessor's and lessee's name
166 shall appear on the registration.

167 (iii) The division shall allocate the fees according to the records of the carrier.

168 (9) (a) When the division has accepted an application for apportioned registration, the
169 registrant shall preserve the records on which the application is based for a period of three

170 years after the close of the registration year.

171 (b) Upon request for audit as to accuracy of computations, payments, and assessments
172 for deficiencies, or allowances for credits, the registrant shall provide the records to the
173 division.

174 (c) The division may not make an assessment for deficiency or claim for credit for any
175 period for which records are no longer required.

176 (d) The division may assess interest in the amount prescribed by Section 59-1-402
177 from the date due until paid on deficiencies found due after audit.

178 (e) Registrants with deficiencies are subject to the penalties under Section 59-1-401.

179 (f) The division may enter into agreements with other International Registration Plan
180 jurisdictions for joint audits.

181 (10) (a) Except as provided in Subsection (10)(b), the division shall deposit all state
182 fees collected under this section in the Transportation Fund.

183 (b) The commission may use the following fees as a dedicated credit to cover the costs
184 of electronic credentialing as provided in Section 41-1a-303:

185 (i) \$5 of each temporary registration permit fee paid under Subsection (13)(a)(i) for a
186 single unit; and

187 (ii) \$10 of each temporary registration permit fee paid under Subsection (13)(a)(ii) for
188 multiple units.

189 (11) If registration is for less than a full year, the division shall assess fees for
190 apportioned registration according to Section 41-1a-1207.

191 (a) (i) If the registrant is replacing a vehicle for one withdrawn from the fleet and the
192 new vehicle is of the same weight category as the replaced vehicle, the registrant shall file a
193 supplemental application.

194 (ii) If the registrant is replacing a vehicle for one withdrawn from the fleet and the new
195 vehicle is heavier than the replaced vehicle, the division shall assess additional registration
196 fees.

197 (iii) If the registrant is replacing a vehicle for one withdrawn from the fleet, the

198 division shall issue a new registration card.

199 (b) If a vehicle is withdrawn from an apportioned fleet during the period for which it is
200 registered, the registrant shall notify the division and surrender the registration card and license
201 plate of the withdrawn vehicle.

202 (12) (a) An out-of-state carrier with an apportionally registered vehicle who has not
203 presented a certificate of property tax or in lieu fee as required by Section 41-1a-206 or
204 41-1a-207, shall pay, at the time of registration, a proportional part of an equalized highway
205 use tax computed as follows:

206 (i) Multiply the number of vehicles or combination vehicles registered in each weight
207 class by the equivalent tax figure from the following tables:

208	Vehicle or Combination		
	Registered Weight	Age of Vehicle	Equivalent Tax
209	12,000 pounds or less	12 or more years	\$10
210	12,000 pounds or less	9 or more years but less than 12 years	\$50
211	12,000 pounds or less	6 or more years but less than 9 years	\$80
212	12,000 pounds or less	3 or more years but less than 6 years	\$110
213	12,000 pounds or less	Less than 3 years	\$150

214	Vehicle or Combination	Equivalent
	Registered Weight	Tax
215	12,001 - 18,000 pounds	\$150
216	18,001 - 34,000 pounds	200
217	34,001 - 48,000 pounds	300
218	48,001 - 64,000 pounds	450
219	64,001 pounds and over	600

220 (ii) Multiply the equivalent tax value for the total fleet determined under Subsection
221 (12)(a)(i) by the fraction computed under Subsection (4) for the apportioned fleet for the

222 registration year.

223 (b) For registration described in Subsection (12)(a), the division shall assess fees as
224 provided in Section [41-1a-1207](#).

225 (13) (a) Commercial vehicles meeting the registration requirements of another
226 jurisdiction may, as an alternative to full or apportioned registration, secure a temporary
227 registration permit for a period not to exceed 96 hours or until they leave the state, whichever is
228 less, for a fee of:

229 (i) \$25 for a single unit; and

230 (ii) \$50 for multiple units.

231 (b) A state temporary permit or registration fee is not required from nonresident owners
232 or operators of vehicles or combination of vehicles having a gross laden weight of 26,000
233 pounds or less for each single unit or combination.

234 (14) The division may not register a park model recreational vehicle under this section.

235 (15) A violation of this section is an infraction.

236 Section 4. Section **41-1a-402** is amended to read:

237 **41-1a-402. Required colors, numerals, and letters -- Expiration.**

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

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

240 (b) the name of the state; and

241 (c) unless exempted by Section [41-1a-301](#) or [41-1a-407](#), a registration decal showing
242 the date of expiration displayed in accordance with Subsection (6).

243 (2) If registration is extended by affixing a registration decal to the license plate, the
244 expiration date of the decal governs the expiration date of the license plate.

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

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

249 (b) a Ski Utah license plate; or

250 (c) an In God We Trust license plate.

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

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

255 (ii) have a color and design approved by the 57th Legislature in the 2007 General
256 Session that features:

257 (A) a skier with the "Greatest Snow on Earth" slogan; or

258 (B) Delicate Arch; [or]

259 (b) be an In God We Trust license plate[-]; or

260 (c) beginning on the date that the division determines the existing inventories of decals
261 for an apportioned vehicle described in Section 41-1a-301 are exhausted, be a distinctive
262 license plate displaying the word "apportioned" or the abbreviation "APP."

263 (5) (a) Except as provided under Subsection 41-1a-215(2) and Section 41-1a-216,
264 license plates shall be renewed annually.

265 (b) (i) The division shall issue the vehicle owner a month decal and a year decal upon
266 the vehicle's first registration with the division.

267 (ii) The division shall issue the vehicle owner only a year decal upon subsequent
268 renewals of registration to validate registration renewal.

