

DIESEL EMISSIONS REDUCTION AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Luz Escamilla

House Sponsor: _____

LONG TITLE

General Description:

This bill creates a registration requirement for owners of non-road vehicles under the Motor Vehicle Act.

Highlighted Provisions:

This bill:

- ▶ defines the term "non-road vehicle";
- ▶ requires an owner of a non-road vehicle to register the non-road vehicle with the Motor Vehicle Division (the division);
- ▶ requires an applicant for registration of a non-road vehicle to pay a registration fee;
- ▶ sets the maximum registration fee with a higher fee for registration in a county that is in a non-attainment area for air pollution and for railroad locomotives;
- ▶ creates a penalty for an owner of a non-road vehicle not in compliance with the registration requirement;
- ▶ requires the division to deposit registration fees and related money into the Environmental Mitigation and Response Fund;
- ▶ grants the division rulemaking authority to implement the provisions; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:



28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **19-1-603**, as enacted by Laws of Utah 2017, Chapter 246

32 **59-2-405**, as last amended by Laws of Utah 2008, Chapter 210

33 ENACTS:

34 **41-27-101**, Utah Code Annotated 1953

35 **41-27-102**, Utah Code Annotated 1953

36 **41-27-103**, Utah Code Annotated 1953

37 **41-27-104**, Utah Code Annotated 1953

38 **41-27-105**, Utah Code Annotated 1953

39 **41-27-106**, Utah Code Annotated 1953



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

42 Section 1. Section **19-1-603** is amended to read:

43 **19-1-603. Environmental Mitigation and Response Fund.**

44 (1) There is created an expendable special revenue fund known as the Environmental
45 Mitigation and Response Fund.

46 (2) The fund consists of:

47 (a) public and private funding sources made under [~~Subsections (3) and (4)~~] this
48 section;

49 (b) funding from the non-road vehicle registration fee and any money collected by the
50 Motor Vehicle Division in accordance with Section **41-27-105**;

51 [~~(b)~~] (c) legally binding bankruptcy, financial assurance, or natural resource damage
52 claim settlements; and

53 [~~(e)~~] (d) interest earnings on cash balances.

54 (3) The department may accept contributions for deposit into the fund from public and
55 private sources, including from a source as a condition of a consent decree, settlement
56 agreement, stipulated agreement, or court order.

57 (4) If funds are deposited as part of a consent decree, settlement agreement, stipulated
58 agreement, or court order, the source of the funding may specify terms and conditions in which

59 the funds may be used, in accordance with the consent decree, settlement agreement, stipulated
60 agreement, or court order.

61 (5) Unless mandated by court order, the department may refuse funds if the department
62 determines it is incapable of meeting the terms and conditions of the agreement to obtain the
63 funds, including covering the costs to administer the fund and oversee the implementation of
64 the specific mitigation or response action.

65 (6) The fund may account for assets held by the state for:

66 (a) an individual;

67 (b) a private or public entity;

68 (c) another governmental unit, including a local or federal agency;

69 (d) a state agency; or

70 (e) a Native American tribe.

71 Section 2. Section **41-27-101** is enacted to read:

72 **CHAPTER 27. NON-ROAD VEHICLES**

73 **41-27-101. Definitions.**

74 As used in this chapter:

75 (1) "Applicant" means the owner of a non-road vehicle.

76 (2) "Commission" means the State Tax Commission as defined in Section [59-1-101](#).

77 (3) "Division" means the Motor Vehicle Division, created in Section [41-1a-106](#).

78 (4) (a) "Non-road vehicle" means a land vehicle that is:

79 (i) powered by an internal combustion engine;

80 (ii) not subject to standards promulgated under Section 111 or Section 202 of the Clean

81 Air Act, as amended, 42 U.S.C. 7401 et seq.; and

82 (iii) (A) not designed for transporting persons or property on a street or highway; or

83 (B) not used solely for competition.

84 (b) "Non-road vehicle" includes a railroad locomotive.

85 (c) "Non-road vehicle" does not include:

86 (i) a farm tractor as that term is defined in Section [41-1a-102](#);

87 (ii) a farm truck as that term is defined in Section [41-1a-102](#);

88 (iii) an implement of husbandry as that term is defined in Section [41-1a-102](#);

89 (iv) an off-highway implement of husbandry as that term is defined in Section [41-22-2](#);

90 or

91 (v) an off-highway vehicle as that term is defined in Section [41-22-2](#).

92 Section 3. Section **41-27-102** is enacted to read:

93 **41-27-102. Registration of non-road vehicles.**

94 (1) A person may not operate or place a non-road vehicle, or give another person
95 permission to operate or place a non-road vehicle, on any public land, trail, street, construction
96 site, commercial property, railroad, or highway in this state unless the non-road vehicle is
97 registered under this chapter for the current year.

98 (2) Each applicant shall include with an application for registration of a non-road
99 vehicle:

100 (a) (i) evidence of ownership, a title, or a manufacturer's certificate of origin; and

101 (ii) the make, model, horsepower or displacement, engine type, fuel consumption, and
102 serial number of the non-road vehicle; or

103 (b) (i) the past registration card; and

104 (ii) the fee for a duplicate.

105 (3) (a) The division shall classify all records of the division made or kept under this
106 section in the same manner as motor vehicle records are classified under Section [41-1a-116](#).

