

Daniel McCay proposes the following substitute bill:

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Watercraft Amendments
2025 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Daniel McCay
House Sponsor:

LONG TITLE

General Description:

This bill makes changes to fees associated with boat registration.

Highlighted Provisions:

This bill:

- defines terms;
- amends uniform statewide fees for boats;
- enacts the Boating Grant Tax; 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**, as last amended by Laws of Utah 2023, Chapter 159
- 73-18-2**, as last amended by Laws of Utah 2022, Chapter 68
- 73-18-7**, as last amended by Laws of Utah 2022, Chapter 68
- 73-18-22.3**, as enacted by Laws of Utah 2023, Chapter 159

ENACTS:

- 59-32-101**, Utah Code Annotated 1953
 - 59-32-102**, Utah Code Annotated 1953
 - 59-32-103**, Utah Code Annotated 1953
 - 59-32-104**, Utah Code Annotated 1953
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Be it enacted by the Legislature of the state of Utah:

Section 1. Section 59-2-405.2 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:

(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" 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)(cc), a canoe with an outboard motor.
- (d) "Dealer" [~~is as~~] means the same as that term is defined in Section 41-1a-102.
- (e) "Jon boat" means a vessel that:
- (i) has a square bow; and
 - (ii) has a flat bottom.
- (f) "Motor vehicle" [~~is as~~] means the same as that term is 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~~] means the same as that term is 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

- 97 (B) is not:
- 98 (I) a houseboat; or
- 99 (II) a collapsible inflatable vessel; and
- 100 (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 101 the commission may by rule define the term "houseboat."
- 102 (m) "Qualifying adjustment, exemption, or reduction" means an adjustment, exemption,
- 103 or reduction:
- 104 (i) of all or a portion of a qualifying payment;
- 105 (ii) granted by a county during the refund period; and
- 106 (iii) received by a qualifying person.
- 107 (n)(i) "Qualifying payment" means the payment made:
- 108 (A) of a uniform statewide fee in accordance with this section:
- 109 (I) by a qualifying person;
- 110 (II) to a county; and
- 111 (III) during the refund period; and
- 112 (B) on an item of qualifying tangible personal property; and
- 113 (ii) if a qualifying person received a qualifying adjustment, exemption, or reduction
- 114 for an item of qualifying tangible personal property, the qualifying payment for
- 115 that qualifying tangible personal property is equal to the difference between:
- 116 (A) the payment described in this Subsection (1)(n) for that item of qualifying
- 117 tangible personal property; and
- 118 (B) the amount of the qualifying adjustment, exemption, or reduction.
- 119 (o) "Qualifying person" means a person that paid a uniform statewide fee:
- 120 (i) during the refund period;
- 121 (ii) in accordance with this section; and
- 122 (iii) on an item of qualifying tangible personal property.
- 123 (p) "Qualifying tangible personal property" means a:
- 124 (i) qualifying vehicle; or
- 125 (ii) qualifying watercraft.
- 126 (q) "Qualifying vehicle" means:
- 127 (i) an all-terrain vehicle with an engine displacement that is 100 or more cubic
- 128 centimeters but 150 or less cubic centimeters;
- 129 (ii) an other motorcycle with an engine displacement that is 100 or more cubic
- 130 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 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
- (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

- 199 (III) a hull made of aluminum, fiberglass, or wood; and
200 (B) does not have:
201 (I) decking;
202 (II) a permanent canopy; or
203 (III) a floor other than the hull; and
204 (ii) notwithstanding Subsection (1)(bb)(i), "utility boat" does not include a collapsible
205 inflatable vessel.
206 (cc) "Vessel" means a vessel:
207 (i) as defined in Section 73-18-2, including an outboard motor of the vessel; and
208 (ii) that is required to be registered in accordance with Title 73, Chapter 18, State
209 Boating Act.
- 210 (2)(a) In accordance with Utah Constitution Article XIII, Section 2, Subsection (6),
211 beginning on January 1, 2006, the tangible personal property described in Subsection
212 (2)(b) is:
213 (i) exempt from the tax imposed by Section 59-2-103; and
214 (ii) in lieu of the tax imposed by Section 59-2-103, subject to uniform statewide fees
215 as provided in this section.
- 216 (b) The following tangible personal property applies to Subsection (2)(a) if that tangible
217 personal property is required to be registered with the state:
218 (i) an all-terrain vehicle;
219 (ii) a camper;
220 (iii) an other motorcycle;
221 (iv) an other trailer;
222 (v) a personal watercraft;
223 (vi) a small motor vehicle;
224 (vii) a snowmobile;
225 (viii) a street motorcycle;
226 (ix) a tent trailer;
227 (x) a travel trailer;
228 (xi) a park model recreational vehicle; and
229 (xii) a vessel if that vessel is less than 31 feet in length as determined under
230 Subsection ~~[(8)-]~~ (7).
- 231 (3) Except as provided in Subsection (4) and for purposes of this section, the uniform
232 statewide fees are:

233 (a) for a snowmobile:

234	Age of Snowmobile	Uniform Statewide Fee
236	12 or more years	\$10
237	9 or more years but less than 12 years	\$20
238	6 or more years but less than 9 years	\$30
239	3 or more years but less than 6 years	\$35
240	Less than 3 years	\$45

241 (b) for an all-terrain vehicle that is not a street-legal all-terrain vehicle or another
242 motorcycle:

243	Age of All-Terrain Vehicle or Other Motorcycle Uniform Statewide Fee	Uniform Statewide Fee
244	12 or more years	\$4
245	9 or more years but less than 12 years	\$8
246	6 or more years but less than 9 years	\$12
247	3 or more years but less than 6 years	\$14
248	Less than 3 years	\$18

249 (c) for a street-legal all-terrain vehicle:

250	Age of Street-Legal All-Terrain Vehicle	Uniform Statewide Fee
251	12 or more years	\$4
252	9 or more years but less than 12 years	\$14
253	6 or more years but less than 9 years	\$20
254	3 or more years but less than 6 years	\$28
255	Less than 3 years	\$38

256 (d) for a camper or a tent trailer:

257	Age of Camper or Tent Trailer	Uniform Statewide Fee
258	12 or more years	\$10
259	9 or more years but less than 12 years	\$25
260	6 or more years but less than 9 years	\$35
261	3 or more years but less than 6 years	\$50

262	Less than 3 years	\$70
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(e) for an other trailer:

264	Age of Other Trailer	Uniform Statewide Fee
265	12 or more years	\$10
266	9 or more years but less than 12 years	\$15
267	6 or more years but less than 9 years	\$20
268	3 or more years but less than 6 years	\$25
269	Less than 3 years	\$30

(f) for a personal watercraft:

271	Age of Personal Watercraft	Uniform Statewide Fee
272	12 or more years	[\$10] \$5
273	9 or more years but less than 12 years	[\$25] \$13
274	6 or more years but less than 9 years	[\$35] \$18
275	3 or more years but less than 6 years	[\$45] \$23
276	Less than 3 years	[\$55] \$28

(g) for a small motor vehicle:

278	Age of Small Motor Vehicle	Uniform Statewide Fee
279	6 or more years	\$10
280	3 or more years but less than 6 years	\$15
281	Less than 3 years	\$25

(h) for a street motorcycle:

283	Age of Street Motorcycle	Uniform Statewide Fee
284	12 or more years	\$10
285	9 or more years but less than 12 years	\$35
286	6 or more years but less than 9 years	\$50
287	3 or more years but less than 6 years	\$70
288	Less than 3 years	\$95

(i) for a travel trailer or park model recreational vehicle:

290	Age of Travel Trailer or Park Model Recreational Vehicle	Uniform Statewide Fee
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291	12 or more years	\$20
292	9 or more years but less than 12 years	\$65
293	6 or more years but less than 9 years	\$90
294	3 or more years but less than 6 years	\$135
295	Less than 3 years	\$175

296 (j) ~~[\$10]~~ \$5 regardless of the age of the vessel if the vessel is:

297 (i) less than 15 feet in length;

298 (ii) a canoe;

299 (iii) a jon boat; or

300 (iv) a utility boat;

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

302	Length of Vessel	Uniform Statewide Fee
303	15 feet or more in length but less than 19 feet in length	[\$15] <u>\$8</u>
304	19 feet or more in length but less than 23 feet in length	[\$25] <u>\$13</u>
305	23 feet or more in length but less than 27 feet in length	[\$40] <u>\$20</u>
306	27 feet or more in length but less than 31 feet in length	[\$75] <u>\$38</u>

307 (l) for a vessel, other than a canoe, collapsible inflatable vessel, jon boat, pontoon,

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

309	Age of Vessel	Uniform Statewide Fee
310	12 or more years	[\$25] <u>\$13</u>
311	9 or more years but less than 12 years	[\$65] <u>\$33</u>
312	6 or more years but less than 9 years	[\$80] <u>\$40</u>
313	3 or more years but less than 6 years	[\$110] <u>\$55</u>
314	Less than 3 years	[\$150] <u>\$75</u>

315 (m) for a vessel, other than a canoe, collapsible inflatable vessel, jon boat, pontoon,

316 sailboat, or utility boat, that is 19 feet or more in length but less than 23 feet in length:

317	Age of Vessel	Uniform Statewide Fee
318	12 or more years	[\$50] <u>\$25</u>
319	9 or more years but less than 12 years	[\$120] <u>\$60</u>
320	6 or more years but less than 9 years	[\$175] <u>\$88</u>

321	3 or more years but less than 6 years	[\$220] <u>\$110</u>
322	Less than 3 years	[\$275] <u>\$138</u>

323 (n) for a vessel, other than a canoe, collapsible inflatable vessel, jon boat, pontoon,
 324 sailboat, or utility boat, that is 23 feet or more in length but less than 27 feet in length:

325	Age of Vessel	Uniform Statewide Fee
326	12 or more years	[\$100] <u>\$50</u>
327	9 or more years but less than 12 years	[\$180] <u>\$90</u>
328	6 or more years but less than 9 years	[\$240] <u>\$120</u>
329	3 or more years but less than 6 years	[\$310] <u>\$155</u>
330	Less than 3 years	[\$400] <u>\$200</u>

331 (o) for a vessel, other than a canoe, collapsible inflatable vessel, jon boat, pontoon,
 332 sailboat, or utility boat, that is 27 feet or more in length but less than 31 feet in length:

333	Age of Vessel	Uniform Statewide Fee
334	12 or more years	[\$120] <u>\$60</u>
335	9 or more years but less than 12 years	[\$250] <u>\$125</u>
336	6 or more years but less than 9 years	[\$350] <u>\$175</u>
337	3 or more years but less than 6 years	[\$500] <u>\$250</u>
338	Less than 3 years	[\$700] <u>\$350</u>

339 (4) For registrations under Section 41-1a-215.5, the uniform fee for purposes of this section
 340 is as follows:

341 (a) for a street motorcycle:

342	Age of Street Motorcycle	Uniform Statewide Fee
343	12 or more years	\$7.75
344	9 or more years but less than 12 years	\$27
345	6 or more years but less than 9 years	\$38.50
346	3 or more years but less than 6 years	\$54
347	Less than 3 years	\$73

348 (b) for a small motor vehicle:

349	Age of Small Motor Vehicle	Uniform Statewide Fee
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350	6 or more years	\$7.75
351	3 or more years but less than 6 years	\$11.50
352	Less than 3 years	\$19.25

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

357 (6)(a) ~~[Except as provided in Subsection (7), the]~~ The revenues collected in each county
 358 from the uniform statewide fees imposed by this section shall be distributed by the
 359 county to each taxing entity in which each item of tangible personal property subject
 360 to the uniform statewide fees is located in the same proportion in which revenues
 361 collected from the ad valorem property tax are distributed.

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

366 ~~[(7) The commission shall deposit 50% of the revenue collected from the statewide uniform~~
 367 ~~fee on a vessel that is imposed under this section into the Utah Boating Grant Account~~
 368 ~~created in Section 73-18-22.3. The remaining 50% is subject to the requirements of~~
 369 ~~Subsection (6).]~~

370 ~~[(8)]~~ (7)(a) For purposes of the uniform statewide fee imposed by this section, the length
 371 of a vessel shall be determined as provided in this Subsection ~~[(8).]~~ (7).

372 (b)(i) Except as provided in Subsection ~~[(8)(b)(ii).]~~ (7)(b)(ii), the length of a vessel
 373 shall be measured as follows:

374 (A) the length of a vessel shall be measured in a straight line; and
 375 (B) the length of a vessel is equal to the distance between the bow of the vessel
 376 and the stern of the vessel.

377 (ii) Notwithstanding Subsection ~~[(8)(b)(i).]~~ (7)(b)(i), the length of a vessel may not
 378 include the length of:

379 (A) a swim deck;
 380 (B) a ladder;
 381 (C) an outboard motor; or
 382 (D) an appurtenance or attachment similar to Subsections ~~[(8)(b)(ii)(A)]~~

