

R873. Tax Commission, Motor Vehicle.

R873-22M. Motor Vehicle.

R873-22M-2. Documentation Required and Procedures to Follow to Register or Title Certain Vehicles Pursuant to Utah Code Ann. Sections 41-1a-104 and 41-1a-108.

- (1) To title or register a vehicle previously registered in a nontitle state, an applicant must submit both of the following:
 - (a) the last registration certificate; and
 - (b) a lien search from the recording jurisdiction or form TC- 569A, Ownership Statement, in lieu of the lien search.
- (2) To title or register a repossessed vehicle, an applicant must submit both of the following:
 - (a) the outstanding certificate of title, with the lien recorded in favor of the reposessor; and
 - (b) form TC-569B, Repossession Statement, signed by the lien holder recorded on the certificate of title or a similar statement or form.
- (3) To title or register a vehicle previously owned by the U.S. government, an applicant must submit U.S. government Standard Form No. 97.
- (4) To title or register a vehicle foreclosed by advertisement, an applicant must submit each of the following:
 - (a) a certificate of sale bearing the signature of the person who conducted the sale. The certificate must contain the following information:
 - (i) date of sale;
 - (ii) name of person to whom the vehicle was sold;
 - (iii) complete description of the vehicle;
 - (iv) amount due on the contract;
 - (v) date that the amount due became delinquent; and
 - (vi) amount received from the sale of the vehicle;
 - (b) a copy of the notice sent to the owner and lien holder of record; and
 - (c) proof that notice was published in accordance with Sections 38-2-4 or 38-8-3, as applicable.
- (5) To title or register a vehicle transferred by divorce decree an applicant must submit each of the following:
 - (a) a certified copy of the divorce decree;
 - (b) the outstanding certificate of title; and
 - (c) the last registration certificate for a nontitle state.
- (6) To title or register a vehicle when the current owner is declared incompetent, an applicant must submit each of the following:
 - (a) the outstanding certificate of title, endorsed for transfer by the guardian;
 - (b) the last registration certificate for a nontitle state; and
 - (c) a certified copy of the court order appointing the guardian.
- (7) To title or register a vehicle purchased at impound auction, an applicant must submit a certificate of sale that contains the following information:
 - (a) a complete description of the vehicle;
 - (b) name of the purchaser; and
 - (c) the signature of the state, city, or county official who conducted the sale.
- (8) To title or register a vehicle transferred pursuant to a power of attorney, an applicant must submit the power of attorney to the Tax Commission.
- (9) To title or register a vehicle transferred from a deceased owner when form TC-569C, Survivorship Affidavit, does not apply, the applicant must submit the outstanding certificate of title or the last registration certificate for a nontitle state. In addition, the applicant must submit one of the following:
 - (a) a certified copy of the final decree of distribution;
 - (b) an order from the court confirming sale; or
 - (c)(i) an endorsement on the title by the administrator, executor, or personal representative with a certified copy of letters of administration, letters testamentary, or letters appointing a personal representative attached.
 - (ii) When the title is issued in joint ownership where the owners names are connected with "and" or "/", the survivor may transfer ownership by endorsement only and by furnishing proof of death of the other joint owner.
- (10)(a) When satisfactory documentary evidence of ownership is lacking and the applicant has exhausted all normal means of obtaining evidence of ownership, the Tax Commission may issue a title or a dismantle permit upon receipt of:
 - (i) a court order; or
 - (ii) subject to Subsections (10)(b)(ii) and (iii), form TC-569A, Ownership Statement.
- (b)(i) The form required under Subsection (10)(a)(ii) must contain each of the following:
 - (A) a complete recital of facts explaining the absence of a negotiable title or current registration for nontitle states;
 - (B) an explanation of how the vehicle was obtained and from whom;
 - (C) a statement indicating any outstanding liens or encumbrances on the vehicle;
 - (D) a statement indicating where the vehicle was last titled or registered;
 - (E) a description of the vehicle;
 - (F) any other items pertinent to the acquisition or possession of the vehicle; and
 - (G) an indemnification agreement holding the Tax Commission and its employees harmless from any and all liability resulting from the issuance of the title or dismantle permit.

(ii) If the vehicle has a value of \$1,000 or less at the time of application, and the vehicle is less than six model years old, or the vehicle is a motorcycle, the vehicle may be subject to a physical examination by an employee appointed by the Tax Commission prior to issuance of a title or dismantle permit.

(iii) If the vehicle has a value in excess of \$1,000, the Tax Commission may require a surety bond in addition to the form described in Subsection (10)(a)(ii). The amount of the surety bond may not exceed twice the fair market value of the vehicle as determined by the Tax Commission.

(11) To title or register a specially constructed or rebuilt vehicle, an applicant shall furnish form TC-569D, Statement of Facts, explaining the acquisition of essential parts and the date construction was completed. The form must be supported by bills of sale or invoices for the parts.

(a) An application for an identification number must be completed. The assigned number shall be affixed to the vehicle and inspected by a peace officer or an authorized agent of the Tax Commission.

