

VEHICLE REGISTRATION CHECKOFF AND FEE AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor: Norman K. Thurston

LONG TITLE

General Description:

This bill provides a credit for fees and taxes charged to a person registering a leased vehicle purchased by the lessee and creates a voluntary contribution checkoff for motor vehicle registrations and renewals.

Highlighted Provisions:

This bill:

- ▶ creates a credit for fees and taxes the Division of Motor Vehicles charged to a person registering a vehicle if the purchaser:
 - registered the leased vehicle as the lessee; and
 - paid the fees and taxes for registering the leased vehicle in the same registration period;
- ▶ creates a voluntary contribution checkoff for motor vehicle registrations and renewals that supports the:
 - Emergency Medical Services Grant Program; and
 - Search and Rescue Financial Assistance Program; and
- ▶ repeals:
 - the registration checkoff for protecting access to public lands and promoting off-highway vehicle education; and
 - the Off-Highway Access and Education Restricted Account.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

26-8a-108, as enacted by Laws of Utah 2020, Chapter 215

53-2a-1102, as last amended by Laws of Utah 2020, Chapter 379

ENACTS:

41-1a-230.7, Utah Code Annotated 1953

41-1a-1225, Utah Code Annotated 1953

REPEALS:

41-1a-230.6, as enacted by Laws of Utah 2007, Chapter 299

41-22-19.5, as last amended by Laws of Utah 2011, Chapter 303

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

Section 1. Section **26-8a-108** is amended to read:

26-8a-108. Emergency Medical Services System Account.

(1) There is created within the General Fund a restricted account known as the
Emergency Medical Services System Account.

(2) The account consists of:

(a) interest earned on the account; ~~[and]~~

(b) appropriations made by the Legislature~~[-];~~ and

(c) contributions deposited into the account in accordance with Section **41-1a-230.7**.

(3) The department shall use:

(a) an amount equal to 25% of the money in the account for administrative costs
related to this chapter; ~~[and]~~

(b) an amount equal to 75% of the money in the account for grants awarded in
accordance with Subsection **26-8a-207(3)**~~[-];~~ and

(c) all money received from the revenue source in Subsection (2)(c) for grants awarded in accordance with Subsection 26-8a-207(3).

Section 2. Section **41-1a-230.7** is enacted to read:

41-1a-230.7. Registration checkoff for supporting emergency medical services and search and rescue operations.

(1) A person who applies for a motor vehicle registration or registration renewal may designate a voluntary contribution of \$3 for the purpose of supporting:

(a) the Emergency Medical Services Grant Program; and

(b) the Search and Rescue Financial Assistance Program.

(2) This contribution shall be:

(a) collected by the division;

(b) treated as a voluntary contribution and not as a motor vehicle or off-highway vehicle registration fee; and

(c) distributed equally to the Emergency Medical Services System Account created in Section 26-8a-108 and the Search and Rescue Financial Assistance Program created in Section 53-2a-1102 at least monthly, less actual administrative costs associated with collecting and transferring the contributions.

(3) In addition to the administrative costs deducted under Subsection (2)(c), the division may deduct the first \$1,000 collected to cover costs incurred to change the registration form.

Section 3. Section **41-1a-1225** is enacted to read:

41-1a-1225. Credit for registering leased vehicle purchased by the lessee.

(1) The division shall provide a credit against the fees and taxes charged to a person registering a vehicle under Title 41, Chapter 1a, Motor Vehicle Act, if:

(a) immediately before purchasing the vehicle, the purchaser leased the vehicle and was a registrant of the vehicle; and

(b) while leasing the vehicle and during the same registration period, the purchaser

83 paid the fees and taxes charged for registering the vehicle under Title 41, Chapter 1a, Motor
84 Vehicle Act.

85 (2) The division shall apply the credit provided under Subsection (1) by allowing the
86 registration period described in Subsection (1)(b) to remain in effect until expiration.

87 (3) This section applies only to taxes and fees paid by, or on behalf of, the purchaser at
88 the time of the registration described in Subsection (1)(b).

89 Section 4. Section **53-2a-1102** is amended to read:

90 **53-2a-1102. Search and Rescue Financial Assistance Program -- Uses --**
91 **Rulemaking -- Distribution.**

92 (1) As used in this section:

93 (a) "Assistance card program" means the Utah Search and Rescue Assistance Card
94 Program created within this section.

95 (b) "Card" means the Search and Rescue Assistance Card issued under this section to a
96 participant.

97 (c) "Participant" means an individual, family, or group who is registered pursuant to
98 this section as having a valid card at the time search, rescue, or both are provided.

99 (d) "Program" means the Search and Rescue Financial Assistance Program created
100 within this section.

101 (e) (i) "Reimbursable base expenses" means those reasonable expenses incidental to
102 search and rescue activities.

103 (ii) "Reimbursable base expenses" include:

104 (A) rental for fixed wing aircraft, snowmobiles, boats, and generators;

105 (B) replacement and upgrade of search and rescue equipment;

106 (C) training of search and rescue volunteers;

107 (D) costs of providing life insurance and workers' compensation benefits for volunteer
108 search and rescue team members under Section [67-20-7.5](#); and

109 (E) any other equipment or expenses necessary or appropriate for conducting search

and rescue activities.

