

***Superseded 5/12/2015***

**41-6a-1601 Operation of unsafe or improperly equipped vehicles on public highways --  
Exceptions.**

- (1)
- (a) A person may not operate or move and an owner may not cause or knowingly permit to be operated or moved on a highway a vehicle or combination of vehicles which:
    - (i) is in an unsafe condition that may endanger any person;
    - (ii) does not contain those parts or is not at all times equipped with lamps and other equipment in proper condition and adjustment as required in this chapter;
    - (iii) is equipped in any manner in violation of this chapter; or
    - (iv) emits pollutants in excess of the limits allowed under the rules of the Air Quality Board created under Title 19, Chapter 2, Air Conservation Act, or under rules made by local health departments.
  - (b) A person may not do any act forbidden or fail to perform any act required under this chapter.
- (2)
- (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in coordination with the rules made under Section 53-8-204, the department shall make rules setting minimum standards covering the design, construction, condition, and operation of vehicle equipment for safely operating a motor vehicle on the highway as required under this part.
  - (b) The rules under Subsection (2)(a):
    - (i) shall conform as nearly as practical to Federal Motor Vehicle Safety Standards and Regulations;
    - (ii) may incorporate by reference, in whole or in part, the federal standards under Subsection (2)(b)(i) and nationally recognized and readily available standards and codes on motor vehicle safety;
    - (iii) shall include provisions for the issuance of a permit under Section 41-6a-1602;
    - (iv) shall include standards for the emergency lights of authorized emergency vehicles;
    - (v) may provide standards and specifications applicable to lighting equipment on school buses consistent with:
      - (A) this part;
      - (B) federal motor vehicle safety standards; and
      - (C) current specifications of the Society of Automotive Engineers;
    - (vi) shall provide procedures for the submission, review, approval, disapproval, issuance of an approval certificate, and expiration or renewal of approval of any part as required under Section 41-6a-1620;
    - (vii) shall establish specifications for the display or etching of a vehicle identification number on a vehicle;
    - (viii) shall establish specifications in compliance with this part for a flare, fusee, electric lantern, warning flag, or portable reflector used in compliance with this part;
    - (ix) shall establish approved safety and law enforcement purposes when video display is visible to the motor vehicle operator; and
    - (x) shall include standards and specifications for both original equipment and parts included when a vehicle is manufactured and aftermarket equipment and parts included after the original manufacture of a vehicle.
  - (c) The following standards and specifications for vehicle equipment are adopted:
    - (i) 49 C.F.R. 571.209 related to safety belts;
    - (ii) 49 C.F.R. 571.213 related to child restraint devices;

- (iii) 49 C.F.R. 393, 396, and 396 Appendix G related to commercial motor vehicles and trailers operated in interstate commerce;
  - (iv) 49 C.F.R. 571 Standard 108 related to lights and illuminating devices; and
  - (v) 40 C.F.R. 82.30 through 82.42 and Part 82, Subpart B, Appendix A and B related to air conditioning equipment.
- (3) Nothing in this chapter or the rules made by the department prohibit:
  - (a) equipment required by the United States Department of Transportation; or
  - (b) the use of additional parts and accessories on a vehicle not inconsistent with the provisions of this chapter or the rules made by the department.
- (4) Except as specifically made applicable, the provisions of this chapter and rules of the department with respect to equipment required on vehicles do not apply to:
  - (a) implements of husbandry;
  - (b) road machinery;
  - (c) road rollers;
  - (d) farm tractors;
  - (e) motorcycles;
  - (f) motor-driven cycles;
  - (g) vehicles moved solely by human power;
  - (h) off-highway vehicles registered under Section 41-22-3 either:
    - (i) on a highway designated as open for off-highway vehicle use; or
    - (ii) in the manner prescribed by Subsections 41-22-10.3(1) through (3); or
  - (i) off-highway implements of husbandry when operated in the manner prescribed by Subsections 41-22-5.5(3) through (5).
- (5) The vehicles referred to in Subsections (4)(h) and (i) are subject to the equipment requirements of Title 41, Chapter 22, Off-Highway Vehicles, and the rules made under that chapter.
- (6)
  - (a)
    - (i) Except as provided in Subsection (6)(a)(ii), a federal motor vehicle safety standard supersedes any conflicting provision of this chapter.
    - (ii) Federal motor vehicle safety standards do not supersede the provisions of Section 41-6a-1509 governing the requirements for and use of street-legal all-terrain vehicles on highways.
  - (b) The department:
    - (i) shall report any conflict found under Subsection (6)(a) to the appropriate committees or officials of the Legislature; and
    - (ii) may adopt a rule to replace the superseded provision.