(b) The vehicle make shall be designated as "SPCN" (specially constructed), and the year model shall be determined according to the date the construction was completed.

(c) If satisfactory evidence of ownership is lacking, the procedure outlined in Subsection (10) must be followed.

(d) In the case of a dune buggy or similar type vehicle where the complete running gear and chassis of another vehicle is used, the identification number of the vehicle used as the primary base of the rebuilt vehicle shall be used for identification and must correspond to the identification number on the surrendered certificate of title.

(e) The rebuilt vehicle shall retain the manufacturer's name as it appeared on the surrendered title. However, the word "rebuilt" shall be placed on the application and on the face of the title issued by the Tax Commission. The type of body and vehicle model may be changed to more accurately describe the vehicle. If a new body is used, the year model shall be determined by the date the rebuilding is complete. If only the body style has been altered or changed, the vehicle shall retain the year model stated on the surrendered title.

R873-22M-7. Transfer of License Plates and Registration for an Increase of Gross Laden Weight Pursuant to Utah Code Ann. Section 41-1a-701.

A. License plates and registration may not be transferred under any of the following conditions:

1. The license plates are lifetime trailer plates issued pursuant to Section 41-1a-228.

2. The newly acquired vehicle requires a different registration period from that of the vehicle previously owned.

B. License plates may be transferred only if the application for transfer is made in the name of the original registered owner, unless the owner's name has been changed by marriage, divorce, or court order.

C. Transferred license plates may not be displayed upon the newly acquired vehicle until the registration has been completed and a new registration card has been issued.

D. The expiration date on the new registration card shall be the same as that appearing on the original registration.

E. If registration is based on gross laden weight and the gross laden weight of a vehicle is increased during the registration year, additional registration fees shall be collected based on the following computations:

1. Subtract the registration fee for the current year from the registration fee for the increased weight.

2. Multiply that difference by the percentage of the year for which the vehicle will be registered at the increased weight.

F. The holder of a three-month registration who seeks to increase the gross laden weight of a vehicle shall pay the full three-month registration fee for the increased weight.

R873-22M-8. Expiration of Registration Pursuant to Utah Code Ann. Sections 41-1a-211 and 41-1a-215.

A. Registration issued for a period of three calendar months, six calendar months, or nine calendar months, shall expire at midnight on the last day of the third, sixth, or ninth calendar month from the date issued.

B. If an unexpired registration issued for three calendar months, six calendar months, or nine calendar months is being renewed, the expiration date shall be three calendar months, six calendar months or nine calendar months from the month the previous registration would have expired.

C. When a temporary permit is issued as authorized under Section 41-1a-211, the registration period shall begin on the first day of the calendar month in which the first temporary permit was issued.

R873-22M-11. Copies of Registration Cards Pursuant to Utah Code Ann. Section 41-1a-214.

A. In lieu of an original registration card, a copy of a registration card may be carried in an intrastate commercial vehicle or a vehicle owned or leased by this state or any of its political subdivisions. Both the front and back of the registration card must be copied.

R873-22M-14. License Plates and Decals Pursuant to Utah Code Ann. Sections 41-1a-215, 41-1a-401, and 41-1a-402.

A. Except as provided under Section 41-1a-215(1), license plates shall be renewed on a yearly basis until new license plates are issued.

B. For all license plates, except vintage vehicle license plates, a month decal and year decal shall be issued upon the first registration of the vehicle. Upon each subsequent registration, the vehicle owner shall receive only a year decal to validate renewal. The registration decals shall be applied as follows:

1. Decals displayed on license plates with black lettering on a white background shall be applied to the lower left hand corner of the rear license plate.

2. Decals displayed on centennial license plates and regular issue license plates with blue lettering on a white background shall be applied to the upper left hand corner of the rear license plate.

3. Decals displayed on special group license plates shall be applied to the upper right hand corner of the rear license plate unless there is a plate indentation on the upper left hand corner of the license plate.

4. All registration decals issued for truck tractors shall be applied to the front license plate in the position described in either Subsection B.1. or B.2.

5. All registration decals issued for motorcycles shall be applied to the upper corner of the license plate opposite the word "Utah".

C. The month decal shall be displayed on the license plate in the left position, and the year decal in the right position.

D. The current year decal shall be placed over the previous year decal.

E. Whenever any license plate, month decal, or year decal is lost or destroyed, a replacement shall be issued upon application and payment of the established fees.

R873-22M-15. Assigned and Replacement Vehicle Identification Number System Pursuant to Utah Code Ann. Section 41-1a-801.

A. The Tax Commission provides a standard Vehicle Identification Number (VIN) plate for vehicles, snowmobiles, trailers, and outboard boat motors that have never had a distinguishing number or if the original VIN has been altered, removed, or defaced.

B. The owner of the unit will make application to the Tax Commission on form TC-162 for an assigned or replacement VIN. In the event the applicant has no title to the unit, the Motor Vehicle Division follows the procedure in Rule R873-22M-2, to determine ownership.