(iii) "Reimbursable base expenses" do not include any salary or overtime paid to an individual on a regular or permanent payroll, including permanent part-time employees of any agency of the state.

(f) "Rescue" means search services, rescue services, or both search and rescue services.

(2) There is created the Search and Rescue Financial Assistance Program within the division.

(3) (a) The financial program and the assistance card program shall be funded from the following revenue sources:

(i) any voluntary contributions to the state received for search and rescue operations;

(ii) money received by the state under Subsection (11) and under Sections 23-19-42, 41-22-34, and 73-18-24;

(iii) money deposited under Subsection 59-12-103(14); ~~and~~

(iv) contributions deposited in accordance with Section 41-1a-230.7; and

~~(iv)]~~ (v) appropriations made to the program by the Legislature.

(b) All money received from the revenue sources in Subsections (3)(a)(i) ~~and~~, (ii), and (iv), and 90% of the money described in Subsection (3)(a)(iii), shall be deposited into the General Fund as a dedicated credit to be used solely for the program.

(c) 10% of the money described in Subsection (3)(a)(iii) shall be deposited into the General Fund as a dedicated credit to be used solely to promote the assistance card program.

(d) All funding for the program is nonlapsing.

(4) Subject to Subsections (3)(b) and (c), the director shall use the money described in this section to reimburse counties for all or a portion of each county's reimbursable base expenses for search and rescue operations, subject to:

(a) the approval of the Search and Rescue Advisory Board as provided in Section 53-2a-1104;

(b) money available in the program; and

137 (c) rules made under Subsection (7).

138 (5) Money described in Subsection (3) may not be used to reimburse for any paid
139 personnel costs or paid man hours spent in emergency response and search and rescue related
140 activities.

141 (6) The Legislature finds that these funds are for a general and statewide public
142 purpose.

143 (7) The division, with the approval of the Search and Rescue Advisory Board, shall
144 make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
145 consistent with this section:

146 (a) specifying the costs that qualify as reimbursable base expenses;

147 (b) defining the procedures of counties to submit expenses and be reimbursed;

148 (c) defining a participant in the assistance card program, including:

149 (i) individuals; and

150 (ii) families and organized groups who qualify as participants;

151 (d) defining the procedure for issuing a card to a participant;

152 (e) defining excluded expenses that may not be reimbursed under the program,
153 including medical expenses;

154 (f) establishing the card renewal cycle for the Utah Search and Rescue Assistance Card
155 Program;

156 (g) establishing the frequency of review of the fee schedule;

157 (h) providing for the administration of the program; and

158 (i) providing a formula to govern the distribution of available money among the
159 counties for uncompensated search and rescue expenses based on:

160 (i) the total qualifying expenses submitted;

161 (ii) the number of search and rescue incidents per county population;

162 (iii) the number of victims that reside outside the county; and

163 (iv) the number of volunteer hours spent in each county in emergency response and

search and rescue related activities per county population.

(8) (a) The division shall, in consultation with the Outdoor Recreation Office, establish the fee schedule of the Utah Search and Rescue Assistance Card Program under Subsection 63J-1-504(6).

(b) The division shall provide a discount of not less than 10% of the card fee under Subsection (8)(a) to a person who has paid a fee under Section 23-19-42, 41-22-34, or 73-18-24 during the same calendar year in which the person applies to be a participant in the assistance card program.

(9) Counties may not bill reimbursable base expenses to an individual for costs incurred for the rescue of an individual, if the individual is a current participant in the Utah Search and Rescue Assistance Card Program at the time of rescue, unless:

(a) the rescuing county finds that the participant acted recklessly in creating a situation resulting in the need for the county to provide rescue services; or

(b) the rescuing county finds that the participant intentionally created a situation resulting in the need for the county to provide rescue services.

(10) (a) There is created the Utah Search and Rescue Assistance Card Program. The program is located within the division.

(b) The program may not be utilized to cover any expenses, such as medically related expenses, that are not reimbursable base expenses related to the rescue.

(11) (a) To participate in the program, a person shall purchase a search and rescue assistance card from the division by paying the fee as determined by the division in Subsection (8).

(b) The money generated by the fees shall be deposited into the General Fund as a dedicated credit for the Search and Rescue Financial Assistance Program created in this section.

(c) Participation and payment of fees by a person under Sections 23-19-42, 41-22-34, and 73-18-24 do not constitute purchase of a card under this section.

(12) The division shall consult with the Outdoor Recreation Office regarding:

(a) administration of the assistance card program; and

(b) outreach and marketing strategies.

(13) Pursuant to Subsection 31A-1-103(7), the Utah Search and Rescue Assistance Card Program under this section is exempt from being considered insurance as that term is defined in Section 31A-1-301.

Section 5. Repealer.

This bill repeals:

Section 41-1a-230.6, **Registration checkoff for protecting access to public lands and promoting off-highway vehicle education.**

Section 41-22-19.5, **Off-highway Access and Education Restricted Account -- Creation -- Funding -- Distribution of funds by the Board of Parks and Recreation.**

Section 6. Effective date.

This bill takes effect on January 1, 2022.