- 383 ~~(7)(b)(ii)(A)~~ through (C) as determined by the commission by rule.
- 384 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 385 the commission may by rule define what constitutes an appurtenance or
- 386 attachment similar to Subsections ~~[(8)(b)(ii)(A)]~~ ~~(7)(b)(ii)(A)~~ through (C).
- 387 (c) The length of a vessel:
- 388 (i)(A) for a new vessel, is the length:
- 389 (I) listed on the manufacturer's statement of origin if the length of the vessel
- 390 measured under Subsection ~~[(8)(b)]~~ ~~(7)(b)~~ is equal to the length of the
- 391 vessel listed on the manufacturer's statement of origin; or
- 392 (II) listed on a form submitted to the commission by a dealer in accordance
- 393 with Subsection ~~[(8)(d)]~~ ~~(7)(d)~~ if the length of the vessel measured under
- 394 Subsection ~~[(8)(b)]~~ ~~(7)(b)~~ is not equal to the length of the vessel listed on the
- 395 manufacturer's statement of origin; or
- 396 (B) for a vessel other than a new vessel, is the length:
- 397 (I) corresponding to the model number if the length of the vessel measured
- 398 under Subsection ~~[(8)(b)]~~ ~~(7)(b)~~ is equal to the length of the vessel
- 399 determined by reference to the model number; or
- 400 (II) listed on a form submitted to the commission by an owner of the vessel in
- 401 accordance with Subsection ~~[(8)(d)]~~ ~~(7)(d)~~ if the length of the vessel
- 402 measured under Subsection ~~[(8)(b)]~~ ~~(7)(b)~~ is not equal to the length of the
- 403 vessel determined by reference to the model number; and
- 404 (ii)(A) is determined at the time of the:
- 405 (I) first registration as defined in Section 41-1a-102 that occurs on or after
- 406 January 1, 2006; or
- 407 (II) first renewal of registration that occurs on or after January 1, 2006; and
- 408 (B) may be determined after the time described in Subsection ~~[(8)(c)(ii)(A)]~~
- 409 ~~(7)(c)(ii)(A)~~ only if the commission requests that a dealer or an owner submit a
- 410 form to the commission in accordance with Subsection ~~[(8)(d)]~~ ~~(7)(d)~~.
- 411 (d)(i) A form under Subsection ~~[(8)(c)]~~ ~~(7)(c)~~ shall:
- 412 (A) be developed by the commission;
- 413 (B) be provided by the commission to:
- 414 (I) a dealer; or
- 415 (II) an owner of a vessel;
- 416 (C) provide for the reporting of the length of a vessel;

- 417 (D) be submitted to the commission at the time the length of the vessel is
418 determined in accordance with Subsection ~~[(8)(e)(ii);]~~ (7)(c)(ii);
- 419 (E) be signed by:
- 420 (I) if the form is submitted by a dealer, that dealer; or
421 (II) if the form is submitted by an owner of the vessel, an owner of the vessel;
422 and
- 423 (F) include a certification that the information set forth in the form is true.
- 424 (ii) A certification made under Subsection ~~[(8)(d)(i)(F)]~~ (7)(d)(i)(F) is considered as if
425 made under oath and subject to the same penalties as provided by law for perjury.
- 426 (iii)(A) A dealer or an owner that submits a form to the commission under
427 Subsection ~~[(8)(e)]~~ (7)(c) is considered to have given the dealer's or owner's
428 consent to an audit or review by:
- 429 (I) the commission;
430 (II) the county assessor; or
431 (III) the commission and the county assessor.
- 432 (B) The consent described in Subsection ~~[(8)(d)(iii)(A)]~~ (7)(d)(iii)(A) is a
433 condition to the acceptance of any form.
- 434 ~~[(9)]~~ (8)(a) A county that collected a qualifying payment from a qualifying person during
435 the refund period shall issue a refund to the qualifying person as described in
436 Subsection ~~[(9)(b)]~~ (8)(b) if:
- 437 (i) the difference described in Subsection ~~[(9)(b)]~~ (8)(b) is \$1 or more; and
438 (ii) the qualifying person submitted a form in accordance with Subsections ~~[(9)(e)-]~~
439 (8)(c) and (d).
- 440 (b) The refund amount shall be calculated as follows:
- 441 (i) for a qualifying vehicle, the refund amount is equal to the difference between:
- 442 (A) the qualifying payment the qualifying person paid on the qualifying vehicle
443 during the refund period; and
- 444 (B) the amount of the statewide uniform fee:
- 445 (I) for that qualifying vehicle; and
446 (II) that the qualifying person would have been required to pay:
- 447 (Aa) during the refund period; and
448 (Bb) in accordance with this section had Laws of Utah 2006, Fifth Special
449 Session, Chapter 3, Section 1, been in effect during the refund period;
450 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 ~~[(9)(a)]~~ (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 (9)(c) or (10)]~~ 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

(Bb) the amount of cubic centimeters displacement;

(II) 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 ~~[(9)(d)(i)(F)]~~ (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 (9)(c) or (10)]~~ 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 ~~[(9)(d)(iii)(A)]~~ (8)(d)(iii)(A) is a condition to the acceptance of any form.
- (e) 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 ~~[(9)(c)]~~ (8)(c).
- ~~[(10)]~~ (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 ~~[(9)(d)]~~ (8)(d).
- ~~[(11)]~~ (10)(a) For purposes of this Subsection ~~[(11)]~~, (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 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 ~~[(9)]~~ (8).