C. The vehicle may be subject to inspection and investigation. Upon determination of the validity of the application, a vehicle identification plate is issued.

1. In cases involving vehicles where the original plate has been removed or obliterated but the original factory number can be verified, a VIN plate is issued with the original VIN entered by means of an approved procedure.

2. In all other instances a prestamped VIN plate is issued bearing an official Utah assigned VIN.

3. The VIN plate must, under the supervision of the Tax Commission, be attached to the unit as follows:

a) passenger and commercial vehicles:

(1) primary location is on a portion of the left front door lock post;

(2) secondary location is on a portion of the firewall, either left or right side, whichever is most advantageous; (This location is to be selected only when the VIN plate cannot be attached to the lock posts.)

b) motorcycles, snowmobiles, and outboard motors:

(1) as near as possible to the original number location; (If an original number, the VIN plate shall be affixed to the headstock.)

c) trailers:

(1) primary location is on a portion of the right side of the tongue or drawbar near the body;

(2) secondary location is on a portion of the metal frame near the front right corner;

d) on units where it is not practical to install rivets, the VIN plate may be attached by adhesive only.

D. The Motor Vehicle Division is responsible for the control, security, and distribution of the VIN plates and will keep the necessary records and require regular reports from designated branch offices.

E. Following are the specifications of the official Utah assigned identification plate and attachment accessories.

1. Size will be 1 inch x 3 inches x .003 inch deep etched to .002 inch with 1/8 inch radius corners.

2. Material will be color anodized aluminum foil.

3. Color will be blue background with silver lettering.

4. Backing will be laminated with permanent pressure sensitive adhesive.

5. Control numbers will be serialized with 1/8 inch permanent embossed or anodized numbers.

6. The state seal will be in the left center, with appropriate rivet areas designated.

7. The assigned number will be prestamped using the prefix of "UT." The number series to include one letter and five digits with the letter to identify the unit type as follows:

TABLE

a) Passenger and Commercial	P00001
b) Motorcycles	M00001
c) Trailers	T00001
d) Reconstructed vehicle	R00001
e) Outboard Motors	E00001
f) Snowmobiles	S00001

R873-22M-16. Authorization to Issue a Certificate of Title Pursuant to Utah Code Ann. Section 41-1a-104.

(1) If the purpose of the certificate of title is to record a new lien, or to rerecord a lien, and there is no change in the registered owner, all of the following are required:

(a) the outstanding Utah certificate of title showing a release of the prior lien;

- (b) an application or title, properly signed; and
- (c) the title fee.

(2) In order to issue a new certificate of title showing the assignee as the lienholder, an applicant shall submit all of the following:

- (a) the outstanding Utah certificate of title showing a release of the prior lien;
- (b) an application or title showing the registered owner and the new lienholder, and signed by the assigning lienholder; and
- (c) the title fee.

R873-22M-17. Standards for State Impound Lots Pursuant to Utah Code Ann. Section 41-1a-1101.

(1) An impound yard may be used by the Motor Vehicle Division and peace officers only if all of the following requirements are satisfied:

- (a) The yard must be identified by a conspicuously placed, well-maintained sign that:
 - (i) is at least 24 square feet in size;
 - (ii) includes the business name, address, phone number, and hours of business; and
 - (iii) displays the impound yard identification number issued by the Motor Vehicle Division in characters at least four inches

high.

- (b) The yard shall maintain a hard-surfaced storage area of concrete, black top, gravel, road base, or other similar material.

- (c) The yard must have adequate lighting.

(d) A six-foot chain link or other similar fence that is topped with three strands of barbed wire or razor security wire must surround the yard.

(e) The yard must have opaque fencing, which may be opaque chain link fencing, on any side that has frontage with a highway.

- (f) Spacing between vehicles must be adequate to allow opening of vehicle doors without interfering with other vehicles or objects.

- (g) An office shall be located on the premises of the yard.

(i) The yard office shall be staffed and open for public business during normal business hours, Monday through Friday, except for designated state and federal holidays.

(ii) If the yard maintains multiple storage areas, authorization may be requested from the Motor Vehicle Division to maintain a central office facility in a location not to exceed a 10 mile radius from any of its storage areas.

(iii) If a central office facility is authorized under Subsection (1)(g)(ii), the signs of all storage areas must provide the location of the office.

- (h) The yard shall provide compressed air and battery boosting capabilities at no additional cost.

(2) Persons who can demonstrate an ownership interest in a car held at a state impound yard are allowed to enter the vehicle during normal business hours and remove personal property not attached to the vehicle upon signing a receipt for the property with the yard.

- (a) An individual has ownership interest in the vehicle if he:

- (i) is listed as a registered owner or lessee of the vehicle; or

- (ii) has possession of the vehicle title.

- (b) An individual must show picture identification as evidence of his ownership interest.

(c) The storage yard shall maintain a log of individuals who have been given access to vehicles for the purpose of removing personal property.

