

MOTOR VEHICLE REGISTRATION AND INSURANCE

AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Patrice M. Arent

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code by authorizing a temporary permit for the use of highways.

Highlighted Provisions:

This bill:

- ▶ provides that the Motor Vehicle Division may issue a temporary permit that allows use of the highways for a time period not to exceed 96 hours;

- ▶ requires that before issuing a temporary permit under this section, the division shall be satisfied that:

- the person applying for the permit is the owner of the motor vehicle or the owner's authorized representative; and

- certain owner's or operator's security requirements are met;

- ▶ provides that a person applying for the permit that has in effect owner's or operator's security on a Utah-registered motor vehicle or its equivalent that covers the operation, by the person, of the motor vehicle for which the temporary permit would be issued shall be considered sufficient to meet certain owner's or operator's security requirements;

- ▶ provides that a temporary permit may be issued without requiring a property tax clearance for the motor vehicle on which the permit is to be used;



- 28 ▶ provides that the division shall establish a fee for the temporary permit;
- 29 ▶ provides that the division may make rules for implementing the issuance of a
- 30 temporary permit;
- 31 ▶ provides that an owner of a motor vehicle, the owner's authorized representative, or
- 32 a person that the owner or owner's authorized representative permits to operate the
- 33 owner's motor vehicle may operate the owner's motor vehicle without owner's or
- 34 operator's security being in effect if:
 - 35 • the vehicle is registered with the specified temporary permit; and
 - 36 • the person who operates the owner's vehicle has in effect owner's or operator's
 - 37 security on a Utah-registered motor vehicle or its equivalent that covers the
 - 38 operation, by the person, of the owner's vehicle; and
 - 39 ▶ makes technical changes.

40 **Money Appropriated in this Bill:**

41 None

42 **Other Special Clauses:**

43 None

44 **Utah Code Sections Affected:**

45 AMENDS:

46 **41-12a-302**, as last amended by Laws of Utah 2007, Chapter 132

47 ENACTS:

48 **41-1a-211.5**, Utah Code Annotated 1953



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

51 Section 1. Section **41-1a-211.5** is enacted to read:

52 **41-1a-211.5. Temporary permit -- Limits -- Tax provision.**

53 (1) The division may issue a temporary permit that allows use of the highways for a

54 time period not to exceed 96 hours.

55 (2) (a) Before issuing a temporary permit under this section, the division shall be

56 satisfied that:

57 (i) the person applying for the permit is the owner of the motor vehicle or the owner's

58 authorized representative; and

59 (ii) the owner's or operator's security requirement of Section 41-12a-301 is met.

60 (b) For purposes of this section, a person applying for the permit that has in effect
61 owner's or operator's security on a Utah-registered motor vehicle or its equivalent that covers
62 the operation, by the person, of the motor vehicle for which the temporary permit would be
63 issued shall be considered sufficient to meet the owner's or operator's security requirement of
64 Section 41-12a-301.

65 (3) The division may issue a temporary permit under this section without requiring a
66 property tax clearance for the motor vehicle on which the permit is to be used.

67 (4) The division shall establish a fee for a temporary permit under this section
68 according to the procedures and requirements of Section 63J-1-504.

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

71 Section 2. Section **41-12a-302** is amended to read:

72 **41-12a-302. Operating motor vehicle without owner's or operator's security --**
73 **Penalty.**

74 (1) (a) Except as provided in [~~Subsection~~] Subsections (1)(b) and (c), an owner of a
75 motor vehicle on which owner's or operator's security is required under Section 41-12a-301,
76 who operates the owner's vehicle or permits it to be operated on a highway in this state without
77 owner's security being in effect is guilty of a class B misdemeanor, and the fine shall be not less
78 than:

79 (i) \$400 for a first offense; and

80 (ii) \$1,000 for a second and subsequent offense within three years of a previous
81 conviction or bail forfeiture.

82 (b) A court may waive up to \$300 of the fine charged to the owner of a motor vehicle
83 under Subsection (1)(a)(i) if the owner demonstrates that owner's or operator's security required
84 under Section 41-12a-301 was obtained subsequent to the violation but before sentencing.

85 (c) An owner of a motor vehicle or an owner's authorized representative is exempt
86 from this Subsection (1) if:

87 (i) the vehicle is registered with a temporary permit under Section 41-1a-211.5; and

88 (ii) (A) the owner or owner's authorized representative who operates the owner's
89 vehicle on a highway of this state has in effect owner's or operator's security on a

90 Utah-registered motor vehicle or its equivalent that covers the operation, by the owner or
91 owner's authorized representative, of the owner's vehicle; or
92 (B) the person that the owner or owner's authorized representative permits to operate
93 the owner's vehicle on a highway of this state has in effect owner's or operator's security on a
94 Utah-registered motor vehicle or its equivalent that covers the operation, by the person, of the
95 owner's vehicle.

96 (2) (a) Except as provided under Subsection (2)(b), any other person who operates a
97 motor vehicle upon a highway in Utah with the knowledge that the owner does not have
98 owner's security in effect for the motor vehicle is also guilty of a class B misdemeanor, and the
99 fine shall be not less than:

- 100 (i) \$400 for a first offense; and
101 (ii) \$1,000 for a second and subsequent offense within three years of a previous
102 conviction or bail forfeiture.

103 (b) A person that has in effect owner's security on a Utah-registered motor vehicle or
104 its equivalent that covers the operation, by the person, of the motor vehicle in question is
105 exempt from this Subsection (2).

Legislative Review Note
as of 2-16-11 10:26 AM

Office of Legislative Research and General Counsel