Section 2. Section 59-32-101 is enacted to read:

CHAPTER 32. BOATING GRANT TAX

Part 1. Boating Grant Tax

59-32-101 . Definitions.

As used in this chapter:

- (1) "Canoe" means the same as that term is defined in Section 59-2-405.
- (2) "Division" means the Motor Vehicle Division created in Section 41-1a-106.
- (3) "Government entity" means the United States, state, county, municipality, or any political subdivision.
- (4) "Jon boat" means the same as that term is defined in Section 59-2-405.2.

(5) "Personal watercraft" means the same as that term is defined in Section 73-18-2.

(6) "Pontoon" means the same as that term is defined in Section 59-2-405.2.

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

(8) "Utility boat" means the same as that term is defined in Section 59-2-405.2.

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

Section 3. Section **59-32-102** is enacted to read:

59-32-102 . Imposition.

(1) There is imposed an annual Boating Grant Tax on a vessel required to be registered under Section 73-18-7.

(2) The division shall:

(a) collect the tax imposed in Subsection (1); and

(b) deposit the revenue from the tax imposed in Subsection (1) into the Utah Boating Grant Account created in Section 73-18-22.3.

(3) Except as provided in Section 59-32-104, the Boating Grant Tax is:

(a) for personal watercraft:

<u>Age of Personal Watercraft</u>	<u>Utah Boating Grant Tax</u>
<u>12 or more years</u>	<u>\$5</u>
<u>9 or more years but less than 12 years</u>	<u>\$12</u>
<u>6 or more years but less than 9 years</u>	<u>\$17</u>
<u>3 or more years but less than 6 years</u>	<u>\$22</u>
<u>Less than 3 years</u>	<u>\$27</u>

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

<u>Length of Vessel</u>	<u>Utah Boating Grant Tax</u>
<u>15 feet or more in length but less than 19 feet in length</u>	<u>\$7</u>
<u>19 feet or more in length but less than 23 feet in length</u>	<u>\$12</u>
<u>23 feet or more in length but less than 27 feet in length</u>	<u>\$20</u>
<u>27 feet or more in length but less than 31 feet in length</u>	<u>\$37</u>

(c) for a vessel, other than a canoe, collapsible inflatable vessel, jon boat, pontoon,

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

547 <u>Age of Vessel</u>	<u>Utah Boating Grant Tax</u>
548 <u>12 or more years</u>	<u>\$12</u>
549 <u>9 or more years but less than 12 years</u>	<u>\$32</u>
550 <u>6 or more years but less than 9 years</u>	<u>\$40</u>
551 <u>3 or more years but less than 6 years</u>	<u>\$55</u>
552 <u>Less than 3 years</u>	<u>\$75</u>

553 (d) for a vessel, other than a canoe, collapsible inflatable vessel, jon boat, pontoon,
 554 sailboat, or utility boat, that is 19 feet or more in length but less than 23 feet in length:

555 <u>Age of Vessel</u>	<u>Utah Boating Grant Tax</u>
556 <u>12 or more years</u>	<u>\$25</u>
557 <u>9 or more years but less than 12 years</u>	<u>\$60</u>
558 <u>6 or more years but less than 9 years</u>	<u>\$87</u>
559 <u>3 or more years but less than 6 years</u>	<u>\$110</u>
560 <u>Less than 3 years</u>	<u>\$137</u>

561 (e) for a vessel, other than a canoe, collapsible inflatable vessel, jon boat, pontoon,
 562 sailboat, or utility boat, that is 23 feet or more in length but less than 27 feet in length:

563 <u>Age of Vessel</u>	<u>Utah Boating Grant Tax</u>
564 <u>12 or more years</u>	<u>\$50</u>
565 <u>9 or more years but less than 12 years</u>	<u>\$90</u>
566 <u>6 or more years but less than 9 years</u>	<u>\$120</u>
567 <u>3 or more years but less than 6 years</u>	<u>\$155</u>
568 <u>Less than 3 years</u>	<u>\$200</u>

569 (f) for a vessel, other than a canoe, collapsible inflatable vessel, jon boat, pontoon,
 570 sailboat, or utility boat, that is 27 feet or more in length but less than 31 feet in length:

571 <u>Age of Vessel</u>	<u>Utah Boating Grant Tax</u>
572 <u>12 or more years</u>	<u>\$60</u>
573 <u>9 or more years but less than 12 years</u>	<u>\$125</u>
574 <u>6 or more years but less than 9 years</u>	<u>\$175</u>

575	<u>3 or more years but less than 6 years</u>	<u>\$250</u>
576	<u>Less than 3 years</u>	<u>\$350</u>

577 (g) \$5 regardless of the age of the vessel if the vessel is:

578 (i) less than 15 feet in length;

579 (ii) a canoe;

580 (iii) a jon boat; or

581 (iv) a utility boat.