(3) Impound yards holding five or less vehicles in a month may be required to tow those vehicles to another yard for the purpose of centralizing sales of vehicles or, at the discretion of the Motor Vehicle Division, be required to hold the vehicles until additional impounded vehicles may be included.

(4) Operators of impound yards shall remove license plates from impounded vehicles prior to the time of sale and turn them over to the commission at the time the vehicles are sold.

(5) The Motor Vehicle Division has the authority to review the qualifications of state impound yards to assure compliance with the requirements set forth in this rule. Any yard not in compliance shall be notified in writing and given 30 days from that notice to rectify any noncompliance. If no action or insufficient action is taken by the impound yard, the Motor Vehicle Division may order it to be suspended as a state impound yard. Any yard contesting suspension, or any yard directly and adversely affected by the Motor Vehicle Division's refusal to designate it a state impound yard, has the right to appeal that suspension to the commission.

R873-22M-20. Aircraft Registration Pursuant to Utah Code Ann. Sections 72-10-102, 72-10-109 through 72-10-112.

- (1) The registration period for aircraft is from January 1 through December 31.

(2) The average wholesale value of an aircraft is obtained from the "average wholesale" column listed in the fall edition of the Aircraft Bluebook Price Digest in the year preceding the year of registration for all aircraft listed in that publication.

- (3) The database maintained by the Division of Aeronautics shall include the following information for each aircraft:

- (a) the name and address of the owner of the aircraft;

- (b) the airport where the aircraft is hangered;

- (c) the FAA number of the aircraft;

- (d) the aircraft manufacturer or builder;

- (e) the year of manufacture or the year the aircraft was completed and certified for air worthiness by the FAA;

- (f) the aircraft model as identified by the manufacturer or builder; and
- (g) the aircraft serial number.
- (4) Aircraft not legally registered are subject to seizure and impound under the provisions of Section 72-10-112.
- (5) The registration certificate shall be surrendered upon the sale of an aircraft or at the time of registration renewal. A duplicate certificate may be obtained for a fee.
- (6) The Utah decal shall be displayed on the registered aircraft in accordance with instructions given with the decal. Decals must be applied and maintained in a manner that permits identification of the calendar-year expiration date and the registration number. In the event of loss or damage, a decal replacement shall be obtained for a fee.

R873-22M-22. Salvage Certificate and Branded Title Pursuant to Utah Code Ann. Sections 41-1a-522, 41-1a-1001, 41-1a-1004, and 41-1a-1009 through 41-1a-1011.

- A. If a vehicle with an out-of-state branded title is roadworthy, a comparably branded Utah certificate of title may be issued upon proper application and payment of applicable fees.
- B. The Utah registration of a vehicle qualifying for any of the following designations expires effective with that qualification or declaration and the title to that vehicle is restricted from that time:
 - 1. salvage vehicle,
 - 2. dismantled vehicle,
 - 3. any vehicle for which a dismantling permit has been issued in accordance with Section 41-1a-1010;
 - 4. any vehicle for which a certificate of abandoned and inoperable vehicle has been issued in accordance with Section 41-1a-1009; and
 - 5. manufacturer buyback nonconforming vehicle.
- C. For purposes of Section 41-1a-1001, the cost to repair or restore a vehicle for safe operation is the total cost shown on a certified and notarized repair order or estimate from an authorized representative of an insurance adjusting firm, or a bonded Utah automobile dealer or body shop. The repair order or estimate must be current at the time of application and must show all costs, including a detailed list of all parts, materials, and labor, required to repair the vehicle.

R873-22M-25. Written Notification of a Salvage Certificate or Branded Title Pursuant to Utah Code Ann. Section 41-1a-1004.

- A. The Motor Vehicle Division shall brand a vehicle's title if, at the time of initial registration or transfer of ownership, evidence exists that the vehicle is a salvage vehicle.
- B. Written notification that a vehicle has been issued a salvage certificate or branded title shall be made to a prospective purchaser on a form approved by the Administrator of the Motor Vehicle Enforcement Division.
- C. The form must clearly and conspicuously disclose that the vehicle has been issued a salvage certificate or branded title.
- D. The form must be presented to and signed by the prospective purchaser and the prospective lienholder, if any, prior to the sale of the vehicle.
- E. If the seller of the vehicle is a dealer, the form must be prominently displayed in the lower passenger-side corner of the windshield for the period of time the vehicle is on display for sale.
- F. The original disclosure form shall be given to the purchaser and a copy shall be given to the new lienholder, if any. A copy shall be kept on file by the seller for a period of three years from the date of sale if the seller is a dealer.

R873-22M-27. Issuance of Special Group License Plates Pursuant to Utah Code Ann. Sections 41-1a-418, 41-1a-419, 41-1a-420, and 41-1a-421.