107 (b) Division records are available for inspection in the same manner as motor vehicle
108 records under Section [41-1a-116](#).

109 Section 4. Section **41-27-103** is enacted to read:

110 **41-27-103. Registration fees.**

111 (1) The division, after notifying the commission, shall establish the fee that an
112 applicant under this chapter shall pay for registering a non-road vehicle:

113 (a) as determined by the division under Section [63J-1-504](#); and

114 (b) in accordance with Subsection (2).

115 (2) An applicant under this section, other than the state or a political subdivision of the
116 state, shall pay a registration fee of no more than:

117 (a) (i) \$45, if the applicant's residence is in a county located within a nonattainment
118 area as defined under Subsection 107(d) of the federal Clean Air Act, as amended, 42 U.S.C.
119 7407(d); or

120 (ii) \$30, if the applicant's residence is in any other county; and

121 (b) (i) \$10,000, if the applicant registers a tier 0 or tier 1 railroad locomotive or
122 locomotive engine;

123 (ii) \$1,000, if the applicant registers a tier 2 locomotive or locomotive engine; or

124 (iii) \$500, if the applicant registers a tier 3 or higher locomotive or locomotive engine.

125 Section 5. Section **41-27-104** is enacted to read:

126 **41-27-104. Penalties for violation.**

127 (1) Except as otherwise provided, an actor who violates this chapter is guilty of an
128 infraction.

129 (2) The division may revoke or suspend the registration of a non-road vehicle if the
130 applicant has falsified information on the application, upon which revocation or suspension the
131 owner shall surrender to the division the suspended or revoked registration card within 15 days
132 of suspension or revocation.

133 (3) (a) The division may impose a reasonable fee upon an actor who violates a
134 provision of this chapter.

135 (b) The division shall determine the reasonableness of a fee taking into account the
136 structure of registration fees described in Subsection [41-27-103\(2\)](#).

137 Section 6. Section **41-27-105** is enacted to read:

138 **41-27-105. Deposit of fees and related money into Environmental Mitigation and**
139 **Response Fund.**

140 The division shall deposit registration fees and any penalty collected by the division, or
141 any agency designated to act for the division under this chapter, into the Environmental
142 Mitigation and Response Fund described in Section [19-1-603](#), less the costs incurred by the
143 division for collecting non-road vehicle registration fees and any penalty.

144 Section 7. Section **41-27-106** is enacted to read:

145 **41-27-106. Division rulemaking.**

146 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
147 division, after notifying the commission, shall make rules as necessary to implement this
148 chapter.

149 Section 8. Section **59-2-405** is amended to read:

150 **59-2-405. Uniform fee on tangible personal property required to be registered**
151 **with the state -- Distribution of revenues -- Appeals.**

152 (1) The property described in Subsection (2), except Subsection (2)(b)(ii), is exempt
153 from ad valorem property taxes pursuant to Utah Constitution Article XIII, Section 2,
154 Subsection (6).

155 (2) (a) Except as provided in Subsection (2)(b), there is levied as provided in this part a
156 statewide uniform fee in lieu of the ad valorem tax on:

157 (i) motor vehicles required to be registered with the state that weigh 12,001 pounds or
158 more;

159 (ii) motorcycles as defined in Section 41-1a-102 that are required to be registered with
160 the state;

161 (iii) watercraft required to be registered with the state;

162 (iv) recreational vehicles required to be registered with the state; and

163 (v) all other tangible personal property required to be registered with the state before it
164 is used on a public highway, on a public waterway, on public land, or in the air.

165 (b) The following tangible personal property is exempt from the statewide uniform fee
166 imposed by this section:

167 (i) aircraft;

168 (ii) state-assessed commercial vehicles;

169 (iii) non-road vehicles required to be registered under Title 41, Chapter 27, Non-road
170 Vehicles;

171 [~~(iii)~~] (iv) tangible personal property subject to a uniform fee imposed by:

172 (A) Section 59-2-405.1;

173 (B) Section 59-2-405.2; or

174 (C) Section 59-2-405.3; and

175 [~~(iv)~~] (v) personal property that is exempt from state or county ad valorem property
176 taxes under the laws of this state or of the federal government.

177 (3) Beginning on January 1, 1999, the uniform fee is 1.5% of the fair market value of
178 the personal property, as established by the commission.

179 (4) Notwithstanding Section 59-2-407, property subject to the uniform fee that is
180 brought into the state and is required to be registered in Utah shall, as a condition of
181 registration, be subject to the uniform fee unless all property taxes or uniform fees imposed by
182 the state of origin have been paid for the current calendar year.

183 (5) (a) The revenues collected in each county from the uniform fee shall be distributed
184 by the county to each taxing entity in which the property described in Subsection (2) is located
185 in the same proportion in which revenue collected from ad valorem real property tax is
186 distributed.

187 (b) Each taxing entity shall distribute the revenues received under Subsection (5)(a) in
188 the same proportion in which revenue collected from ad valorem real property tax is
189 distributed.

190 (6) An appeal relating to the uniform fee imposed on the tangible personal property
191 described in Subsection (2) shall be filed pursuant to Section [59-2-1005](#).

192 Section 9. **Effective date.**

193 This bill takes effect on May 1, 2024.