582 Section 4. Section **59-32-103** is enacted to read:

583 **59-32-103 . Exemptions.**

584 Payment of the Boating Grant Tax, as created in Section 59-32-102, under this chapter is
 585 not required for:

586 (1) a vessel owned by a government entity and being operated within the scope of the
 587 government entity's duties;

588 (2) a vessel that:

589 (a) is already covered by a valid registration issued by vessel's nonresident owner's
 590 resident state; and

591 (b) has not been within the state of Utah in excess of 60 days of the calendar year;

592 (3) a vessel from a country other than the United States temporarily using the waters of this
 593 state; or

594 (4) a ship's lifeboat.

595 Section 5. Section **59-32-104** is enacted to read:

596 **59-32-104 . Administration.**

597 For the purposes of administering the Boating Grant Tax imposed by this chapter, the
 598 length of a vessel shall be determined as provided in Subsections 59-2-405.2(7)(a) through (c).

599 Section 6. Section **73-18-2** is amended to read:

600 **73-18-2 . Definitions.**

601 As used in this chapter:

602 (1) "Anchored" means a vessel that is temporarily attached to the bed or shoreline of a
 603 waterbody by any method and the hull of the vessel is not touching the bed or shoreline.

604 (2) "Beached" means that a vessel's hull is resting on the bed or shoreline of a waterbody.

605 (3) "Boat livery" means a person that holds a vessel for renting or leasing.

606 (4) "Carrying passengers for hire" means to transport persons on vessels or to lead persons
 607 on vessels for consideration.

608 (5) "Commission" means the Outdoor Adventure Commission.

- 609 (6) "Consideration" means something of value given or done in exchange for something
610 given or done by another.
- 611 (7) "Dealer" means any person who is licensed by the appropriate authority to engage in
612 and who is engaged in the business of buying and selling vessels or of manufacturing
613 them for sale.
- 614 (8) "Derelict vessel":
- 615 (a) means a vessel that is left, stored, or abandoned upon the waters of this state in a
616 wrecked, junked, or substantially dismantled condition; and
- 617 (b) includes:
- 618 (i) a vessel left at a Utah port or marina without consent of the agency or other entity
619 administering the port or marine area; and
- 620 (ii) a vessel left docked or grounded upon a property without the property owner's
621 consent.
- 622 (9) "Division" means the Division of Outdoor Recreation.
- 623 (10) "Moored" means long term, on the water vessel storage in an area designated and
624 properly marked by the division or other applicable managing agency.
- 625 (11) "Motorboat" means any vessel propelled by machinery, whether or not the machinery
626 is the principal source of propulsion.
- 627 (12) "Operate" means to navigate, control, or otherwise use a vessel.
- 628 (13) "Operator" means the person who is in control of a vessel while it is in use.
- 629 (14) "Outfitting company" means any person who, for consideration:
- 630 (a) provides equipment to transport persons on all waters of this state; and
- 631 (b) supervises a person who:
- 632 (i) operates a vessel to transport passengers; or
- 633 (ii) leads a person on a vessel.
- 634 (15)(a) "Owner" means a person, other than a lien holder, holding a proprietary interest
635 in or the title to a vessel.
- 636 (b) "Owner" includes a person entitled to the use or possession of a vessel subject to an
637 interest by another person, reserved or created by agreement and securing payment or
638 performance of an obligation.
- 639 (c) "Owner" does not include a lessee under a lease not intended as security.
- 640 (16)(a) "Personal watercraft" means a motorboat that is:
- 641 ~~[(a)]~~ (i) less than 16 feet in length;
- 642 ~~[(b)]~~ (ii) propelled by a water jet pump or other machinery as the motorboat's primary

643 source of motive power; and
644 [(e)] (iii) designed to be operated by a person sitting, standing, or kneeling on the
645 vessel, rather than sitting or standing inside the vessel.
646 (b) "Personal watercraft" includes a water jet device as part of the personal water craft
647 vessel if the water jet device is connected to the personal water craft.

648 (17) "Racing shell" means a long, narrow watercraft:

649 (a) outfitted with long oars and sliding seats; and

650 (b) specifically designed for racing or exercise.

651 (18) "Sailboat" means any vessel having one or more sails and propelled by wind.

652 (19) "Vessel" means every type of watercraft, other than a seaplane on the water, used or
653 capable of being used as a means of transportation on water.

654 (20) "Wakeless speed" means an operating speed at which the vessel does not create or
655 make a wake or white water trailing the vessel. This speed is not in excess of five miles
656 per hour.