- (1) Except as otherwise provided, a special group license plate shall consist of a symbol affixed to the left-hand side of the plate, followed by a total of five characters and numerals.
- (2)(a) Legislature special group license plates shall carry the letter combination SEN or REP with the number of the district from which the legislator was elected or appointed.
 - (b) A state legislator may register a maximum of two vehicles with Legislature special group license plates.
 - (c) Upon leaving office, a legislator may not display the Legislature special group license plates on any motor vehicle. Legislators not reelected to office may not display the Legislature special group license plates after December 31 of the election year.
- (3)(a) United States Congress special group license plates shall carry, in the case of representatives, the letter combination HR, followed by the number of the district from which the representative was elected or appointed, or, in the case of senators, USS 1 or USS 2, signifying the senior and junior senators.
 - (b) Upon leaving office, a member of Congress may not display United States Congress special group license plates on any motor vehicle. A member of Congress not reelected to office may not display United States Congress special group license plates after December 31 of the election year.
- (4) Survivor of the Japanese attack on Pearl Harbor special group license plates may be issued to qualified U.S. military veterans who:
 - (a) provide a copy of their discharge papers, notice of separation, or other government issued document acceptable to the division verifying dates and locations of active service; or
 - (b) present evidence of membership in the Pearl Harbor Survivors Association.
- (5) Former prisoner of war special group license plates shall be issued to qualified U.S. military veterans who provide a copy of their discharge papers, notice of separation, or other government issued document acceptable to the division indicating that the veteran was classified as a prisoner of war.

- (6) Recipient of a purple heart special group license plates shall be issued to qualified U.S. military veterans who:
- (a) provide a copy of their discharge papers, notice of separation, or other government issued document acceptable to the division indicating the veteran was awarded the purple heart; or
 - (b) present evidence of current membership in the Military Order of the Purple Heart.
- (7) An applicant for a National Guard special group license plate must present a current military identification card that shows active membership in the Utah National Guard.
- (8) The issuance, renewal, surrender, and design of disability special group license plates and windshield placards shall be subject to the provisions of the federal Uniform System for Parking for Persons with Disabilities, 23 C.F.R. Ch. 11, Subch. B, Pt. 1235.2 (1991), which is adopted and incorporated by reference.
- (9)(a) An applicant for a licensed amateur radio operator special group license plate shall present a current Federal Communication Commission (FCC) license.
- (b) The license plate number for a licensed amateur radio operator special group license plate shall be the same combination of alpha and numeric characters that comprise the FCC assigned radio call letters of the licensed operator.
 - (c) Only one set of licensed amateur radio operator special group license plates may be issued per FCC license.
- (10) A farm truck special group license plate may be issued for a vehicle that is qualified to register as a farm truck under Section 41-1a-1206.
- (11)(a) To qualify for a firefighter special group license plate, an applicant must present one of the following:
- (i) evidence indicating the applicant has a current membership in the Utah Firefighters' Association;
 - (ii) an official identification card issued by the firefighting entity identifying the applicant as an employee or volunteer of that firefighting entity;
 - (iii) a letter on letterhead of the firefighting entity, or the municipality or county in which the firefighting entity is located, identifying the applicant as an employee or volunteer of that firefighting entity; or
 - (iv) a letter on letterhead from a firefighting entity, or the municipality or county in which the firefighting entity is located, identifying the applicant as a retired firefighter, whether employed or volunteer, of that firefighting entity.
- (b) The division shall revoke a firefighter special group license plate issued under Section 41-1a-418 upon receipt of written notification from the head of a firefighting entity indicating:
- (i) the name of the individual whose license plate is revoked;
 - (ii) the license plate number that is revoked;
 - (iii) the reason the license plate is revoked; and
 - (iv) that the firefighting entity has provided the individual described in Subsection (11)(b)(i) at least 30 days notice that the license plate will be revoked.
- (12)(a) To qualify for a search and rescue special group license plate, an applicant must present one of the following:
- (i) an official identification card issued by a county sheriff's office identifying the applicant as an employee or volunteer of that county's search and rescue team; or
 - (ii) a letter on letterhead of the county sheriff's office of the county in which the search and rescue team is located, identifying the applicant as an employee or volunteer of that county's search and rescue team.
- (b) The division shall revoke a search and rescue special group license plate issued under Section 41-1a-418 upon receipt of written notification from the county sheriff's office of the county in which the search and rescue team is located, indicating:
- (i) the name of the individual whose license plate is revoked;
 - (ii) the license plate number that is revoked;
 - (iii) the reason the license plate is revoked; and
 - (iv) that the search and rescue team has provided the individual described in Subsection (12)(b)(i) at least 30 days notice that the license plate will be revoked.
- (13) An individual who no longer qualifies for the particular special group license plate may not display that special group license plate on any motor vehicle and must reregister the vehicle and obtain new license plates.

R873-22M-28. Option to Exchange Horseless Carriage License Plates Issued Prior to July 1, 1992, Pursuant to Utah Code Ann. Section 41-1a-419.

The registered owner of a vehicle that is forty years old or older and for which a horseless carriage license plate was issued prior to July 1, 1992, may exchange that plate at no charge for a vintage vehicle special group license plate issued after July 1, 1992.