269 (6) The decals issued in accordance with Subsection (5) shall be applied as follows:

270 (a) for license plates issued beginning in 1974 through 1985, decals displayed on
271 license plates with black lettering on a white background shall be applied to the lower left-hand
272 corner of the rear of the license plate vehicles;

273 (b) decals displayed on statehood centennial license plates and on Ski Utah license
274 plates issued in accordance with Subsection (3) shall be applied to the upper left-hand corner of
275 the rear license plate;

276 (c) decals displayed on special group license plates issued in accordance with Section
277 41-1a-418 shall be applied to the upper right-hand corner of the license plate unless there is a

278 plate indentation on the upper left-hand corner of the license plate;

279 (d) decals displayed on license plates with the "Life Elevated" slogan issued in
280 accordance with Subsection (4) shall be applied in the upper left-hand corner for the month
281 decal and the upper right-hand corner for the year decal;

282 (e) decals displayed on license plates with the "In God We Trust" slogan issued in
283 accordance with Subsection (4)(b) shall be applied in the upper right-hand corner of the rear
284 license plate unless there is a plate indentation on the upper left-hand corner of the license
285 plate;

286 ~~[(f) decals issued for truck tractors shall be applied to the front license plate in the~~
287 ~~position described in Subsection (6)(a), (b), or (d);]~~

288 ~~[(g)]~~ (f) decals issued for motorcycles shall be applied to the upper corner of the license
289 plate opposite the word "Utah"; and

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

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

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

296 (8) The current year decal issued in accordance with Subsection (5) shall be placed
297 over the previous year decal.

298 (9) If a license plate, month decal, or year decal is lost or destroyed, a replacement shall
299 be issued upon application and payment of the fees required under Section 41-1a-1211 or
300 41-1a-1212.

301 (10) A violation of this section is an infraction.

302 Section 5. Section 41-1a-407 is amended to read:

303 **41-1a-407. Plates issued to political subdivisions or state -- Use of "EX" letters --**
304 **Confidential information.**

305 (1) Except as provided in Subsection (2), each municipality, board of education, school

306 district, state institution of learning, county, other governmental division, subdivision, or
307 district, and the state shall:

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

310 (b) display an identification mark designating the vehicle as the property of the entity
311 in a conspicuous place on both sides of the vehicle.

312 (2) The entity need not display the "EX" license plate or the identification mark
313 required by Subsection (1) if:

314 (a) the vehicle is in the direct service of the governor, lieutenant governor, attorney
315 general, state auditor, or state treasurer of Utah;

316 (b) the vehicle is used in official investigative work where secrecy is essential;

317 (c) the vehicle is used in an organized Utah Highway Patrol operation that is:

318 (i) conducted within a county of the first or second class as defined under Section
319 17-50-501, unless no more than one unmarked vehicle is used for the operation;

320 (ii) approved by the Commissioner of Public Safety;

321 (iii) of a duration of 14 consecutive days or less; and

322 (iv) targeted toward careless driving, aggressive driving, and accidents involving:

323 (A) violations of Title 41, Chapter 6a, Part 5, Driving Under the Influence and
324 Reckless Driving;

325 (B) speeding violations for exceeding the posted speed limit by 21 or more miles per
326 hour;

327 (C) speeding violations in a reduced speed school zone under Section 41-6a-604;

328 (D) violations of Section 41-6a-1002 related to pedestrian crosswalks; or

329 (E) violations of Section 41-6a-702 related to lane restrictions;

330 (d) the vehicle is provided to an official of the entity as part of a compensation package
331 allowing unlimited personal use of that vehicle;

332 (e) the personal security of the occupants of the vehicle would be jeopardized if the
333 "EX" license plate were in place; or

334 (f) the vehicle is used in routine enforcement on a state highway with four or more
335 lanes involving:

336 (i) violations of Section 41-6a-701 related to operating a vehicle on the right side of a
337 roadway;

338 (ii) violations of Section 41-6a-702 related to left lane restrictions;

339 (iii) violations of Section 41-6a-704 related to overtaking and passing vehicles
340 proceeding in the same direction;

341 (iv) violations of Section 41-6a-711 related to following a vehicle at a safe distance;
342 and

343 (v) violations of Section 41-6a-804 related to turning and changing lanes.

344 (3) Plates issued to Utah Highway Patrol vehicles may bear the capital letters "UHP," a
345 beehive logo, and the call number of the trooper to whom the vehicle is issued.

346 (4) (a) The commission shall issue "EX" and "UHP" plates.

347 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
348 commission shall make rules establishing the procedure for application for and distribution of
349 the plates.

350 (5) For a vehicle that qualifies for "EX" or "UHP" license plates, the entity is not
351 required to display [~~an annual registration decal~~] the month or year registration decals
352 described in Section 41-1a-402.

353 (6) (a) Information shall be confidential for vehicles that are not required to display the
354 "EX" license plate or the identification mark under Subsections (2)(a), (b), (d), and (e).

355 (b) (i) If a law enforcement officer's identity must be kept secret, the law enforcement
356 officer's agency head may request in writing that the division remove the license plate
357 information of the officer's personal vehicles from all public access files and place it in a
358 confidential file until the assignment is completed.

359 (ii) The agency head shall notify the division when the assignment is completed.

360 (7) A peace officer engaged in an organized operation under Subsection (2)(c) shall be
361 in a uniform clearly identifying the law enforcement agency the peace officer is representing

362 during the operation.

363 Section 6. **Effective date.**

364 If approved by two-thirds of all the members elected to each house, this bill takes effect
365 upon approval by the governor, or the day following the constitutional time limit of Utah
366 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
367 the date of veto override, except that the changes to Section [41-1a-301](#) in this bill take effect on
368 January 1, 2019.