657 (21) "Water jet device" means a device with which an individual rides a hydro-powered
658 apparatus above the surface of the water while connected to a personal watercraft or
659 other power source that supplies thrust to the water jet device through a hose connecting
660 the two devices.

661 ~~[(21)]~~ (22) "Waters of this state" means any waters within the territorial limits of this state.

662 Section 7. Section 73-18-7 is amended to read:

663 **73-18-7 . Registration requirements -- Exemptions -- Fee -- Agents -- Records --**

664 **Period of registration and renewal -- Expiration -- Notice of transfer of interest or change**

665 **of address -- Duplicate registration card -- Invalid registration -- Powers of division.**

666 (1)(a) Except as provided by Section 73-18-9, the owner of each motorboat and sailboat
667 on the waters of this state shall register it with the division as provided in this chapter.

668 (b) A person may not place, give permission for the placement of, operate, or give
669 permission for the operation of a motorboat or sailboat on the waters of this state,
670 unless the motorboat or sailboat is registered as provided in this chapter.

671 (2)(a) The owner of a motorboat or sailboat required to be registered shall file an
672 application for registration with the division on forms approved by the division.

673 (b) The owner of the motorboat or sailboat shall sign the application~~[-and]~~ , pay the fee
674 set by the division, and pay the Boating Grant Tax as described in Section 59-32-103,
675 after notifying the commission, in accordance with Section 63J-1-504.

676 (c) Before receiving a registration card and registration decals, the applicant shall

provide the division with a certificate from the county assessor of the county in which the motorboat or sailboat has situs for taxation, stating that:

- (i) the property tax on the motorboat or sailboat for the current year has been paid;
- (ii) in the county assessor's opinion, the property tax is a lien on real property sufficient to secure the payment of the property tax; or
- (iii) the motorboat or sailboat is exempt by law from payment of property tax for the current year.

(d) If the division modifies the fee under Subsection (2)(b), the modification shall take effect on the first day of the calendar quarter after 90 days from the day on which the division provides the State Tax Commission:

- (i) notice from the division stating that the division will modify the fee; and
- (ii) a copy of the fee modification.

(e)(i) The division may enter into an agreement with the Motor Vehicle Division created in Section 41-1a-106 to administer the registration requirements described in this chapter.

- (ii) An individual may request automatic registration renewal as described in Section 41-1a-216.

(3)(a) Upon receipt of the application in the approved form, the division shall record the receipt and issue to the applicant registration decals and a registration card that state the number assigned to the motorboat or sailboat and the name and address of the owner.

(b) The registration card shall be available for inspection on the motorboat or sailboat for which it was issued, whenever that motorboat or sailboat is in operation.

(4) The assigned number shall:

- (a) be painted or permanently attached to each side of the forward half of the motorboat or sailboat;
- (b) consist of plain vertical block characters not less than three inches in height;
- (c) contrast with the color of the background and be distinctly visible and legible;
- (d) have spaces or hyphens equal to the width of a letter between the letter and numeral groupings; and
- (e) read from left to right.

(5) A motorboat or sailboat with a valid marine document issued by the United States Coast Guard is exempt from the number display requirements of Subsection (4).

(6) The nonresident owner of any motorboat or sailboat already covered by a valid number

that has been assigned to it according to federal law or a federally approved numbering system of the owner's resident state is exempt from registration while operating the motorboat or sailboat on the waters of this state unless the owner is operating in excess of the reciprocity period provided for in Subsection 73-18-9(1).

(7)(a) If the ownership of a motorboat or sailboat changes, the new owner shall file a new application form and fee with the division, and the division shall issue a new registration card and registration decals in the same manner as provided for in Subsections (2) and (3).

(b) The division shall reassign the current number assigned to the motorboat or sailboat to the new owner to display on the motorboat or sailboat.

(8) If the United States Coast Guard has in force an overall system of identification numbering for motorboats or sailboats within the United States, the numbering system employed under this chapter by the division shall conform with that system.

(9)(a) The division may authorize any person to act as its agent for the registration of motorboats and sailboats.

(b) A number assigned, a registration card, and registration decals issued by an agent of the division in conformity with this chapter and rules of the division are valid.

(10)(a) The Motor Vehicle Division shall classify all records of the division made or kept according to this section in the same manner that motor vehicle records are classified under Section 41-1a-116.

(b) Division records are available for inspection in the same manner as motor vehicle records pursuant to Section 41-1a-116.

(11)(a)(i) Each registration, registration card, and decal issued under this chapter shall continue in effect for 12 months, beginning with the first day of the calendar month of registration.

(ii) A registration may be renewed by the owner in the same manner provided for in the initial application.

(iii) The division shall reassign the current number assigned to the motorboat or sailboat when the registration is renewed.