R873-22M-29. Removable Windshield Placards Pursuant to Utah Code Ann. Section 41-1a-420.

- (1) A removable windshield placard is a two-sided placard, renewable on a biennial basis, which includes on each side:
- (a) the International Symbol of Access, the wheelchair symbol adopted by Rehabilitation International in 1969, which is at least three inches in height, is centered on the placard, and is white on a blue background;
 - (b) an identification number;
 - (c) a date of expiration which is two years from the later of the initial issuance of the placard or the most recent renewal of the placard; and
 - (d) a facsimile of the Great Seal of the State of Utah.
- (2) Upon application, a removable windshield placard shall be issued to a person with a disability which limits or impairs ability to walk or for a vehicle that is used by an organization primarily to transport persons with disabilities that limit or impair their ability to walk.

(a) The definition of the phrase "persons with disabilities which limit or impair the ability to walk" shall be identical to the definition of that phrase in Uniform System for Handicapped Parking, 58 Fed. Reg. 10328, 10329 (1991).

(b) An applicant for a removable windshield placard shall present a licensed physician's certification upon initial application, stating that the applicant has a permanent disability which limits or impairs ability to walk, or sign an affidavit attesting that the vehicle is used by an organization primarily for the transportation of persons with disabilities that limit or impair their ability to walk.

(c) A physician's certification is not required for renewal of a removable windshield placard.

(d) The Tax Commission may, on a case by case basis, issue a removable windshield placard to persons with disabilities other than disabilities which limit or impair the ability to walk.

(e) The original and one additional removable windshield placard shall be issued free of charge. Replacement placards, for placards that are lost or destroyed, shall be issued for a fee.

(3) A temporary removable windshield placard is a two-sided placard, issued on a temporary basis, which includes on each side:

(a) the International Symbol of Access, the wheelchair symbol adopted by Rehabilitation International in 1969, which is at least three inches in height, is centered on the placard, and is white on a red background;

(b) an identification number;

(c) a date of expiration not to exceed six months from the date of issuance; and

(d) a facsimile of the Great Seal of the State of Utah.

(4) Upon application, a temporary removable windshield placard shall be issued.

(a) The application must be accompanied by the certification of a licensed physician that the applicant meets the definition of a person with a disability which limits or impairs ability to walk. The certification shall include the period of time that the physician determines the applicant will have the disability, not to exceed six months.

(b) Applications for renewal of a temporary removable windshield placard shall be supported by a licensed physician's certification of the applicant's disability dated within the previous three months.

(c) The Tax Commission may, on a case by case basis, issue a temporary removable windshield placard to persons with disabilities other than disabilities which limit or impair the ability to walk.

(d) The original and one additional temporary removable windshield placard shall be issued free of charge. Replacement placards, for placards that are lost or destroyed, shall be issued for a fee.

(5) Any placard, whether permanent or temporary, shall be hung from the rearview mirror so that it may be viewed from the front and rear of any vehicle utilizing a parking space reserved for persons with disabilities. If there is no rearview mirror, the placard shall be clearly displayed on the dashboard of the vehicle. The placard shall not be displayed when the vehicle is moving.

R873-22M-30. Standards for Issuance of Original Issue License Plates Pursuant to Utah Code Ann. Section 41-1a-416.

A. "Series" means the general alpha-numeric sequence from which plate numbers are assigned.

B. An original issue license plate is unique and does not conflict with existing plate series in the state if the particular plate number is not currently registered or displayed on the motor vehicle master file record.

R873-22M-32. Rescinding Dismantling Permit Pursuant to Utah Code Ann. Section 41-1a-1010.

A. For purposes of Section 41-1a-1010, a Utah certificate of title does not include a salvage certificate, an Affidavit of Facts, or Tax Commission form TC-839, Certificate of Sale.

B. An applicant with a vehicle eligible for retitling under Section 41-1a-1010 shall receive a title consistent with the title of the vehicle at the time of application for a permit to dismantle.

R873-22M-33. Private Institution of Higher Education Pursuant to Utah Code Ann. Section 41-1a-422.

(1) "Private institution of higher education" means a private institution that is accredited pursuant to Section 41-1a-422 and that issues a standard collegiate degree.

(2) "Standard collegiate degree" means an associate, bachelor's, master's, or doctorate degree.

R873-22M-34. Rule for Denial of Personalized Plate Requests Pursuant to Utah Code Ann. Sections 41-1a-104 and 41-1a-411.

(1) The personalized plate is a non-public forum. Nothing in the issuance of a personalized plate creates a designated or limited public forum. The presence of a personalized plate on a vehicle does not make the plate a traditional public forum.

(2) For purposes of Subsection 41-1a-411(2)(a)(i), the division may not issue a personalized license plate if the combination of letters, numbers, or both is offensive to good taste and decency or would be misleading. A combination of letters, numbers, or both that is offensive to good taste and decency or that would be misleading includes any:

(a) combination of letters, words, or numbers with any connotation that is vulgar, derogatory, profane, or obscene;

(b) combination of letters, words, or numbers that connote breasts, genitalia, pubic area, buttocks, or relate to sexual and eliminatory functions. Additionally, except as provided in Subsection 41-1a-411(3), "69" formats are prohibited unless used in a combination with the vehicle make, model, style, type, or commonly used or readily understood abbreviations of those terms, for example, "69 CHEV;"

(c) combination of letters, words, or numbers that connote:

(i) any intoxicant or any illicit narcotic or drug;

(ii) the sale, use, seller, purveyor, or user of any intoxicant or any illicit narcotic or drug; or

(iii) the physiological or mental state produced by any intoxicant or any illicit narcotic or drug;

- (d) combination of letters, words, or numbers that express contempt or ridicule of any person or group; or
- (e)(i) combination of letters, words, or numbers that express affiliations or actions that may be construed to suggest endangerment to the public welfare.
 - (ii) Examples of letters, words, or numbers described in Subsection (2)(e)(i) include words, signs, or symbols that represent:
 - (A) illegal activity;
 - (B) organized crime associations; or
 - (C) gang or gang terminology.
 - (iii) The division shall consult with local, state, and national law enforcement agencies to establish criteria to determine whether a combination of letters, words, or numbers express affiliations or actions that may be construed to suggest endangerment to the public welfare.
- (3) The division may not issue a personalized license plate if the combination of letters, numbers, or both disparages a group as described in Subsection 41-1a-411(2)(a)(ii).
- (4) If the division denies a requested combination, the applicant may request a review of the denial, in writing, within 15 days from the date of notification. The request must be directed to the Director of the Motor Vehicle Division and should include a detailed statement of the reasons why the applicant believes the requested license plates are not offensive or misleading.
- (5) The director shall review the format for connotations that may reasonably be detected through linguistic, numerical, or phonetic modes of communication. The review may include:
 - (a) translation from foreign languages;
 - (b) an upside down or reverse reading of the requested format; and
 - (c) the use of references such as dictionaries or glossaries of slang, foreign language, or drug terms.
- (6) The director shall consider the applicant's declared definition of the format, if provided.
- (7)(a) If the requested format is rejected by the director, the division shall notify the applicant in writing of the right to appeal the decision through the appeals process outlined in Section R861-1A-22.
 - (b)(i) For purposes of this Subsection (7)(b), "pending legislation" means legislation that:
 - (A) has been passed by the Legislature;
 - (B) has not yet taken effect; and
 - (C)(I) has been signed by the Governor;
 - (II) will go into effect without the Governor's signature; or
 - (III) will go into effect as a result of veto override.
 - (ii) If the commission becomes aware of pending legislation that may affect the outcome of an appeal described in Subsection (7)(a), the commission may stay the appeal proceeding.
 - (iii) If the commission stays an appeal proceeding under Subsection (7)(b)(ii), the commission shall remand the application to the division.
 - (iv) An application the commission remands to the division in accordance with Subsection (7)(b)(iii) is considered to be a new application filed on the date the pending legislation takes effect.
 - (v) On or after the date the pending legislation takes effect, the division shall review the application the commission remands to the division and determine if the requested format for a personalized plate is prohibited by law.
 - (vi) If the division determines under Subsection (7)(b)(v) that a requested format is prohibited by law, the commission shall lift the stay issued under Subsection (7)(b)(ii) and issue a decision on the appeal.
 - (vii) If the division determines under Subsection (7)(b)(v) to issue the personalized license plate, the commission shall lift the stay issued under Subsection (7)(b)(ii) and close the appeal.
- (8) If, after issuance of a personalized license plate, the commission becomes aware through written complaint that the format may be prohibited under Subsections (2) or (3), the division shall again review the format.
- (9) If the division determines pursuant to Subsections (2) or (3) that the issued format is prohibited, the holder of the plates shall be notified in writing and directed to surrender the plates. This determination is subject to the review and appeal procedures outlined in this rule.
 - (10) A holder required to surrender personalized license plates shall:
 - (a)(i) if within the first year of issuance, be refunded a prorated amount of the personalized license plate application fee; or
 - (ii) if after the first year of issuance, be refunded a prorated amount of the personalized license plate annual renewal fee; or
 - (b) be allowed to apply for replacement personalized license plates at no additional cost.
 - (11) If the holder of plates found to be prohibited fails to voluntarily surrender the plates within 30 days after the mailing of the notice of the division's final decision that the format is prohibited, the division shall revoke the personalized license plates and the vehicle registration.

R873-22M-35. Reissuance of Personalized License Plates Pursuant to Utah Code Ann. Sections 41-1a-413 and 41-1a-1211.

A. If a person who has been issued personalized license plates fails to renew the personalized license plates within six months of the plates' expiration, the license plates shall be deemed to be surrendered to the division and the division may reissue the personalized license plates to a new requestor.

R873-22M-36. Access to Protected Motor Vehicle Records Pursuant to Utah Code Ann. Section 41-1a-116.