(b) Each registration, registration card, and registration decal expires the last day of the month in the year following the calendar month of registration.

(c) If the last day of the registration period falls on a day in which the appropriate state or county offices are not open for business, the registration of the motorboat or sailboat is extended to 12 midnight of the next business day.

(d) The division may receive applications for registration renewal and issue new registration cards at any time before the expiration of the registration, subject to the availability of renewal materials.

(e) The new registration shall retain the same expiration month as recorded on the original registration even if the registration has expired.

(f) The year of registration shall be changed to reflect the renewed registration period.

(g) If the registration renewal application is an application generated by the division through its automated system, the owner is not required to surrender the last registration card or duplicate.

(12)(a) An owner shall notify the division of:

(i) the transfer of all or any part of the owner's interest, other than creation of a security interest, in a motorboat or sailboat registered in this state under Subsections (2) and (3); and

(ii) the destruction or abandonment of the owner's motorboat or sailboat.

(b) Notification must take place within 15 days of the transfer, destruction, or abandonment.

(c)(i) The transfer, destruction, or abandonment of a motorboat or sailboat terminates its registration.

(ii) Notwithstanding Subsection (12)(c)(i), a transfer of a part interest that does not affect the owner's right to operate a motorboat or sailboat does not terminate the registration.

(13)(a) A registered owner shall notify the division within 15 days if the owner's address changes from the address appearing on the registration card and shall, as a part of this notification, furnish the division with the owner's new address.

(b) The division may provide in the division's rules for:

(i) the surrender of the registration card bearing the former address; and

(ii)(A) the replacement of the card with a new registration card bearing the new address; or

(B) the alteration of an existing registration card to show the owner's new address.

(14)(a) If a registration card is lost or stolen, the division may collect a fee of \$4 for the issuance of a duplicate card.

(b) If a registration decal is lost or stolen, the division may collect a fee of \$3 for the issuance of a duplicate decal.

(15) A number other than the number assigned to a motorboat or sailboat or a number for a

motorboat or sailboat granted reciprocity under this chapter may not be painted,
attached, or otherwise displayed on either side of the bow of a motorboat or sailboat.

(16) A motorboat or sailboat registration and number are invalid if obtained by knowingly
falsifying an application for registration.

(17) The division may designate the suffix to assigned numbers, and by following the
procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking
Act, make rules for:

- (a) the display of registration decals;
- (b) the issuance and display of dealer numbers and registrations; and
- (c) the issuance and display of temporary registrations.

(18) A violation of this section is an infraction.

Section 8. Section **73-18-22.3** is amended to read:

**73-18-22.3 . Utah Boating Grant Account -- Grant program administered by the
Division of Outdoor Recreation.**

(1) There is created within the General Fund a restricted account known as the "Utah
Boating Grant Account."

(2) The Utah Boating Grant Account shall consist of:

- (a) revenue deposited into the Utah Boating Grant Account under [~~Subsection
59-2-405.2(7) from the~~] [~~statewide uniform fee on a vessel that is less than 31 feet in
length and required to be registered with the state;~~] Section 59-32-102 from the
Boating Grant Tax on a vessel that is less than 31 feet in length and required to be
registered with the state;

- (b) legislative appropriations;
- (c) contributions, grants, gifts, transfers, bequests, and donations specifically directed to
the Utah Boating Grant Account; and
- (d) interest and earnings on the Utah Boating Grant Account.

(3) An entity eligible for a grant funded through the Utah Boating Grant Account is:

- (a) a water conservancy district;
- (b) a state agency;
- (c) a county; or
- (d) a municipality, as defined in Section 10-1-104.

(4) Subject to appropriation, money in the Utah Boating Grant Account may be used for:

- (a) construction, repair, and replacement of a publicly owned boating facility, including
a boat ramp, courtesy dock, or parking lot;

- 813 (b) resource protection of waterway shorelines to prevent or minimize erosion created by
814 vessel wave action;
- 815 (c) drought access mitigation;
- 816 (d) alternative access development for non-motorized vessels to decrease conflicts,
817 congestion, and safety concerns on existing motorboat access ramps;
- 818 (e) search and rescue equipment; and
- 819 (f) the payment of the administrative costs of the Division of Outdoor Recreation in
820 administering a grant under this section.
- 821 (5) The Division of Outdoor Recreation shall administer the grants under this section
822 pursuant to rules made, after notifying the Outdoor Adventure Commission, in
823 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 824 (6) The Division of Outdoor Recreation shall consult with the advisory committee
825 described in Section 73-18-3.5 before issuing a grant under this section.
- 826 Section 9. **Effective Date.**
- 827 This bill takes effect on January 1, 2026.