A. "Advisory notice" means:

1. notices from vehicle manufacturers, the manufacturers' authorized representative, or government entities regarding information that is pertinent to the safety of vehicle owners or occupants; and
2. statutory notices required by Sections 38-2-4 and 72-9-603 or by other state or federal law directing a party to mail a notice to a vehicle owner at the owner's last known address as shown on Motor Vehicle Division records.

B. Telephone accounts.

1. Public records may be released by phone to any person who has established a telephone account pursuant to Section 41-1a-116 (7).
 2. A person who is authorized to access protected records must submit a written request in person, by mail, or by facsimile to the Motor Vehicle Division. Protected records may be released by phone to a person who has established a telephone account only under the following conditions:
 - a) The applicant for a telephone account must complete an application form prescribed by the Commission annually.
 - b) Protected records may be released by phone to private investigators, tow truck operators or vehicle mechanics who are licensed to conduct business in that capacity by the appropriate state or local authority.
 - c) Tows and mechanics are entitled to access protected records only for the purpose of making statutory notification of the owner at the last known address according to motor vehicle records. Prior to release of the information, the tow or mechanic must deliver or fax to the Motor Vehicle Division a copy of the work order or other evidence of a possessory lien on the vehicle. The lien claim must arise under a statute that requires notification of the vehicle owner at the owner's last known address according to state motor vehicle records.
- C. An authorized agent of an individual allowed access to protected records under Section 41-1a-116 must evidence a signed statement indicating that he is acting as an authorized representative and the extent of that representative authority.
- D. Utah law governs only the release of Utah motor vehicle records. The Motor Vehicle Division shall not release out-of-state motor vehicle registration information.

R873-22M-40. Age of Vehicle for Purposes of Safety Inspection Pursuant to Utah Code Ann. Section 53-8-205.

- A. The age of a vehicle, for purposes of determining the frequency of the safety inspection required under Section 53-8-205, shall be determined by subtracting the vehicle model year from the current calendar year.

R873-22M-41. Issuance of Salvage Certificate in Certain Circumstances Pursuant to Utah Code Ann. Section 41-1a-1005.

- (1) Subject to Subsection (3), an insurance company shall receive a salvage certificate in the insurance company's name if the insurance company provides the commission:
 - (a) evidence that the insurance company has declared a particular vehicle a salvage vehicle;
 - (b) a copy of the check issued to the registered owner of the vehicle; and
 - (c) a copy of at least two letters the insurance company has mailed to the registered owner of the vehicle and any lien holder of that vehicle requesting:
 - (i) in the case of an insurance company that has not received a certificate of title from the registered owner of the vehicle, a copy of the certificate of title or other evidence of ownership; or
 - (ii) in the case of an insurance company that has received an improperly endorsed certificate of title from the registered owner of the vehicle, correction of the improperly endorsed certificate of title.
- (2) The information described in Subsection (1) shall accompany the Application for Utah Title.
- (3) If the requirements of Subsections (1) and (2) are satisfied, the Motor Vehicle Division shall issue a salvage certificate to an insurance company:
 - (a) in the case of an insurance company that has not received a certificate of title from the registered owner of the vehicle, no sooner than 30 days from the settlement of the loss; or
 - (b) in the case of an insurance company that has received an improperly endorsed certificate of title from the registered owner of the vehicle, no sooner than 30 days from the insurance company's receipt of an improperly endorsed certificate of title.

R873-22M-42. Issuance of Nonrepairable Certificate in Certain Circumstances Pursuant to Utah Code Ann. Section 41-1a-1005.5.

- (1) Subject to Subsection (3), an insurance company shall receive a nonrepairable certificate in the insurance company's name if the insurance company provides the commission:
 - (a) evidence that the insurance company has declared a particular vehicle a nonrepairable vehicle; and
 - (b) a copy of the check issued to the registered owner of the vehicle; and
 - (c)(i) the properly endorsed certificate of title, or other evidence of ownership acceptable to the Motor Vehicle Division; or
 - (ii) a copy of at least two letters the insurance company has mailed to the registered owner of the vehicle and any lien holder of that vehicle requesting:
 - (A) in the case of an insurance company that has not received a certificate of title from the registered owner of the vehicle, a copy of the certificate of title or other evidence of ownership; or
 - (B) in the case of an insurance company that has received an improperly endorsed certificate of title from the registered owner of the vehicle, correction of the improperly endorsed certificate of title.
- (2) The information described in Subsection (1) shall accompany the Application for Utah Title.
- (3) If the requirements of Subsections (1) and (2) are satisfied, the Motor Vehicle Division shall issue a nonrepairable certificate to an insurance company:

(a) in the case of an insurance company that has not received a certificate of title from the registered owner of the vehicle, no sooner than 30 days from the settlement of the loss; or

(b) in the case of an insurance company that has received an improperly endorsed certificate of title from the registered owner of the vehicle, no sooner than 30 days from the insurance company's receipt of an improperly endorsed certificate of title.

KEY: taxation, motor vehicles, aircraft, license plates

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